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N E W S L E T T E R

- SPECIAL EDITION: iPHONE SNOOPING-



**iPHONE SNOOPING DEBACLE
Inspires PRIVACY LABELING Law**

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Gregg Zegarelli, Esq., was lead counsel in the [Borings v. Google](#) trespass case: the first case arising from Google's Street View program. After appeal to the United States Third Circuit Court and a Petition to the United States Supreme Court, Zegarelli achieved a judgment against Google. Google is now an adjudicated intentional trespasser by Federal Court Order.

Here is a snippet of what Zegarelli had to say about the recent discovery of iPhone apparently snooping about every geographical move, and logging the data in an unencrypted file on the telephone.

[Interviewer]: Quickly, your Google privacy case was the first of its kind. Why did you file the case?

[Zegarelli]: You have to go back in time. At the time we filed, Google was coming off of a somewhat perfect reputation for the quality of its search engine. But, indexing data and pervasive picture-taking are vastly different things. At that time, Google could do no wrong. Now, we know better.

[Interviewer]: And, the case was initially dismissed by the Federal Courts.

[Zegarelli]: Right. The Federal Court itself actually ruled that it was no big deal that Google drives on private property, past "No Trespassing-Private Road" signage.

[Interviewer]: That is absurd.

[Zegarelli]: It is a very dangerous thing when the government does not protect civil rights. Google had such momentum that it took almost three years to get it to a favorable judgment against Google. But, as a technology attorney, I work with some very bright people who look into the future. We have to look forward and see how a thing will grow from the seed.

Just look at the facts: Google drives around taping everything. No one knows it. Then Google automatically publishes the results. With all their money, they don't have television ads to let people know what they are doing, they don't have toll-free numbers to let people remove their data. If you don't have a computer, and if you don't scour daily their website, you won't know if you're injured. What about many senior citizens or others who do not have a computer? Google likes to say how it's doing good things like finding missing people, and it does. Certainly, Google, knives, guns, dogs ... and humans ... are capable of doing very good things. And, yet, even the wisdom of our forefathers understood the dual nature of things and pressed for checks and balances, just in case...

[Interviewer]: How does this relate to the iPhone Snooping Debacle.

[Zegarelli]: Because there is a lack of meaningful disclosure or a clear evaluation mechanism. Here is the core problem, even with the best of companies: manufacturers are generally entitled to set forth terms and conditions for use of their products. However, many if not most people do not understand the practical impact, and do not have time to review user-terms in detail. Therefore, people are shocked to discover tracking and snooping, only to learn too late that the terms and conditions allow it.

[Interviewer]: So, how do you reconcile the right of a business to set forth its terms and conditions with a consumer's understanding so that an educated decision can be made prior to purchase and use?

[Zegarelli]: It happens all the time in consumer transactions. We need a PRIVACY FACTS labeling law, similar to food. Manufacturers have full rights to use whatever terms they want, but the terms get reduced to some simple points of evaluation and comparison for consumers. Right now, it is extremely difficult if not impossible for consumers to make apples-to-apples assessments and comparisons on terms of use. Here is a sample starting point. We need to press the Federal Trade Commission and our governmental officials to protect us by investigating such a label, with input from the industry and consumers. There is an important social need.

Privacy Facts				
Telephony Equipment Containing Software Consumer Usage Intended				
	Your Machine	Our Machine	Encrypted	Anonymous
Tracks:				
Images	No	No	N/A	N/A
Location	Yes	Opt-In[1]	No	No
Usage	No	Yes	No	Yes
Purchases	Yes	Opt-Out	Yes	Opt-Out
	Parent/Subsidiaries	Affiliates	Third Parties	
Transfer of Data:				
Sell Your Data	Yes	No	No	
Transfer Data	Yes	Yes	Yes	
Disclose Data	Yes	Yes	Yes	
	Emails	Postal		
Marketing				
Company	Yes	No		
Parent/Subsidiaries	Yes	No		
Affiliates	Yes	No		
Third Parties	No	Yes		
[1] Off by default; can be turned on by governmental order				
Dispute Resolution Method: Arbitration in San Antonio, TX Website Complaint Form: www.???.com Toll Free Complaint Hotline: 000-000-0000				

[Zegarelli]: By educating consumers on the issues, consumers can compare manufacturers and

issues more closely. This allows consumers to become better consumers, and manufacturers to become more responsible for their actions with our data. Sincere manufacturers will embrace the concept.

Our law firm is committed to assisting people with the option to protect and preserve their property and privacy rights. Read more at GoogleTrespass.com.

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The older I get, the
less I listen to what
men say, and the
more I watch what
they do. —Henry

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