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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

JOHN KEAST, STAFF DIRECTOR  
KIM LIPSKY, DEMOCRATIC STAFF DIRECTOR

February 25, 2019

Mr. Sundar Pichai  
Chief Executive Officer  
Google, Inc.  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Dear Mr. Pichai:

Last week, *Business Insider* reported<sup>1</sup> that Nest Secure, a connected home security and alarm system device, contains a microphone, the presence of which Google had not disclosed to customers. Reportedly, the microphone's existence was revealed when Google announced that the company would be enabling voice-activated Google Assistant features on Nest devices, which would only be possible if the devices contained microphones. However, the technical specifications given to purchasers of Nest Secure devices did not list a microphone as a component. Google has stated that the omission of the microphone from the technical specifications of the product was "an error."

In recent years, consumers have become increasingly concerned about the ability of large technology companies to collect and use personal data about them without their knowledge. Therefore, it is critically important that companies like Google be completely transparent with consumers, and provide full disclosure of all technical specifications of their products at the point of sale. Last September, Google's chief privacy officer testified at a hearing before the U.S. Senate Committee on Commerce, Science, and Transportation (Senate Commerce Committee) that "transparency is a core value of our approach to serving users." That is why Google's failure to disclose a microphone within its Nest Secure product raises serious questions about its commitment to consumer transparency and disclosure.

As members of the Senate Commerce Committee, which has jurisdiction over consumer privacy and technology, conducting oversight of instances in which consumers' trust may have been violated is a priority. Moreover, even if Google was not using the Nest Secure microphone to record any information or it was turned off by default, there is still risk that hackers or other outside entities could have activated the microphone to illicitly record information. As consumer technology becomes ever more advanced, it is essential that consumers know the capabilities of the devices they are bringing into their homes so they can make informed choices.

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<sup>1</sup> Nick Bastone, Google says the built-in microphone it never told Nest users about was 'never supposed to be a secret,' BUSINESS INSIDER (Feb. 19, 2019).

To assist the Committee in its oversight efforts, we request your written responses to the following:

- 1) Has a microphone always been a component of the Nest Secure home security and alarm system device?
- 2) When and how did Google become aware that a microphone was not listed on the Nest Secure's technical specifications available to consumers?
- 3) What steps has Google taken to inform purchasers of Nest Secure devices that the device contains a previously undisclosed microphone?
- 4) Please describe Google's process for developing technical specifications for its products. At what stage of this process did the error take place that resulted in the omission of the microphone's presence in the Nest Secure device? Has Google taken steps to prevent such an error from reoccurring in the technical specifications for other Google products?
- 5) Is Google aware or has Google ever been aware of any third party using the Nest Secure microphone for any unauthorized purpose?
- 6) Is Google aware of similar omissions in the technical specifications for any other Google products?

Please provide your written response as soon as possible, but by no later than 5:00 p.m. on March 12, 2019. In addition, please provide an in-person briefing to Committee staff on this issue by no later than March 29, 2019. Thank you for your prompt attention to this important matter.

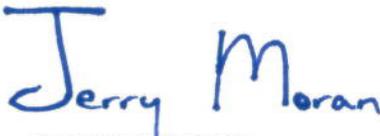
Sincerely,



ROGER F. WICKER  
Chairman  
Committee on Commerce, Science,  
and Transportation



JOHN THUNE  
Chairman  
Subcommittee on Communications,  
Technology, Innovation, and the Internet



JERRY MORAN  
Chairman  
Subcommittee on Manufacturing, Trade,  
and Consumer Protection