

Italian Court Convicts Google Executives of Privacy Violations

February 25, 2010

On February 24, 2010, an Italian court convicted three Google executives for violation of Italy's privacy laws resulting from a video that was posted to Google Video showing a group of teenagers bullying another teenager with disabilities. Judge Oscar Magi sentenced Google Global Privacy Counsel Peter Fleischer, Chief Legal Officer David Drummond, and former Google CFO and board member George Reyes to six-month suspended jail sentences and fines. The executives were acquitted of criminal defamation charges. This appears to be one of the first cases in which a privacy executive is held personally liable for the actions of a site's users

The prosecutors alleged that the executives did not take sufficient actions to keep the video off of Google's site, despite the fact that Google received only two complaints about the video, and it was taken down less than 24 hours after being posted. Prosecutors stated that Google should have obtained consent from each party involved before permitting the video to be posted. European law provides a safe harbor for ISPs and does not hold them liable for third party content, provided the ISP takes down any content that someone complains about and is considered offensive.

Members of the technology and privacy communities have described the decision as "["terrible,"](#)" ["astonishing,"](#) and ["troubling."](#) One commenter [stated](#): "It is like prosecuting the post office for hate mail that is sent in the post."

If upheld on appeal, this decision could [dramatically affect internet freedom](#). It appears to continue Italy's strong consumer protection stance and attempted regulation of social media. In a previous [post](#), we noted the recent draft decree issued by the Italian government that would require social media sites to screen all posted content that may be harmful to minors.

Although the Google executives will appeal the conviction, the case demonstrates that the Internet makes it easy to take actions globally, but what is permitted in the U.S. does not always work everywhere.