



Should Google Police the Web?

Earlier this month, John Henry Skillen, a 41-year-old sex offender from Houston, Texas was arrested for being in possession of an indecent image of a child. Aside from the abhorrent nature of his crime, there may, at first glance, be nothing exceptional about this course of events. There is, however, one factor that makes this particular occurrence unique: the tip-off that alerted the local authorities originated from Google.

Whilst one would be hard-pressed to find anyone who would protest to Skillen's arrest, there are many who would oppose Google's actions on the basis that they could potentially constitute an invasion of privacy. That said, can we expect Google to now begin 'policing' the web?

The first thing that should be noted is that this event does not represent a sea-change in Google's policy concerning privacy. It was confirmed in April of this year that the company regularly view the content of emails that are sent from and received by users of its Gmail service, but this is done by bots rather than people and the information they glean is used in order to serve appropriate adverts to users rather than detect illegal activity. The company are bound by US law to report suspected child abuse to the relevant authorities, but the same cannot be said of other crimes. Nevertheless, there can be little doubt that this story has brought Google's willingness to scan the contents of emails back to the forefront of public consciousness with some very pertinent questions being asked as a result. Perhaps the most pressing of these is where this will end. Google have stated that Gmail users' messages are not reviewed by individuals but by algorithms. This, theoretically, should allow them to monitor all of the emails that pass through their systems. It could also allow them to identify illegal activity and inform the appropriate authorities without any direct human involvement. It goes without saying that this could be an extremely effective way of identifying and policing criminal activity; will privacy laws continue to stand up in the face of such potential? The answer is by no means clear.

Secondly, algorithms are, no matter how complex they may be or become, flawed. Should Google utilise them in order to police users activity, it is almost certain that mistakes will be made and false positives produced with innocent people being accused of crimes as a result. In such a scenario, an individual that has been falsely accused might well be in a position to take legal action against Google.

Overall, it is this possibility that will, in our opinion, prevent Google from being used to detect all but the most serious of crimes. As we have noted above, they and all other companies within the US are legally bound to report any suspected child abuse to the authorities and we suspect that this will soon extend to other serious crimes such as terrorism, trafficking and large-scale theft.