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THURSDAY, AUGUST 21, 2008

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SANTA ROSA, CALIFORNIA

signed a deal Wednesday to place a U.S. missile defense base just 115 miles from Russia — a move followed swiftly by a new warning from Moscow of a possible military response.

For many Poles, whose country has been a staunch U.S. ally in Iraq and Afghanistan, the accord represented what they believed would be a guarantee of safety for themselves in the face of a newly assertive Russia.

Negotiators sealed the deal last week against a backdrop of Russian military action in Georgia, a former Soviet republic

TURN TO POLAND, PAGE A5

## Google claims right to post photos from private land

Analysis shows more than 100 private roads in Sonoma County entered by company's map team

By NATHAN HALVERSON  
THE PRESS DEMOCRAT

Don't expect privacy in your front yard, even if your house is located one mile down a private, dirt road.

In a sweeping legal claim, Google re-

cently stated it has the right to enter private roads and driveways to take photographs of people and their property, and then publish the images online.

From Sonoma County to Humboldt County and as far away as Australia, the Internet giant has already posted photographs taken on private property.

"It isn't just a privacy issue; it is a trespassing issue with their own photos as evidence," said Betty Webb, a Humboldt County resident.

Webb said Google drove up her private road and past two "No Trespassing" signs to photograph her property.

"They really went off the track to get to our address. We are over 1,200 feet from a county road," she said in an e-mail.

The panoramic images taken by Google can be viewed by anyone with an Internet connection using its free mapping tool, Street View.

In Sonoma County, the company has sent its car-mounted cameras up more

than a hundred private roads, driving past "No Trespassing" signs, through open gates and even skirting a barking watchdog. It has also covered hundreds of miles of public roads from Sonoma to Timber Cove, and most of the cities and thoroughfares in between.

While the U.S. Supreme Court affirmed the right of individuals and companies to capture images on public

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### DEADLY PLANE CRASH IN SPAIN

163 die, 19 survive after flight taking off from Madrid plows into trees near runway, ignites



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### HOPING TO STAY IN PETALUMA

San Francisco lawyer for Belarus exchange student says teen's visa is valid through Christmas **EMPIRE**

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THE PRESS DEMOCRAT • THURSDAY, AUGUST 21, 2008

## GOOGLE: Legal analysts question company's right to drive onto private land and take photos

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property, Google's more ambitious claim to take photographs on private property is being challenged in federal court in Pennsylvania.

A Pittsburgh couple sued Google in April for trespassing and invasion of privacy after a camera-equipped car drove up their private road and driveway, and then posted the pictures online.

Google's ambitious mapping goal, which the company hopes will improve its \$4 billion in an-

nual profits, has drawn the ire of privacy advocates and homeowners, and driven some law experts to question its legality.

#### On private roads

Sonoma County maintains 1,381 miles of public roads, excluding city streets. Beyond that, hundreds of private roads extend to secluded homes tucked into the county's most remote regions.

Some of these private roads look remarkably similar to public roads, while others are gated roads that serve as long, dirt

driveways. Google has driven up both types of private roads in Sonoma County, going through open gates and past private property signs.

The Press Democrat analyzed the extent of Google's incursion onto private property using digital maps provided by the county of Sonoma. The analysis found Google had photographed along more than 100 private roads.

A Google spokesman said it does not request data about private roads from counties before

sending out its fleet of camera-equipped drivers. Such requests would have slowed down the deployment of Street View, he said.

While Google claims it has the right to photograph from private roads, it tries to avoid it, said spokesman Larry Yu.

"Our policy is to not drive on private land," Yu said.

But Yu could only give two examples of how Google enforces that policy. The company trains drivers thoroughly, he said, declining to elaborate. And Yu said Google tries to

hire local drivers, who are expected to intuit the difference between a public and private road.

Yu initially stated drivers were given specific routes to follow. But a Street View driver, who asked to remain anonymous for employment reasons, said he was simply told to drive around Sonoma County and collect images. Yu retracted his assertion after learning of the driver's statement.

Residents who want images removed must contact Google through an online form found in its Street View help section.

#### Google's view

Google's stated mission is to "organize the world's information and make it universally accessible and useful."

But in collecting Street View images on four continents, the company might have overstepped its bounds, according to legal experts.

Google's claim to legally photograph on private roads is derived, in part, from its assertion that privacy no longer exists outdoors because of satellite and aerial photography.

"Today's satellite-image technology means that even in today's desert, complete privacy does not exist," according to a legal document filed by Google in an effort to dismiss the Pittsburgh couple's lawsuit.

However, satellite images provide significantly different details than photographs taken from the ground, according to photography analysts.

With Street View, it is possible to see into homes, locate windows and doors, and glean other valuable information, said George Reiss, owner of Imaging Forensics in Fountain Valley.

"The angle of aerial photographs don't allow it to show much of that kind of detail," Reiss said.

#### Blocking Google

Google also claimed the Pittsburgh couple, Aaron and Christine Boring, did not have an expectation to privacy because they did not go far enough to keep people off their private dirt road.

"There is nothing around their home intended to prevent the occasional entry by a stranger onto their driveway. There is no gate, no 'keep out' sign, nor guard dog standing watch," Google's legal team wrote in a motion to dismiss the lawsuit.

But in Sonoma County, Google's own cameras caught it going through a gate, past a "No Trespassing" sign, and by a dog standing watch.

On Orr Ranch Road, a private street outside of Santa Rosa, Google drove its car past a "Private Road" sign and continued photographing for nearly a mile. Near Freestone, the company drove past a "No Trespassing" sign and through a gate to take photographs from a dirt road that passed through someone's yard. The images allowed Internet users to see inside someone's living room window.

On Simone Road, a private drive near Sonoma, a dog is captured stalking alongside Google's car.

#### Right to privacy

Americans have broad rights to photograph under the First Amendment of the Constitution. But Roger Myers, who provides legal counsel to the California First Amendment Coalition, said he would caution a photojournalist from walking up a private dirt road to take photographs.

"The journalist would want to talk to their lawyer before they do that," Myers said. "I wouldn't be comfortable saying don't worry about it because there is aerial photography."

Eric Biber, an assistant professor of law at UC Berkeley, said California courts can be quick to enforce trespass laws.

"The court system is often very protective of people's rights to keep people off their land," Biber said. "It may be hard for (Google) to avoid liability."

But Google's lawyers contend its camera-equipped cars have as much right to go up someone's private road as a UPS delivery truck or telephone repair technician.

"Google, like any other member of the public, was privileged to briefly drive up plaintiffs' driveway," Google said in court documents.

Google claimed that "turning around in a private driveway while photographing the exterior of a home is not a substantial intrusion."

If people want to keep Google off their private road, they might have to install an electronic gate that only opens after a driver agrees to the terms of entry, said Chris Ridder, a residential fellow at Stanford Law School's Center for Internet and Society.

"That's where we are headed in a few years," he said. "It's something we have to come to grips with: The tension between new technology and privacy."

You can reach Staff Writer Nathan Halverson at 521-5494 or [nathan.halverson@pressdemocrat.com](mailto:nathan.halverson@pressdemocrat.com).

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