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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 coun try has been a staunch U.S. ally in Iraq and Afghanistan, the ac cord represented what they believed would be a guarantee of safety for themselves in the face of a newly assertive Rus-

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

TURN TO POLAND, PAGE AS

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 PICESS 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 proper-ty, 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 proper-

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

Webb said Google drove up her private road and past two "No Trespass-ing" 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

The paperamic images taken by Google can be viewed by anyone with an In-ternet connection using its free map ping 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 hun dreds of miles of public roads from Sonoma to Timber Cove, and most of the cities and thoroughfares in to-

While the U.S. Supreme Court of firmed the right of individuals and companies to capture images on public TURN TO GOOGLE, PAGE A4

INSIDE



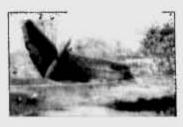
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THE PRESS DEMOCRAT • THURSDAY, AUGUST 21, 2008

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

CONTINUED FROM PAGE AT

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

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 pic-

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 home-owners, and driven some law experts to question its legality.

On private roads

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

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

driveways. Google has driven up both

types of private roads in Sono-ma County, going through open gates and past private property The Press Democrat ana-

lyzed the extent of Google's incursion onto private prope using digital maps provided by the county of Sonoma. The anal-ysis found Google had photo-graphed along more than 100 private roads

A Google spokesman said it does not request data about pri-vate roads from counties before

sending out its fleet of cameraequipped drivers. Such re-quests 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 ex-pected to intuit the difference between a public and private

Yu initially stated drivers were given specific routes to fol-low. But a Street View driver, who asked to remain anony mous for employment reasons said he was simply told to drive around Sonoms County and col-lect images. Yu retracted his as-sertion 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 ac-cessible 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 learly

Google's claim to legally photograph on private roads is de-rived, in part, from its assertion that privacy no longer ex-ists outdoors because of satel-lite and aerial photography.

"Today's satellite-image tech-nology means that even in today's desert, complete privacy does not exist," according to a logal document filed by Google in an effort to dismiss the Pitts-burgh 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 possiwith Street view, it is possi-ble to see into homes, locate windows and doors, and glean other valuable information, sald George Reiss, owner of Im-aging Forensics in Fountain

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

Blocking Google

Google also claimed the Pitts-burgh 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," Googie's legal toam wrote in a motion to dismiss the lawsuit.

But in Sonoma County, Google's own cameras caught it go-ing through a gate, past a "No

Trespassing" sign, and by a dog standing watch.

On Orr Ranch Road, a pri-vate street outside of Santa Rosa, Google drove its car past a "Private Road" sign and continued photographing for near-ly 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 al-lowed Internet users to see inside someone's living room win

On Simone Road, a private drive near Sonoma, a dog is cap tured stalking alongside Goo

Right to privacy

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

graphs.
"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 pro-feasor of law at UC Berkeley, said California court's 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 some-one's private road as a UPS delivery truck or telephone repair technician. "Google, like any other mem-

ber of the public, was privi-leged to briefly drive up plain-tiffs' driveway," Google said in court documents

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

intrusion."

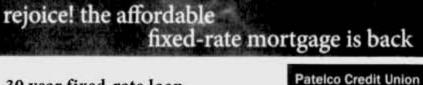
If people want to keep Google
off their private road, they
might have to install an electronic gate that only opens after a driver agrees to the terms
of entry, said Chris Ridder, a
residential fellow at Stanford
Law School's Conter for Internet and Society.

You can reach Staff Writer Nathan Halverson at 521-5494 or

nathan halversonia

pressdemocrat.com.

Law school's center for inva-net and Society.
"That's whore we are headed in a few years," he said. "It's something we have to come to grips with: The tension be-tween new technology and pri-



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