

# Seeking Information from ISPs and Internet Content Providers about People to Sue: How Google Handled It

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ISPs and content service providers such as Google get requests to disclose behind the scenes details they can access, such as names behind a website, the source of defamatory statements, and so on.

Generally they will be aware of what to do when:

- the Police come knocking (often the provider will insist on a search warrant); and
- dealing with Privacy Act issues.

What about situations involving civil claims such as for damages and injunctions? In May 2006, Google UK faced this situation. Helen Grant (representing a trust) was about to publish a book called “*Unlock Reality*”. But she found out that an earlier draft of that work had been made available on the Internet. A free download was possible via an advertisement on Google, which led in turn to a website. Helen wanted to find out who was breaching copyright.

Google could have simply volunteered information about the advertiser (assuming it had the details). But, like many ISPs and content providers, it’s likely it was keen to be

seen to preserve confidentiality. Google suggested to Ms Grant that she apply for a court order requiring Google to make the requested disclosure (and that Google would not oppose this). This is a sensible approach.

The English Court (in *Helen Grant v. Google UK Ltd*, High Court, 17 May 2006) applied long-standing court authority (applicable in New Zealand). It made an order requiring Google to disclose the information.

By using this technique, Internet providers, such as ISPs and content providers, are able to seek to preserve confidentiality while, in appropriate situations, orders can be made for disclosure.

The appropriate response in each situation will vary of course although an internet service or content provider will always need to take some care before handing across information voluntarily. There is an array of considerations, ranging from the criminal (such as the cybercrime provisions in the Crimes Act and the ability for the Police to get search warrants), through to the Privacy Act as well as civil remedies such as in the Google case.

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*We welcome your feedback on this article and any enquiries in relation to its contents. This article is intended to provide a summary of the material covered and does not constitute legal advice. We can provide specialist legal advice on the full range of matters contained in this article.*

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