

Google and Brazil Showdown: Both File Lawsuits.

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In anticipation of the Brazilian Justice move today, August 22, to ask for the shutdown of its office in Brazil, Google filed a lawsuit, yesterday, in which it makes its case explaining why it has not been as cooperative as the Brazilian authorities want the company to be.

For several months now, Google has been ordered to turn in records of people who use the Google community service Orkut for illegal activities according to Brazil's state attorney. Among those being sought are people accused of child abuse and promotion of criminal activities.

Google's main argument is that its Brazilian operations have no access to the data Brazil wants because they reside in servers hosted in the United States. Google Brazil says that it is doing all it can, which is to pass on to its headquarters in the US all the requests they get from the Brazilian authorities.

This has been Google's contention since the beginning, but the Brazilian prosecutor is not buying that. In a last-ditch effort Google Brazil is asking the courts to appoint an independent expert so that he can verify that the Brazilian office of Google is not lying when they say they cannot access the information the authorities want.

In a note released yesterday the Internet search giant wrote, "Google Inc. is confident that the conclusions of this expert will convince the state attorney's office, which keeps on threatening Google Brazil with legal actions, that the company does not have the requested information and for this reason, it should not be the target of any lawsuit."

The Federal Prosecutor in the state of São Paulo, Sérgio Gardenghi Suiama, said recently that he got a court order compelling Google Brasil to release the data from the creators of 27 Orkut communities but the information was never turned in. Five months after getting the order Google hadn't yet complied, according to Suiama.

The prosecution says it is acting against Orkut users who create criminal profiles and communities that spread child pornography, preach hatred against other races and ethnic groups. They are also after those who promote the practice of murder, suicide, pedophilia, satanic rites, rape and hate.

The case has reached an impasse. While the Orkut site is accessed by Brazilians who are subject to the laws of their country, Brazil's legislation doesn't reach the United States where Google and the data requested by the Brazilian authorities are stored.