

United States Senate

WASHINGTON, DC 20510

June 4, 2018

Mark Zuckerberg
Chief Executive Officer
Facebook
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg,

The new revelations that Facebook provided access to users' personal information, including religion, political preferences, and relationship status, to dozens of mobile device manufacturers without users' explicit consent are deeply concerning. These reports further add to Facebook's track record of opacity around privacy practices and call into question whether Facebook violated its 2011 consent decree with the Federal Trade Commission (FTC). We write seeking more information regarding Facebook's data sharing policies and practices, Facebook's security monitoring of device companies with user data access, and your previous statements on these topics before Congress.

According to a recent *New York Times* report, Facebook previously provided devices made by Amazon, Microsoft, Apple, and others with the ability to access Facebook users' "friends data" without those friends' explicit consent.¹ Your company provided these private methods of access ("device-integrated APIs") to at least 60 companies so that those companies could integrate Facebook features into consumers' mobile devices. In 2014, Facebook revised its official policies to prohibit some third-party applications from accessing "friends data." Yet, as we learn about Facebook's arrangements with device manufacturers, your company now states that this policy change did not apply to its device company partners. The American people deserve to fully understand with whom and under what conditions Facebook provides access to user data.

We respectfully request answers to the following questions by June 18th:

1) Facebook has attempted to distinguish its device company partners from third party applications by characterizing the former as "service providers" that simply deliver the "Facebook experience." Please provide a detailed definition of "service provider" and further explain how Facebook contractually and operationally distinguishes between them and third party applications.

2) What "service providers" currently have or were previously provided access to the device-integrated APIs and other similar methods of access, including the approximately 60 companies

¹Gabriel J.X. Dance, Nicholas Confessore & Michael LaForgia, *Facebook Gave Device Makers Deep Access to Data on Users and Friends*, N.Y. Times (June 3, 2018), <https://www.nytimes.com/interactive/2018/06/03/technology/facebook-device-partners-users-friends-data.html>.

cited in the *New York Times* story? Please list all entities and types of arrangements that Facebook exempts from its 2014 rule prohibiting “friends data” access.

3) What data security and privacy requirements, if any, were included in Facebook’s contracts with device company partners that had access to the device-integrated APIs and other similar arrangements?

4) Is Facebook able to confirm that none of its device company partners misused user data or otherwise violated its terms of service? Please describe Facebook’s process for oversight and monitoring of these companies, including any independent audits.

5) Did Facebook provide users with the ability to opt out of the data sharing, including “friends data” sharing, of device-integrated APIs?

6) In your recent testimony before Congress, you stated, “Every piece of content that you share on Facebook you own. You have complete control over who sees it and how you share it.” How is this statement consistent with the news that Facebook shared users’ information through device companies without those users’ permission or explicit consent to do so?

7) In addition to the device-integrated APIs, what other arrangement or methods of data access has Facebook provided to entities outside of the company? Please provide a full accounting of the relationships and circumstances where Facebook provides access to user data, whether initiated by an account holder or governed under other terms, such as research initiatives.

Thank you in advance for your consideration of these requests.

Sincerely,


Senator Edward J. Markey


Senator Richard Blumenthal