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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

March 19, 2018

Mark Zuckerberg
Chairman and Chief Executive Officer
Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

We write regarding Facebook's user privacy policies and the extent of the company's efforts to enforce those policies with entities accessing user data.

According to media reports¹ and Facebook's own statement,² Strategic Communications Laboratories (SCL) and Cambridge Analytica worked with a Cambridge University psychology professor to develop a personality test app called "thisisyourdigitallife" (the "Personality Test App"). Despite only being downloaded by 270,000 Facebook users, those users were required to consent to the app gathering data about their Facebook friends as well as themselves. In this way, as many as 50 million Facebook users had their information harvested, and only a small fraction of them were provided an opportunity to consent.

The Commerce Committee has jurisdiction over the internet and communications technologies generally, as well as over consumer protection and data privacy issues. Consumers rely on platforms like Facebook to be transparent and truthful in their terms of service so consumers can make informed decisions about whether to consent to the sharing and use of their data. We appreciate that Facebook has recently taken steps to address this situation. Nevertheless, the possibility that Facebook has either not been transparent with consumers or has not been able to verify that third party app developers are transparent with consumers is troubling.

To assist the Committee in its oversight of this matter, please provide responses to the following:

- 1) Describe the types of data that SCL and Cambridge Analytica gained access to through the users of the Personality Test App and their

¹ See Carole Cadwalladr & Emma Graham Harrison, *Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach*, THE GUARDIAN, Mar. 17, 2018; Matthew Rosenberg et al., *How Trump Consultants Exploited the Facebook Data of Millions*, N.Y. TIMES, Mar. 17, 2018.

² Press Release, Facebook, Suspending Cambridge Analytica and SCL Group from Facebook (Mar. 16, 2018).

Facebook friends. Would any of this data not have been visible on users' profiles?

- 2) Though 270,000 users of the Personality Test App consented to the use of their information, tens of millions of other users did not. What steps has Facebook taken to give users the ability to control the exposure of their information to services their friends have opted into? Will Facebook be alerting users whose information was improperly shared?
- 3) According to Facebook's March 16, 2018, statement, the company first became aware of the improper sharing of information with SCL and Cambridge Analytica in 2015, at which time Facebook demanded certifications from all parties that the shared data had been destroyed. What steps did Facebook take at that time to confirm the truth of the assertions made in the certifications? Did Facebook consider notifying users whose information was improperly shared? If so, why did Facebook decide against making such notifications?
- 4) Is Facebook aware of other instances in which third party app developers have used or shared Facebook user data in ways beyond what they disclosed in their terms of service, including for political advertising targeting purposes? If so, describe those instances. If not, how confident is Facebook that such instances have not occurred?
- 5) Under the terms of the company's 2011 consent agreement with the Federal Trade Commission, Facebook agreed, among other things, to obtain users' affirmative express consent before enacting changes that override their privacy preferences. In light of these new allegations, does Facebook believe it complied with its obligations under the 2011 order?

Please provide your written response as soon as possible, but by no later than 5:00 p.m. on March 29, 2018. In addition, please direct your staff to brief Committee staff on this matter. Please contact Jason Van Beek on my staff at (202) 224-1251 to make arrangements. Thank you for your prompt attention to this request.

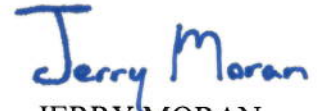
Sincerely,



JOHN THUNE
Chairman



ROGER F. WICKER
Senator



JERRY MORAN
Senator

cc: The Honorable Bill Nelson, Ranking Member
The Honorable Brian Schatz
The Honorable Richard Blumenthal