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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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

June 5, 2018

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

Dear Mr. Zuckerberg:

The *New York Times* reported yesterday that, over the last decade, Facebook established partnerships with dozens of mobile device manufacturers that granted them access to large amounts of user data.¹ This data reportedly included information on users' friends, who may not have had an opportunity to consent to sharing their data with these device manufacturers.² In a blog post, Facebook responded by stating that the purpose of these partnerships was to enable Facebook experiences on various types of mobile devices, particularly in the years before app stores were widely available.³ Facebook claimed that these partners had all signed agreements prohibiting the use of user data for other purposes, and that the company is not aware of any abuse of this data.⁴

Given the Committee's ongoing oversight of Facebook's data privacy and security practices in the wake of the revelations surrounding Cambridge Analytica earlier this year, we write to request a further explanation of this issue. In particular, please provide responses to the following:

- 1) In your testimony before this Committee and the Senate Committee on the Judiciary, you stated, "This is the most important principle for Facebook. Every piece of content that you share on Facebook you own, and you have complete control over who sees it and how you share it."⁵ However, the *New York Times* reported that partner

¹ Gabriel J.X. Dance, Nicholas Confessore, and Michael LaForgia, *Facebook Gave Device Makers Deep Access to Data on Users and Friends*, N.Y. TIMES, June 3, 2018.

² *Id.*

³ Facebook, *Why We Disagree with The New York Times* (June 3, 2018).

⁴ *Id.*

⁵ Facebook, *Social Media Privacy, and the Use and Abuse of Data: Joint Hearing Before the S. Comm. on Commerce, Sci., & Transp. and the S. Comm. on the Judiciary*, 115th Cong. (2018) (statement of Mark Zuckerberg, Chief Executive Officer, Facebook).

manufacturers were able to access a user's friends' data even if those friends denied permission to share their data with any third parties. In light of these manufacturer partnerships, is there anything about either this statement or any other part of your testimony before the Committees that you would like to amend?

- 2) In its response to the *New York Times* article, Facebook stated that "these partners signed agreements that prevented people's Facebook information from being used for any other purpose . . . We are not aware of any abuse by these companies." How does Facebook verify compliance with these agreements on the part of partner manufacturers?
- 3) The *New York Times* reported that some of these partner manufacturers stored user and user friend data on their own servers. For what purposes was this data stored? What policies on data storage and retention did Facebook's agreements with these companies include? How did Facebook verify compliance with such policies?
- 4) How did Facebook disclose these partnerships and data practices to users? Was the Federal Trade Commission aware of these partnerships? Were the partnerships subject to the mandatory audits required under the 2011 Consent Order?
- 5) The *New York Times* reported that Facebook entered into this type of partnership agreement with at least 60 device manufacturers, including Apple, Amazon, BlackBerry, Microsoft, and Samsung. How many such partnerships did Facebook enter into? Please provide a list of all partner manufacturers. In addition, please note which of those manufacturers represent the 22 partnerships which Facebook has stated it has already ended.

Please provide your responses to the above as soon as possible, but by no later than 5:00 p.m. on June 18, 2018. Thank you for your prompt attention to this request.

Sincerely,



JOHN THUNE
Chairman



BILL NELSON
Ranking Member