

From: Edward Palmieri
Sent: 22 Jan 2015 18:04:04 +0000
To: Kim, Reenah;Koss, Laura;Berger, Laura
Cc: Rob Sherman
Subject: Re: materials for today's meeting
Attachments: FTC Meeting 1.22.15.pdf

CONFIDENTIAL

Please see attached – a PDF of the slides we will cover. Thank you!

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)
(b)(6)

From: Rob Sherman (b)(6)
Date: Thursday, January 22, 2015 at 11:56 AM
To: "Kim, Reenah" <rkim1@ftc.gov>, e p (b)(6)
Cc: "Koss, Laura" <LKOSS@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Subject: Re: materials for today's meeting

Reenah, thanks so much for checking in. We're finalizing our slides now and will send them around by email shortly. We'll look forward to seeing you this afternoon.

Rob

Rob Sherman

Facebook | Deputy Chief Privacy Officer
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 | (b)(6)

From: <Kim>, Reenah <rkim1@ftc.gov>
Date: Thursday, January 22, 2015 at 11:53 AM
To: Edward Palmieri (b)(6) Rob Sherman (b)(6)
Cc: "Koss, Laura" <LKOSS@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Subject: materials for today's meeting

Ed and Rob – If you have any slides or other materials you're planning to use at our meeting this afternoon, could you please email a set to Laura Berger so she can follow along from California?

Thanks and see you at 2,
-Reenah

From: Edward Palmieri
Sent: 3 Feb 2016 18:39:02 +0000
To: Kim, Reenah; Rob Sherman
Subject: Re: Confidential WhatsApp Update

CONFIDENTIAL

Hello and thank you for your note. First, great timing for your note because we were going to reach out about the launch date – it has been delayed by a few weeks, so we are now looking the first week of March. Second, I'll confirm with the WhatsApp team to get the very latest. I should be able to send that over today or early tomorrow.

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Tuesday, February 2, 2016 at 2:53 PM
To: Edward Palmieri (b)(6), Rob Sherman (b)(6)
Subject: FW: Confidential WhatsApp Update

Ed and Rob – Just want to follow up on the WhatsApp update. Do you know whether there will be any further changes to the policy language or in-app control disclosures (for your reference, I'm enclosing copies of the most recent version I've seen) before the changes are announced next week?

FYI – I will be out of the office all of next week.

Thanks.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Wednesday, December 30, 2015 9:25 PM
To: Berger, Laura; Kim, Reenah
Cc: Rob Sherman; Anne Hoge; VanDruff, Laura Riposo
Subject: Re: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

We hope you are having a wonderful holiday and thank you, again, for making time to meet with us in December.

Since we met and based on some of the feedback you provided in our last meeting, we have been iterating on the user flow and the draft WhatsApp privacy policy. As such, while you continue your review, we thought we would share the latest versions of the user flow and the privacy policy (we have no updates on the terms at this time).

(b)(4); (b)(3):6(f)

In addition to the redline and the new user flow, for easy of review, we have included an updated "clean" PDF of the latest draft, which is our current working-document/draft.

At your convenience, please let us know if you will be available to connect soon after the first of the year (perhaps the middle of next week, like January 6th or 7th?). We would love to get any updated feedback from you and to answer any remaining questions.

Again, thank you for your time. Happy holidays and we wish you all a very happy and healthy new year.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Edward Palmieri (b)(6)
Date: Thursday, December 10, 2015 at 10:17 AM
To: "Berger, Laura" <LBERGER@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6), Anne Hoge (b)(6), "VanDruff, Laura Riposo" <lvandruff@ftc.gov>
Subject: Re: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

Thank you again for making time for us today. We are leaving the office shortly to meet you at 11 AM ET. In advance of that meeting, we are sending the deck that we will walk through with you.

Again, thank you for your time.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)
(b)(6)

From: Edward Palmieri (b)(6)
Date: Wednesday, December 9, 2015 at 11:45 AM
To: "Berger, Laura" <LBERGER@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6), Anne Hoge (b)(6), "VanDruff, Laura Riposo" <lvandruff@ftc.gov>
Subject: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

Thank you again for making time for us tomorrow at 11 AM ET at your office. In advance of tomorrow's meeting, we wanted to explain the topic and provide the attached corresponding materials. As you will see in the attached two documents, WhatsApp is planning to update its terms of service and privacy policy in their entirety.

The existing terms and privacy policy (see <https://www.whatsapp.com/legal/>) are dated July 7, 2012.

(b)(4); (b)(3):6(f)

Quick details:

- Topic: WhatsApp Terms and Privacy Policy update, and corresponding user notice, consent, and control
- Timeframe: ~ February 11, 2016 launch
- WhatsApp Attendee: Anne Hoge, General Counsel, WhatsApp

We look forward to discussing this update with you and are hoping to get some feedback from you in tomorrow's meeting. We also would like to follow up after the meeting so we can discuss any additional thoughts or questions that you may have (although we aren't planning to launch until February, given internal development and coding processes we are working to integrate feedback as soon as possible).

Finally, we are preparing a presentation and we will send that out in advance of the meeting tomorrow. If you would like anyone else from the FTC to attend, please just let us know so we can plan accordingly.

Again, thank you for your time.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)
(b)(6)

Hill, Jonathan

From: Edward Palmieri
Sent: Friday, February 05, 2016 2:45 PM
To: Kim, Reenah; Berger, Laura
Cc: Anne Hoge; Rob Sherman
Subject: Confidential WhatsApp Update
Attachments: WhatsApp Terms of Service 2-5-16.docx; WhatsApp Privacy Policy (Draft Updated 2-5-16).docx; WhatsApp Terms & Privacy Update_Updated Control Screenshots_2-5-16.pptx; Key Updates_2-5-16.docx

CONFIDENTIAL

Dear Reenah and Laura:

Please see attached – the very latest version of the WhatsApp documents. We have included the following:

- WA Terms of Service
- WA Privacy Policy
- Consent Flows and In-AppFlows
- Key Updates

As you'll see, I think almost all of the edits shown were included in the previous update that we provided at the end of 2015, but regardless, please let us know if you have any questions or if you would like to discuss anything. As a reminder, the launch has been pushed to early March (likely March 1 or so). As always, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Edward Palmieri
Sent: 8 Feb 2017 23:21:23 +0000
To: Arias, Andrea;George, Tiffany;Kim, Reenah;Berger, Laura
Cc: Steve Satterfield;Molly Cutler;Rob Sherman
Subject: Re: Conversation Request - Facebook's Multicultural Targeting
Attachments: Confidential Multicultural Affinity Examples[2].pdf

CONFIDENTIAL

+ Laura and Reenah (we were planning to send you a note about today's announcement as well)

Dear Tiffany and Andi,

We are very happy to let you know that today we are announcing some updates to the education we provide advertisers about our prohibition against discrimination and to the procedures we use to enforce that prohibition. We also wanted to follow up on Tiffany and Andi's questions about our multicultural affinity segments.

Announcement

We're announcing updates to our Advertising Policies that make our existing prohibition against discrimination even stronger, as well as a standalone module that provides additional education about advertisers' obligation not to discriminate.

We're also announcing the launch of a new tool that is designed to identify ads offering housing, employment and credit opportunities. When one of these types of ads is flagged and the advertiser has targeted it using one of our multicultural affinity segments (more detail below), we will disapprove the ad. When one these ads is targeted using any other kind of targeting, we will prompt the advertiser to self-certify that it is in compliance with our anti-discrimination policy and with applicable anti-discrimination laws. We are just beginning to test these tools, but we believe this will be a helpful step in enforcing our policies against discrimination. We also will continue to rely on other forms of enforcement (such as reporting) to help us enforce our policies.

If you would like to read more about our announcement, you can review this post:

<http://newsroom.fb.com/news/2017/02/improving-enforcement-and-promoting-diversity-updates-to-ads-policies-and-tools/>

Responses to Questions

To Tiffany and Andi's questions:

“We’d like to learn more about the kinds of ads that are provided to consumers in the affinity groups. Could you kindly provide us with: (1) a list of affinity groups, (2) a list of the types of ads (e.g., housing, credit, disposable goods) and the number of ads in each category, and (3) a representative sample of the kinds of ads that consumers in these segments see?”

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

“We’d also like to learn more about the opt-outs. Could you kindly provide us with images showing how a consumer would opt-out of such advertising and the number of consumers that opted out?”

(b)(4); (b)(3):6(f)

###

We hope this information is helpful. As always, please let us know if you have any other questions.

Thank you for your time.

Best,
Edward

From: "Arias, Andrea" <aarias@ftc.gov>

Date: Monday, January 23, 2017 at 10:59 AM

To: Rob Sherman (b)(6)

Cc: "George, Tiffany" <tgeorge@ftc.gov>, Steve Satterfield (b)(6), Molly Cutler

(b)(6), Megan Alvarez (b)(6), Edward Palmieri (b)(6)

Subject: RE: Conversation Request - Facebook's Multicultural Targeting

Dear Rob, Steve, Megan, Ed, and Molly,

Thanks again for chatting with us in December about Facebook's Multicultural Targeting initiatives. We have some follow-up questions:

- We'd like to learn more about the kinds of ads that are provided to consumers in the affinity groups. Could you kindly provide us with: (1) a list of affinity groups, (2) a list of the types of ads (e.g., housing, credit, disposable goods) and the number of ads in each category, and (3) a representative sample of the kinds of ads that consumers in these segments see?
- We'd also like to learn more about the opt-outs. Could you kindly provide us with images showing how a consumer would opt-out of such advertising and the number of consumers that opted out?

Many thanks for your help. Please let us know if you have any questions. We look forward to hearing from you.

Kind regards,
Tiffany and Andi

Andrea V. Arias | Division of Privacy and Identity Protection | Federal Trade Commission
600 Pennsylvania Avenue, N.W., Mail Stop CC-8232, Washington, DC 20580
Tel: 202.326.2715 | Fax: 202.326.3062 | aarias@ftc.gov

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please delete the email and notify the sender.

From: Rob Sherman [mailto:(b)(6)]
Sent: Tuesday, November 29, 2016 10:21 PM
To: Arias, Andrea
Cc: George, Tiffany; Steve Satterfield; Molly Cutler; Megan Alvarez; Edward Palmieri
Subject: Re: Conversation Request - Facebook's Multicultural Targeting

Andi,

Thanks again for reaching out to discuss this. Would it be possible to find time for a call tomorrow between 11:30 and 12:30 or on Monday between 2:00 and 3:00? On our end the call would be with Steve Satterfield, who has been working on these issues on our privacy team, and from our legal department Molly Cutler and either Megan Alvarez or Ed Palmieri.

Please let us know if either of these times would work for you and we can set up a dial-in for the conversation.

Best,

Rob



Rob Sherman | Deputy Chief Privacy Officer

1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 | (b)(6)

From: Rob Sherman (b)(6)
Date: Monday, November 28, 2016 at 3:42 PM
To: "Arias, Andrea" <aarias@ftc.gov>
Cc: "George, Tiffany" <tgeorge@ftc.gov>
Subject: Re: Conversation Request - Facebook's Multicultural Targeting

Dear Andi,

Thanks very much for your note, and apologies for the delay in responding -- somehow I missed your original email when it came though. We'd be happy to find some time to talk with you about this.

I'll chat with our team today and will get back to you shortly with some times when we could speak.

Best,
Rob

On Nov 28, 2016, at 3:03 PM, Arias, Andrea <aarias@ftc.gov> wrote:

Dear Mr. Sherman,

I'm reaching out again to see when you might have time to chat about this issue. I look forward to hearing from you.

Kind regards,
Andi

From: Arias, Andrea
Sent: Friday, November 18, 2016 12:52 PM
To: (b)(6)
Subject: Conversation Request - Facebook's Multicultural Targeting

Dear Mr. Sherman,

My name is Andi Arias, and I am an attorney in DPIP at the FTC. We recently learned about Facebook's use of multi-cultural targeting (as explained by your colleague, Mr. Christian Martinez, in [this blog post](#)), and we'd love to learn more about this practice.

We are happy to host you at our offices or set up a phone call. Just let me know a good time for this conversation.

Kindest regards,
Andi

Andrea V. Arias | Division of Privacy and Identity Protection | Federal Trade
Commission

600 Pennsylvania Avenue, N.W., Mail Stop CC-8232, Washington, DC 20580
Tel: 202.326.2715 | Fax: 202.326.3062 | aarias@ftc.gov

This email message and any attachments are confidential and may be privileged. If you are not the intended recipient, please delete the email and notify the sender.

From: Rob Sherman
Sent: 15 Feb 2018 19:58:12 +0000
To: Kim, Reenah;Berger, Laura;Kopec, Janice
Cc: Priyanka Rajagopalan;Jack Yang
Subject: Re: February meeting

Hi Reenah, thanks so much. 3-5 ET on the 22nd will work for us. As Jack mentioned, we'd like to go through our plans to update our Data Policy, so if it's convenient for you it would probably make sense for us to plan for this to take the full two-hour period. We'll aim to send you a draft of the policy ahead of time so that you'll be able to review it before we get together. We'll also be happy to talk about the Gizmodo article when we see you.

I'm also copying our colleague from Facebook's legal department, Priyanka Rajagopalan, who we're hoping can join us for the meeting.

Janice, would it be convenient for us to meet either earlier in the day on the 22nd or the morning of the 23rd?

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: Reenah Kim <rkim1@ftc.gov>
Date: Thursday, February 15, 2018 at 1:15 PM
To: Jack Yang (b)(6) Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>, "Kopec, Janice" <jkopec@ftc.gov>
Subject: RE: February meeting

Jack and Rob:

Want to follow up and see if you've landed on a date yet for our next meeting (our office has recently been experiencing technical difficulties with sending and receiving email, so I want to be sure we hadn't missed something).

In addition, Commissioner McSweeney is interested in meeting with you as well regarding the upcoming changes to FB's privacy policies in light of the GDPR. I'm copying Janice Kopec from her office on this email, so that she can coordinate scheduling.

Lastly, we'd like to ask you some questions regarding Onavo and two-factor authentication. (see, e.g., <https://gizmodo.com/do-not-i-repeat-do-not-download-onavo-facebook-s-vam-1822937825>). If we can fold this discussion into our upcoming meeting, that would be great. If not, let's set it for a separate call soon.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Kim, Reenah
Sent: Tuesday, February 06, 2018 3:05 PM
To: 'Jack Yang'; Rob Sherman
Cc: Berger, Laura
Subject: February meeting

Jack and Rob:

We're generally available for a meeting this month during the following time blocks:

Feb 20 – 1200-430p Eastern
Feb 21 – 400-500p Eastern
Feb 22 – 300-500p Eastern
Feb 26 – 300-500p Eastern
Feb 27 – 100-300p Eastern
Feb 28 – 200-500p Eastern

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Rob Sherman
Sent: 16 Feb 2018 21:46:15 +0000
To: Kim, Reenah
Cc: Berger, Laura;Priyanka Rajagopalan;Jack Yang;Rashida Collins
Subject: Re: February meeting
Attachments: Data Policy Redline Confidential[1].pdf, Terms of Service_Confidential_FTC[1].pdf, Data Policy Draft (Confidential).pdf

Confidential

Reenah,

4-6 PM on the 22nd is fine for us, though I think Janice was also looking for 5-6 for Cmr. McSweeney. I'm copying Rashida Collins, who is helping us with scheduling to confirm, but let's aim for 4-6 and we'll see if we can meet with Cmr. McSweeney another time.

Ahead of our meeting, we wanted to share the attached drafts (including a redline to show changes from the existing Data Policy). I should note that we are still in the process of editing this and likely will make changes ahead of our meeting next week, (b)(4); (b)(3):6(f) (b)(4); (b)(3):6(f) we wanted to be sure you had as much time as possible to review this. We will, of course, plan to highlight our key areas of focus during our discussion, as well as to go through the language in the document itself. We'll also share some updates on other improvements we're planning to our user experience around privacy as well.

In terms of attendees, it will just be the three of us from Facebook.

Also, I wanted to flag that Chairman Ohlhausen's office is also asking us for a briefing on this. We haven't scheduled that yet but will try to meet with them toward the end of next week as well.

Thanks again – hope everyone has a good weekend.

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: February 15, 2018 at 12:35:10 PM PST
To: Rob Sherman (b)(6) Priyanka Rajagopalan (b)(6)
Jack Yang (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: February meeting

Actually – Could we start the meeting on Feb 22 a little later, at 4:00p instead of 3:00? We'd plan to have it run from 4-6. Apologies for the confusion.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Kim, Reenah
Sent: Thursday, February 15, 2018 3:19 PM
To: 'Rob Sherman'; Priyanka Rajagopalan; Jack Yang
Cc: Berger, Laura
Subject: RE: February meeting

Thanks. A redline comparing the changes to policy language would be helpful if you can manage it

Also, please let me know if anyone from FB other than you three will be attending, so I can give the names to building security.

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Rob Sherman [mailto:[\(b\)\(6\)](mailto:(b)(6))]
Sent: Thursday, February 15, 2018 2:58 PM
To: Kim, Reenah; Berger, Laura; Kopec, Janice
Cc: Priyanka Rajagopalan; Jack Yang
Subject: Re: February meeting

Hi Reenah, thanks so much. 3-5 ET on the 22nd will work for us. As Jack mentioned, we'd like to go through our plans to update our Data Policy, so if it's convenient for you it would probably make sense for us to plan for this to take the full two-hour period. We'll aim to

send you a draft of the policy ahead of time so that you'll be able to review it before we get together. We'll also be happy to talk about the Gizmodo article when we see you.

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Janice, would it be convenient for us to meet either earlier in the day on the 22nd or the morning of the 23rd?

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer

1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: Reenah Kim <rkim1@ftc.gov>

Date: Thursday, February 15, 2018 at 1:15 PM

To: Jack Yang (b)(6) Rob Sherman (b)(6)

Cc: "Berger, Laura" <LBERGER@ftc.gov>, "Kopec, Janice" <jkopec@ftc.gov>

Subject: RE: February meeting

Jack and Rob:

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In addition, Commissioner McSweeney is interested in meeting with you as well regarding the upcoming changes to FB's privacy policies in light of the GDPR. I'm copying Janice Kopec from her office on this email, so that she can coordinate scheduling.

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Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement

600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
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From: Kim, Reenah
Sent: Tuesday, February 06, 2018 3:05 PM
To: 'Jack Yang'; Rob Sherman
Cc: Berger, Laura
Subject: February meeting

Jack and Rob:

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Feb 22 – 300-500p Eastern
Feb 26 – 300-500p Eastern
Feb 27 – 100-300p Eastern
Feb 28 – 200-500p Eastern

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272| f:202.326.3197 | rkim1@ftc.gov

From: Rob Sherman
Sent: 17 Feb 2017 23:23:16 +0000
To: Berger, Laura;Kim, Reenah
Cc: Edward Palmieri;Mark Kahn (WhatsApp Legal)
Subject: Confidential WhatsApp Update
Attachments: status_4.png, status_2.png, status_1.png, status_3.png

Dear Laura and Reenah:

We wanted to update you on an update to WhatsApp's Status feature. As you may know, since the launch of WhatsApp 8 years ago, users could set a Status for other users to see. Historically, it's been a "text only" feature, and users would usually set it to something simple such as "Hey there, I'm using WhatsApp!" or "At the gym." Beginning next week, WhatsApp users will be able to set an image or a video as their Status. (b)(4); (b)(3):6(f) This is an optional feature and, if users choose to use the Status feature, they will be able to control who they share their Status with (i.e., all of their contacts or just some of their contacts).

(b)(4); (b)(3):6(f)

We will be taking a number of steps to educate users about the feature and the privacy options, including a blog post, FAQs, etc. We will also have some in-product education (see attached screenshots).

If you have any questions, please let us know.

Thank you!

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer

1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: Jack Yang
Sent: 22 Feb 2018 21:15:42 +0000
To: Berger, Laura;Kim, Reenah
Cc: Rob Sherman;Priyanka Rajagopalan
Subject: Re: Review Deck
Attachments: v1.2-FTC-Briefing-Deck-February-22 copy 2[1].pdf

A PDF copy.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: Jack Yang (b)(6)
Date: Thursday, February 22, 2018 at 4:09 PM
To: "Berger, Laura" <LBERGER@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6) Priyanka Rajagopalan (b)(6)
Subject: Review Deck

Laura & Reenah:

Please find the deck we are reviewing attached.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: Jack Yang
Sent: 22 Feb 2018 21:29:22 +0000
To: Berger, Laura;Kim, Reenah
Cc: Rob Sherman;Priyanka Rajagopalan
Subject: Re: Review Deck
Attachments: Agenda-FTC Briefing-Feb 22.pdf

Laura & Reenah:

Please find a PDF of the Agenda.

Jack

From: "Berger, Laura" <LBERGER@ftc.gov>
Date: Thursday, February 22, 2018 at 4:19 PM
To: Jack Yang (b)(6) "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6) Priyanka Rajagopalan (b)(6)
Subject: RE: Review Deck

Thx!

From: Jack Yang [mailto:(b)(6)]
Sent: Thursday, February 22, 2018 1:16 PM
To: Berger, Laura; Kim, Reenah
Cc: Rob Sherman; Priyanka Rajagopalan
Subject: Re: Review Deck

A PDF copy.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: Jack Yang (b)(6)
Date: Thursday, February 22, 2018 at 4:09 PM
To: "Berger, Laura" <LBERGER@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6) Priyanka Rajagopalan (b)(6)
Subject: Review Deck

Laura & Reenah:

Please find the deck we are reviewing attached.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: Kim, Reenah
Sent: 29 Feb 2016 16:22:32 +0000
To: Edward Palmieri; Anne Hoge; Rob Sherman
Cc: Berger, Laura
Subject: RE: Confidential WhatsApp Update
Attachments: 2016-02-2016 Ltr to FB re WhatsApp policy updates.pdf

Thanks for the update. Please see the enclosed letter.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Friday, February 19, 2016 4:02 PM
To: Kim, Reenah; Berger, Laura
Cc: Anne Hoge; Rob Sherman
Subject: Re: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

We just wanted to let you know that we have delayed the WA update – likely now early April – as we work out a few issues. We will keep you posted and again, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Edward Palmieri (b)(6)
Date: Friday, February 5, 2016 at 2:45 PM
To: "Kim, Reenah" <rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Cc: Anne Hoge (b)(6) Rob Sherman (b)(6)
Subject: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

Please see attached – the very latest version of the WhatsApp documents. We have included the following:

- WA Terms of Service
- WA Privacy Policy
- Consent Flows and In-AppFlows
- Key Updates

As you'll see, I think almost all of the edits shown were included in the previous update that we provided at the end of 2015, but regardless, please let us know if you have any questions or if you would like to discuss anything. As a reminder, the launch has been pushed to early March (likely March 1 or so). As always, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue NW
WASHINGTON, D.C. 20580

Reenah L. Kim
Bureau of Consumer Protection
Division of Enforcement, Mailstop CC-9528
Direct Dial: (202) 326-2272

February 29, 2016

via U.S. and electronic mail (b)(6)

Edward Palmieri
Robert Sherman
Facebook Legal
1155 F Street NW, Suite 475
Washington, DC 20004

Re: *In the Matter of Facebook, Inc.*, Docket No. C-4365

Dear Messrs. Palmieri and Sherman:

We write to follow up on our recent communications regarding the planned updates to WhatsApp's Privacy Policy and Terms of Service.

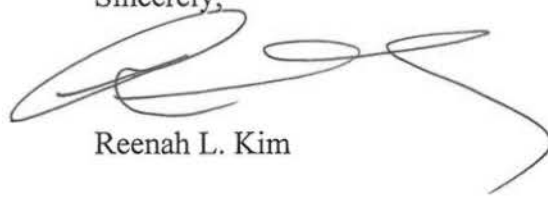
During our January 13, 2016 teleconference, we noted that the December 29, 2015 revisions made a change to (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

February 29, 2016
page 2

If you have questions or wish to discuss further, please do not hesitate to contact me at
(202) 326-2272.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reenah L. Kim'. The signature is fluid and cursive, with a large initial 'R' and a long, sweeping tail that extends to the right.

Reenah L. Kim

From: Edward Palmieri
Sent: 29 Feb 2016 16:39:16 +0000
To: Kim, Reenah; Anne Hoge; Rob Sherman
Cc: Berger, Laura
Subject: Re: Confidential WhatsApp Update

CONFIDENTIAL

Reenah:

Thank you for your letter. We have received and will review and reply.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Monday, February 29, 2016 at 11:22 AM
To: Edward Palmieri (b)(6), Anne Hoge (b)(6), Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Confidential WhatsApp Update

Thanks for the update. Please see the enclosed letter.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Friday, February 19, 2016 4:02 PM
To: Kim, Reenah; Berger, Laura
Cc: Anne Hoge; Rob Sherman
Subject: Re: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

We just wanted to let you know that we have delayed the WA update – likely now early April – as we work out a few issues. We will keep you posted and again, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Edward Palmieri (b)(6)
Date: Friday, February 5, 2016 at 2:45 PM
To: "Kim, Reenah" <rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Cc: Anne Hoge (b)(6) Rob Sherman (b)(6)
Subject: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

Please see attached – the very latest version of the WhatsApp documents. We have included the following:

- WA Terms of Service
- WA Privacy Policy
- Consent Flows and In-AppFlows
- Key Updates

As you'll see, I think almost all of the edits shown were included in the previous update that we provided at the end of 2015, but regardless, please let us know if you have any questions or if you would like to discuss anything. As a reminder, the launch has been pushed to early March (likely March 1 or so). As always, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Berger, Laura
Sent: 10 Mar 2011 23:40:44 +0000
To: 'Beringer, Ashlie'; 'Royall, M. Sean'
Cc: Mohapatra, Manas
Subject: Facebook; FTC draft complaint and proposed consent agreement; complaint appendices to follow
Attachments: Facebook complaint to counsel 3 10 11.PDF, Facebook order to counsel 3.10.11.PDF

Hi Ashlie and Sean,

Please confirm receipt of the attached draft complaint and proposed consent agreement. I will send the appendices to the draft complaint momentarily. As we discussed during our call this afternoon, Cora, Manas, and I would like to speak with you next week in more detail about these documents. Please confirm one or more dates and times when you are available.

Best,

Laura

Laura D. Berger, Attorney
Federal Trade Commission
Division of Privacy and Identity Protection
202.326.2471 (v)

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affecting commerce, as “commerce” is defined in Section 4 of the FTC Act.

FACEBOOK’S BUSINESS PRACTICES

4. Since at least 2004, Facebook has operated www.facebook.com, a social networking website. Users of the site create online profiles, which contain content about them such as their name, interest groups they join, the names of other users who are their “friends” on the site, photos albums and videos they upload, and messages and comments they post or receive from their friends. Users also may add content to other users’ profiles, by sharing photos, sending messages, or posting comments. As of January 2011, Facebook had approximately 600 million users.
5. Since approximately August 2006, Facebook has operated the Facebook Platform, a set of tools and programming interfaces that enables third parties to develop, run, and operate software applications, such as games, that users can interact with online (“Platform Applications”).
6. Facebook obtains revenue by placing third-party advertisements on its site and by selling Facebook Credits, a virtual currency that it offers on its website and through retail outlets. The company also has obtained revenue from fees paid by applicants for its Verified Apps program, described below. In 2009, the company had revenues of approximately \$777.2 million.

FACEBOOK’S COLLECTION AND STORAGE OF USER INFORMATION

7. Facebook has collected extensive “profile information” about its users, including, but not limited to:
 - a. mandatory information that a user must submit to register with the site, including Name, Gender, and Birthday;
 - b. optional information that a user may submit, such as:
 - i. Profile Picture;
 - ii. Hometown;
 - iii. Interested in (*i.e.*, whether a user is interested in men or women);
 - iv. Looking for (*i.e.*, whether a user is looking for friendship, dating, a relationship, or networking);
 - v. Relationships (*e.g.*, marital or other relationship status and the names of family members);
 - vi. Political and Religious Views;
 - vii. Likes and Interests (*e.g.*, activities, interests, music, books, or movies that a user likes); and
 - viii. Education and Work, (*e.g.*, the name of a user’s high school, college, graduate school, and employer);

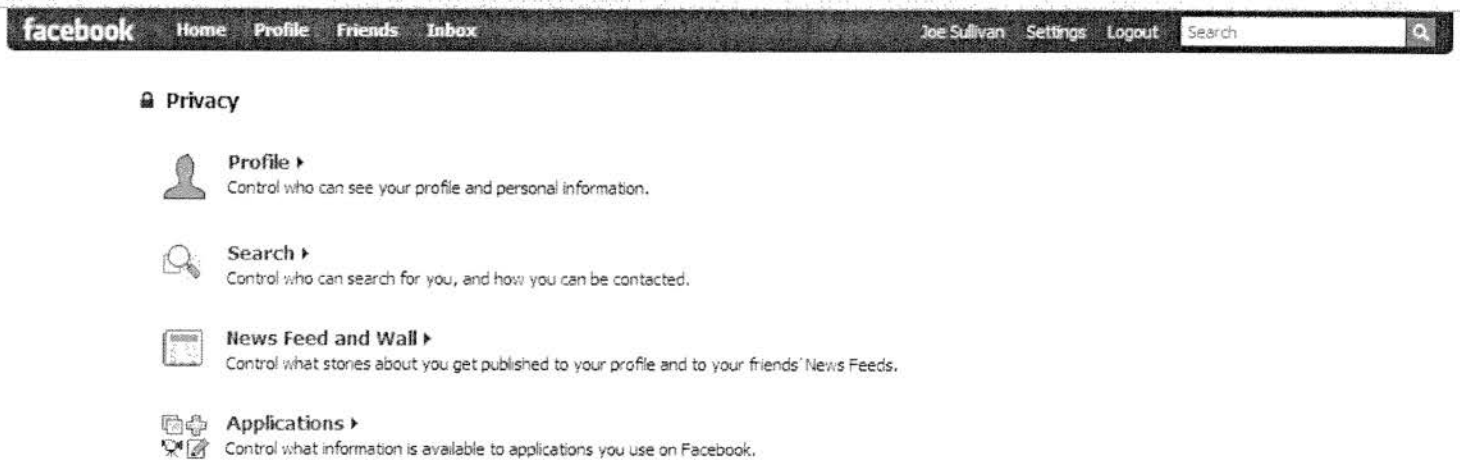
- c. other information that is based on a user's activities on the site over time, such as:
 - i. a Friends List (*i.e.*, a list of users with whom a user has become "Friends" on the site);
 - ii. Pages (*e.g.*, any web page on Facebook's web site, belonging to an organization, brand, interest group, celebrity, or other entity, that a user has clicked an online button to "like");
 - iii. Photos and Videos, including any that a user has uploaded or been "tagged in" – (*i.e.*, identified by a user such that his or her name is displayed when a user "hovers" over the likeness); and
 - iv. messages that a user posts and comments made in response to other users' content.

This profile information becomes part of the user's online profile, which can be accessible to others, as described below.

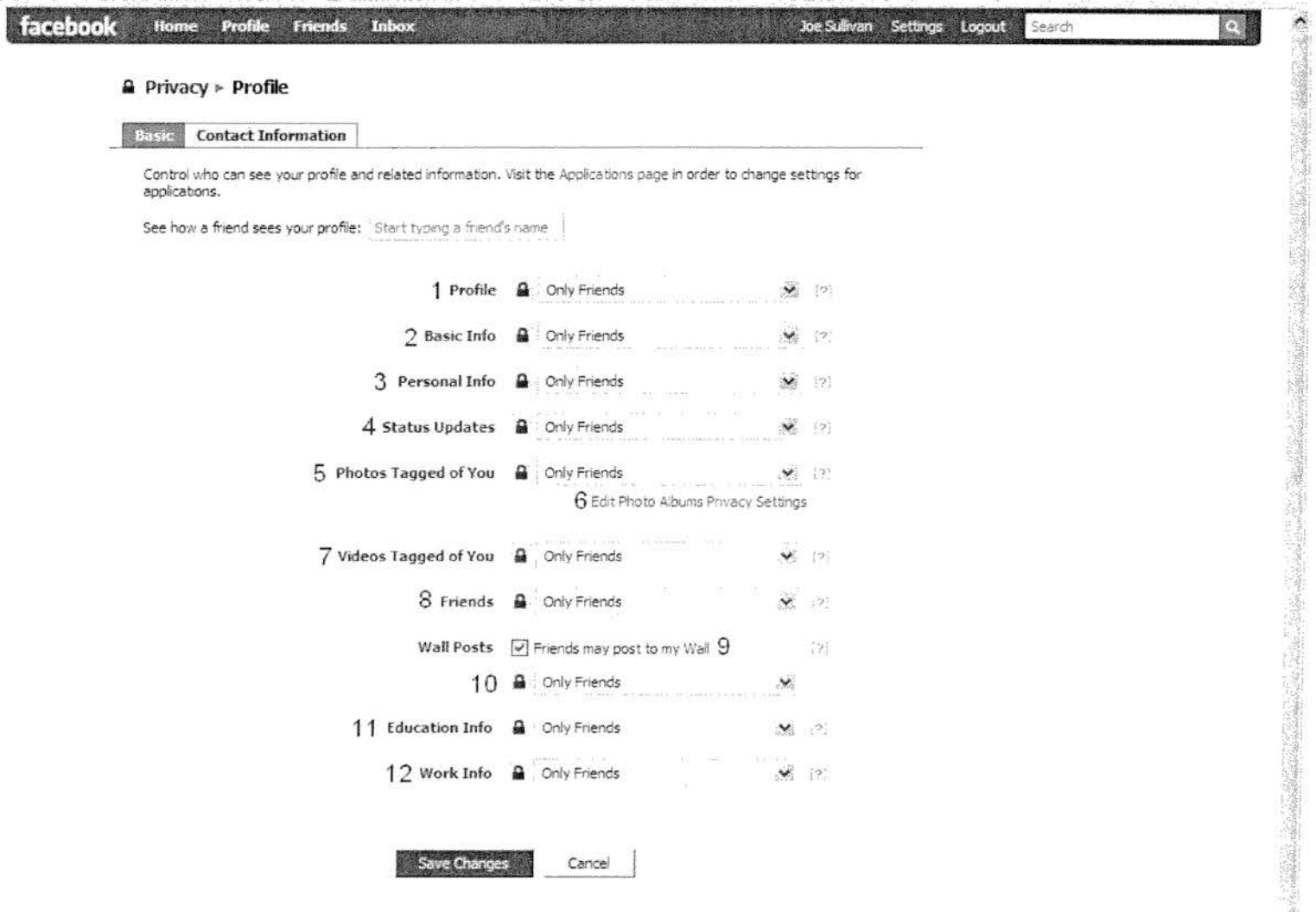
- 8. Facebook has stored users' profile information on a computer network that it controls. It has assigned to each user a User Identification Number ("User ID"), a persistent, unique number that Platform Applications and others can use to obtain certain profile information from Facebook.
- 9. Platform Applications access user profile information in two main instances. First, Platform Applications that a user authorizes can access the user's profile information. Second, if a user's "Friend" authorizes a Platform Application, that Application can access certain of the user's profile information, even if the user has not authorized that Application.

FACEBOOK'S PRIVACY SETTINGS (Count 1)

10. Facebook has provided its users with a "Privacy Settings" Page, the same or similar to the one depicted below. Among other things, this page has contained a "Profile" tab, with accompanying text that has stated "[c]ontrol who can see your profile and personal information."



11. When users have clicked on the “Profile” tab, Facebook has directed them to a Profile Privacy Settings Page, the same or similar to the one depicted below, which has confirmed that users could “[c]ontrol who can see your profile and related information.” For each category depicted, users could click on a drop-down menu and restrict access to specified users, *e.g.*, “Only Friends,” or “Friends of Friends.”



12. Although the precise language and interface have changed over time, Facebook has continued to provide Profile Privacy Settings that it states allow users to “control who can see what [they] share” by specifying who can access such information, *e.g.*, “Only Friends” or “Friends of Friends.” (Appendix 1).
13. By enabling users to specify who can access various categories of their profile information, *e.g.*, “Only Friends,” “Friends of Friends,” Facebook has communicated that its Profile Privacy Settings enable users to restrict access to such information exclusively to the audience the user selects.
14. None of the pages described in **Paragraphs 10-12** have disclosed that a user’s choice to restrict his or her profile information through Profile Privacy Settings to “Only Friends” or “Friends of Friends” would be limited. Despite this fact, in many instances, Facebook has made profile information that a user chose to restrict to “Only Friends” or “Friends of Friends” accessible to any Platform Applications that the user’s Friends have used.
15. Facebook’s Privacy Settings Page and Profile Privacy Settings Page have included links to “Applications,” “Apps,” or “Applications and Websites” that, when clicked, have taken users to a page containing “Friends’ App Settings,” which would allow users to restrict the information that Applications used by their Friends could access.
16. However, the links to “Applications,” “Apps,” or “Applications and Websites” have failed to signal that a user’s choices to restrict profile information through Profile Privacy Settings have been limited. For example, the language alongside the Applications link, depicted in **Paragraph 10**, has stated, “[c]ontrol what information is available to applications **you use** on Facebook.” (Emphasis added). Thus, users who do not themselves use applications would have had no reason to click on this link, and would have concluded that their choices to restrict profile information through their Profile Privacy Settings were complete and effective.

Count 1

17. As described in **Paragraphs 10-14**, Facebook has represented, expressly or by implication, that, through their Profile Privacy Settings, users can restrict access to their profile information to specific groups, such as “Only Friends” or “Friends of Friends.”
18. In truth and in fact, in many instances, users could not restrict access to their profile information to specific groups, such as “Only Friends” or “Friends of Friends” through their Profile Privacy Settings. Instead, such information could be accessed by Platform Applications that their Friends used. Therefore, the representation set forth in **Paragraph 17** was, and is, false or misleading.

DECEMBER 2009 PRIVACY CHANGES
(Counts 2 and 3)

19. On approximately November 19, 2009, Facebook changed its privacy policy to designate certain user information as “publicly available.” On approximately December 8, 2009, Facebook implemented the changes referenced in its new policy (“the December Privacy Changes”) to automatically make public certain information that users previously had provided. Among other things, Facebook designated every user’s Name, Profile Picture, Gender, Friends List, Networks, Current City, and Pages as “publicly available information” or “PAI.” Following the December Privacy Changes, Facebook users could no longer restrict access to information designated as PAI using their Profile Privacy Settings or Friends’ App Settings. All prior user choices to restrict access to this information through Profile Privacy Settings or Friends’ App Settings were overridden.
20. Before December 8, 2009, users could, and did, use their Profile Privacy Settings to limit access to their Profile Picture, Gender, and Friends List. For example, on or about December 5, 2009, approximately 378 million users had restricted their “Profile Picture” and “Gender” to “Only Friends.”
21. Before December 8, 2009, users could, and did, use their Friends’ App Settings to restrict Platform Applications’ access to their PAI. For example, as of November 2009, approximately 586,241 users had used these settings to prevent Platform Applications from accessing any of their profile information, including their Name, Profile Picture, Gender, Friends List, Pages, Current City and Networks. Other users had used their Friends’ App Settings to limit the availability of one or more categories of this information to Platform Applications.
22. Until approximately December 8, 2009, Facebook also provided users with a separate Pages Privacy Setting to prevent users who were not their Friends from viewing a full listing of all of their Pages (“Pages List”). Using this setting, a user could hide that they “liked” a particular political party or religious organization. Users could, and did, use this setting to restrict access to their Pages List. Following the December Privacy Changes, Facebook users no longer could restrict such access to their Pages List, and all prior user choices to restrict access to their Pages List through this setting were overridden.
23. To implement the December Privacy Changes, Facebook required each user to click through a multi-page notice, known as the Privacy Wizard, which was composed of:
 - a. an introductory page, which announced:

We’re making some changes to give you more control of your information and help you stay connected. We’ve simplified the Privacy page and added the ability to set privacy on everything you share, from status updates to photos.

At the same time, we're helping everyone find and connect with each other by keeping some information – like your name and current city – publicly available. The next step will guide you through choosing your privacy settings.

- b. privacy update pages, which required each users to choose, via a series of radio buttons, between new privacy settings that Facebook “recommended” and the user’s “Old Settings,” for ten types of profile information (*e.g.*, Photos and Videos of Me, Birthday, Family and Relationships, *etc.*), and which stated:

Facebook’s new, simplified privacy settings give you more control over the information you share. We’ve recommended settings below, but you can choose to apply your old settings to any of the fields.

and

- c. a confirmation page, which summarized the user’s updated Privacy Settings.

(*See* Privacy Wizard screenshots, Appendix 2).

- 24. The Privacy Wizard did not disclose that users no longer could restrict access to their newly-designated PAI via their Privacy Settings, Friends’ App Settings or Pages Privacy Settings or that their existing choices to restrict access to such information via these settings would be overridden. For example, the wizard did not disclose that a user’s existing choices to share his or her Profile Picture, Gender, and Friends List with “Only Friends” would be overridden, and that this information would be made accessible to the public.
- 25. The information that Facebook failed to disclose as described in **Paragraph 24** would have been material to Facebook users.
- 26. Facebook’s designation of PAI caused harm to users, including, but not limited to, threats to their health and safety, and un-consented to revelation of their affiliations. Among other things:
 - a. certain users were threatened by stalkers or abusive former spouses, who were able to infer their locale, based on the locales of their Friends (*e.g.*, their Friends’ Current City information) and of the organizations reflected in their Pages;
 - b. a user’s Pages List became visible to anyone who viewed the user’s profile, thereby exposing potentially controversial political views or other sensitive information to third parties – such as prospective employers, government organizations, or business competitors – who sought to obtain personal information about the user;

- c. each user’s Friends List became visible to anyone who viewed the user’s profile, thereby exposing potentially sensitive affiliations, that could, in turn, reveal a user’s political views, sexual orientation, or business relationships, to third parties – such as prospective employers, government organizations, or business competitors – who sought to obtain personal information about the user; and
- d. each user’s Profile Photo became accessible to all other users, including any user who navigated to the user’s profile, thereby revealing potentially embarrassing or political images to third parties whose access users previously had restricted.

Count 2

- 27. As described in **Paragraph 23**, Facebook has represented, expressly, or by implication, that its December Privacy Changes provided users with “more control” over their information, including by allowing them to preserve their “Old Settings,” to protect the privacy of their profile information.
- 28. As described in **Paragraph 24**, Facebook failed to disclose, or failed to disclose adequately, that, following the December Privacy Changes, users could no longer restrict access to their Name, Profile Picture, Gender, Friends List, Pages, or Networks. Facebook also failed to disclose, or failed to disclose adequately, that the December Privacy Changes overrode existing user privacy settings that restricted access to a user’s Name, Profile Picture, Gender, Friends List, Pages, or Networks. These facts would be material to consumers. Therefore, Facebook’s failure to adequately disclose these facts, in light of the representation made, was, and is, a deceptive act or practice.

Count 3

- 29. As described in **Paragraphs 19-24 and 26**, by designating certain user profile information publicly available that previously had been subject to privacy settings, Facebook materially changed its promises that users could keep such information private. Facebook retroactively applied these changes to personal information that it had previously collected from users, without their informed consent, in a manner that has caused or is likely to cause substantial injury to consumers, is not outweighed by countervailing benefits to consumers or to competition, and was not reasonably avoidable by consumers. This practice was, and is, an unfair act or practice.

**SCOPE OF PLATFORM APPLICATIONS’ ACCESS TO INFORMATION
(Count 4)**

- 30. Facebook has disseminated or caused to be disseminated numerous statements to users stating that Platform Applications they use will access only the profile information these applications need to operate, including, but not limited to:
 - a. the following statement, which appeared within a dialog box that each user must

click through before using a Platform Application for the first time:

Allowing [name of Application] access will let it pull your profile information, photos, your friends' info, and other content that it requires to work.

(See Authorization Dialog box, Appendix 3); and

b. the following additional statements on www.facebook.com:

i. Applications you use will access your Facebook information in order for them to work.

(See Facebook Privacy Settings: What You Share, Appendix 4); and

ii. When you authorize an application, it will be able to access any information associated with your account that it requires to work.

(See Facebook Privacy Settings: How Applications Interact With Your Information, Appendix 5).

31. Contrary to the statements set forth in **Paragraph 30**, in many instances, a Platform Application could access profile information that was unrelated to the Application's purpose or unnecessary to its operation. For example, a Platform Application with a narrow purpose, such as a quiz regarding a television show, in many instances could access a user's Relationship Status, as well as the url for every photo and video that the user had uploaded to Facebook's web site, despite the lack of relevance of this information to the application.

Count 4

32. As set forth in **Paragraph 30**, Facebook has represented, expressly or by implication, that it has provided each Platform Application access to only such user profile information as the Application has needed to operate.

33. In truth and in fact, as described in **Paragraph 31**, from approximately August 2006 until July 2010, in many instances, Facebook has provided Platform Applications unrestricted access to user profile information that such Applications have not needed to operate.

FACEBOOK'S DISCLOSURE OF USER INFORMATION TO ADVERTISERS (Count 5)

34. Facebook has displayed advertisements ("ads") from third-parties ("Platform Advertisers") on its web site.

35. Facebook has allowed Platform Advertisers to target their ads (“Platform Ads”) by requesting that Facebook display them to users whose profile information reflects certain “targeted traits,” including, but not limited to:
- a. location (*e.g.*, city or state),
 - b. age,
 - c. sex,
 - d. birthday,
 - e. “Interested in” responses (*i.e.*, as described in **Paragraph 7(b)**, whether a user is interested in men or women),
 - f. Relationship Status,
 - g. Likes and Interests,
 - h. Education (*e.g.*, level of education, current enrollment in high school or college, affiliation with a particular college, and choice of major in college), and
 - i. name of employer.
36. Facebook has disseminated or caused to be disseminated numerous statements that it does not share information about its users with advertisers, including:
- a. Facebook may use information in your profile without identifying you as an individual to third parties. We do this for purposes such as . . . personalizing advertisements and promotions so that we can provide you Facebook. We believe this benefits you. You can know more about the world around you and, where there are advertisements, they’re more likely to be interesting to you. For example, if you put a favorite movie in your profile, we might serve you an advertisement highlighting a screening of a similar one in your town. But we don’t tell the movie company who you are.

(See Facebook Privacy Policy, November 26, 2008, Appendix 6, at FB0000005).

- b. We don’t share information with advertisers without your consent . . . We allow advertisers to choose the characteristics of users who will see their advertisements and we may use any of the non-personally identifiable attributes we have collected (including information you may have decided not to show other users, such as your birth year or other sensitive personal information or preferences) to select the appropriate audience for those advertisements. For example, we might use your interest in soccer to show you ads for soccer equipment, but we do not

tell the soccer equipment company who you are . . . Even though we do not share your information with advertisers without your consent, when you click on or otherwise interact with an advertisement, there is a possibility that the advertiser may place a cookie in your browser and note that it meets the criteria they selected.

(See Facebook Privacy Policy, November 19, 2009, Appendix 7, at FB0000016-17).

- c. We do not give your content to advertisers. (See Facebook Statement of Rights and Responsibilities, May 1, 2009, Appendix 8, at FB0000076).
- d. Still others asked to be opted-out of having their information shared with advertisers. This reflects a common misconception about advertising on Facebook. We don't share your information with advertisers unless you tell us to ([e.g.] to get a sample, hear more, or enter a contest). Any assertion to the contrary is false. Period . . . we never provide the advertiser any names or other information about the people who are shown, or even who click on, the ads.

(See Facebook Blog, <http://blog.facebook.com/blog.php>, "Responding to Your Feedback," Barry Schnitt, April 5, 2010, Appendix 9).

- e. We never share your personal information with advertisers. We never sell your personal information to anyone. These protections are yours no matter what privacy settings you use; they apply equally to people who share openly with everyone and to people who share with only select friends.

The only information we provide to advertisers is aggregate and anonymous data, so they can know how many people viewed their ad and general categories of information about them. Ultimately, this helps advertisers better understand how well their ads work so they can show better ads.

(See *id.*, "The Role of Advertising on Facebook," Sheryl Sandberg, July 6, 2010, Appendix 10).

- 37. Contrary to the statements set forth in **Paragraph 36 (a)-(d)**, in many instances, Facebook has shared information about users with Platform Advertisers by identifying to them the users who clicked on their ads and to whom those ads were targeted. Specifically, from at least September 2008 until May 26, 2010, Facebook designed and operated its web site such that, in many instances, the User ID for a user who clicked on a Platform Ad was shared with the Platform Advertiser.
- 38. As a result of the conduct described in **Paragraph 37**, Platform Advertisers could take simple steps to get detailed information about individual users. For example, a Platform Advertiser could use the User ID to:

- a. access the user’s profile page on www.facebook.com, to obtain his or her real name and other PAI;
 - b. combine the user’s real name with:
 - i. any targeted traits used for the ad the user clicked (*e.g.*, if the ad targeted 23-year-old men who were “Interested In” men and “liked” a prescription drug, the advertiser could ascribe these traits to a specific user); and
 - ii. information about the user’s visit to the advertiser’s website, including: the time and date of the visit, the pages viewed, and time spent viewing the ad (collectively, “browsing information”); and
 - c. over time, combine the information described in subparts (a) - (b) with targeting traits related to additional ads or other information about the user’s browsing activities across the web.
39. In addition, contrary to the statements set forth in **Paragraph 36**, Facebook has shared information about users with third parties that advertise on certain Platform Application web sites (“Application Advertisers”), by identifying to them the specific users who visited these applications. Specifically, at various times relevant to this Complaint, when a user visited certain Platform Applications, Facebook disclosed the user’s User ID, in plain text, to any Application Advertiser that displayed an ad on the application’s web page.
40. As a result of the conduct described in **Paragraph 39**, Application Advertisers could take simple steps to get detailed information, similar to that described in **Paragraph 38(a)**, **(b)(ii)**, and **(c)**, regarding the user and his or her activities on any Platform Application web site where the advertiser displayed an ad.

Count 5

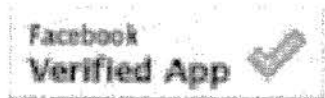
- 41. As set forth in **Paragraphs 36**, Facebook has represented, expressly or by implication, that Facebook does not provide advertisers with information about its users.
- 42. In truth and in fact, as described in **Paragraphs 37-40**, Facebook has provided advertisers with information about its users. Therefore, the representation set forth in **Paragraph 41** was, and is, false or misleading.

**FACEBOOK’S VERIFIED APPS PROGRAM
(Count 6)**

- 43. From approximately May 2009 until December 2009, Facebook operated a Verified Apps program, through which it designated certain Platform Applications as “Facebook Verified Apps” (hereinafter, “Verified Apps”).

44. Facebook provided each Verified App with preferential treatment compared to other Platform Applications, including, but not limited to:

- a. a Verified Apps badge, the same or similar to the badge depicted below, for display on the application's profile page on www.facebook.com;



This application is a Verified Application, passing Facebook's review for trust over the user experiences.

- b. a green check mark alongside the Platform Application's name, and higher ranking among search results, on www.facebook.com and within Facebook's Application Directory.

45. To apply for the Verified Apps badge, a Platform Application developer paid Facebook a fee of \$375, or \$175 for a student or nonprofit organization. Facebook awarded the badge to approximately 254 Platform Applications.

46. Facebook has disseminated or caused to be disseminated statements to consumers conveying that it has taken steps to verify the security of Verified Apps, compared to the security of other Platform Applications, including:

- a. the Verified Apps badge, described in **Paragraphs 44(a)**;
- b. the Verified Apps green check mark, described in **Paragraph 44(b)**; and
- c. the following statement on its website:
 - i. **2) Application Verification** Facebook is introducing the Application Verification program **which is designed to offer extra assurances to help users identify applications they can trust -- applications that are secure, respectful and transparent, and have demonstrated commitment to compliance with Platform policies.**

(See Press Release "Facebook Expands Power of Platform Across the Web and Around the World" (July 23, 2008), Appendix 11, at FB0001686 (latter emphasis added)); and

ii. What are Verified Applications?

Verified applications have passed a detailed Facebook review to confirm that the user experience they provide complies with Facebook policies. Verified Applications have committed to be transparent about how they work and will respect you and your friends when they send communication on your behalf.

What is the green check mark next to some applications?

Applications that choose to participate in Facebook’s Application Verification Program receive a green check mark when they pass Facebook’s detailed review process. The review process is designed to ensure that the application complies with Facebook policies. In addition, Verified applications have committed to be transparent about how they work and will respect you and your friends when they send communication on your behalf.

(See Facebook Help Center, FAQs, Appendix 12 (emphases added)).

47. Contrary to the statements set forth in **Paragraph 46**, before designating a Platform Application as a Verified App, in many instances, Facebook took no steps to verify either the security of the Application’s website or the security the application provided for the user information it collected.
48. Contrary to the statements set forth in **Paragraph 46**, once it awarded the Verified Apps badge, Facebook took no steps to verify either the security of a Verified Application’s website or the security the application provided for the user information it collected, beyond such steps as it may have taken regarding any other Platform Application.

Count 6

49. As set forth in **Paragraph 46**, Facebook has represented, expressly or by implication, that Facebook has permitted a Platform Application to display its Verified Apps badge when Facebook’s review of the security of such Applications has exceeded its review of the security of other Platform Applications.
50. In truth and in fact, as described in **Paragraphs 47 and 48**, in many instances Facebook has permitted a Platform Application to display its Verified Apps badge when its review of the application’s security has not exceeded its review of other Platform Applications. Therefore, the representation set forth in **Paragraph 49** was, and is, false or misleading.

FACEBOOK'S DISCLOSURE OF USER PHOTOS AND VIDEOS
(Count 7)

51. Facebook has collected and stored vast quantities of photos and videos that its users upload, including, but not limited to: at least one such photo from approximately ninety-nine percent of its users, in total, and more than 100 million photos and 415,000 videos from its users, collectively, every day.
52. Facebook has stored users' photos and videos such that each one is assigned a Content URL – a uniform resource locator that specifies its location on Facebook's servers. Facebook users and Platform Applications can obtain the Content URL for any photo or video that they view on Facebook's web site by, for example, right-clicking on it. If a user or Application further disseminates this URL, Facebook will "serve" the user's photo or video to anyone who clicks on the URL.
53. Facebook has disseminated or caused to be disseminated statements communicating that a user can restrict access to his or her profile information – including, but not limited to, photos and videos that a user uploads – by deleting or deactivating his or her user account. Such statements include:

- a. **Deactivating or deleting your account.** If you want to stop using your account you may deactivate it or delete it. When you deactivate an account, no user will be able to see it, but it will not be deleted . . . When you delete an account, it is permanently deleted from Facebook.

* * *

Backup copies. Removed and deleted information may persist in backup copies for up to 90 days, but will not be available to others;

(See Facebook Privacy Policy, November 19, 2009, *supra* Appendix 7, at FB0000019);

- b. To deactivate your account, navigate to the "Settings" tab on the Account Settings page. Deactivation will remove your profile and content associated with your account from Facebook. In addition, users will not be able to search for you or view any of your information.

(See Facebook Help Center, FAQ 13015, Appendix 13);

and

If you deactivate your account, your profile and all information associated with it are immediately made inaccessible to other Facebook users.

(See *id.*, FAQs 13016 and 15663, Appendices 14 & 15).

54. Contrary to the statements set forth in **Paragraph 53**, Facebook continues to display users' photos and videos to anyone who accesses Facebook's Content URLs for them, as described in **Paragraph 52**, even after such users have deleted or deactivated their accounts.

Count 7

55. As set forth in **Paragraph 53**, Facebook has represented, expressly or by implication, that after a user has deleted or deactivated his or her account, Facebook does not provide third parties with access to their profile information, including any photos or videos that the user has uploaded.
56. In truth and in fact, as described in **Paragraph 52**, in many instances, Facebook has provided third parties with access to users' profile information – specifically photos or videos that a user has uploaded – even after the user has deleted or deactivated his or her account. Therefore, the representation set forth in **Paragraph 53** was, and is, false or misleading.

**U.S.-EU SAFE HARBOR FRAMEWORK
(Count 8)**

57. The U.S.-EU Safe Harbor Framework provides a method for U.S. companies to transfer personal data outside of Europe that is consistent with the requirements of the European Union Data Protection Directive ("Directive"). The Directive sets forth European Union ("EU") requirements for privacy and the protection of personal data. Among other things, it requires EU Member States to implement legislation that prohibits the transfer of personal data outside the EU, with exceptions, unless the European Commission ("EC") has determined that the recipient jurisdiction's laws ensure the data's protection. This determination is commonly referred to as meeting the EU's "adequacy" standard.
58. To satisfy the EU's adequacy standard for certain commercial transfers of personal data, the U.S. Department of Commerce ("Commerce") and the EC negotiated the U.S.-EU Safe Harbor Framework, which took effect in 2000. The Safe Harbor is a voluntary framework that allows U.S. companies to transfer personal data lawfully from the EU to the U.S. To join the Safe Harbor, a company must self-certify to Commerce that it complies with seven Safe Harbor privacy principles and related requirements that have been deemed to meet the EU's adequacy standard.
59. The Safe Harbor privacy principles, issued by Commerce on July 21, 2000, include the following:

NOTICE: An organization must inform individuals about the purposes for which it collects and uses information about them, how to contact the organization with any inquiries or complaints, the types of third parties to which it discloses the information, and the choices and means the organization offers individuals for

limiting its use and disclosure. This notice must be provided in clear and conspicuous language when individuals are first asked to provide personal information to the organization or as soon thereafter as is practicable, but in any event before the organization uses such information for a purpose other than that for which it was originally collected or processed by the transferring organization or discloses it for the first time to a third party.

CHOICE: An organization must offer individuals the opportunity to choose (opt out) whether their personal information is (a) to be disclosed to a third party or (b) to be used for a purpose that is incompatible with the purpose(s) for which it was originally collected or subsequently authorized by the individual. Individuals must be provided with clear and conspicuous, readily available, and affordable mechanisms to exercise choice.

60. From at least May 10, 2007, until the present, Facebook has maintained a current self-certification to Commerce and has appeared on the list of Safe Harbor companies on the Commerce website. Pursuant to its self-certification, Facebook has transferred data collected from its users in the EU to the United States for processing.
61. From approximately May 2007 until November 19, 2009, Facebook stated in its Privacy Policy that it “participate[s] in the EU Safe Harbor Privacy Framework as set forth by the United States Department of Commerce.” Similarly, from approximately November 19, 2009 until the present, Facebook has stated on the Commerce website that it “adheres to the US Safe Harbor Framework developed by the U.S. Department of Commerce and the European Union.”

Count 8

62. As described in **Paragraphs 60-61**, Facebook has represented, expressly or by implication, that it has complied with the US Safe Harbor Privacy Principles, including the principles of Notice and Choice.
63. In truth and in fact, as described in **Paragraphs 11-42 and 51-56**, in many instances, Facebook has not adhered to the US Safe Harbor Privacy Principles of Notice and Choice. Therefore, the representation set forth in **Paragraph 62** was, and is, false or misleading and constitutes a deceptive act or practice.
64. The acts and practices of Respondents as alleged in this complaint constitute unfair or deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this ___ day of _____, 2011, has issued this complaint against Respondents.

By the Commission.

Donald S. Clark
Secretary

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of thirty (30) days and information about it publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.
6. This agreement is for settlement purposes only and does not constitute an admission by proposed Respondents that the law has been violated as alleged in the draft complaint, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true.
7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed Respondents, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed Respondents' address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed Respondents waive any right they may have to any other means of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.
8. Proposed Respondents have read the draft complaint and consent order. Proposed Respondents understand that they may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, "Corporate Respondent" shall mean Facebook, its successors and assigns. "Individual Respondent" means Mark Zuckerberg. "Respondents" means the Corporate Respondent and Individual Respondent, individually, collectively, or in any combination.
2. "Covered entity" shall mean any business entity that Individual Respondent controls, directly or indirectly, which collects, handles, or stores personal information.
3. "Commerce" shall be defined as it is defined in Section 4 of the Federal Trade

Commission Act, 15 U.S.C. § 44.

4. “Platform developer” shall mean any entity other than Corporate Respondent that has developed, operated, or controlled a Platform application.
5. “Platform application” shall mean any software that may access information or functionality from Corporate Respondent through a set of tools and programming interfaces provided by Corporate Respondent, including, but not limited to, the Facebook Platform.
6. “Advertiser” shall mean any entity other than Corporate Respondent that submits an advertisement to Corporate Respondent for display on Corporate Respondent’s website or on a Platform application.
7. “Clear(ly) and prominent(ly)” shall mean:
 - A. in textual communications (*e.g.*, printed publications or words displayed on the screen of a computer or mobile device), the required disclosures are of a type, size, and location sufficiently noticeable for an ordinary consumer to read and comprehend them, in print that contrasts highly with the background on which they appear;
 - B. in communications disseminated orally or through audible means (*e.g.*, radio or streaming audio), the required disclosures are delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend them;
 - C. in communications disseminated through video means (*e.g.*, television or streaming video), the required disclosures are in writing in a form consistent with subpart (A) of this definition and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend them, and in the same language as the predominant language that is used in the communication; and
 - D. in all instances, the required disclosures: (1) are presented in an understandable language and syntax; and (2) include nothing contrary to, inconsistent with, or in mitigation of any other statements or disclosures provided by Respondent.
8. “Personal information” shall mean individually identifiable information from or about an individual consumer including, but not limited to: (a) a first or last name; (b) a home or other physical address, including street name and name of city or town; (c) an email address or other online contact information, such as an instant messaging user identifier or a screen name; (d) a mobile or other telephone number; (e) date of birth; (f) Internet Protocol (“IP”) address, user ID, device ID, or other persistent identifier; (g) geolocation information; or (h) any information combined with any of (a) through (g) above, including but not limited to, age, gender, list of friends, educational or employment information, religious or political views or affiliations, marital or other relationship status, information that is created, posted, or otherwise shared by a consumer on any of Respondents’ websites (*e.g.*, status updates, photos, videos, notes or messages), or

behavioral information, including information about a consumer's online browsing behavior.

9. "Privacy settings" shall include any control or setting provided by Respondents that allows a consumer to restrict access to or display of his or her personal information.
10. "Third party" shall mean any individual or entity other than: (1) Respondents; or (2) a service provider of Respondents that: (i) uses or receives personal information collected by or on behalf of Respondents for and at the direction of Respondents and no other individual or entity; (ii) does not disclose the personal information, or any individually identifiable information derived from such personal information, to any individual or entity other than Respondents; and (iii) does not use the personal information for any other purpose; or (3) any entity that uses personal information only as reasonably necessary: (i) to comply with applicable law, regulation, or legal process, (ii) to enforce Corporate Respondent's or any covered entity's terms of use, or (iii) to detect, prevent, or mitigate fraud or security vulnerabilities.

I.

IT IS ORDERED that Respondents, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, website, or other device, in connection with the offering of any product or service, in or affecting commerce, shall not misrepresent in any manner, expressly or by implication, the extent to which they maintain and protect the privacy, confidentiality, security, or integrity of personal information, including, but not limited to:

- A. the extent to which a consumer can control the privacy of any personal information;
- B. the extent to which they make or have made personal information accessible to third parties;
- C. the manner in which they use or have used personal information;
- D. the steps they take or have taken to verify the privacy and security protections that any third party provides;
- E. the extent to which they make or have made personal information accessible to any third party following deletion or termination of a consumer's account with Respondents or during such time as a consumer's account is deactivated or suspended; and
- F. the extent to which they are a member of, adhere to, comply with, are certified by, are endorsed by, or otherwise participate in any privacy, security, or any other compliance program sponsored by the government or any third party, including, but not limited to, the U.S.-EU Safe Harbor Framework.

II.

IT IS FURTHER ORDERED that Respondents, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, website, or other device, in connection with the offering of any product or service, in or affecting commerce, shall provide clear and prominent notice and obtain affirmative express consent from a consumer (1) before providing a Platform application that a consumer uses for the first time with access to that consumer's personal information, and (2) before providing such a Platform application with access to new types of personal information about that consumer. Such notice and consent shall:

- A. appear separate and apart from any "privacy policy," "data use policy," "statement of rights and responsibilities" page, or other similar document, and
- B. clearly and prominently disclose the specific types of personal information the application has the ability to access and the name of the application.

III.

IT IS FURTHER ORDERED that Respondents, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, website, or other device, in connection with the offering of any product or service, in or affecting commerce, prior to any new or additional sharing of personal information with any third party that is a change from the sharing practices disclosed to consumers at the time such information was collected or stored, shall:

- A. separate and apart from any "privacy policy," "data use policy," "statement of rights and responsibilities" page, or other similar document, clearly and prominently disclose: (1) that the consumer's personal information will be disclosed to one or more third parties, (2) the identity or specific categories of such third parties, and (3) how such sharing constitutes a change from prior sharing practices; and
- B. obtain affirmative express consent from the consumer to such sharing.

IV.

IT IS FURTHER ORDERED that Respondents, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, website, or other device, in connection with the offering of any product or service, in or affecting commerce, shall, no later than 60 days after the date of service of this order:

- A. implement procedures reasonably designed to ensure that: (1) personal information is deleted from servers under Respondents' control within a reasonable period of time not to exceed 30 days after a consumer has deleted such information or deleted or terminated his or her account, unless Respondents are otherwise required by law to retain the information; and (2) personal information cannot be accessed by any third party during such time as the consumer has

deactivated or suspended his or her account or during the time period set forth in part (1), above; and

- B. exercise reasonable oversight to prevent unauthorized access to personal information by or through any Platform developer.

V.

IT IS FURTHER ORDERED that Respondents shall, no later than the date of service of this order, establish and implement, and thereafter maintain, a comprehensive privacy program for Corporate Respondent and any covered entity that is reasonably designed to: (1) address privacy risks related to the development and management of new and existing products and services for consumers, and (2) protect the privacy and confidentiality of personal information. Such program, the content and implementation of which must be documented in writing, shall contain privacy controls and procedures appropriate to Corporate Respondent's or the covered entity's size and complexity, the nature and scope of Corporate Respondent's or the covered entity's activities, and the sensitivity of the personal information, including:

- A. the designation of an employee or employees to coordinate and be responsible for the privacy program.
- B. the identification of reasonably foreseeable, material risks, both internal and external, that could result in the unauthorized collection, use, or disclosure of personal information, and an assessment of the sufficiency of any safeguards in place to control these risks. At a minimum, this privacy risk assessment should include consideration of risks in each area of relevant operation, including, but not limited to: (1) employee training and management, including training on the requirements of this order, and (2) product design, development, and research.
- C. the design and implementation of reasonable privacy controls and procedures to address the risks identified through the privacy risk assessment, and regular testing or monitoring of the effectiveness of those privacy controls and procedures.
- D. the development and use of reasonable steps to select and retain service providers capable of appropriately protecting the privacy of personal information they receive from Corporate Respondent or the covered entity, and requiring service providers by contract to implement and maintain appropriate privacy protections.
- E. the evaluation and adjustment of Corporate Respondent's or the covered entity's privacy program in light of the results of the testing and monitoring required by subpart C, any material changes to Corporate Respondent's or the covered entity's operations or business arrangements, or any other circumstances that Corporate Respondent or the covered entity knows or has reason to know may have a material impact on the effectiveness of its privacy program.

VI.

IT IS FURTHER ORDERED that, in connection with their compliance with Part V of this order, Respondents shall obtain initial and biennial assessments and reports (“Assessments”) for Corporate Respondent and any covered entity from a qualified, objective, independent third-party professional, who uses procedures and standards generally accepted in the profession. A person qualified to prepare such Assessments shall have a minimum of three (3) years of experience in the field of privacy and data protection. All persons conducting such Assessments and preparing such reports shall be approved by the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, in his or her sole discretion. The reporting period for the Assessments shall cover: (1) the first one hundred and eighty (180) days after service of the order for the initial Assessment, and (2) each two (2) year period thereafter for twenty (20) years after service of the order for the biennial Assessments. Each Assessment shall:

- A. set forth the specific privacy controls that Corporate Respondent or the covered entity has implemented and maintained during the reporting period;
- B. explain how such privacy controls are appropriate to Corporate Respondent’s or the covered entity’s size and complexity, the nature and scope of Corporate Respondent’s or the covered entity’s activities, and the sensitivity of the personal information;
- C. explain how the privacy controls that have been implemented meet or exceed the protections required by Part V of this order; and
- D. certify that the privacy controls are operating with sufficient effectiveness to provide reasonable assurance to protect the privacy of personal information and that the controls have so operated throughout the reporting period.

Each Assessment shall be prepared and completed within sixty (60) days after the end of the reporting period to which the Assessment applies. Corporate Respondent and any covered entity shall provide the initial Assessment to the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, within ten (10) days after the Assessment has been prepared. All subsequent biennial Assessments shall be retained by Respondents until the order is terminated and provided to the Associate Director of Enforcement within ten (10) days of request.

VII.

IT IS FURTHER ORDERED that Respondents shall pay xxx to the Federal Trade Commission, as follows:

- A. prior to or concurrently with the execution of this order, Respondents shall transfer the amount specified in this Part to their undersigned counsel, who shall hold the sum in escrow for no purpose other than payment to the Commission.
- B. within five (5) days of entry of this order, counsel for Respondents shall transfer

the sum to the Commission by electronic funds transfer in accordance with instructions provided by a representative of the Commission.

- C. in the event of any default in payment, interest shall accrue, computed pursuant to 28 U.S.C. § 1961, from the date of default to the date of payment.
- D. all funds paid to or received by the Commission pursuant to this Part shall be deposited into a fund administered by the Commission or its agent. In the event that direct restitution to consumers is wholly or partially impracticable or funds remain after restitution is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies), as it determines to be reasonably related to Respondents' practices as alleged in the complaint. Any funds not used for such equitable relief will be deposited with the United States Treasury as disgorgement. Respondents shall have no right to challenge the Commission's choice of remedies under this Part. Respondents shall have no right to contest the manner of distribution chosen by the Commission.
- E. Respondents relinquish all dominion, control, and title to the funds paid to the fullest extent permitted by law. Respondents shall make no claim to or demand return of the funds, directly or indirectly, through counsel or otherwise.
- F. this order for equitable monetary relief is solely remedial in nature and is not a fine, penalty, punitive assessment, or forfeiture.

VIII.

IT IS FURTHER ORDERED that Respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying, a print or electronic copy of:

- A. for a period of five (5) years from the date of preparation or dissemination, whichever is later, all widely disseminated statements that describe the extent to which Corporate Respondent or any covered entity maintain and protect the privacy, security and confidentiality of any personal information, including, but not limited to, any statement related to a change in any website or service controlled by Corporate Respondent or the covered entity that relates to the privacy, security, and confidentiality of personal information, with all materials relied upon in making or disseminating such statements;
- B. for a period of five (5) years from the date received, all consumer complaints directed at Corporate Respondent or a covered entity, or forwarded to Corporate Respondent or a covered entity by a third party, that relate to the conduct prohibited by this order and any responses to such complaints;
- C. for a period of five (5) years from the date received, copies of all subpoenas and other communications with law enforcement entities or personnel, if such communications raise issues that relate to Corporate Respondent's or a covered

entity's compliance with the provisions of this order;

- D. for a period of five (5) years from the date received, any documents, whether prepared by or on behalf of Corporate Respondent or a covered entity that contradict, qualify, or call into question Corporate Respondent's or the covered entity's compliance with this order;
- E. for a period of five (5) years from the date of preparation or dissemination, whichever is later, each materially different document relating to Corporate Respondent's or a covered entity's attempt to obtain the affirmative express consent of consumers referred to in Parts II and III above, and copies of sample documents demonstrating such consent; and
- F. for a period of five (5) years after the date of preparation of each Assessment required under Part VI of this order, all materials relied upon to prepare the Assessment, whether prepared by or on behalf of Corporate Respondent or a covered entity including but not limited to all plans, reports, studies, reviews, audits, audit trails, policies, training materials, and assessments, for the compliance period covered by such Assessment.

IX.

IT IS FURTHER ORDERED that Respondents shall deliver copies of the order as directed below:

- A. Corporate Respondent must deliver a copy of this order to (1) all current and future principals, officers, directors, and managers, (2) all current and future employees, agents, and representatives having responsibilities relating to the subject matter of this order, and (3) any business entity resulting from any change in structure set forth in Part XI. Corporate Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities. For any business entity resulting from any change in structure set forth in Part XI, delivery shall be at least ten (10) days prior to the change in structure;
- B. Individual Respondent, for any covered entity, must deliver a copy of this order to (1) all principals, officers, directors, and managers of that business, (2) all current and future employees, agents, and representatives of that business having responsibilities relating to the subject matter of this order, and (3) any business entity resulting from any change in structure set forth in Part XI. Individual Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities. For any business entity resulting from any change in structure set forth in Part XI, delivery shall be at least ten (10) days prior to the change in structure;
- C. for any business that collects, maintains, or stores personal information from or

about consumers, where Individual Respondent is not a controlling person of the business, but he otherwise has responsibility, in whole or in part, for developing or overseeing the implementation of policies and procedures to protect the privacy, security, confidentiality, or integrity of personal information collected from or about consumers by the business, Individual Respondent must deliver a copy of this order to all principals and managers of such business before engaging in such conduct; and

- D. Respondents must secure a signed and dated statement acknowledging receipt of this order, within thirty (30) days of delivery, from all persons receiving a copy of the order pursuant to this Part.

X.

IT IS FURTHER ORDERED that Individual Respondent for a period of ten (10) years from the date of entry of this order, shall notify the Commission of the following:

- A. any changes in Individual Respondent's residence, mailing address, and or telephone numbers, within ten (10) days of such a change;
- B. any changes in Individual Respondent's business or employment status (including self-employment), and any changes in his ownership in any business entity, within ten (10) days of such a change. Such notice shall include the name and address of each business that Individual Respondent is affiliated with, employed by, created or forms, or performs services for; a detailed description of the nature of the business or employment; and a detailed description of the Individual Respondent's duties and responsibilities in connection with such business or employment; and
- C. any changes in Individual Respondent's name or use of any aliases or fictitious names, including "doing business as" names.

Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580, with the subject line *In the matter of Facebook, Inc. and Mark Zuckerberg*, FTC File No. []. Provided, however, that in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of any such notice is contemporaneously sent to the Commission at Debrief@ftc.gov.

XI.

IT IS FURTHER ORDERED that Respondents shall notify the Commission at least thirty (30) days prior to any change in Corporate Respondent or any covered entity that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in

either corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which Respondents learn less than thirty (30) days prior to the date such action is to take place, Respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580, with the subject line *In the matter of Facebook, Inc. and Mark Zuckerberg*, FTC File No.[]. Provided, however, that in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of any such notice is contemporaneously sent to the Commission at Debrief@ftc.gov.

XII.

IT IS FURTHER ORDERED that Respondents within sixty (60) days after the date of service of this order, shall each file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of their own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, they shall submit additional true and accurate written reports.

XIII.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. any Part of this order that terminates in fewer than twenty (20) years; and
- B. this order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that Respondent(s) did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that this order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Signed this _____ day of _____, 2011.

FACEBOOK, INC.

By: _____
[INSERT NAME]
Facebook, Inc.

By: _____
MARK ZUCKERBERG, individually and as
Chief Executive Officer, Facebook, Inc.

FEDERAL TRADE COMMISSION

LAURA D. BERGER
CORA TUNG HAN
MANAS MOHAPATRA
Counsel for the Federal Trade Commission

APPROVED:

MANEESHA MITHAL
Associate Director
Division of Privacy and Identity Protection

CHRISTOPHER N. OLSEN
Assistant Director
Division of Privacy and Identity Protection

DAVID C. VLADECK
Director
Bureau of Consumer Protection

From: Edward Palmieri
Sent: 14 Mar 2016 17:14:57 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman;Anne Hoge
Subject: Re: CONFIDENTIAL WhatsApp Update
Attachments: Confidential WA Key Updates draft for FTC.docx

CONFIDENTIAL

Dear Laura and Reenah:

Thank you, again, for making time for us to chat at 1:30 PM ET today. I wanted to share the attached "Key Updates" document for the call - we have been re-working it to address a few things, specifically including your feedback. We thought it would be helpful to send it over now and we can talk you through it on the call. Please feel free to read all of the bullets, but the key bullets to focus on w/r/t the points raised in your letter are the 2nd bullet and the last bullet.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal | ep@fb.com

From: (b)(6)
When: 1:30 PM - 2:00 PM March 14, 2016
Subject: CONFIDENTIAL WhatsApp Update
Location: BJN Info Below

To join via Phone:

- 1) Dial (b)(4); (US or Canada only - see all numbers)
- 2) Enter Conference ID (b)(4);

OneTouch Dialing: (b)(4); (b)(3):6(f); (b)(6)

From: Kim, Reenah
Sent: 17 Mar 2016 20:38:22 +0000
To: Edward Palmieri; Rob Sherman
Cc: Berger, Laura
Subject: RE: CONFIDENTIAL WhatsApp Update
Attachments: 2016-03-17 Ltr to FB re WhatsApp update.pdf

Ed and Rob:

Please see enclosed.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Monday, March 14, 2016 1:15 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Anne Hoge
Subject: Re: CONFIDENTIAL WhatsApp Update

CONFIDENTIAL

Dear Laura and Reenah:

Thank you, again, for making time for us to chat at 1:30 PM ET today. I wanted to share the attached "Key Updates" document for the call - we have been re-working it to address a few things, specifically including your feedback. We thought it would be helpful to send it over now and we can talk you through it on the call. Please feel free to read all of the bullets, but the key bullets to focus on w/r/t the points raised in your letter are the 2nd bullet and the last bullet.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: (b)(6)
When: 1:30 PM - 2:00 PM March 14, 2016

Subject: CONFIDENTIAL WhatsApp Update

Location: BJJ Info Below

To join via Phone:

1) Dial (b)(4): [redacted] (US or Canada only - see all numbers)

2) Enter Conference ID: (b)(4); [redacted]

OneTouch Dialing: (b)(4); (b)(3):6(f); (b)(6) [redacted]



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue NW
WASHINGTON, D.C. 20580

Reenah L. Kim
Bureau of Consumer Protection
Division of Enforcement, Mailstop CC-9528
Direct Dial: (202) 326-2272

March 17, 2016

via U.S. and electronic mail (b)(6)

Edward Palmieri
Robert Sherman
Facebook Legal
1155 F Street NW, Suite 475
Washington, DC 20004

Re: *In the Matter of Facebook, Inc., Docket No. C-4365*

Dear Messrs. Palmieri and Sherman:

Thank you for your March 14, 2016 update regarding the planned changes to WhatsApp's Privacy Policy and Terms of Service. We write to follow up regarding the issue discussed in our February 29, 2016 letter.

(b)(4); (b)(3):6(f)

If you have questions or wish to discuss further, please do not hesitate to contact me at (202) 326-2272.

Sincerely,

A handwritten signature in black ink, appearing to be "Reenah L. Kim", written in a cursive style.

Reenah L. Kim

From: Christian Dowell
Sent: 17 Mar 2018 01:32:58 +0000
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Priyanka Rajagopalan; Tina Hwang; Jack Yang
Subject: Re: Meeting in March
Attachments: WhatsApp Terms of Service Draft Delta.pdf, WhatsApp Privacy Policy Draft Delta.pdf

Reenah and Laura,

I'm attaching two documents in advance of our meeting on Tuesday: redlines showing the difference between our current terms and privacy policy, and the working drafts of each updated version. I look forward to meeting you both.

Best regards,

christian dowell | associate general counsel, privacy and regulatory | whatsapp (b)(6)

NOTICE: This email (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. Unless you are the intended recipient, you may not use, copy, or retransmit the email or its contents.

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Wednesday, March 14, 2018 at 9:01 AM
To: Jack Yang (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6) Priyanka Rajagopalan (b)(6) Tina Hwang (b)(6) Christian Dowell (b)(6)
Subject: RE: Meeting in March

Thanks Jack. Kristin and/or Peder will plan to join the first bit of our meeting next Tuesday.

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Tuesday, March 13, 2018 4:57 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Priyanka Rajagopalan; Tina Hwang; Christian Dowell
Subject: Re: Meeting in March

Reenah and Laura:

I just wanted to confirm with you that we'll be able to meet with you Tuesday, March 20 from 1-2PM EST. Unfortunately, I will not be able to attend the meeting, but Rob and Priyanka will attend in addition to Tina Hwang and Christian Dowell, who cover WhatsApp on the Facebook legal team. We are still working on the documents and will send you drafts for your consideration toward the end of this week. Please note that the documents are still undergoing internal review and are subject to change.

While the primary focus of our meeting will be focused on WhatsApp, we were wondering if Peder Magee or Kristin Cohen might be able to attend for the first 15 minutes of our meeting, as we would like to follow up with them on some feedback we've recently received through CARU.

Thank you in advance.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>

Date: Wednesday, March 7, 2018 at 4:58 AM

To: Jack Yang (b)(6) "Berger, Laura" <LBERGER@ftc.gov>

Cc: Rob Sherman (b)(6) Priyanka Rajagopalan (b)(6)

Subject: RE: Meeting in March

We're available from noon-1 ET or 1-2 ET on Tuesday, Mar 20. If that doesn't work, we'll check on availability for Thursday March 22.

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Tuesday, March 06, 2018 8:02 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Priyanka Rajagopalan
Subject: Meeting in March

Reenah & Laura:

Hope this e-mail finds you well. We were wondering whether you might be available to meet on March 20th-23rd, with our preference being for March 20th-21st. Our primary topic would be to discuss coming changes to the WhatsApp data policy.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: Tina Hwang
Sent: 20 Mar 2018 17:24:35 +0000
To: Rob Sherman;Christian Dowell;Kim, Reenah;Berger, Laura
Cc: Priyanka Rajagopalan;Jack Yang
Subject: Re: Meeting in March
Attachments: Privileged & Confidential WA Engagement Flow.pdf

Attaching a digital copy of engagement flow.

From: Rob Sherman (b)(6)
Date: Tuesday, March 20, 2018 at 11:57 AM
To: Christian Dowell (b)(6) "Kim, Reenah" <rkim1@ftc.gov>, "Berger, Laura" <lberger@ftc.gov>
Cc: Priyanka Rajagopalan (b)(6) Tina Hwang (b)(6)
Jack Yang (b)(6)
Subject: Re: Meeting in March

Reenah and Laura,

Ahead of our conversation today we wanted to provide a copy of the deck that we're planning to walk through. We're looking forward to speaking with you at 1:00.

Best,

Rob

From: Christian Dowell (b)(6)
Sent: Friday, March 16, 2018 9:33 PM
Subject: Re: Meeting in March
To: Kim, Reenah <rkim1@ftc.gov>, Berger, Laura <lberger@ftc.gov>
Cc: Rob Sherman (b)(6) Priyanka Rajagopalan (b)(6), Tina Hwang (b)(6) Jack Yang (b)(6)

Reenah and Laura,

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Best regards,

christian dowell | associate general counsel, privacy and regulatory | whatsapp (b)(6)

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Date: Wednesday, March 14, 2018 at 9:01 AM
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Subject: RE: Meeting in March

Thanks Jack. Kristin and/or Peder will plan to join the first bit of our meeting next Tuesday.

-Reenah

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Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

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Sent: Tuesday, March 13, 2018 4:57 PM
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Cc: Rob Sherman; Priyanka Rajagopalan; Tina Hwang; Christian Dowell
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Thank you in advance.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

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Cc: Rob Sherman <(b)(6)> Priyanka Rajagopalan <(b)(6)>
Subject: RE: Meeting in March

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-Reenah

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t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [[\(b\)\(6\)](mailto:(b)(6))]
Sent: Tuesday, March 06, 2018 8:02 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Priyanka Rajagopalan
Subject: Meeting in March

Reenah & Laura:

Hope this e-mail finds you well. We were wondering whether you might be available to meet on March 20th-23rd, with our preference being for March 20th-

21st. Our primary topic would be to discuss coming changes to the WhatsApp data policy.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: Rob Sherman
Sent: 20 Mar 2018 15:57:23 +0000
To: Christian Dowell;Kim, Reenah;Berger, Laura
Cc: Priyanka Rajagopalan;Tina Hwang;Jack Yang
Subject: Re: Meeting in March
Attachments: Facebook Update 3-20-18 Confidential.2.pdf

Reenah and Laura,

Ahead of our conversation today we wanted to provide a copy of the deck that we're planning to walk through. We're looking forward to speaking with you at 1:00.

Best,

Rob

From: Christian Dowell (b)(6)
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Subject: Re: Meeting in March
To: Kim, Reenah <rkim1@ftc.gov>, Berger, Laura <lberger@ftc.gov>
Cc: Rob Sherman (b)(6), Priyanka Rajagopalan
(b)(6), Tina Hwang (b)(6), Jack Yang
(b)(6)

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christian dowell | associate general counsel, privacy and regulatory | whatsapp (b)(6)

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(b)(6)
Subject: RE: Meeting in March

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Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Wednesday, March 7, 2018 at 4:58 AM
To: Jack Yang (b)(6), "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman <(b)(6)> Priyanka Rajagopalan
(b)(6)
Subject: RE: Meeting in March

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-Reenah

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From: Jack Yang [[\(b\)\(6\)](mailto:(b)(6))]
Sent: Tuesday, March 06, 2018 8:02 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Priyanka Rajagopalan
Subject: Meeting in March

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Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: Edward Palmieri
Sent: 21 Mar 2016 18:38:25 +0000
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Re: Confidential Facebook Update
Attachments: 20160321 FTC Briefing Deck - Final.pdf

CONFIDENTIAL

Laura and Reenah:

Thank you again for taking time to meet with us today to talk about WhatsApp and Facebook. Please see attached – the presentation we'll walk through at 3 PM ET. We are leaving our offices now.

Thank you,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: (b)(6)
When: 3:00 PM - 4:00 PM March 21, 2016
Subject: Confidential Facebook Update
Location: FTC, 400 7th Street, SW

From: Rachel Pelham
Sent: 25 Mar 2015 18:08:59 +0000
To: Kim, Reenah;Koss, Laura;Berger, Laura
Cc: Edward Palmieri;Rob Sherman;Matt Scutari
Subject: March 2015 Facebook Discussion
Attachments: FTC Briefing Deck 3 25 15.pdf

Hi Laura,

Please find attached a copy of the confidential deck for today's briefing. Let me know if you have any trouble with the file.

Thank you,
-Rachel

rachel pelham
privacy & public policy
facebook | washington, dc

From: Edward Palmieri
Sent: 28 Mar 2016 14:22:04 +0000
To: Kim, Reenah; Rob Sherman
Cc: Berger, Laura
Subject: Re: Account Kit updates

Thank you, Reenah. I'll connect with Rob and we'll get back to you and aim for time this week. More soon.

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Monday, March 28, 2016 at 10:20 AM
To: Edward Palmieri (b)(6) Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: Account Kit updates

Ed and Rob:

Thanks for your recent update. We're still in the process of considering the information you shared, but think it would be helpful to set a call with you to follow up on some questions we have concerning the app developers account kit feature (slides 5-8 from your presentation last week). Would you have any time on Wednesday or Thursday of this week? We could also try for next week as well. Once you've had a chance to consult your schedule, just let us know what dates and times work best for you.

Thanks.
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: 30 Mar 2017 16:56:34 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: CONFIDENTIAL - Facebook Update
Attachments: 2017-03 Facebook FTC Deck.pdf

CONFIDENTIAL

Reenah and Laura:

In advance of our meeting today at 2 PM ET, I am sending a PDF of the slides we will discuss. The PDF file size is large, so please confirm receipt at your convenience.

Thank you!

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook
Legal (b)(6)

From: Edward Palmieri
Sent: 3 Apr 2017 01:56:09 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: CONFIDENTIAL - Workplace Standard Privacy Policy
Attachments: CONFIDENTIAL Workplace Standard Privacy Policy 03312017.pdf

CONFIDENTIAL

Dear Laura and Reenah,

Thank you, again, for making time for us last week. As discussed, I have attached to this email the latest draft (likely final) of the Workplace Standard Privacy Policy. As you will note, the policy aims to make key information easily available to and understandable for users.

We are trying to verify/confirm the exact launch data for Workplace Standard. It may be as early as Wednesday or Thursday of this week. We welcome any reactions and feedback and are happy to discuss, at your convenience.

Thank you,
Edward

edward palmieri | director and associate general counsel, privacy | facebook legal (b)(6)

From: Beringer, Ashlie
Sent: 5 Apr 2011 06:49:30 +0000
To: Berger, Laura
Cc: Han, Cora Tung; Mohapatra, Manas; Royall, M. Sean; Mellon, Scott Howard; Li, Daniel Y.
Subject: Revised draft consent order -- correct version
Attachments: 4-4-2011 FB Draft Order - Redline.pdf, 4-4-2011 FB Draft Order - Clean.pdf, 4-4-11 - Ltr to L Berger.pdf

Laura -

Attached is the revised language we discussed (clean and redline), together with related correspondence. Again, we request that you and your team delete without reviewing the materials that I sent earlier, which were early versions that were not authorized and mistakenly generated by our word processing department.

We look forward to discussing this with you later this week after you have had an opportunity to review these materials.

Best regards,
Ashlie

Ashlie Beringer

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
1881 Page Mill Road, Palo Alto, CA 94304-1211
Tel +1 650.849.5219 • Fax +1 650.849.5019
ABeringer@gibsondunn.com • www.gibsondunn.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

CONFIDENTIAL SETTLEMENT COMMUNICATION

S. Ashlie Beringer
Direct: 650.849.5219
Fax: 650.849.5019
ABeringer@gibsondunn.com

Client: C 30993-00008

April 4, 2011

Via Electronic Mail

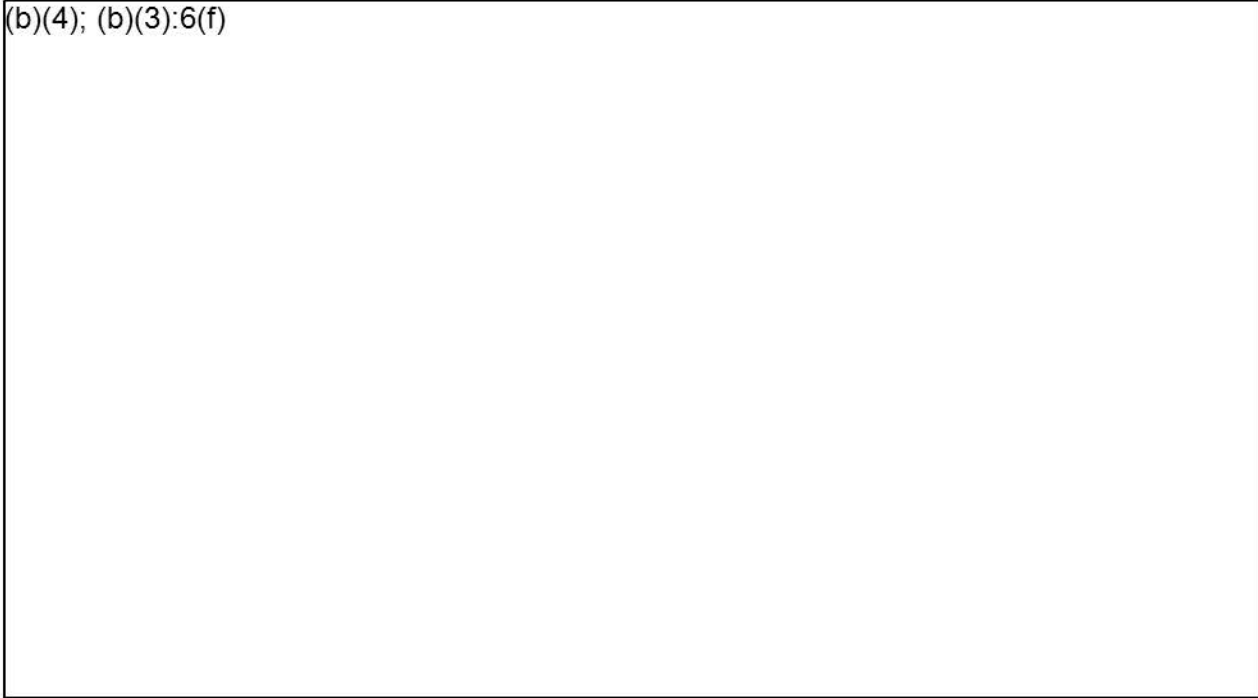
Laura D. Berger, Esq.
Federal Trade Commission
601 New Jersey Avenue, NW
Mail Stop NJ-8122
Washington, DC 20001

Re: Draft Consent Agreement Received March 10, 2011

Dear Laura:

As we have discussed, we are enclosing various revisions to the draft consent agreement received March 10, 2011, which we hope will assist in advancing our discussions concerning the potential for a negotiated resolution in this matter.

(b)(4); (b)(3):6(f)



With that background in mind, Facebook has worked diligently to develop language to enable the parties to find common ground on the proposed consent order. As is clear from

GIBSON DUNN

Laura D. Berger, Esq.
April 4, 2011
Page 6

(b)(4); (b)(3):6(f)

We look forward to continuing our discussions and working diligently to explore a potential agreement around the revised concepts reflected in the attached draft.

Very truly yours,

A handwritten signature in cursive script that reads "S. Ashlie Berenger". The signature is written in black ink and includes a small flourish at the end.

S. Ashlie Berenger

SAB/ln
Enclosure

(b)(4); (b)(3):6(f)

From: Kim, Reenah
Sent: 6 Apr 2016 21:34:09 +0000
To: Edward Palmieri (b)(6) Rob Sherman
Cc: Berger, Laura
Subject: RE: Account Kit updates

Ed and Rob:

Thank you for your response. We'll continue working through the issues on our end, but in the meantime, we have a few questions regarding the information you just sent.

(1) Data storage. To clarify – Even though the email or phone number provided for verification purposes is

(b)(4); (b)(3):6(f)

(2) Account management. Which API interface will allow users to delete their Account Kit data? Can they delete this data separate from deleting their entire app account with the third party? We understand your team is still in the process of building the dashboard for Account Kit users, so you may not have the answers to these particular questions at the moment, but would like to note them for your consideration going forward.

(3) Data received from unconfirmed users. We understand from your response that you plan to delete data received from individuals who do not confirm (whether by backing out of the registration flow or failing to enter a confirmation code). As you finalize how and when this will be accomplished, we'd appreciate your sharing the information with us. Additionally, you stated that the Account Kit team is working to establish a process by which phone numbers and email addresses received from unconfirmed users will be deleted "within a reasonable timeframe." Once the team has determined what this "reasonable timeframe" for deletion will be, please let us know.

As for another follow-up call – would you be available this Monday (April 11)? When you have a moment, please let us know.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Wednesday, April 06, 2016 1:03 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Re: Account Kit updates

CONFIDENTIAL

Dear Reenah and Laura:

Thank you for taking the time to meet with to discuss some of our upcoming launches, including Account Kit.

We wanted to followup on a few of the points you raised during the follow-up discussion we had last week regarding Account Kit, the new Facebook integration that allows third-party apps to use the Facebook integration to facilitate new user registration and user log-in using the user's telephone number or email address.

[1] Data storage.

(b)(4); (b)(3):6(f)
One of the advantages of Account Kit is that users do not have to have a Facebook account to use the service. For users that do have Facebook accounts and have linked the same email or phone number that they provided to Account Kit with their Facebook account, we offer the option for them to receive the Account Kit login verification code via a Facebook notification. This is an optional feature for users of both services and is not required.

[2] Account management. For users that complete the registration flow, the developer can request Facebook delete it at anytime via the API—in fact we ask developers to notify us via the API if a user deletes his account or requests it be deleted.

(b)(4); (b)(3):6(f)

[3] Account Kit Tokens.

(b)(4); (b)(3):6(f)

Finally, we also wanted to let you know that we shared your feedback about handling of data received from **unconfirmed users**, such as people that back out after seeing the 2nd screen of the registration flow or do not enter a confirmation code for whatever reason. The Account Kit team has agreed to establish a policy of deleting this data in order to address the concern you raised. We are still working through some of the details — they have been talking about this internally for a little while, so your feedback was timely — for example, some limited retention will be necessary for things like troubleshooting purposes and to detect attacks (such as if a person repeatedly generates authentication codes to the same phone number). The

team is working to address these use cases and to delete phone numbers or email address that we receive from unconfirmed users within a reasonable timeframe.

We hope this follow-up information is helpful and we look forward to any additional feedback that you would like to provide. At your convenience, please let us know if you would like to have a follow-up call – perhaps after your meeting with Jessica Rich? And, of course, if you have any questions in preparation for that meeting, please just let us know.

Again, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Wednesday, April 6, 2016 at 9:35 AM
To: Edward Palmieri (b)(6); Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Account Kit updates

Ed and Rob:

Thanks for making the time last week to answer some of our questions about Account Kit. We're continuing to confer internally regarding our concerns and will be briefing our Bureau Director (Jessica Rich) this Friday. In the meantime, as we said during our call last week, to the extent you have any updates or other information relating to the issues we raised, please keep us apprised of any such developments sooner, so that we may consider this information as part of our process.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Kim, Reenah
Sent: Monday, March 28, 2016 10:20 AM
To: Edward Palmieri (b)(6); Rob Sherman

Cc: Berger, Laura

Subject: Account Kit updates

Ed and Rob:

Thanks for your recent update. We're still in the process of considering the information you shared, but think it would be helpful to set a call with you to follow up on some questions we have concerning the app developers account kit feature (slides 5-8 from your presentation last week). Would you have any time on Wednesday or Thursday of this week? We could also try for next week as well. Once you've had a chance to consult your schedule, just let us know what dates and times work best for you.

Thanks.

-Reenah

Reenah L. Kim

Federal Trade Commission

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t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: 7 Apr 2016 18:18:08 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Re: Account Kit updates

CONFIDENTIAL

Reenah:

Thank you for your reply. We would be happy to host a call on Monday, April 11th. What times work for you both? I can send out an invite with a call-in number. And, if there is any feedback that you feel appropriate to share before Monday (even with our planned call, where we can go into more detail), we would welcome it.

To address your 3 questions below, I have added our replies in-line/below. Please let me know if you have any additional questions.

Thank you, again, for your time with this matter. We look forward to speaking with you both on Monday.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Wednesday, April 6, 2016 at 5:34 PM
To: Edward Palmieri (b)(6), Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Account Kit updates

Ed and Rob:

Thank you for your response. We'll continue working through the issues on our end, but in the meantime, we have a few questions regarding the information you just sent.

(1) Data storage.

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(2) Account management. Which API interface will allow users to delete their Account Kit data? Can they delete this data separate from deleting their entire app account with the third party? We understand your team is still in the process of building the dashboard for Account Kit users, so you may not have the answers to these particular questions at the moment, but would like to note them for your consideration going forward. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

To provide people with additional control, we are also implementing a Facebook-provided dashboard, which we mentioned earlier. The basic idea is that an Account Kit user (regardless of whether she is a FB user or not) would be able to authenticate and log into an Account Kit dashboard that would allow her to change her contact information for the apps she is using via Account Kit. FB users who use this Account Kit dashboard to delete or alter their Account Kit registration information would not need to delete their Facebook accounts.]

(3) Data received from unconfirmed users. We understand from your response that you plan to delete data received from individuals who do not confirm (whether by backing out of the registration flow or failing to enter a confirmation code). As you finalize how and when this will be accomplished, we'd appreciate your sharing the information with us. Additionally, you stated that the Account Kit team is working to establish a process by which phone numbers and email addresses received from unconfirmed users will be deleted "within a reasonable timeframe." Once the team has determined what this "reasonable timeframe" for deletion will be, please let us know. **[FB: We are happy to update you as we finalize the plan regarding data deletion. We wanted to let you know now (immediately) that we have internalized your helpful feedback and are working now to work through the details (knowing that there will be some limited retention period to support things like analytics and troubleshooting).]**

As for another follow-up call – would you be available this Monday (April 11)? When you have a moment, please let us know. **[FB: Yes, absolutely. Please let me know what time works for you both and I'll send an invite with a call-in number.]**

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Wednesday, April 06, 2016 1:03 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Re: Account Kit updates

CONFIDENTIAL

Dear Reenah and Laura:

Thank you for taking the time to meet with to discuss some of our upcoming launches, including Account Kit.

We wanted to followup on a few of the points you raised during the follow-up discussion we had last week regarding Account Kit, the new Facebook integration that allows third-party apps to use the Facebook integration to facilitate new user registration and user log-in using the user's telephone number or email address.

[1] Data storage.

(b)(4); (b)(3):6(f)
One of the advantages of Account Kit is that users do not have to have a Facebook account to use the service. For users that do have Facebook accounts and have linked the same email or phone number that they provided to Account Kit with their Facebook account, we offer the option for them to receive the Account Kit login verification code via a Facebook notification. This is an optional feature for users of both services and is not required.

[2] Account management. For users that complete the registration flow, the developer can request Facebook delete it at anytime via the API—in fact we ask developers to notify us via the API if a user deletes his account or requests it be deleted.

(b)(4); (b)(3):6(f)

[3] Account Kit Tokens.

(b)(4); (b)(3):6(f)

Finally, we also wanted to let you know that we shared your feedback about handling of data received from **unconfirmed users**, such as people that back out after seeing the 2nd screen of the registration flow or do not enter a confirmation code for whatever reason. The Account Kit team has agreed to establish a policy of deleting this data in order to address the concern you raised. We are still working through some of the details — they have been talking about this internally for a little while, so your feedback was timely — for example, some limited retention will be necessary for things like troubleshooting purposes and to detect attacks (such as if a person repeatedly generates authentication codes to the same phone number). The team is working to address these use cases and to delete phone numbers or email address that we receive from unconfirmed users within a reasonable timeframe.

We hope this follow-up information is helpful and we look forward to any additional feedback that you would like to provide. At your convenience, please let us know if you would like to have a follow-up call – perhaps after your meeting with Jessica Rich? And, of course, if you have any questions in preparation for that meeting, please just let us know.

Again, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Wednesday, April 6, 2016 at 9:35 AM
To: Edward Palmieri (b)(6) Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Account Kit updates

Ed and Rob:

Thanks for making the time last week to answer some of our questions about Account Kit. We're continuing to confer internally regarding our concerns and will be briefing our Bureau Director (Jessica Rich) this Friday. In the meantime, as we said during our call last week, to the extent you have any updates or other information relating to the issues we raised, please keep us apprised of any such developments sooner, so that we may consider this information as part of our process.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580

t:202.326.2272| f:202.326.3197 | rkim1@ftc.gov

From: Kim, Reenah
Sent: Monday, March 28, 2016 10:20 AM
To: Edward Palmieri (b)(6) Rob Sherman
Cc: Berger, Laura
Subject: Account Kit updates

Ed and Rob:

Thanks for your recent update. We're still in the process of considering the information you shared, but think it would be helpful to set a call with you to follow up on some questions we have concerning the app developers account kit feature (slides 5-8 from your presentation last week). Would you have any time on Wednesday or Thursday of this week? We could also try for next week as well. Once you've had a chance to consult your schedule, just let us know what dates and times work best for you.

Thanks.
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272| f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: 11 Apr 2017 21:23:27 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Re: Account Kit
Attachments: AK Black Tint Max.png, AK Black Tint Min.png, AK Default no image.png, AK White Tint max.png, AK White Tint min.png

CONFIDENTIAL

Dear Reenah:

Thank you for your follow-up email regarding Account Kit.

We have checked in regarding Account Kit at our f8 conference, including about the rules in place regarding a developer's customization options for Account Kit. Account kit will include a system that will

(b)(4); (b)(3):6(f)

Please let us know if you have any other questions about Account Kit – we are happy to host a call or set up a meeting. Additionally, if you have any feedback on the *Workplace Standard Privacy Policy* (send via a separate email thread), please let us know.

Thank you,
Edward

edward palmieri | director and associate general counsel, privacy | facebook legal (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Tuesday, April 4, 2017 at 3:24 PM
To: Edward Palmieri (b)(6) Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: Account Kit

Following up on our discussion last week about the changes to Account Kit that would enable developers to customize the background -- were you able to get clarification on what limits there

would be regarding font size, saturation, and any other factor that might impact the readability and prominence of the disclosures?

-Reenah

Reenah L. Kim

Federal Trade Commission

Bureau of Consumer Protection | Division of Enforcement

600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580

t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Kim, Reenah
Sent: 12 Apr 2016 21:09:05 +0000
To: Edward Palmieri; Berger, Laura
Cc: Rob Sherman; Shane Witnov
Subject: RE: Confidential Facebook Update
Attachments: 2016-04-12 Ltr to FB re Account Kit.pdf

Please see enclosed letter

Thank you.
Regards,
-Reenah

From: Edward Palmieri
Sent: Tuesday, April 12, 2016 2:36 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Shane Witnov
Subject: Confidential Facebook Update

CONFIDENTIAL

Dear Laura and Reenah:

Thank you, again, for your time and feedback yesterday. We have alerted our internal teams and are discussing your feedback.

We were able to confirm that Account Kit will be available to developers this week. In terms of actual

(b)(4); (b)(3):6(f)

Also - and very relevant to our discussions - I wanted to share with you the very latest mocks of the 2 steps/screens for Account Kit (see attached)

(b)(4); (b)(3):6(f)

All of these updates are in addition to the new user-facing tool that we are launching soon (we still do not have mocks to share) that will allow Account Kit users to log in and manage their Account Kit accounts (including deleting them – including their related phone number or email address). We are still evaluating your feedback, but wanted to share the very latest improvements in advance of our next discussion as we hope these developments aid in your review of the new Account Kit product.

Finally, in terms of a follow-up call, we are still aiming to get back to you before the end of this week. As a placeholder, do you both have availability for this Friday? Of course, please let us know if you'd like to discuss anything sooner – we will make ourselves available.

Best,

Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Edward Palmieri
Sent: 12 Apr 2016 20:02:16 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman;Shane Witnov
Subject: Re: Confidential Facebook Update
Attachments: Screen 1.pdf, Screen 2.pdf

CONFIDENTIAL

Hello again. I looked at my sent folder and my original email and the second one both have the screenshots attached. I am wondering if perhaps it might be a problem with the file type (.JPG). So, I converted the files to PDF (.PDF) and have attached them here – I am hoping they arrive for you. At your convenience, please let me know.

From: Edward Palmieri (b)(6)
Date: Tuesday, April 12, 2016 at 3:24 PM
To: "Kim, Reenah" <rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6) Shane Witnov (b)(6)
Subject: Re: Confidential Facebook Update

CONFIDENTIAL

So sorry about that – please see attached (should be 2 files: graphics showing the updated mocks from a mobile device). Please let me know if it doesn't come through!

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Tuesday, April 12, 2016 at 3:07 PM
To: Edward Palmieri (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6) Shane Witnov (b)(6)
Subject: Re: Confidential Facebook Update

Ed:

It appears your email attached only mocks for the FAQs. Did you intend to include something showing revised mocks for the user consent flow interface?

-Reenah

On: 12 April 2016 14:36, "Edward Palmieri" (b)(6) wrote:

CONFIDENTIAL

Dear Laura and Reenah:

Thank you, again, for your time and feedback yesterday. We have alerted our internal teams and are discussing your feedback.

We were able to confirm that Account Kit will be available to developers this week. In terms of

(b)(4); (b)(3):6(f)

Also - and very relevant to our discussions - I wanted to share with you the very latest mocks of the 2 steps/screens for Account Kit (see attached)

(b)(4); (b)(3):6(f)

All of these updates are in addition to the new user-facing tool that we are launching soon (we still do not have mocks to share) that will allow Account Kit users to log in and manage their Account Kit accounts (including deleting them – including their related phone number or email address). We are still evaluating your feedback, but wanted to share the very latest improvements in advance of our next discussion as we hope these developments aid in your review of the new Account Kit product.

Finally, in terms of a follow-up call, we are still aiming to get back to you before the end of this week. As a placeholder, do you both have availability for this Friday? Of course, please let us know if you'd like to discuss anything sooner – we will make ourselves available.

Best,

Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Edward Palmieri
Sent: 12 Apr 2016 19:24:37 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman;Shane Witnov
Subject: Re: Confidential Facebook Update
Attachments: Screen 1.jpg, Screen 2.jpg

CONFIDENTIAL

So sorry about that – please see attached (should be 2 files: graphics showing the updated mocks from a mobile device). Please let me know if it doesn't come through!

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Tuesday, April 12, 2016 at 3:07 PM
To: Edward Palmieri (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6) Shane Witnov (b)(6)
Subject: Re: Confidential Facebook Update

Ed:

It appears your email attached only mocks for the FAQs. Did you intend to include something showing revised mocks for the user consent flow interface?

-Reenah

On: 12 April 2016 14:36, "Edward Palmieri" (b)(6) wrote:

CONFIDENTIAL

Dear Laura and Reenah:

Thank you, again, for your time and feedback yesterday. We have alerted our internal teams and are discussing your feedback.

We were able to confirm that Account Kit will be available to developers this week. In terms of

(b)(4); (b)(3):6(f)

agrees that (because of necessary integration work, etc.) we don't expect mass installations this week.

Also - and very relevant to our discussions - I wanted to share with you the very latest mocks of the 2 steps/screens for Account Kit (see attached)

(b)(4); (b)(3):6(f)

All of these updates are in addition to the new user-facing tool that we are launching soon (we still do not have mocks to share) that will allow Account Kit users to log in and manage their Account Kit accounts (including deleting them – including their related phone number or email address). We are still evaluating your feedback, but wanted to share the very latest improvements in advance of our next discussion as we hope these developments aid in your review of the new Account Kit product.

Finally, in terms of a follow-up call, we are still aiming to get back to you before the end of this week. As a placeholder, do you both have availability for this Friday? Of course, please let us know if you'd like to discuss anything sooner – we will make ourselves available.

Best,

Edward

From: Edward Palmieri
Sent: 12 Apr 2016 18:36:05 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman;Shane Witnov
Subject: Confidential Facebook Update
Attachments: Account Kit FAQs.pdf, Screen 1.jpg, Screen 2.jpg

CONFIDENTIAL

Dear Laura and Reenah:

Thank you, again, for your time and feedback yesterday. We have alerted our internal teams and are discussing your feedback.

We were able to confirm that Account Kit will be available to developers this week. In terms of

(b)(4); (b)(3):6(f)

Also - and very relevant to our discussions - I wanted to share with you the very latest mocks of the 2 steps/screens for Account Kit (see attached)

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All of these updates are in addition to the new user-facing tool that we are launching soon (we still do not have mocks to share) that will allow Account Kit users to log in and manage their Account Kit accounts (including deleting them – including their related phone number or email address). We are still evaluating your feedback, but wanted to share the very latest improvements in advance of our next discussion as we hope these developments aid in your review of the new Account Kit product.

Finally, in terms of a follow-up call, we are still aiming to get back to you before the end of this week. As a placeholder, do you both have availability for this Friday? Of course, please let us know if you'd like to discuss anything sooner – we will make ourselves available.

Best,

Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue NW
WASHINGTON, D.C. 20580

Reenah L. Kim
Bureau of Consumer Protection
Division of Enforcement, Mailstop CC-9528

April 12, 2016

via U.S. and electronic mail (b)(6)

Edward Palmieri
Robert Sherman
Facebook Legal
1155 F Street NW, Suite 475
Washington, DC 20004

Re: *In the Matter of Facebook, Inc., Docket No. C-4365*

Dear Messrs. Palmieri and Sherman:

We write regarding Facebook's soon-to-be announced Account Kit product,

(b)(4); (b)(3):6(f)

Specifically, although the Account Kit interface links to Facebook's Terms and Data Use Policy, such links to lengthy and general documents are insufficient to disclose an unexpected use of personal information, such as the use of authentication data for advertising.¹ Adding a "Learn More" hyperlink is likewise insufficient. Furthermore, making the disclosures after consumers have provided their telephone number or email address likely creates deception.

From our recent discussions with you, we understand that, following your introduction of Account Kit at tomorrow's F8 developer conference, you will make it available to app developers. You stated that, (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

¹ See, e.g., .com Disclosures: How to Make Effective Disclosures in Digital Advertising (March 2013), available at <https://www.ftc.gov/system/files/documents/plain-language/bus41-dot-com-disclosures-information-about-online-advertising.pdf>.

April 12, 2016
page 2

We understand from our most recent teleconference that you are continuing to consider further possible changes to Account Kit. Please let us know promptly what you decide. Thank you.

Sincerely,
/s/
Reenah L. Kim

From: Edward Palmieri
Sent: 13 Apr 2016 21:12:29 +0000
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Shane Witnov
Subject: Re: Confidential Facebook Update

Reenah:

Thank you for your reply and for the letter. We are reviewing internally with the team and also continuing our internal discussions based on our prior conversations. We will be in touch in a few days and please feel free to contact us if you have any questions before then.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Tuesday, April 12, 2016 at 5:09 PM
To: Edward Palmieri (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6) Shane Witnov (b)(6)
Subject: RE: Confidential Facebook Update

Please see enclosed letter

Thank you.
Regards,
-Reenah

From: Edward Palmieri
Sent: Tuesday, April 12, 2016 2:36 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Shane Witnov
Subject: Confidential Facebook Update

CONFIDENTIAL

Dear Laura and Reenah:

Thank you, again, for your time and feedback yesterday. We have alerted our internal teams and are discussing your feedback.

We were able to confirm that Account Kit will be available to developers this week. In terms of actual (b)(4); (b)(3):6(f)

Also - and very relevant to our discussions - I wanted to share with you the very latest mocks of the 2 steps/screens for Account Kit (see attached) (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

All of these updates are in addition to the new user-facing tool that we are launching soon (we still do not have mocks to share) that will allow Account Kit users to log in and manage their Account Kit accounts (including deleting them – including their related phone number or email address). We are still evaluating your feedback, but wanted to share the very latest improvements in advance of our next discussion as we hope these developments aid in your review of the new Account Kit product.

Finally, in terms of a follow-up call, we are still aiming to get back to you before the end of this week. As a placeholder, do you both have availability for this Friday?

Of course, please let us know if you'd like to discuss anything sooner – we will make ourselves available.

Best,

Edward

From: Edward Palmieri
Sent: 16 Apr 2015 19:47:40 +0000
To: Kim, Reenah;Koss, Laura;Berger, Laura
Subject: Re: Facebook update
Attachments: Confidential FB Update - Hello App.pdf

CONFIDENTIAL

Please see attached – a PDF that we will walk through later today. At your convenience, please reply to confirm receipt. Thank you!

From: e p (b)(6)
Date: Thursday, April 16, 2015 at 3:25 PM
To: "Kim, Reenah" <rkim1@ftc.gov>, "Koss, Laura" <LKOSS@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Subject: Facebook update

Dear Laura, Laura, and Reenah:

I am going to email you again momentarily with a PDF of the slides we will walk through on the call at 4 pm et / 1 pm pt. Would you mind replying when you get that email, confirming receipt? (I am worried about the file size because of the graphics.)

Thank you,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6) o
(b)(6)

From: Berger, Laura
Sent: 20 Apr 2011 17:44:30 -0400
To: Berger, Laura;'Beringer, Ashlie';'Li, Daniel Y.';'Royall, M. Sean'
Cc: Han, Cora Tung;Mohapatra, Manas
Subject: Facebook; FTC settlement negotiations
Attachments: Facebook staff proposed order to counsel 04 20 11.pdf, Facebook staff proposed order to counsel REDLINE 04 20 11.pdf

Hi Ashlie and Sean,

Attached please find a staff-proposed, revised order and a redline, comparing it to the version we sent to you on March 10, 2001. This proposal seeks to address key concerns that you have raised during these negotiations. As with the earlier version, this proposal is for settlement purposes only, and does not limit or reflect the scope of relief that the Commission may seek if we are unable to reach a settlement. Further, as we've discussed, we can recommend these revisions only to the extent that you accept, in all significant respects, the remaining relief set forth in the attached proposal.

Please note that the status of our request for disgorgement is unchanged from when we spoke last Thursday: we are awaiting information from you to explain the basis for your statement to

(b)(6)

(b)(6)

Based on our conversation with you last Thursday, we understand that you are working to provide this information and will get back to us shortly. Please let us know, at your earliest convenience, when you expect to provide it.

You will find that the attached proposal mirrors the proposal that we described to you in detail during our conversation last Thursday. We would like to speak with you regarding the likelihood of an agreement to the major provisions reflected in the proposal in the near future. Per our brief call yesterday, and my email from earlier today (below), are you available to speak on Friday, April 22, between 12 and 2 pm Pacific? Further, per my earlier request (below), please let us know when you are available for a brief call regarding the extension of time to negotiate that you have requested.

Thank you both for your cooperation in this matter. We look forward to hearing from you.

Best,

Laura

Laura D. Berger, Attorney
Federal Trade Commission
Division of Privacy and Identity Protection
202.326.2471 (v)

CONFIDENTIALITY WARNING: This email may contain confidential or privileged information and is for the sole use of the intended recipient. If you believe that you may have received this email in error, please destroy all copies of the email and any attachments, and notify the sender immediately. Thank you.

From: Berger, Laura
Sent: Wednesday, April 20, 2011 4:30 PM
To: Beringer, Ashlie; Li, Daniel Y.; Royall, M. Sean
Cc: Han, Cora Tung; Mohapatra, Manas
Subject: quick phone call

Hi Ashlie and Sean,

Are you two free for a quick phone call today? We are ready to send you the proposed order language, would like to speak with you briefly in advance regarding the extension of time to negotiate.

Best,

Laura

Laura D. Berger, Attorney
Federal Trade Commission
Division of Privacy and Identity Protection
202.326.2471 (v)

CONFIDENTIALITY WARNING: This email may contain confidential or privileged information and is for the sole use of the intended recipient. If you believe that you may have received this email in error, please destroy all copies of the email and any attachments, and notify the sender immediately. Thank you.

From: Berger, Laura
Sent: Wednesday, April 20, 2011 1:59 PM
To: Beringer, Ashlie; Royall, M. Sean
Cc: Han, Cora Tung; Mohapatra, Manas
Subject: Friday call

Hi Ashlie and Sean,

Following up on your call yesterday afternoon, I wanted to confirm a time to meet on Friday. Would 12-2 pm Pacific work for you on Friday?

As I mentioned yesterday, we believe we will be able to share a revised staff-proposed order, as well as news regarding an extension of the negotiation time period, later today.

Best,

Laura

Laura D. Berger, Attorney
Federal Trade Commission
Division of Privacy and Identity Protection
202.326.2471 (v)

CONFIDENTIALITY WARNING: This email may contain confidential or privileged information and is for the sole use of the intended recipient. If you believe that you may have

received this email in error, please destroy all copies of the email and any attachments, and notify the sender immediately. Thank you.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed Respondent that the law has been violated as alleged in the draft complaint, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true. Proposed Respondent expressly denies the allegations set forth in the complaint, except for the jurisdictional facts.
7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed Respondent, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed Respondent's address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed Respondent waives any right it may have to any other means of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.
8. Proposed Respondent has read the draft complaint and consent order. Proposed Respondent understands that they may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, "Respondent" shall mean Facebook, its successors and assigns. For purposes of Parts I, II, and III of this order, "Respondent" shall also mean Facebook acting directly, or through any corporation, subsidiary, division, website, or other device.
2. "Commerce" shall be defined as it is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
3. "Clear(ly) and prominent(ly)" shall mean:
 - A. in textual communications (*e.g.*, printed publications or words displayed on the screen of a computer or mobile device), the required disclosures are of a type, size, and location sufficiently noticeable for an ordinary consumer to read and comprehend them, in print that contrasts highly with the background on which

they appear;

- B. in communications disseminated orally or through audible means (*e.g.*, radio or streaming audio), the required disclosures are delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend them;
- C. in communications disseminated through video means (*e.g.*, television or streaming video), the required disclosures are in writing in a form consistent with subpart (A) of this definition and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend them, and in the same language as the predominant language that is used in the communication;
- D. in all instances, the required disclosures: (1) are presented in an understandable language and syntax; and (2) include nothing contrary to, inconsistent with, or in mitigation of any other statements or disclosures provided by Respondent.

STAFF PROPOSAL

- 4. “Personal information” shall mean individually identifiable information from or about an individual consumer including, but not limited to: (a) a first or last name; (b) a home or other physical address, including street name and name of city or town; (c) an email address or other online contact information, such as an instant messaging user identifier or a screen name; (d) a mobile or other telephone number; (e) photos and videos; (f) Internet Protocol (“IP”) address, User ID or other persistent identifier; (g) physical location; or (h) any information combined with any of (a) through (g) above.
- 5. “Privacy setting” shall include any control or setting provided by Respondent that allows a consumer to restrict access to or display of his or her personal information.
- 6. “Third party” shall mean any individual or entity other than: (1) Respondent; or (2) a service provider of Respondent that: (i) uses or receives personal information collected by or on behalf of Respondent for and at the direction of Respondent and no other individual or entity; (ii) does not disclose the personal information, or any individually identifiable information derived from such personal information, to any individual or entity other than Respondent; and (iii) does not use the personal information for any other purpose; or (3) any entity that uses personal information only as reasonably necessary: (i) to comply with applicable law, regulation, or legal process, (ii) to enforce Respondent’s terms of use, or (iii) to detect, prevent, or mitigate fraud or security vulnerabilities.

I.

IT IS ORDERED that Respondent, and its officers, agents, representatives, and employees, in connection with the offering of any product or service, in or affecting commerce, shall not misrepresent in any manner, expressly or by implication, the extent to which it collects, uses, stores, discloses or permits access to personal information, including, but not limited to:

- A. the extent to which a consumer can control the privacy of any personal information
- STAFF PROPOSAL**
- B. the extent to which Respondent makes or has made personal information accessible to third parties;
- C. the steps Respondent takes or has taken to verify the privacy and security protections that any third party provides;
- D. the extent to which Respondent makes or has made personal information accessible to any third party following deletion or termination of a consumer's account with Respondent or during such time as a consumer's account is deactivated or suspended; and
- E. the extent to which Respondent is a member of, adheres to, complies with, is certified by, is endorsed by, or otherwise participates in any privacy, security, or any other compliance program sponsored by the United States government or any third party, including, but not limited to, the U.S.-EU Safe Harbor Framework.

II.

IT IS FURTHER ORDERED that Respondent, and its officers, agents, representatives, and employees, in connection with the offering of any product or service, in or affecting commerce, prior to any new or additional sharing of a consumer's personal information with any third party that is a change from (1) any privacy setting in effect for the consumer; or (2) the sharing practices disclosed to the consumer at the time the information was collected, shall:

- A. clearly and prominently disclose, separate and apart from any "privacy policy," "data use policy," "statement of rights and responsibilities" page, or other similar document: (1) the categories of personal information that will be disclosed to such third parties, (2) the identity or specific categories of such third parties, and (3) how such sharing constitutes a change from prior sharing practices; and
- B. obtain affirmative express consent from the consumer to such sharing by having a consumer select between at least two options, each of which is equally clearly and prominently disclosed, and at least one of which enables the consumer to prevent the new or additional sharing of his or her information.

III.

IT IS FURTHER ORDERED that Respondent, and its officers, agents, representatives, and employees, in connection with the offering of any product or service, in or affecting commerce, shall, no later than sixty (60) days after the date of service of this order implement procedures reasonably designed to ensure that personal information cannot be accessed by any third party from servers under Respondent's control after a consumer has deleted such information or deleted or terminated his or her account, or during such time as a consumer has

deactivated his or her account, except as required by law or where necessary to protect the Facebook website or its users from fraud or illegal activity.

STAFF PROPOSAL

IV.

IT IS FURTHER ORDERED that Respondent shall, no later than the date of service of this order, establish and implement, and thereafter maintain, a comprehensive privacy program that is reasonably designed to (1) address privacy risks related to the development and management of new and existing products and services for consumers, and (2) protect the privacy and confidentiality of personal information. Such program, the content and implementation of which must be documented in writing, shall contain controls and procedures appropriate to Respondent's size and complexity, the nature and scope of Respondent's activities, and the sensitivity of the personal information, including:

- A. the designation of an employee or employees to coordinate and be responsible for the privacy program.
- B. the identification of reasonably foreseeable, material risks, both internal and external, that could result in Respondent's unauthorized collection, use, or disclosure of personal information and an assessment of the sufficiency of any safeguards in place to control these risks. At a minimum, this privacy risk assessment should include consideration of risks in each area of relevant operation, including, but not limited to: (1) employee training and management, including training on the requirements of this order, and (2) product design, development, and research.
- C. the design and implementation of reasonable controls and procedures to address the risks identified through the privacy risk assessment, and regular testing or monitoring of the effectiveness of those controls and procedures.
- D. the development and use of reasonable steps to select and retain service providers capable of appropriately protecting the privacy of personal information they receive from Respondent and requiring service providers, by contract, to implement and maintain appropriate privacy protections.
- E. the evaluation and adjustment of Respondent's privacy program in light of the results of the testing and monitoring required by subpart C, any material changes to Respondent's operations or business arrangements, or any other circumstances that Respondent knows or has reason to know may have a material impact on the effectiveness of its privacy program.

V.

IT IS FURTHER ORDERED that, in connection with their compliance with Part IV of this order, Respondent shall obtain initial and biennial assessments and reports ("Assessments") from a qualified, objective, independent third-party professional, who uses procedures and

standards generally accepted in the profession. A person qualified to prepare such Assessments shall have a minimum of three (3) years of experience in the field of privacy and data protection. All persons selected to conduct such Assessments and prepare such reports shall be approved by the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, in his or her sole discretion. The reporting period for the Assessments shall cover: (1) the first one hundred and eighty (180) days after service of the order for the initial Assessment, and (2) each two (2) year period thereafter for twenty (20) years after service of the order for the biennial Assessments. Each Assessment shall:

- A. set forth the specific privacy controls that Respondent has implemented and maintained during the reporting period;
- B. explain how such privacy controls are appropriate to Respondent's size and complexity, the nature and scope of Respondent's activities, and the sensitivity of the personal information;
- C. explain how the privacy controls that have been implemented meet or exceed the protections required by Part IV of this order; and
- D. certify that the privacy controls are operating with sufficient effectiveness to provide reasonable assurance to protect the privacy of personal information and that the controls have so operated throughout the reporting period.

Each Assessment shall be prepared and completed within sixty (60) days after the end of the reporting period to which the Assessment applies. Respondent shall provide the initial Assessment to the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, within ten (10) days after the Assessment has been prepared. All subsequent biennial Assessments shall be retained by Respondent until the order is terminated and provided to the Associate Director of Enforcement within ten (10) days of request.

VI.

IT IS FURTHER ORDERED that Respondent shall pay xxx to the Federal Trade Commission, as follows:

- A. prior to or concurrently with the execution of this order, Respondent shall transfer the amount specified in this Part to their undersigned counsel, who shall hold the sum in escrow for no purpose other than payment to the Commission.
- B. within five (5) days of entry of this order, counsel for Respondent shall transfer the sum to the Commission by electronic funds transfer in accordance with instructions provided by a representative of the Commission.
- C. in the event of any default in payment, interest shall accrue, computed pursuant to 28 U.S.C. § 1961, from the date of default to the date of payment.

D. all funds paid to or received by the Commission pursuant to this Part shall be deposited into a fund administered by the Commission or its agent. In the event that direct restitution to consumers is wholly or partially impracticable or funds remain after restitution is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies), as it determines to be reasonably related to Respondent's practices as alleged in the complaint. Any funds not used for such equitable relief will be deposited with the United States Treasury as disgorgement. Respondent shall have no right to challenge the Commission's choice of remedies under this Part. Respondent shall have no right to contest the manner of distribution chosen by the Commission.

E. Respondent relinquishes all dominion, control, and title to the funds paid to the fullest extent permitted by law. Respondent shall make no claim to or demand return of the funds, directly or indirectly, through counsel or otherwise.

VII.

IT IS FURTHER ORDERED that Respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying, a print or electronic copy of:

- A. for a period of three (3) years from the date of preparation or dissemination, whichever is later, all widely disseminated statements that describe the extent to which Respondent maintains and protects the privacy, security, and confidentiality of any personal information, including, but not limited to, any statement related to a change in any website or service controlled by Respondent that relates to the privacy of personal information, with all materials relied upon in making or disseminating such statements;
- B. for a period of six (6) months from the date received, all consumer complaints directed at Respondent or forwarded to Respondent by a third party, that relate to the conduct prohibited by this order and any responses to such complaints;
- C. for a period of five (5) years from the date received, any documents, prepared by or on behalf of Respondent, that contradict, qualify, or call into question Respondent's compliance with this order;
- D. for a period of three (3) years from the date of preparation or dissemination, whichever is later, each materially different document relating to Respondent's attempt to obtain the affirmative express consent of consumers referred to in Part II above, and copies of sample documents demonstrating such consent; and
- E. for a period of three (3) years after the date of preparation of each Assessment required under Part VI of this order, all materials relied upon to prepare the Assessment, whether prepared by or on behalf of Respondent, including but not limited to all plans, reports, studies, reviews, audits, audit trails, policies, training

materials, and assessments, for the compliance period covered by such
Assessment

STAFF PROPOSAL

VIII.

IT IS FURTHER ORDERED that Respondent shall deliver copies of the order as directed below:

- A. Respondent must deliver a copy of this order to (1) all current and future principals, officers, directors, and managers; (2) all current and future employees, agents, and representatives having supervisory responsibilities relating to the subject matter of this order, and (3) any business entity resulting from any change in structure set forth in Part IX. Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities. For any business entity resulting from any change in structure set forth in Part IX, delivery shall be at least ten (10) days prior to the change in structure;
- B. Respondent must secure a signed and dated statement acknowledging receipt of this order, within thirty (30) days of delivery, from all persons receiving a copy of the order pursuant to this Part.

IX.

IT IS FURTHER ORDERED that Respondent shall notify the Commission at least thirty (30) days prior to any change in Respondent that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in either corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which Respondent learns fewer than thirty (30) days prior to the date such action is to take place, Respondent shall notify the Commission as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580, with the subject line *In the Matter of Facebook, Inc.*, FTC File No.[]. Provided, however, that in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of any such notice is contemporaneously sent to the Commission at Debrief@ftc.gov.

X.

IT IS FURTHER ORDERED that Respondent, within sixty (60) days after the date of service of this order, shall file with the Commission a true and accurate report, in writing, setting

forth in detail the manner and form of their own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, Respondent shall submit additional true and accurate written reports.

STAFF PROPOSAL

XI.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. any Part of this order that terminates in fewer than twenty (20) years; and
- B. this order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that Respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that this order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Signed this _____ day of _____, 2011.

FACEBOOK, INC.

By: _____
[INSERT NAME]
Facebook, Inc.

By: _____
MARK ZUCKERBERG, individually and as
Chief Executive Officer, Facebook, Inc.

FEDERAL TRADE COMMISSION
STAFF PROPOSAL

LAURA D. BERGER
CORA TUNG HAN
MANAS MOHAPATRA
Counsel for the Federal Trade Commission

APPROVED:

MANEESHA MITHAL
Associate Director
Division of Privacy and Identity Protection

CHRISTOPHER N. OLSEN
Assistant Director
Division of Privacy and Identity Protection

DAVID C. VLADECK
Director
Bureau of Consumer Protection

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

_____))
In the Matter of))
_____)) FILE NO:
_____))
_____))
FACEBOOK, INC.,))
a corporation,))
and **STAFF PROPOSAL**)) **AGREEMENT CONTAINING**
_____)) **CONSENT ORDER**
MARK ZUCKERBERG,))
individually, and as a founder, officer,))
and owner of FACEBOOK, INC.) a corporation.) CONSENT ORDER
_____))
_____))

The Federal Trade Commission has conducted an investigation of certain acts and practices of Facebook, Inc. (“Facebook”) and its principal, Mark Zuckerberg (collectively “proposed Respondents”). Proposed Respondents, having been represented by counsel, are willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

IT IS HEREBY AGREED by and between Facebook, its duly authorized officers, Mark Zuckerberg, individually, and counsel for the Federal Trade Commission that:

1. Proposed Respondent Facebook is a Delaware corporation with its principal office or place of business at 1601 S. California Avenue, Palo Alto, California, 94304.
2. Proposed Respondent Mark Zuckerberg (“Zuckerberg”) is the founder, president, and chief executive officer of Facebook and its largest shareholder. Individually or in concert with others, he formulates, directs, or controls the policies, acts, or practices of Facebook and has knowledge of those practices. His principal place of business is the same as Facebook’s.
2. Proposed Respondents admits all the jurisdictional facts set forth in the draft complaint.
4. Proposed Respondents waives:
 - A. any further procedural steps;
 - B. the requirement that the Commission’s decision contain a statement of findings of

fact and conclusions of law; and

- C. all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.
5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of thirty (30) days and information about it publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.
6. This agreement is for settlement purposes only and does not constitute an admission by proposed Respondents that the law has been violated as alleged in the draft complaint, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true. Proposed Respondent expressly denies the allegations set forth in the complaint, except for the jurisdictional facts.
7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed Respondents, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed Respondents' Respondent's address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed Respondents waives any right they may have to any other means of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.
8. Proposed Respondents have read the draft complaint and consent order. Proposed Respondents understand that they may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, ~~“Corporate Respondent”~~ “Respondent” shall mean Facebook, its successors and assigns. ~~“Individual Respondent”~~ means Mark Zuckerberg. ~~“Respondents”~~ means the Corporate Respondent and Individual Respondent, individually, collectively, or in any combination.

2. ~~“Covered entity” shall mean any business entity that Individual Respondent controls, directly or indirectly, which collects, handles, or stores personal information~~ For purposes of Parts I, II, and III of this order, “Respondent” shall also mean Facebook acting directly, or through any corporation, subsidiary, division, website, or other device.

2. ~~“Commerce” shall be defined as it is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.44.~~ **STAFF PROPOSAL**

4. ~~“Platform developer” shall mean any entity other than Corporate Respondent that has developed, operated, or controlled a Platform application.~~

5. ~~“Platform application” shall mean any software that may access information or functionality from Corporate Respondent through a set of tools and programming interfaces provided by Corporate Respondent, including, but not limited to, the Facebook Platform.~~

6. ~~“Advertiser” shall mean any entity other than Corporate Respondent that submits an advertisement to Corporate Respondent for display on Corporate Respondent’s website or on a Platform application.~~

3. “Clear(ly) and prominent(ly)” shall mean:

A. in textual communications (*e.g.*, printed publications or words displayed on the screen of a computer or mobile device), the required disclosures are of a type, size, and location sufficiently noticeable for an ordinary consumer to read and comprehend them, in print that contrasts highly with the background on which they appear;

B. in communications disseminated orally or through audible means (*e.g.*, radio or streaming audio), the required disclosures are delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend them;

C. in communications disseminated through video means (*e.g.*, television or streaming video), the required disclosures are in writing in a form consistent with subpart (A) of this definition and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend them, and in the same language as the predominant language that is used in the communication; and

D. in all instances, the required disclosures: (1) are presented in an understandable

language and syntax; and (2) include nothing contrary to, inconsistent with, or in mitigation of any other statements or disclosures provided by Respondent.

4. “Personal information” shall mean individually identifiable information from or about an individual consumer including, but not limited to: (a) a first or last name; (b) a home or other physical address, including street name and name of city or town; (c) an email address or other online contact information, such as an instant messaging user identifier or a screen name; (d) a mobile or other telephone number; (e) ~~date of birth~~photos and videos; (f) Internet Protocol (“IP”) address, ~~u~~User ID, ~~device ID~~, or other persistent identifier; (g) ~~geolocation information~~physical location; or (h) any information combined with any of (a) through (g) above, ~~including but not limited to, age, gender, list of friends, educational or employment information, religious or political views or affiliations, marital or other relationship status, information that is created, posted, or otherwise shared by a consumer on any of Respondents’ websites (e.g., status updates, photos, videos, notes or messages), or behavioral information, including information about a consumer’s online browsing behavior.~~ **STAFF PROPOSAL**
5. “Privacy settings” shall include any control or setting provided by Respondents that allows a consumer to restrict access to or display of his or her personal information.
6. “Third party” shall mean any individual or entity other than: (1) Respondents; or (2) a service provider of Respondents that: (i) uses or receives personal information collected by or on behalf of Respondents for and at the direction of Respondents and no other individual or entity; (ii) does not disclose the personal information, or any individually identifiable information derived from such personal information, to any individual or entity other than Respondents; and (iii) does not use the personal information for any other purpose; or (3) any entity that uses personal information only as reasonably necessary: (i) to comply with applicable law, regulation, or legal process, (ii) to enforce ~~Corporate Respondent’s or any covered entity’s~~ terms of use, or (iii) to detect, prevent, or mitigate fraud or security vulnerabilities.–

I.

IT IS ORDERED that Respondents, and ~~their~~its officers, agents, representatives, and employees, ~~directly or through any corporation, subsidiary, division, website, or other device~~, in connection with the offering of any product or service, in or affecting commerce, shall not misrepresent in any manner, expressly or by implication, the extent to which ~~they maintain and protect the privacy, confidentiality, security, or integrity of~~ it collects, uses, stores, discloses or permits access to personal information, including, but not limited to:

- A. the extent to which a consumer can control the privacy of any personal information;
- B. the extent to which ~~they~~Respondent ~~makes~~makes or ~~have~~has made personal information accessible to third parties;

- ~~C.~~ the manner in which they use or have used personal information;
- C. the steps they Respondent takes or haves taken to verify the privacy and security protections that any third party provides;
- D. the extent to which they Respondent makes or haves made personal information accessible to any third party following deletion or termination of a consumer's account with Respondents or during such time as a consumer's account is deactivated or suspended; and
- E. the extent to which they are Respondent is a member of, adheres to, complys complies with, ares certified by, ares endorsed by, or otherwise participates in any privacy, security, or any other compliance program sponsored by the United States government or any third party, including, but not limited to, the U.S.-EU Safe Harbor Framework.

STAFF PROPOSAL

H.

~~IT IS FURTHER ORDERED~~ that Respondents, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, website, or other device, in connection with the offering of any product or service, in or affecting commerce, shall provide clear and prominent notice and obtain affirmative express consent from a consumer (1) before providing a Platform application that a consumer uses for the first time with access to that consumer's personal information, and (2) before providing such a Platform application with access to new types of personal information about that consumer. Such notice and consent shall:

- ~~A.~~ appear separate and apart from any "privacy policy," "data use policy," "statement of rights and responsibilities" page, or other similar document, and
- ~~B.~~ clearly and prominently disclose the specific types of personal information the application has the ability to access and the name of the application.

III.

IT IS FURTHER ORDERED that Respondents, and theirs officers, agents, representatives, and employees, ~~directly or through any corporation, subsidiary, division, website, or other device,~~ in connection with the offering of any product or service, in or affecting commerce, prior to any new or additional sharing of a consumer's personal information with any third party that is a change from (1) any privacy setting in effect for the consumer; or (2) the sharing practices disclosed to the consumers at the time suchthe information was collected or stored, shall:

- A. clearly and prominently disclose, separate and apart from any "privacy policy," "data use policy," "statement of rights and responsibilities" page, or other similar

document, clearly and prominently disclose: (1) that the consumer's categories of personal information that will be disclosed to one or more such third parties, (2) the identity or specific categories of such third parties, and (3) how such sharing constitutes a change from prior sharing practices; and

- STAFF PROPOSAL**
- B. obtain affirmative express consent from the consumer to such sharing by having a consumer select between at least two options, each of which is equally clearly and prominently disclosed, and at least one of which enables the consumer to prevent the new or additional sharing of his or her information.

IVII.

IT IS FURTHER ORDERED that Respondents, and their officers, agents, representatives, and employees, ~~directly or through any corporation, subsidiary, division, website, or other device,~~ in connection with the offering of any product or service, in or affecting commerce, shall, no later than sixty (60) days after the date of service of this order:

- ~~_____A._____ implement procedures reasonably designed to ensure that: (1) personal information is deleted cannot be accessed by any third party from servers under Respondents' Respondent's control within a reasonable period of time not to exceed 30 days after a consumer has deleted such information or deleted or terminated his or her account, unless Respondents are otherwise required by law to retain the information; and (2) personal information cannot be accessed by any third party or during such time as the consumer has deactivated or suspended his or her account or during the time period set forth in part (1), above; and~~
- ~~_____B._____ exercise reasonable oversight to prevent unauthorized access to personal information by or through any Platform developer.~~

V.

, except as required by law or where necessary to protect the Facebook website or its users from fraud or illegal activity.

=

IV.

IT IS FURTHER ORDERED that Respondents shall, no later than the date of service of this order, establish and implement, and thereafter maintain, a comprehensive privacy program for ~~Corporate Respondent and any covered entity~~ that is reasonably designed to: (1) address privacy risks related to the development and management of new and existing products and services for consumers, and (2) protect the privacy and confidentiality of personal information. Such program, the content and implementation of which must be documented in writing, shall contain privacy controls and procedures appropriate to ~~Corporate Respondent's or the covered entity's~~ size and complexity, the nature and scope of ~~Corporate Respondent's or the covered entity's~~ activities, and the sensitivity of the personal information, including:

- A. the designation of an employee or employees to coordinate and be responsible

for the privacy program.

STAFF PROPOSAL

- B. the identification of reasonably foreseeable, material risks, both internal and external, that could result in the Respondent's unauthorized collection, use, or disclosure of personal information; and an assessment of the sufficiency of any safeguards in place to control these risks. At a minimum, this privacy risk assessment should include consideration of risks in each area of relevant operation, including, but not limited to: (1) employee training and management, including training on the requirements of this order, and (2) product design, development, and research.
- C. the design and implementation of reasonable ~~privacy~~ controls and procedures to address the risks identified through the privacy risk assessment, and regular testing or monitoring of the effectiveness of those ~~privacy~~ controls and procedures.
- D. the development and use of reasonable steps to select and retain service providers capable of appropriately protecting the privacy of personal information they receive from ~~Corporate Respondent or the covered entity~~, and requiring service providers, by contract, to implement and maintain appropriate privacy protections.
- E. the evaluation and adjustment of ~~Corporate Respondent's or the covered entity's~~ privacy program in light of the results of the testing and monitoring required by subpart C, any material changes to ~~Corporate Respondent's or the covered entity's~~ operations or business arrangements, or any other circumstances that ~~Corporate Respondent or the covered entity~~ knows or has reason to know may have a material impact on the effectiveness of its privacy program.

VI.

IT IS FURTHER ORDERED that, in connection with their compliance with Part ~~V~~IV of this order, Respondents shall obtain initial and biennial assessments and reports ("Assessments") for ~~Corporate Respondent and any covered entity~~ from a qualified, objective, independent third-party professional, who uses procedures and standards generally accepted in the profession. A person qualified to prepare such Assessments shall have a minimum of three (3) years of experience in the field of privacy and data protection. All persons ~~conducting~~selected to conduct such Assessments and ~~preparing~~prepare such reports shall be approved by the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, in his or her sole discretion. The reporting period for the Assessments shall cover: (1) the first one hundred and eighty (180) days after service of the order for the initial Assessment, and (2) each two (2) year period thereafter for twenty (20) years after service of the order for the biennial Assessments.— Each Assessment shall:

- STAFF PROPOSAL**
- A. ~~set forth the specific privacy controls that Corporate Respondent or the covered entity has implemented and maintained during the reporting period;~~
 - B. explain how such privacy controls are appropriate to ~~Corporate Respondent's or the covered entity's~~ size and complexity, the nature and scope of ~~Corporate Respondent's or the covered entity's~~ activities, and the sensitivity of the personal information;
 - C. explain how the privacy controls that have been implemented meet or exceed the protections required by Part VIV of this order; and
 - D. certify that the privacy controls are operating with sufficient effectiveness to provide reasonable assurance to protect the privacy of personal information and that the controls have so operated throughout the reporting period.

Each Assessment shall be prepared and completed within sixty (60) days after the end of the reporting period to which the Assessment applies. ~~Corporate Respondent and any covered entity~~ shall provide the initial Assessment to the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, within ten (10) days after the Assessment has been prepared. All subsequent biennial Assessments shall be retained by Respondents until the order is terminated and provided to the Associate Director of Enforcement within ten (10) days of request.

VII.

IT IS FURTHER ORDERED that Respondents shall pay xxx to the Federal Trade Commission, as follows:

- A. prior to or concurrently with the execution of this order, Respondents shall transfer the amount specified in this Part to their undersigned counsel, who shall hold the sum in escrow for no purpose other than payment to the Commission.
- B. within five (5) days of entry of this order, counsel for Respondents shall transfer the sum to the Commission by electronic funds transfer in accordance with instructions provided by a representative of the Commission.
- C. in the event of any default in payment, interest shall accrue, computed pursuant to 28 U.S.C. § 1961, from the date of default to the date of payment.
- D. all funds paid to or received by the Commission pursuant to this Part shall be deposited into a fund administered by the Commission or its agent. In the event that direct restitution to consumers is wholly or partially impracticable or funds remain after restitution is completed, the Commission may apply any remaining funds for such other equitable relief (including consumer information remedies), as it determines to be reasonably related to ~~Respondents'~~ Respondent's practices as alleged in the complaint. Any funds not used for such equitable relief will be

deposited with the United States Treasury as disgorgement. Respondents shall have no right to challenge the Commission's choice of remedies under this Part. Respondents shall have no right to contest the manner of distribution chosen by the Commission.

- E. Respondents relinquishes all dominion, control, and title to the funds paid to the fullest extent permitted by law. Respondents shall make no claim to or demand return of the funds, directly or indirectly, through counsel or otherwise.
- F. this order for equitable monetary relief is solely remedial in nature and is not a fine, penalty, punitive assessment, or forfeiture.

VH VII.-

IT IS FURTHER ORDERED that Respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying, a print or electronic copy of:

- A. for a period of five~~three~~ (5~~3~~) years from the date of preparation or dissemination, whichever is later, all widely disseminated statements that describe the extent to which ~~Corporate Respondent or any covered entity~~ maintains and protects the privacy, security, and confidentiality of any personal information, including, but not limited to, any statement related to a change in any website or service controlled by ~~Corporate Respondent or the covered entity~~ that relates to the privacy, security, and confidentiality of personal information, with all materials relied upon in making or disseminating such statements;
- B. for a period of five~~six~~ (5~~6~~) ~~years~~months from the date received, all consumer complaints directed at ~~Corporate Respondent or a covered entity~~, or forwarded to ~~Corporate Respondent or a covered entity~~ by a third party, that relate to the conduct prohibited by this order and any responses to such complaints;
- ~~C. for a period of five (5) years from the date received, copies of all subpoenas and other communications with law enforcement entities or personnel, if such communications raise issues that relate to Corporate Respondent's or a covered entity's compliance with the provisions of this order;~~
- C. for a period of five (5) years from the date received, any documents, ~~whether~~ prepared by or on behalf of ~~Corporate Respondent or a covered entity~~, that contradict, qualify, or call into question ~~Corporate Respondent's or the covered entity's~~ compliance with this order;
- D. for a period of five~~three~~ (5~~3~~) years from the date of preparation or dissemination, whichever is later, each materially different document relating to ~~Corporate Respondent's or a covered entity's~~ attempt to obtain the affirmative express consent of consumers referred to in Parts ~~H and III~~ II above, and copies of sample

documents demonstrating such consent; and
E. ~~or a period of five~~ three (3) years after the date of preparation of each Assessment required under Part VI of this order, all materials relied upon to prepare the Assessment, whether prepared by or on behalf of ~~Corporate Respondent or a covered entity,~~ including but not limited to all plans, reports, studies, reviews, audits, audit trails, policies, training materials, and assessments, for the compliance period covered by such Assessment.

VIXII.

IT IS FURTHER ORDERED that Respondents shall deliver copies of the order as directed below:

- A. ~~Corporate~~ Respondent must deliver a copy of this order to (1) all current and future principals, officers, directors, and managers; (2) all current and future employees, agents, and representatives having supervisory responsibilities relating to the subject matter of this order, and (3) any business entity resulting from any change in structure set forth in Part ~~XIX~~. ~~Corporate~~ Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities. For any business entity resulting from any change in structure set forth in Part ~~XIX~~, delivery shall be at least ten (10) days prior to the change in structure;
- B. Individual Respondent, for any covered entity, must deliver a copy of this order to (1) all principals, officers, directors, and managers of that business, (2) all current and future employees, agents, and representatives of that business having responsibilities relating to the subject matter of this order, and (3) any business entity resulting from any change in structure set forth in Part XI. Individual Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities. For any business entity resulting from any change in structure set forth in Part XI, delivery shall be at least ten (10) days prior to the change in structure;
- ~~C. for any business that collects, maintains, or stores personal information from or about consumers, where Individual Respondent is not a controlling person of the business, but he otherwise has responsibility, in whole or in part, for developing or overseeing the implementation of policies and procedures to protect the privacy, security, confidentiality, or integrity of personal information collected from or about consumers by the business, Individual Respondent must deliver a copy of this order to all principals and managers of such business before engaging in such conduct; and~~
- ~~D. Respondents~~ Respondent must secure a signed and dated statement acknowledging

receipt of this order, within thirty (30) days of delivery, from all persons receiving
copy of the order pursuant to this Part.

STAFF PROPOSAL

X.

~~IT IS FURTHER ORDERED that Individual Respondent for a period of ten (10) years from the date of entry of this order, shall notify the Commission of the following:~~

- ~~A. any changes in Individual Respondent's residence, mailing address, and or telephone numbers, within ten (10) days of such a change;~~
- ~~B. any changes in Individual Respondent's business or employment status (including self-employment), and any changes in his ownership in any business entity, within ten (10) days of such a change. Such notice shall include the name and address of each business that Individual Respondent is affiliated with, employed by, created or forms, or performs services for; a detailed description of the nature of the business or employment; and a detailed description of the Individual Respondent's duties and responsibilities in connection with such business or employment; and~~
- ~~C. any changes in Individual Respondent's name or use of any aliases or fictitious names, including "doing business as" names.~~

~~Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580, with the subject line *In the matter of Facebook, Inc. and Mark Zuckerberg*, FTC File No. [—]. Provided, however, that in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of any such notice is contemporaneously sent to the Commission at Debrief@ftc.gov.~~

XIX.

~~IT IS FURTHER ORDERED that Respondents shall notify the Commission at least thirty (30) days prior to any change in Corporate Respondent or any covered entity that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in either corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which Respondents learn ~~less~~ fewer than thirty (30) days prior to the date such action is to take place, Respondents shall notify the Commission as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580, with the~~

subject line *In the Matter of Facebook, Inc. and Mark Zuckerberg*, FTC File No. [].
Provided, however, that in lieu of overnight courier, notices may be sent by first class mail, but only if an electronic version of any such notice is contemporaneously sent to the Commission at Debrief@ftc.gov.

STAFF PROPOSAL

XII.

IT IS FURTHER ORDERED that Respondents, within sixty (60) days after the date of service of this order, shall each file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of their own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, they Respondent shall submit additional true and accurate written reports.

XIII.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. any Part of this order that terminates in fewer than twenty (20) years; and
- B. this order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that Respondent(s) did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that this order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Signed this _____ day of _____, 2011.

FACEBOOK, INC.

By: _____
[INSERT NAME]
Facebook, Inc.

STAFF PROPOSAL

By:
MARK ZUCKERBERG, individually and as
Chief Executive Officer, Facebook, Inc.

FEDERAL TRADE COMMISSION

LAURA D. BERGER
CORA TUNG HAN
MANAS MOHAPATRA
Counsel for the Federal Trade Commission

APPROVED:

MANEESHA MITHAL
Associate Director
Division of Privacy and Identity Protection

CHRISTOPHER N. OLSEN
Assistant Director
Division of Privacy and Identity Protection

DAVID C. VLADECK
Director
Bureau of Consumer Protection

From: Edward Palmieri
Sent: 22 Apr 2015 13:00:50 +0000
To: Koss, Laura
Cc: Rob Sherman
Subject: Re: FB Update: Hello

CONFIDENTIAL

Laura:

Thank you for your calls yesterday – I am glad we were able to connect. I wanted to follow up with you to let you know that the team is going to proceed with the test launch of Hello today.

Ultimately, we decided to stay with our current model because of the believe that people will best understand contacts sync in the way we have presented the information. We are going to monitor inquiries and reactions closely and are prepared to respond to media questions, should they develop.

Please also note, as discussed yesterday, we greatly appreciate your feedback and will continue to keep it in mind going forward. We would be happy to continue to discuss this with you and the team, as helpful.

Once again, thank you for your time (and please extend thanks to your colleagues in enforcement and DPIPs).

Best,
Edward

From: e p (b)(6)
Date: Tuesday, April 21, 2015 at 2:20 PM
To: "Koss, Laura" <LKOSS@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman <(b)(6)>
Subject: FB Update: Hello

CONFIDENTIAL

Dear Laura, Laura, and Reenah,

Thank you again for your time last week to review Hello, our newest Android app.

I wanted to update you on timing – it looks like things went well, and unless anything comes up today, the app will be available starting tomorrow – Wednesday.

Also, as requested, I asked about getting screenshots of the Google Play store experience.

Unfortunately, we won't have that until things are live because we don't control that experience. But, I was able to obtain the attached screenshots, which will give you an idea of the permissions approved when installing the app. As with other apps, Android specifies the permissions language and manner in which they are presented. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Once again, thank you for your time – we much appreciated your feedback. Please let us know if you have any other questions.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6) | o
(b)(6)

From: Edward Palmieri
Sent: 25 Apr 2016 19:18:34 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Confidential Facebook Update
Attachments: Cookies Column.png, FB Screenshot of Starbucks Page.png, Cookie Policy PDF[2].pdf, Cookies Footer.png

CONFIDENTIAL

Dear Reenah and Laura:

Thank you for making time to discuss Account Kit with us last week and for your time regarding our general briefings.

Update on a few pending matters.

We wanted to let you know that we are still discussing your feedback regarding Account Kit and we will keep you updated on our plans (we expect to have an update soon – possibly late this week).

We are also still working through some internal discussions regarding the WhatsApp Terms and Privacy Policy update and we will be in touch soon with an update on those matters (the launch has been postponed and we have not yet set a date).

Cookie update.

In our last in-person meeting, we discussed updates to Facebook's advertising plans - (b)(4):

(b)(4); (b)(3):6(f)

When we discussed this with you at our last in-person meeting, we noted that we would update you on our plans when we had a draft cookies policy and when we had mocks of the notice that we were planning. We have attached a copy of the mocks and the draft policy to this email.

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We appreciate your time and welcome the opportunity to discuss any of this with you, especially after you review the mocks and the draft policy. We have set a 1 month plan and are preparing for a May 24, 2016 launch and, if convenient for you, we are hoping to set up some time with you toward the end of this week (or early next week if that is better for you) to talk through any thoughts or questions that you may have. Rob and I would be happy to come back to the FTC offices or we can arrange for a conference call.

Again, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal |

(b)(6)

(b)(4); (b)(3):6(f)

From: Rob Sherman
Sent: 29 Apr 2016 21:57:24 +0000
To: Kim, Reenah;Edward Palmieri
Cc: Berger, Laura
Subject: Re: Confidential Facebook Update

Reenah and Laura,

Thanks so much for following up to let us know. We appreciate you taking the time to discuss the update with us today, and will plan to follow up to let you know if we have any changes to discuss.

Hope you both enjoy the weekend.

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: Reenah Kim <rkim1@ftc.gov>
Date: Friday, April 29, 2016 at 3:40 PM
To: Edward Palmieri (b)(6) Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Confidential Facebook Update

Ed and Rob:

Thanks for the update. Based on this draft policy and the information you shared with us during today's call regarding the upcoming cookie update, we don't think we have further questions at this time. If Facebook makes any changes to the updated cookie policy from the version you sent earlier in the week, please let us know.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Monday, April 25, 2016 3:19 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Confidential Facebook Update

CONFIDENTIAL

Dear Reenah and Laura:

Thank you for making time to discuss Account Kit with us last week and for your time regarding our general briefings.

Update on a few pending matters.

We wanted to let you know that we are still discussing your feedback regarding Account Kit and we will keep you updated on our plans (we expect to have an update soon – possibly late this week). We are also still working through some internal discussions regarding the WhatsApp Terms and Privacy Policy update and we will be in touch soon with an update on those matters (the launch has been postponed and we have not yet set a date).

Cookie update.

In our last in-person meeting, we discussed updates to Facebook's advertising plans (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

When we discussed this with you at our last in-person meeting, we noted that we would update you on our plans when we had a draft cookies policy and when we had mocks of the notice that we were planning. We have attached a copy of the mocks and the draft policy to this email.

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We appreciate your time and welcome the opportunity to discuss any of this with you, especially after you review the mocks and the draft policy. We have set a 1 month plan and are preparing for a May 24, 2016 launch and, if convenient for you, we are hoping to set up some time with you toward the end of this week (or early next week if that is better for you) to talk through any thoughts or questions that you may have. Rob and I would be happy to come back to the FTC offices or we can arrange for a conference call.

Again, thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Rob Sherman
Sent: 5 May 2015 14:03:49 +0000
To: Koss, Laura; Kim, Reenah; Berger, Laura
Cc: Edward Palmieri
Subject: Re: Facebook Update
Attachments: Facebook 5-5-15 Confidential.pdf

As requested, here's a copy of the slides that we're planning to review with you today. We're looking forward to seeing you.

Rob

Rob Sherman

Facebook | Deputy Chief Privacy Officer

1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: <Koss>, Laura <LKOSS@ftc.gov>
Date: Thursday, April 30, 2015 at 9:33 AM
To: Rob Sherman (b)(6), Edward Palmieri (b)(6) "Kim, Reenah"
<rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Facebook Update

Great. Please remember to email any slides/handouts to Laura Berger so she can follow along.

-Laura

Laura Koss

Senior Attorney

Federal Trade Commission | Division of Enforcement

600 Pennsylvania Ave., N.W. | Mail Drop CC-9528 | Washington DC 20580

t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov

From: Rob Sherman [mailto:(b)(6)]
Sent: Thursday, April 30, 2015 9:30 AM
To: Koss, Laura; Edward Palmieri; Kim, Reenah; Berger, Laura
Subject: Re: Facebook Update

Sure — that works on our end. We'll see you then.

Rob Sherman

Facebook | Deputy Chief Privacy Officer

1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: <Koss>, Laura <LKOSS@ftc.gov>
Date: Thursday, April 30, 2015 at 8:34 AM
To: Edward Palmieri (b)(6) Kim, Reenah" <rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: RE: Facebook Update

Ed, Laura is out of the office on Monday, May 4th. Would Tuesday at 1:00 work?

Laura Koss

Senior Attorney

Federal Trade Commission | Division of Enforcement

600 Pennsylvania Ave., N.W. | Mail Drop CC-9528 | Washington DC 20580

t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov

From: Edward Palmieri
Sent: Wednesday, April 29, 2015 4:11 PM
To: Koss, Laura; Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Facebook Update

CONFIDENTIAL

Dear Laura, Laura, and Reenah,

Good afternoon. If your schedule permits, Rob and I would like to come in to follow-up with you on some plans around contacts and Call/SMS log syncing. Would you be free to meet with us sometime on Monday, May 4th?

As always, thank you.

Best,

Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)
(b)(6)

From: Matties, Deborah J.
Sent: 12 May 2011 22:31:05 -0400
To: JDL
Cc: Lupovitz, Joni;DeLorme, Christine Lee
Subject: Fw: Confidential letter from Facebook
Attachments: Leibowitzltr.pdf

Jon - Sean Royall, who you met this week at the Leon Max meeting, asked me to send this letter to you. In it, (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

I will respond to him that I received it and transmitted it to you. Let me know if there is anything else you want me to convey.

Should I send this to Will Tom?

-- Debbie

From: Royall, M. Sean [mailto:SRoyall@gibsondunn.com]
Sent: Thursday, May 12, 2011 09:54 PM
To: Matties, Deborah J.
Subject: Confidential letter

Hi, Deborah.

The attached letter to Chairman Leibowitz concerns the Commission's privacy-related investigation of Facebook. Could you provide it to the Chairman for me? I will also have a hard copy delivered tomorrow.

Thanks,

Sean

M. Sean Royall

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

1050 Connecticut Avenue
NW, Washington, DC 20036
Tel 202.955.8546 • Fax 202.530.9337

2100 McKinney Avenue
Dallas, TX 75201-6912
Tel +1 214.698.3256 • Fax +1 214.571.2923

SRoyall@gibsondunn.com • www.gibsondunn.com

From: Royall, M. Sean
Sent: 20 May 2011 03:31:50 +0000
To: Mithal, Maneesha;Berger, Laura
Cc: Scalia, Eugene;Beringer, Ashlie
Subject: Facebook White Paper
Attachments: Vladeck Ltr (May 19, 2011).pdf, Facebook White Paper (May 19, 2011).pdf, Facebook White Paper Appendix (May 19, 2011).pdf

Maneesha and Laura,

On behalf of Facebook, I am attaching a white paper and associated appendix, and a related cover letter. I spoke briefly today with David Vladeck, who suggested that I email these documents to you for distribution within the Commission. Hard copies will be delivered tomorrow morning.

Regards,

Sean

M. Sean Royall

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

1050 Connecticut Avenue
NW, Washington, DC 20036
Tel 202.955.8546 • Fax 202.530.9337

2100 McKinney Avenue
Dallas, TX 75201-6912
Tel +1 214.698.3256 • Fax +1 214.571.2923

SRoyall@gibsondunn.com • www.gibsondunn.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

CONFIDENTIAL AND PROPRIETARY
RULE 408 SETTLEMENT MATERIAL

May 19, 2011

VIA ELECTRONIC AND OVERNIGHT MAIL

David C. Vladeck, Esq.
Director, Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Re: *Facebook, Inc.*

Dear Mr. Vladeck:

As you know, Facebook for more than a year has been actively working with the Bureau of Consumer Protection Staff to respond to the Commission's Civil Investigative Demand and various supplemental information requests, and to explore the potential for a voluntary resolution of various claims and remedial demands asserted in the Staff's draft complaint and proposed consent order. For a period of sixty days concluding earlier this week, Facebook and its counsel engaged in detailed discussions and negotiations with Staff, hoping to arrive at an agreement on mutually acceptable terms by which this matter could be resolved. Despite diligent efforts, these Staff-level discussions did not yield any final agreement. Facebook believes the discussions were fruitful in many respects and was prepared to continue the process, but the Company's request to extend the negotiation period was denied.

We understand Staff is now preparing a complaint recommendation that will be forwarded to your office upon completion, and that we will have the opportunity thereafter to meet with you. Facebook looks forward to interacting directly with you and other senior Bureau representatives, and remains committed to investigating possible paths to settling this matter.

(b)(4); (b)(3):6(f)

At Staff's urging, we have until now largely refrained from commenting upon the merits of the underlying claims, or the legal underpinnings of the proposed relief. Yet at this juncture

David C. Vladeck, Esq.
May 19, 2011
Page 2

CONFIDENTIAL AND PROPRIETARY
RULE 408 SETTLEMENT MATERIAL

we believe it would be productive for the Bureau to consider Facebook's views on these issues, which have been set forth in some detail in the attached white paper. You and your colleagues may well disagree with many points made in this white paper, but it would be immensely helpful to us, as we proceed with senior-level discussions, to hear your thoughts and reactions. Perhaps you will persuade us to adopt different views on certain important issues, or we might succeed in persuading you. Either way, an open, substantive dialogue on key issues could help bridge the gaps that remain between our respective positions, and we hope you will accept the invitation to engage with us at that level.

Sincerely,



M. Sean Royall
MSR/jlw

Attachments

cc: Eugene Scalia, Esq.
Ashlie Beringer, Esq.
Maneesha Mithal, Esq.
Laura Berger, Esq.

From: Edward Palmieri
Sent: 26 May 2016 18:57:30 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Confidential Facebook Update
Attachments: FTC Account Kit Screen 1 learn more text.png, FTC Account Kit Screen 1 mock.png, FTC WA Key Updates redline 05262016.docx, FTC WA PP redline 05252016.docx, FTC WA Terms redline 05252016.docx, FTC WA update control mocks 05252016.pptx

CONFIDENTIAL

Dear Laura and Reenah:

To facilitate our call, I wanted to attach the following documents. We can talk through each of them on the call.

- Account Kit updated Screen 1 mock
- Account Kit updated Screen 1 learn more text

- WhatsApp Terms redline
- WhatsApp Privacy Policy redline
- WhatsApp Key Updated redline
- WhatsApp control / setting mock

Thank you, again, for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

(b)(4); (b)(3):6(f)

From: Edward Palmieri
Sent: 27 May 2016 17:40:26 +0000
To: Kim, Reenah; Rob Sherman
Subject: Re: WhatsApp - Spanish translation

CONFIDENTIAL

Reenah:

Thank you for your time yesterday and for your follow-up note. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

At your convenience, let me know if this is acceptable and of course we are happy to discuss if that is helpful.

Thank you very much.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Friday, May 27, 2016 at 12:47 PM
To: Edward Palmieri (b)(6) Rob Sherman (b)(6)
Subject: WhatsApp - Spanish translation

Ed and Rob:

(b)(4); (b)(3):6(f)

Alternatively, if you prefer, we could direct the Spanish authority to contact you directly; if that is the case, please let us know the best point of contact for further communication on the issue.

Thanks
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov



THE CHAIRMAN

FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580

June 7, 2011

M. Sean Royall, Esq.
Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue
Dallas, TX 75201-6912

Dear Mr. Royall:

This responds to your May 12, 2011 letter concerning (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f). I appreciate your bringing these concerns to my attention.

(b)(4); (b)(3):6(f)

As someone who worked here, Sean, you know that we have a highly professional staff (b)(4); (b)(3):6(f). Nevertheless, I am mindful of the concerns you have raised, and have taken appropriate action to address them.

Again, I appreciate your bringing this matter to my attention.

Sincerely,

Jon Leibowitz
Chairman

From: Edward Palmieri
Sent: 15 Jun 2016 19:59:31 +0000
To: Kim, Reenah
Cc: Rob Sherman
Subject: Confidential WhatsApp Update

CONFIDENTIAL

Reenah:

For our call today, I wanted to send over a few tweaks to the commercial messaging paragraph from the proposed WhatsApp privacy policy (see “clean” and “redline” versions below). We have been working on this paragraph in response to your previous feedback and have worked to make the examples direct and clear.

Thank you,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

(b)(4); (b)(3):6(f)

Kim, Reenah

From: Kim, Reenah
Sent: Monday, June 16, 2014 10:01 AM
To: Rob Sherman; Megan Alvarez
Cc: Ashlie Beringer; Edward Palmieri; Koss, Laura
Subject: follow-up

Dear Rob and Megan:

Thank you for the update last week regarding Facebook's recent announcement concerning the changes in its use of information relating to people's online behavior for advertising purposes. Based on our discussion, we understand that Facebook will begin taking the information it collects about users' browsing behavior on third-party sites (i.e., not on Facebook) and the apps they use, and incorporating them into the user interest profiles they develop for determining which ads users will be shown on Facebook.

We also understand that Facebook is in the process of informing its users in the U.S. about this change through notifications on the Facebook site, as well as through emails sent to the outside email accounts individuals provided to Facebook. Facebook will not use any information it obtained about users' off-site browsing or app activity for advertising purposes until the user has clicked on the notification icon that appears at the top of the screen when they are using Facebook (whether through desktop or mobile). When a user clicks on this notification icon, a brief message appears which states: "We're improving ads based on apps and sites you use, and giving you control. Learn more." (This message is identical to the one sent to individuals' outside email accounts.)

When we last spoke, it was unclear what would happen if a user never clicked on the notification icon – i.e., at some point, would Facebook nonetheless begin using the person's off-site browsing activity and app information for advertising purposes? Please let us know what you have determined on this issue.

Lastly, we understand from our discussion that Facebook will not use for advertising purposes any information about users' off-site browsing and app activity that it had previously collected before users were notified about the change as described above.

If our understanding of any of the above is incorrect, please let us know immediately.

Thank you.
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mail Drop M-8102B | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: 28 Jun 2016 06:43:39 +0000
To: Kim, Reenah; Rob Sherman
Cc: Berger, Laura
Subject: Re: Confidential Update

Thank you, Reenah and Laura – we appreciate you both getting back to us.

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Friday, June 24, 2016 at 1:17 PM
To: Edward Palmieri <(b)(6)> Rob Sherman <(b)(6)>
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Confidential Update

Based on the information you've provided to date, we have no further questions at this time. Between now and final implementation however, if anything changes from what you've shared with us, please let us know.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Thursday, June 23, 2016 10:12 AM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Confidential Update

CONFIDENTIAL

Reenah and Laura:

Rob and I wanted to follow up on the call we had with Reenah last week. First, Reenah, thank you very much for your time. Second, we thought it might be a good time to check in and confirm whether you had any additional feedback regarding Account Kit or the WhatsApp Terms/Privacy Policy update. The teams are approaching the final stages of development for their respective projects and of course, if you have feedback, we would like to do our best to discuss it with you very soon.

At your convenience, could you let us know if you would like to discuss anything or if you have any questions? We would be happy to schedule a call for tomorrow if that is helpful.

Thank you for your time and consideration.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Rob Sherman
Sent: 29 Jun 2017 17:35:47 +0000
To: Kim, Reenah;Berger, Laura
Cc: Edward Palmieri;Jack Yang
Subject: Confidential - Facebook Update
Attachments: Facebook Confidential Briefing - June 2017.pdf

Reenah and Laura,

We're attaching a PDF of the deck we're planning to review with you today. We'll look forward to speaking with you soon.

Best,

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer

1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

Kim, Reenah

From: Edward Palmieri
Sent: Tuesday, July 01, 2014 3:40 PM
To: Mithal, Maneesha; Koss, Laura; Olsen, Christopher; Kim, Reenah
Cc: Rob Sherman
Subject: Facebook update - News Feed review

CONFIDENTIAL

Dear Maneesha, Laura, Chris, and Reenah:

I hope this email finds you all well. We wanted to reach out in case you had questions regarding the recent media coverage around a published academic study about Facebook's News Feed.

In late 2011 there were assertions that there were problems with our product — specifically that seeing stories in News Feed triggered negative reactions in people. We thought the responsible thing would be to evaluate that hypothesis. As you know, we constantly look at the way our News Feed algorithm selects stories for people - News Feed is powered by an algorithm that selects stories to surface from the multitude of content shared on our platform. The effectiveness of the News Feed is core to the Facebook experience and like other core products we constantly refine and iterate to ensure we are providing an optimized experience.

To conduct the review, we took a random sample of ~700,000 English speakers (global) and used our automated News Feed system to show people in this test slightly *fewer* posts with positive or negative words that were already eligible to appear in their News Feeds. This occurred over the course of one week. Although we of course have no way to know how people feel when they use Facebook, the review indicated that, in general, seeing positive posts in News Feed did not appear to cause people to post less frequently or post more negative content. Because the assertions we had heard appeared to be without basis, we determined that no changes to News Feed were needed as a result.

No personal data was shared or released to the public and the published study refers only to the aggregate results of the review. No one saw a story that they could not have seen already and Facebook did not add or delete anything to/from the content people saw. The researchers also did not review the content of actual posts; they used automated means to compile and aggregate statistics.

We hope this provides you with helpful background. We are happy to discuss if you have questions.

Best,
Edward

edward palmieri | associate general counsel, privacy | facebook legal (b)(6)

From: Daniel Li
Sent: 12 Jul 2013 16:04:09 +0000
To: Berger, Laura
Cc: Edward Palmieri
Subject: FTC Ads Presentation
Attachments: FTC Ads Presentation 07122013.pdf

Hi Laura,

Attached is the presentation we'll be running through later today.

Best,
Daniel

Daniel Li | Product Counsel | Facebook Legal

(b)(6)

NOTICE: This email (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. Unless you are the intended recipient, you may not use, copy, or retransmit the email or its contents.



July 15, 2013

Laura D. Koss
Reenah L. Kim
Division of Enforcement
Federal Trade Commission
Washington, DC 20580

Re: *In the Matter of Facebook, Inc.*, Docket No. C-4365

Dear Reenah and Laura,

This letter is in response to your letter dated June 26, 2013, requesting information regarding a software bug that caused certain contact information (email or phone number) to be inadvertently disclosed to users employing the “Download Your Information” tool (“DYI”). Please note that material contained in this response constitutes Facebook’s confidential business information, and we ask that it be treated with the highest degree of confidentiality pursuant to 5 U.S.C. §§ 552(b)(3) & (b)(4) and 15 U.S.C. § 46(f).

Background and Discovery of DYI Bug

As we have previously discussed with you, the unforeseen technical bug addressed in your letter was the unintended consequence of Facebook’s implementation of a contact-matching system intended to improve the contact-importer feature and reduce unwanted email invitations to Facebook users.

Facebook’s Contact Importer: “friend-finder”

To make it easier for users to find and connect with people they know on Facebook, we offer a contact-importer tool as part of our “friend-finder” service. This tool makes it possible for Facebook to provide users with friend suggestions: once a user consents to upload his or her contacts,

(b)(3):6(f); (b)(4)

If an imported email address matches the email address of an existing user, we present the user with a button to add the existing user as a friend. In the case of contacts that cannot be matched to existing users, we instead offer users the ability to send email invitations to join and connect through Facebook.

Contact Matching To Reduce Unwanted User Invitations

(b)(4); (b)(3):6(f)



(b)(4); (b)(3):6(f)

DYI Tool Bug

As part of our industry-leading efforts to enhance users' access to their personal data, in October 2010 Facebook began offering users a privacy-friendly automated tool, known as "Download Your Information," or "DYI." As the name suggests, DYI allows users to download their personal information as stored by Facebook in a user-friendly format that is easy to review and manage.

(b)(4); (b)(3):6(f)

Facebook users can download a ZIP file of their content to their computer. The files are easily accessible and browsable and include a comprehensive copy of the information users have shared on Facebook, like their profile information, list of friends, photos, videos, events, and inbox messages. For more information about the DYI tool, including how users can access over sixty categories of information from their account, please visit our help center. See *Accessing Your Facebook Data*, <https://www.facebook.com/help/www/405183566203254>.

(b)(4); (b)(3):6(f)

Discovery, Fix, and Notification by Facebook

In June 2013, Facebook learned of the inadvertently exposed contact information from a security researcher who reported the issue. Once the report was validated, we disabled the DYI tool and, after investigating the source of the bug, corrected the code that was causing the additional data to be included in downloads from DYI. Our investigation analyzed the full scope of the issue to ensure that there were no unintended consequences of the aforementioned code. We then re-enabled the DYI tool. In addition, we individually notified each of the 6.2 million users whose contact information was inadvertently exposed through the DYI tool, and publicly disclosed the issue in a blog post. See *Facebook Security Blog, Important Message From Facebook's White Hat Program*,



<https://www.facebook.com/notes/facebook-security/important-message-from-facebooks-white-hat-program/10151437074840766>.

Requests for Information

In addition to seeking general background about this incident, your letter contains a series of requests for specific information relating to the bug “[p]ursuant to Part IX of the Federal Trade Commission’s Decision and Order” (“Consent Order”). As a threshold matter, we note that the information requested in your letter falls outside the scope of Facebook’s obligations under that provision of the Consent Order. Part IX requires Facebook to submit written reports that address “the manner and form of [Facebook’s] compliance with [the] order,” such as information regarding the implementation of Facebook’s comprehensive privacy program. This incident involved an unforeseen software bug that was unconnected to Facebook’s privacy settings and originated in May 2012—well before the Consent Order was finalized. Nonetheless, we are eager to continue the open and cooperative dialogue we proactively initiated regarding this issue, and have provided herein additional information to the extent available. Should you have additional questions, we would be happy to further discuss at your convenience.

With respect to your questions concerning the numbers of affected downloads and contact information, our investigation has confirmed that as a result of this unforeseen technical bug, approximately 1.1 million downloads from DYI (from May 2012 to June 2013) contained an email address or phone number not contained in the downloading user’s contacts, and approximately 6.2 million unique users had a piece of contact information downloaded by another user in this manner.

(b)(4); (b)(3):6(f)

Your letter also asks a series of questions relating to the requirements of Part II of the Consent Order, which requires Facebook to provide notice and obtain affirmative express consent from users “prior to any sharing of a user’s nonpublic user information by [Facebook] with any third party, which materially exceeds the restrictions imposed by a user’s privacy setting(s).” As explained above, Facebook did not plan or intend to share the email addresses or telephone numbers with anyone. The tool was designed to match contact information in the background, help friends find one another easily and efficiently, and reduce the number of email addresses unnecessarily contacted by the tool. As such, this issue did not involve Facebook’s “sharing” of nonpublic information as contemplated by Part II. The term “sharing” refers to a deliberate and intentional act: a purposeful decision “to divide and distribute” or “to grant or give a share.” See <http://www.merriam-webster.com/dictionary/share>. It does not encompass the unpremeditated exposure of data at issue here, which was precipitated by an unforeseen software bug.

Additionally, the bug also did not result in any “material” sharing beyond a user’s privacy settings. Most basically, there are no privacy settings applicable to contacts that users upload to take advantage of the friend-finder feature. And, as discussed above, in the overwhelming number of cases (approximately



97%), only one user received unintended contact information. Users also are expressly advised in our Statement of Rights and Responsibilities and Data Use Policy that Facebook is unable to guarantee a bug- and error-free service—a reality in the software space. We work hard to prevent bugs and to detect and remedy them as quickly as possible when they happen. Our commitment to keeping our site as protected from bugs as possible is reflected in our industry-leading White Hat program. In this case, the bug was corrected very quickly and, for each impacted email address or telephone number, the disclosure was extremely limited.

* * *

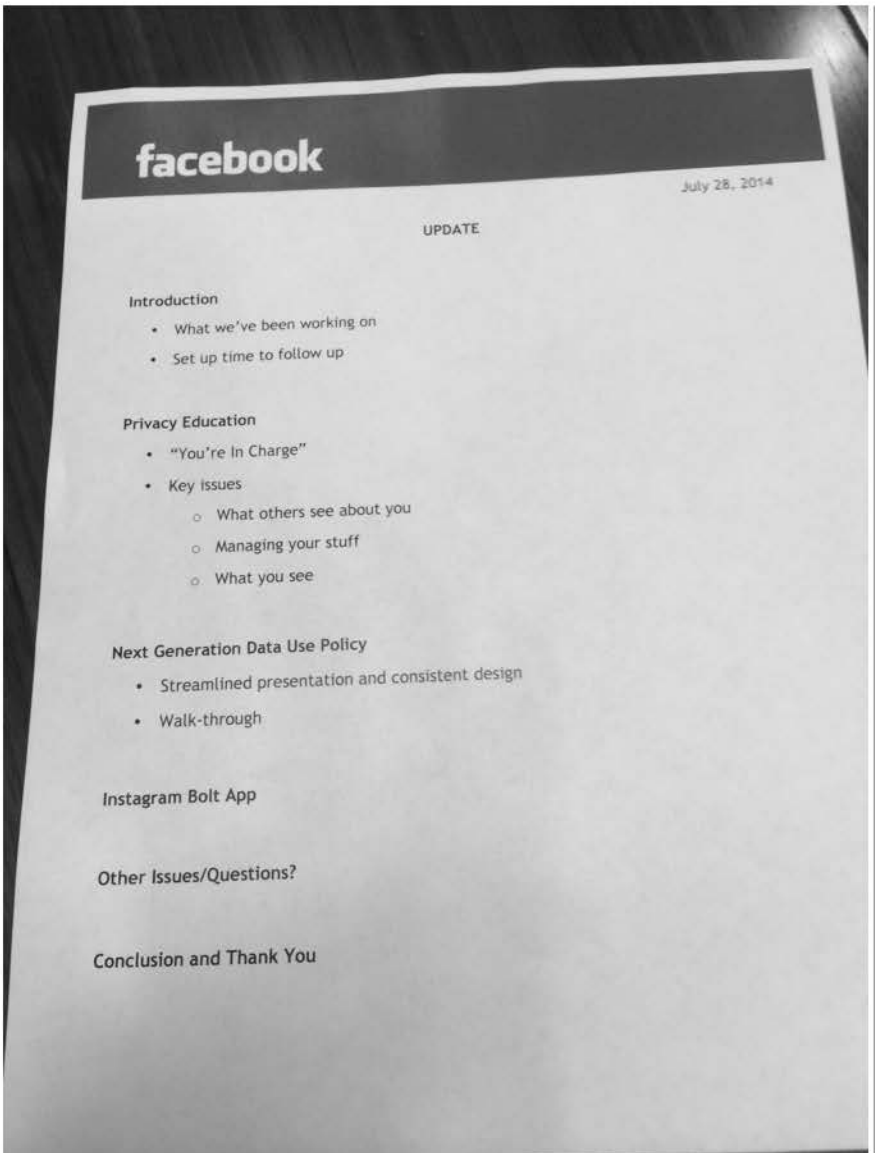
Facebook remains deeply committed to providing users with access to and control over their information, to safeguarding their privacy settings, and to fulfilling its mission of empowering users to share and to connect with their friends and the world around them. In this case, we acted swiftly to investigate and address the bug, we proactively engaged with the Commission staff regarding this incident, and we will continue to seek the Commission staff's guidance in navigating this and other unforeseen issues. Please do not hesitate to contact us should you have any additional questions.

Kind regards,

A handwritten signature in black ink, appearing to read 'E. Palmieri', is positioned above a horizontal line.

Edward Palmieri
Associate General Counsel, Privacy
Facebook, Inc.
1155 F. Street, NW Suite 475
Washington, DC 20004

From: Edward Palmieri
Sent: 28 Jul 2014 20:06:04 +0000
To: Berger, Laura
Subject: Agenda
Attachments: photo.JPG, ATT00001.txt



Sent from my iPhone

UPDATE

Introduction

- What we've been working on
- Set up time to follow up

Privacy Education

- "You're In Charge"
- Key issues
 - What others see about you
 - Managing your stuff
 - What you see

Next Generation Data Use Policy

- Streamlined presentation and consistent design
- Walk-through

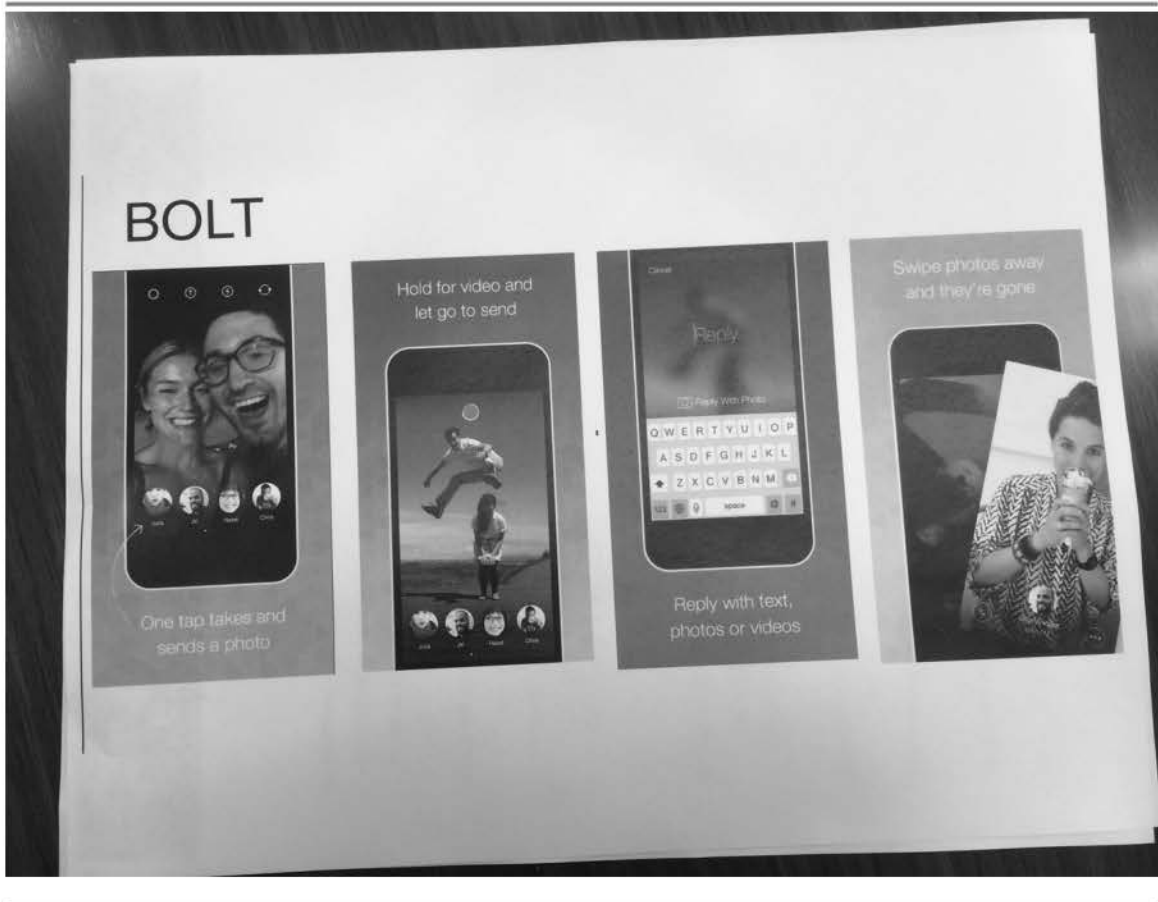
Instagram Bolt App

Other Issues/Questions?

Conclusion and Thank You

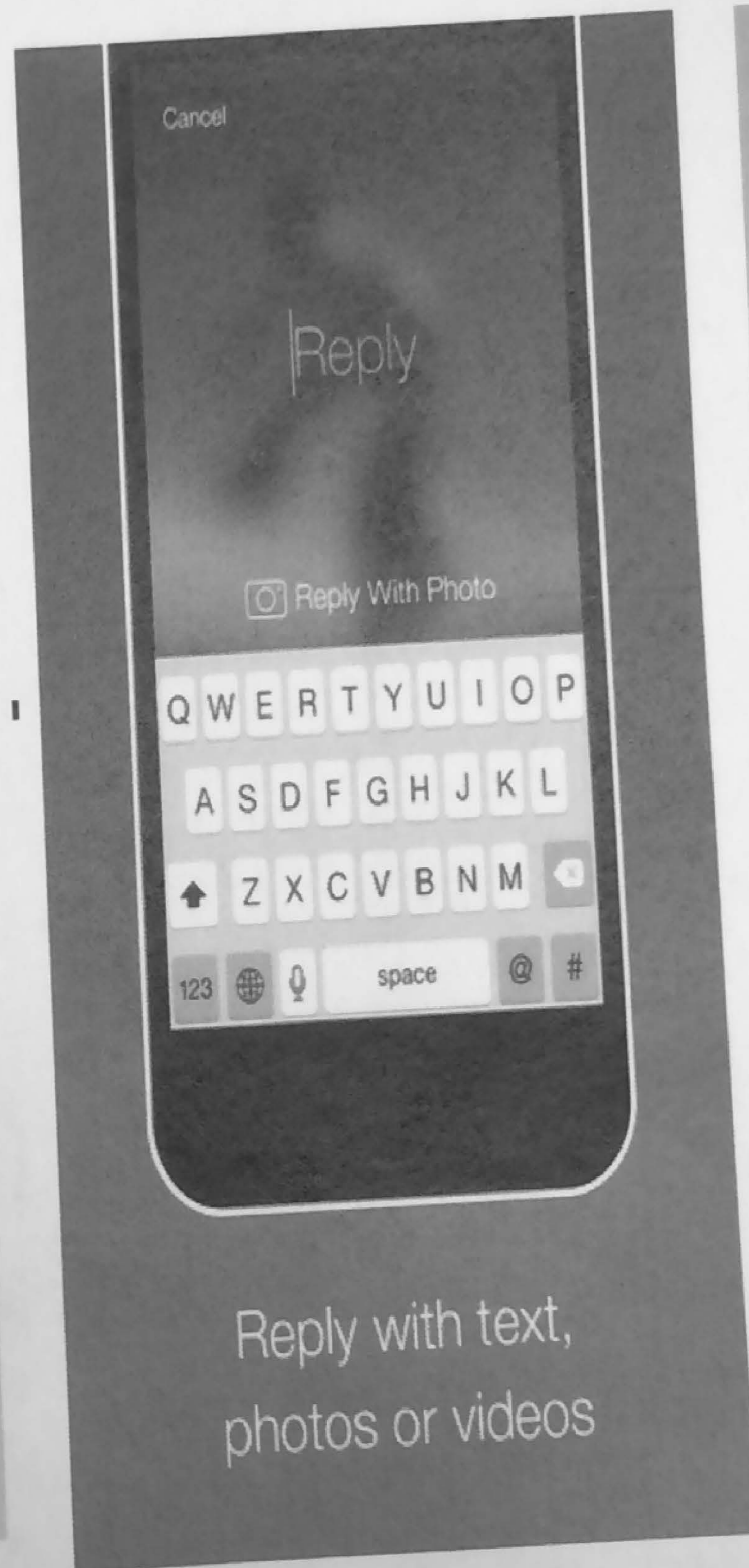
Sent from my iPhone

From: Edward Palmieri
Sent: 28 Jul 2014 20:06:56 +0000
To: Berger, Laura
Subject: Bolt - CONFIDENTIAL
Attachments: photo.JPG, ATT00001.txt



Sent from my iPhone

BOLT



Sent from my iPhone

From: Edward Palmieri
Sent: 29 Jul 2016 03:49:09 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Confidential WhatsApp Update

CONFIDENTIAL

Dear Laura and Reenah:

We wanted to let you know that there has been a short delay in the planned WhatsApp terms and privacy policy update (previously set for this week). We are now targeting mid-to-late August. We will keep you posted and please let us know if you have any questions.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Jack Yang
Sent: 3 Aug 2017 16:44:45 +0000
To: Kim, Reenah; Rob Sherman; Berger, Laura
Cc: Magee, Peder; Antigone Davis
Subject: Re: your meeting request re new product launch
Attachments: FTC Presentation - Talk 8-3-2017.pdf

Facebook Confidential

Please find attached hereto the presentation we will review this afternoon. Look forward to seeing you soon.

Jack Yang
AGC & Head of Privacy
Facebook

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Thursday, July 27, 2017 at 1:27 PM
To: Rob Sherman (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Cc: Jack Yang (b)(6) "Magee, Peder" <PMAGEE@ftc.gov>, Antigone Davis (b)(6)
Subject: RE: your meeting request re new product launch

Yes – see you then

From: Rob Sherman [mailto:(b)(6)]
Sent: Thursday, July 27, 2017 10:57 AM
To: Kim, Reenah; Berger, Laura
Cc: Jack Yang; Magee, Peder; Antigone Davis
Subject: Re: your meeting request re new product launch

Reenah, I've just confirmed that this will work for Jack and Antigone. Would 8/3, 1:30 pm at your office work?

From: Rob Sherman (b)(6)
Date: Thursday, July 27, 2017 at 10:18 AM
To: Reenah Kim <rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Cc: Jack Yang (b)(6) "Magee, Peder" <PMAGEE@ftc.gov>
Subject: Re: your meeting request re new product launch

Thanks, Reenah. On our end, we'd also like to include Antigone Davis, who leads Facebook's global safety team.

Thursday afternoon works for me; let me circle back with Jack and with Antigone on their schedules and I'll get back to you later today to confirm.

From: Reenah Kim <rkim1@ftc.gov>
Date: Thursday, July 27, 2017 at 7:41 AM
To: Rob Sherman (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Cc: Jack Yang (b)(6) "Magee, Peder" <PMAGEE@ftc.gov>
Subject: RE: your meeting request re new product launch

How about Thursday Aug 3 – preferably in the afternoon before 5? My colleague Peder Magee will also be joining.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Rob Sherman [[\(b\)\(6\)](mailto:(b)(6))]
Sent: Wednesday, July 26, 2017 8:27 AM
To: Kim, Reenah; Berger, Laura
Cc: Jack Yang
Subject: Re: your meeting request re new product launch

Thanks to both of you. I think Jack is planning to be in DC next week; any chance we could meet towards the end of that week (maybe August 4)? If not, we could do Thursday or earlier in the week as well.

Also, we wanted to flag that the product we'd like to discuss is a standalone app that involves children under 13. We weren't sure whether there are others at the Commission who might need to participate in the discussion, but obviously, we're happy to be guided by your recommendation in terms of whether others should join.

Thanks.

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: Reenah Kim <rkim1@ftc.gov>

Date: Wednesday, July 26, 2017 at 7:59 AM

To: "Berger, Laura" <LBERGER@ftc.gov>, Rob Sherman (b)(6), Jack Yang

(b)(6)

Subject: RE: your meeting request re new product launch

I'm generally available this week except on Friday (July 28); also available next week as well.

-Reenah

From: Berger, Laura

Sent: Tuesday, July 25, 2017 6:01 PM

To: 'Rob Sherman'; Jack Yang

Cc: Kim, Reenah

Subject: your meeting request re new product launch

Hi Rob and Jack,

I got your voicemail re a meeting to discuss a product launch with Reenah (cc'd) and me. I am around this week; I am not certain of Reenah's availability. Would you please let us know what date(s) you are aiming for?

Best,

Laura

Laura D. Berger
Federal Trade Commission
Attorney, Division of Privacy and Identity Protection
901 Market Street, Suite 570
San Francisco, CA 94103
202.326.2471 (direct)
lberger@ftc.gov

From: Edward Palmieri
Sent: 4 Aug 2016 21:46:08 +0000
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Confidential Facebook Update

CONFIDENTIAL

Dear Laura and Reenah:

We wanted to send you two updates on some product announcements we're making.

First, as you may have seen on Tuesday, Instagram announced a new feature called "Instagram Stories." The goal of this new feature is to give people a way to share everyday, casual photos – in addition to the special photos they often already post on Instagram. Instagram users with the latest version of the app will start to see links to the posted stories for the people and things they follow on Instagram at the top of their Instagram feed. With this new feature, the photos and videos posted to one's set of "stories" will appear in a slideshow format and the photos and videos will disappear from one's profile after 24 hours. Importantly, one's story follows the privacy settings of their account - if you set your account to private, your story is visible only to your followers. For more information about Instagram Stories, please see: <http://blog.instagram.com/post/148348940287/160802-stories>.

Second, several months ago we let you know that we were beginning to test in a few countries showing ads to people on [Facebook.com](https://www.facebook.com) even if they have ad blockers installed. We wanted to let you know that on Monday we're planning to announce that we'll begin to do this in the United States and other countries as well. Importantly, this effort does not involve Facebook detecting which users have installed ad blockers; rather, (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Additionally,

we are rolling out more improvements to our Ad Preferences feature, which will include (1) an overall redesign, (2) improved ability to see not only why we think you have certain interests but also sample ads that are being targeted to those interests, and (3) the ability to see which advertisers have added you to Custom Audiences and to remove yourself from those audiences. We'll be showing people additional information about these new controls as they use Facebook and will roll out an improved consumer education microsite that explains our approach to ads.

As we explore some upcoming product updates, including ones similar to Instagram Stories, we thought it might be a good time to meet with you both. At your convenience, could you please let us know when you both might be free - we could aim for late August or early September, perhaps? Of course, if there is anything you'd like to discuss sooner, including Instagram Stories or our ads-related updates, just let us know.

Thank you for your time.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Kim, Reenah
Sent: 5 Aug 2014 14:11:50 -0400
To: Edward Palmieri;Rob Sherman
Cc: Koss, Laura;Berger, Laura;Olsen, Christopher
Subject: follow-up meeting
Attachments: 08-05-2014 Ltr to FB re Aug 2014 changes to DUP.pdf

In the interest of guiding our discussion, we put together an initial set of questions following up on our last meeting, which we outline in the enclosed letter.

To allow time for your team to review, let's plan to reconvene next week. We're available to meet:

Tuesday (Aug 12): 4:00p ET
Thursday (Aug 14): 11:00a-12:00p; 1:30-4:00p ET
Friday (Aug 15): 1:00-3:30p ET

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue NW
WASHINGTON, DC 20580

Bureau of Consumer Protection
Division of Enforcement, Mailstop CC-9528

August 5, 2014

via electronic mail (b)(6)

Edward Palmieri
Associate General Counsel, Privacy
Robert Sherman
Associate General Counsel, Privacy
Facebook
1155 F Street NW, Suite 475
Washington, DC 20004

Re: In the Matter of Facebook, Inc., Docket No. C-4365

Dear Counsel:

Thank you for the information you recently provided to the FTC regarding Facebook's proposed changes to its Data Use Policy (DUP) and new Privacy Center tool. As you know, we are not in a position to "pre-approve" Facebook's policies or practices, though we may seek information as appropriate to help ensure Facebook's compliance with the FTC consent order.

At our meeting last week, you indicated your intent to return for a follow-up meeting. To foster a productive discussion regarding these issues, we pose the initial questions below. We expect we will have further inquiries as we learn more.

1. (b)(4); (b)(3):6(f) The proposed DUP states that it (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)
 - a) How will Facebook define (b)(4); (b)(3):6(f)
 - b) Does this term as it appears in the proposed DUP include advertising services?
 - c) If so, does it include advertising shown off of Facebook, as well as advertising shown on Facebook?
2. **Information relating to user-provided content.** In Section I, the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a) Does the proposed language reflect a change in the type of user information Facebook collects?
- b) If so, what is the change?

3. **Collecting device information.** In Section I, the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a) Is it Facebook's position that, pursuant to this language, Facebook may collect information about a device (whether a computer or phone, tablet, or other mobile device) the user has used to access Facebook Services even during times when the user has closed out or exited the Facebook product, service, or app (*i.e.*, when Facebook is not running in the background)?
- b) If so, does the proposed language reflect a change in the type of user information Facebook collects?
- c) Is it Facebook's position that, pursuant to this language, Facebook may collect information about a device (whether a computer or phone, tablet, or other mobile device) the user has used to access Facebook Services even during times when the user has logged out of Facebook?
- d) If so, does the proposed language reflect a change in the type of user information Facebook collects?

4. **Geo-location information relating to devices.** In Section I, the proposed DUP states

(b)(4); (b)(3):6(f)

- a) Does the proposed language reflect a change in the type of geo-location information Facebook collects?
- b) If so, what is the change?
- c) What is meant by the phrase (b)(4); (b)(3):6(f)?

- d) Which “Services” does this include?
- e) Will the type of geo-location information collected vary depending on the particular Facebook brand, product, or service (which the DUP refers to collectively as “Services”) for which the user has “location services enabled”?
- f) Does the proposed language reflect a change in the period of time Facebook retains any geo-location information it collects?
- g) If so, what is the change?

5. **Communicating with users.** In Section II, the proposed DUP states (b)(4);
(b)(4); (b)(3):6(f)

- a) Does the proposed language reflect a change in the ways Facebook uses the information it collects to communicate with users (for example, to send advertising content directly to an individual user via messages/messaging)?
- b) Does the proposed language reflect a change in how Facebook uses or shares the information it collects “for marketing and promotions”?

6. **Use of information for research.** The proposed DUP states (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)

- a) Does the proposed language reflect a change in the ways Facebook uses or shares the information it collects?
- b) If so, what is the change?
- c) Will the proposed DUP allow Facebook to share personally identifying information about users with its “research and academic partners”? If so, is this a change from the current DUP?

7. **Personalized advertising.** In multiple instances, the proposed DUP appears to provide hyperlinks to other sources of information regarding the extent to which users can control how their information is used to develop or deliver interest-based or other targeted advertising, such as online behavioral advertising (OBA). For example, Section II of the

proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a) Does the proposed DUP change any of the controls users currently have over the extent to which information about them and their activities (whether on or off Facebook, such as on third-party websites or apps) is used to develop interest-based advertising?
- b) What information will these “<Learn more>,” “<control>,” and “<cookies, pixels, and similar technologies>” hyperlinks provide?

8. **Facial and voice recognition.** In Section II, the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a) Does the proposed language reflect a change in the ways Facebook collects, uses, or shares information?
- b) If so, what is the change?
- c) Does Facebook currently collect information about users’ voices?
- d) Does Facebook currently use voice recognition technology on any user information it collects or obtains?
- e) Does the proposed language allow Facebook in the future to expand or make other changes to the types of user information it collects, uses, or shares, such as information developed through voice recognition technology?
- f) If so, what are those changes?
- g) Will the proposed language change any of the controls users currently have to prevent the use of their image for facial recognition (for example, users who have turned off the “tag suggestion” feature)?
- h) If so, what will the change be?
- i) Will the proposed language allow Facebook to use facial recognition technology to

create templates of individual user images or retain such templates for a different purpose (other than the tag suggestion feature)?

9. **Sharing personally identifying information with advertisers.** In Section III, the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a) Does the proposed language reflect a change in the ways Facebook collects, uses, or shares information?
- b) If so, what is the change?
- c) Does the proposed language allow Facebook in the future to expand or make other changes to the types of user information it collects, uses, or shares?
- d) If so, what are those changes?

10. **Public information.** In Section III, the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a) What information will the “<Facebook profile>” hyperlink provide?
- b) Does the proposed language reflect a change in the types of user information that Facebook considers to be “always public”?

11. **Sharing with other companies.** Section III of the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a) What information will the “<Learn more>” hyperlink provide?

- b) Does the proposed language reflect a change in Facebook’s actual practice or practices permitted under the current DUP as reflected in the provisions regarding information-sharing among Facebook “affiliates”?

12. **Change of control.** The proposed DUP states (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)

- a) Is it Facebook’s position that the proposed language would allow Facebook in the future to transfer users’ information as part of a change in the ownership or control of all or part of Facebook’s Services or assets without requiring new owners to honor the representations made to users in the current DUP?

13. **Deleting information.** The proposed DUP states (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)

- a) What information will this hyperlink provide?
- b) Does the proposed DUP or linked material alter any of Facebook’s current representations regarding data retention periods?

14. **Notification of changes to policy.** In Section VII, the proposed DUP states (b)(4);
(b)(4); (b)(3):6(f)

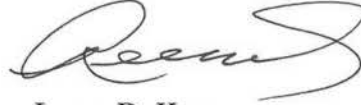
- a) Does the proposed language reflect a change in how Facebook will notify users of changes in its collection, use, or sharing of information?
- b) If so, what is the change?

* * * * *

August 5, 2014
page 7

We look forward to receiving your responses. If you have any questions regarding the above, please do not hesitate to contact us at 202-326-2890 (Koss) or 202-326-2272 (Kim).

Sincerely,

A handwritten signature in black ink, appearing to read "Laura D. Koss". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Laura D. Koss
Reenah L. Kim

From: Edward Palmieri
Sent: 28 Aug 2014 00:14:38 +0000
To: Kim, Reenah;Rob Sherman
Cc: Koss, Laura;Berger, Laura;Olsen, Christopher
Subject: Re: follow-up meeting
Attachments: FTC DP Letter 08272014 final.pdf

CONFIDENTIAL

Thank you, again, for meeting with us to discuss our draft proposal for our new data policy. Please see the attached written responses to your questions, as a follow-up to our meeting. Please let us know if you have any additional questions – we would be happy to discuss.

Best,
Edward

edward palmieri | associate general counsel, privacy | facebook legal (b)(6)

From: <Kim>, Reenah <rkim1@ftc.gov>
Date: Tuesday, August 5, 2014 at 2:11 PM
To: e p (b)(6) Rob Sherman (b)(6)
Cc: "Koss, Laura" <LKOSS@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>, "Olsen, Christopher" <colsen@ftc.gov>
Subject: follow-up meeting

In the interest of guiding our discussion, we put together an initial set of questions following up on our last meeting, which we outline in the enclosed letter.

To allow time for your team to review, let's plan to reconvene next week. We're available to meet:

Tuesday (Aug 12): 4:00p ET
Thursday (Aug 14): 11:00a-12:00p; 1:30-4:00p ET
Friday (Aug 15): 1:00-3:30p ET

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov



August 27, 2014

Laura D. Koss, Esq.
Reenah L. Kim, Esq.
Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Dear Ms. Koss and Ms. Kim:

We very much appreciated the opportunity to meet with you last week to discuss Facebook’s planned launch of our new Privacy Center and update to our Data Use Policy (“DUP”). This letter responds in more detail to some of the issues we discussed in that meeting, and to the questions you posed in your August 5, 2014 letter.

As we discussed, Facebook is streamlining and simplifying the DUP so that our users—many of whom access and use our products and services through smartphones and other mobile devices—have an easier time reading and understanding our policy. Additionally, we are updating our policy to reflect the expanding range of products and services we offer, including through companies we own or operate, and to provide a consistent experience and set of principles across those businesses. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f) In connection with the updates to the DUP, Facebook also will be making various streamlining changes to our Statement of Rights and Responsibilities (“SRR”), mostly consisting of moving the guidelines and terms applicable to our business partners (advertisers and developers) out of the SRR. With this background in mind, we answer your questions below. We continue to evaluate our plans and the language we will use in the updated policy, and in the coming weeks will finalize the proposed draft.

1. (b)(4); (b)(3):6(f) The proposed DUP states that it (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)

a. How will Facebook define (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- b. Does this term as it appears in the proposed DUP include advertising services?
- c. If so, does it include advertising shown off of Facebook, as well as advertising shown on Facebook?

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

This approach is consistent with the existing DUP, which states, for example, that “Facebook offers a range of products that allow advertisers to reach people on and off Facebook.”

2. Information relating to user-provided content. In Section I, the proposed DUP states

(b)(4); (b)(3):6(f)

- a. Does the proposed language reflect a change in the type of user information Facebook collects?
- b. If so, what is the change?

No, the proposed language does not reflect a change in Facebook’s practices. The current DUP explains, for example, that “[w]hen you post things like photos or videos on Facebook, we may receive additional related data (or metadata), such as the time, date, and place you took the photo or video.” The proposed language conveys the same concept in the categorical format we are employing in our streamlined policy. We want to continue to be clear that we receive information in and connected to the things you share through our Services, like embedded information and the actual content of posts and other communications.

3. Collecting device information. In Section I, the proposed DUP states

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a. Is it Facebook's position that, pursuant to this language, Facebook may collect information about a device (whether a computer or phone, tablet, or other mobile device) the user has used to access Facebook Services even during times when the user has closed out or exited the Facebook product, service, or app (i.e., when Facebook is not running in the background)?

- b. If so, does the proposed language reflect a change in the type of user information Facebook collects?**
- c. Is it Facebook's position that, pursuant to this language, Facebook may collect information about a device (whether a computer or phone, tablet, or other mobile device) the user has used to access Facebook Services even during times when the user has logged out of Facebook?**
- d. If so, does the proposed language reflect a change in the type of user information Facebook collects?**

As we discussed, we collect device information when a user installs and when someone uses our Services. We also collect certain device information when users have closed or logged out of Facebook. For example, this may be necessary to operate certain features or operate applications that the user has installed, such as the "Nearby Friends" service or a VoIP feature (these services, by design, operate whether you are actively using our apps or not).

No, this is not a change in the type of information we collect, and our current DUP explains this: "We receive data from or about the computer, mobile phone, or other devices you use to install Facebook apps or to access Facebook, including when multiple users log in from the same device. This may include network and communication information, such as your IP address or mobile phone number, and other information about things like your internet service, operating system, location, the type (including identifiers) of the device or browser you use, or the pages you visit. For example, we may get your GPS or other location information so we can tell you if any of your friends are nearby, or we could request device information to improve how our apps work on your device." We also state "We receive data about you whenever you use or are running Facebook, such as when you look at another person's timeline, send or receive a message, search for a friend or a Page, click on, view or otherwise interact with things, use a Facebook mobile app, or make purchases through Facebook."

Additionally, we receive information when a third party integrates our Services by installing our code on its mobile app or using a social plugin (regardless of whether the user has closed or logged out of Facebook). This position also is not a change in Facebook's practices and is reflected in the current DUP, which explains that Facebook may receive data "whenever" users "visit a game, application, or website that uses Facebook Platform or visit a site with a Facebook feature (such as a social plugin)."

4. Geo-location information relating to devices. In Section I, the proposed DUP states

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a. Does the proposed language reflect a change in the type of geo-location information Facebook collects?
- b. If so, what is the change?

No, there is no change in the type of geo-location information that Facebook collects. In streamlining the DUP, we consolidated previously separate discussions about location information, such as the current statements that Facebook “receive[s] data from or about the computer, mobile phone, or other devices you use to install Facebook apps or to access Facebook. . . . This may include network and communication information, such as your IP address. . . . For example, we may get your GPS or other location information so we can tell you if any of your friends are nearby, or we could request device information to improve how our apps work on your device.” We think this streamlined approach will provide clearer information to our users, and we anticipate that we will continue to provide them with helpful in-context detail about our location features and controls, as we did when we recently launched the Nearby Friends feature.

- c. What is meant by the phrase (b)(4); (b)(3):6(f)

(b)(4);

As you know, some device operating systems, such as Apple’s iOS, include location services APIs that allow applications (like Facebook) to use location information from cellular, WiFi, and GPS networks. Apple’s iOS settings allow users to control which applications have access to this “location services” data. The phrase “if you have location services enabled for our Services” means that we receive this location information if the user has turned location services “on” for Facebook through the settings offered at the OS level. As we discussed, different phones have different device-level permissions, and these device-level permissions may be different than the controls available through our Services. We were attempting to make it clear that we will collect location information in cases where we have device-level permission to do so. We are considering revisions to this language to state this intent more clearly and very much appreciate your feedback on this point.

- d. Which “Services” does this include?

This language applies to all of the Services.

- e. Will the type of geo-location information collected vary depending on the particular Facebook brand, product, or service (which the DUP refers to collectively as "Services") for which the user has "location services enabled"?**

The type of location information collected will vary depending on the product, service, or feature and the user's permissions. As we discussed, applications (such as Facebook) will work within the boundaries of the device operating system settings as well as the settings that Facebook offers.

- f. Does the proposed language reflect a change in the period of time Facebook retains any geo-location information it collects?**
g. If so, what is the change?

No, this language is not a change in practice, but instead is intended to update how we talk about important things like location information in a way that encompasses our range of services and features. For example, current features, such as "Nearby Friends," require us to retain location information for a longer period of time in order to provide the service.

5. Communicating with users. In Section II, the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a. Does the proposed language reflect a change in the ways Facebook uses the information it collects to communicate with users (for example, to send advertising content directly to an individual user via messages/messaging)?**

No, the proposed language does not reflect a change in Facebook's practices. It clarifies some of the ways that Facebook may communicate with its users.

- b. Does the proposed language reflect a change in how Facebook uses or shares the information it collects "for marketing and promotions"?**

No, this language does not reflect a change in how Facebook uses or shares the information that it collects for marketing and promotions.

6. Use of information for research. The proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a. Does the proposed language reflect a change in the ways Facebook uses or shares the information it collects?
- b. If so, what is the change?

No, the language does not reflect a change in how Facebook uses or shares information for research. The current and prior versions of the DUP permit Facebook to engage in research, which is critical to our ability to analyze and improve our products and services. However, we feel that it would be beneficial to describe our research practices and collaboration in more detail in light of the increased interest surrounding this subject. We appreciate the suggestions that you provided to improve this language, and we will review this language again before we finalize the draft.

- c. Will the proposed DUP allow Facebook to share personally identifying information about users with its “research and academic partners”? If so, is this a change from the current DUP?

Under both the current DUP and the proposed DUP, Facebook may, in controlled instances, share personally identifying information about users with its research and academic partners. For example, partners who function as service providers and, in some cases, need to access personally identifying information to perform the research, may be granted access. As a general matter, personally identifying information is shared only in limited circumstances and is subject to significant contractual restrictions, security precautions, and confidentiality requirements. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

7. **Personalized advertising.** In multiple instances, the proposed DUP appears to provide hyperlinks to other sources of information regarding the extent to which users can control how their information is used to develop or deliver interest-based or other targeted advertising, such as online behavioral advertising (OBA). For example, Section II of the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a. Does the proposed DUP change any of the controls users currently have over the extent to which information about them and their activities (whether on or off Facebook, such as on third-party websites or apps) is used to develop interest-based advertising?**

No, the DUP does not change any of the controls that users currently have over the extent to which information about them and their activities (whether on or off Facebook) is used to develop interest-based advertising. Instead, we are providing a more complete description in an effort to be clearer about how we may use information for such purposes.

- b. What information will these “<Learn more>,” “<control>,” and “<cookies, pixels, and similar technologies>” hyperlinks provide?**

The links are not changing, although we may continue to update the content of these pages from time to time. They will go to the same pages that currently exist, noting all of the controls and product information that users may review. Within the “Learn More” page, we are linking directly to the controls in order to provide users a simple means to exercise their choices in a one-step manner.

8. Facial and voice recognition. In Section II, the proposed DUP states

(b)(4); (b)(3):6(f)

- a. Does the proposed language reflect a change in the ways Facebook collects, uses, or shares information?**
b. If so, what is the change?

As we have discussed, Facebook currently offers a facial recognition based product (“tag suggest”), which is described in the current DUP

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

c. Does Facebook currently collect information about users' voices?

Yes, we currently receive audio information when, for example, a user posts a video on Facebook or uses a voice feature on Messenger.

d. Does Facebook currently use voice recognition technology on any user information it collects or obtains?

Voice recognition technology potentially includes two separate concepts—speech recognition (recognizing particular words and speech patterns) and speaker recognition (recognizing that speech patterns belong to a particular individual). We currently use speech recognition technology for purposes of research and analysis, in a manner that is blind to the identity of the individual speaker (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f) Separately, we currently are not using voice recognition technology for purposes of *speaker* recognition (i.e., that the person who said “hello” is Person Y) (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

e. Does the proposed language allow Facebook in the future to expand or make other changes to the types of user information it collects, uses, or shares, such as information developed through voice recognition technology?

f. If so, what are those changes?

We are always striving to develop innovative new features and services. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- g. Will the proposed language change any of the controls users currently have to prevent the use of their image for facial recognition (for example, users who have turned off the "tag suggestion" feature)?**
- h. If so, what will the change be?**

No, this language will not change existing controls, such as the "tag suggest" control, which will continue to govern the audience entitled to see tag suggestions for a particular user and to govern whether we create and maintain a facial recognition template for use in generating tag suggestions. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- i. Will the proposed language allow Facebook to use facial recognition technology to create templates of individual user images or retain such templates for a different purpose (other than the tag suggestion feature)?**

As explained above, Facebook has used facial recognition as part of the Facebook products and services for some time. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

9. Sharing personally identifying information with advertisers. In Section III, the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a. Does the proposed language reflect a change in the ways Facebook collects, uses, or shares information?
- b. If so, what is the change?
- c. Does the proposed language allow Facebook in the future to expand or make other changes to the types of user information it collects, uses, or shares?
- d. If so, what are those changes?

No, the language change does not reflect a change in the information that Facebook shares with advertisers. Our goal in listing the specific categories of data we will not share is to avoid ambiguity, given the lack of global and industry consensus around the term “personally identifying information”. In the proposed DUP, we make it clear that we will not share your name, profile picture, or contact information (such as telephone numbers or email addresses) with advertisers without your consent. This language does not expand the types of information that we share with advertisers. For example and as we discussed in our meeting, the DUP has never included IP addresses or other Internet or device identifiers in the definition of “personally identifying information.” Also, as discussed, name and profile picture are among the data elements that are always public information. That is clear under the current and proposed DUP and is not changing.

10. Public information. In Section III, the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a. What information will the “<Facebook profile>” hyperlink provide?
- b. Does the proposed language reflect a change in the types of user information that Facebook considers to be “always public”?

This reference relates to a term used on our Platform when people share information with the apps they use. The information included is not changing and as described in our DUP, consists of name, profile pictures, cover photos, gender, networks, username and User ID, and information the user chooses to make public. We are not changing the types of information that are always public. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

11. Sharing with other companies. Section III of the proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- a. What information will the “<Learn more>” hyperlink provide?

This hyperlink will link to a page that identifies our related companies with whom Facebook may share information and provides links to their terms and policies, as applicable.

b. Does the proposed language reflect a change in Facebook's actual practice or practices permitted under the current DUP as reflected in the provisions regarding information-sharing among Facebook "affiliates"?

No, the proposed language does not reflect a change in our actual practice or in the sharing of information that is permitted under the current DUP. It simply restates the current provisions of the DUP (that we share data with our affiliates) while also providing a list of companies that are part of our corporate structure.

12. Change of control. The proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

a. Is it Facebook's position that the proposed language would allow Facebook in the future to transfer users' information as part of a change in the ownership or control of all or part of Facebook's Services or assets without requiring new owners to honor the representations made to users in the current DUP?

(b)(4); (b)(3):6(f)

13. Deleting information. The proposed DUP states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

a. What information will this hyperlink provide?

This hyperlink will redirect the user to a page about how users can delete their accounts. The page will be the same or similar to the page that currently is linked to from the current DUP.

b. Does the proposed DUP or linked material alter any of Facebook's current representations regarding data retention periods?

The proposed language does not change the way people may delete their account on Facebook or the way we delete, anonymize, or aggregate data after an account has been deleted. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

14. Notification of changes to policy. In Section VII, the proposed DUP states (b)(4);

(b)(4); (b)(3):6(f)

- a. Does the proposed language reflect a change in how Facebook will notify users of changes in its collection, use, or sharing of information?
- b. If so, what is the change?

No, Facebook is not changing its practices. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We are only simplifying the language to make it clear we have some flexibility in how we provide users appropriate notice and choice (as applicable), since we may not implement changes in exactly the same way every time.

* * * *

We hope that these written responses are helpful, and we would be happy to discuss any further questions.

Very truly yours,



Edward Palmieri
Associate General Counsel, Privacy

From: Kim, Reenah
Sent: 18 Aug 2017 13:37:55 +0000
To: 'Jack Yang';Antigone Davis;Rob Sherman
Cc: Cohen, Kristin;Magee, Peder;Berger, Laura;Shane Witnov
Subject: RE: Facebook - Talk app

Thanks Jack. I actually might be traveling to Los Angeles for a few days during the first or second week of September, but won't have a better sense of the schedule until (b)(6) (b)(6) I'll reach out again once I'm back in the office and we've received the updated materials from you, to see whether/when it'd make sense to set another in-person meeting while you're in DC.

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Thursday, August 17, 2017 11:44 PM
To: Kim, Reenah; Antigone Davis; Rob Sherman
Cc: Cohen, Kristin; Magee, Peder; Berger, Laura; Shane Witnov
Subject: Re: Facebook - Talk app

Reenah:

Thanks for reaching out.

1. We've been working on the terms of service and privacy policy. It continues to undergo internal review. We're expecting to provide you such documents by August 28th at the latest.
2. We are making modifications to the direct notice screens we showed you during our meeting. We expect also expect to provide you such screens by August 28th as well.
3. At this time, the date of the launch is in flux. However, we're targeting October 1st for app store submission and expect app store availability two weeks thereafter.

I'm actually planning a trip to Washington for some meetings either the week of September 4th (after Labor Day) or September 11th. If you'd like, we could meet face to face to discuss the direct notices, terms of service and privacy policy and perhaps also provide you updates on other products.

Is there a day during that timeframe which would work better for all of you?

Thanks much in advance.

Jack Yang
AGC & Head of Privacy
Facebook

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>

Date: Thursday, August 17, 2017 at 7:08 AM

To: Jack Yang (b)(6) Antigone Davis (b)(6) Rob Sherman

(b)(6)

Cc: "Cohen, Kristin" <kcohen@ftc.gov>, "Magee, Peder" <PMAGEE@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>

Subject: Facebook - Talk app

Jack – I'm writing to follow up on our recent meeting regarding the Talk app. When you have a moment, could you please let us know:

- (1) When the text for Talk's privacy policy and terms of service will be closer to final and ready to be shared with us?
- (2) Whether any of the disclosures and screens for the parental set-up notice and consent flow changed from the version you showed us at our August 3 meeting?
- (3) The date when Facebook currently anticipates launching the app?

FYI - I'll be out of the office next week (Aug 21-25), but checking email periodically. Please copy Kristin Cohen and Peder Magee on your response.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
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From: Edward Palmieri
Sent: 22 Aug 2016 15:49:59 +0000
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Confidential WhatsApp Update
Attachments: WhatsApp Key Updates_Confidential.pdf, WhatsApp Privacy Policy_Confidential.pdf, WhatsApp Terms of Service_Confidential.pdf, WhatsApp Key Updates - Redlines from 05.26.2016 to 07.13.2016x.docx, WhatsApp Privacy Policy - Redlines from 05.26.2016 and email on 06.15.2016 to 07.13.2016.docx, WhatsApp Terms of Service - Redlines from 05.26.2015 to 07.13.2016.docx

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Dear Laura and Reenah,

We wanted to update you on the planned WhatsApp update of its terms and privacy policy. We are now set to launch on August 25, 2016.

For completeness, we wanted to send you final versions of the WhatsApp terms, privacy policy, and key updates pages – we are sending over the final PDFs and also word documents that show redlines (we ran a compare with the versions we sent back in May (and included the language we sent over in June regarding final tweaks to the commercial messaging paragraph, based on your feedback). As you'll see edits present tweaks made for consistency, readability, and polish.

Thank you for your time with this matter.

Best,
Edward

From: Nishiguchi, Lorraine
Sent: 25 Aug 2011 18:18:05 +0000
To: Berger, Laura
Cc: Olsen, Christopher; Han, Cora Tung; Beringer, Ashlie; Royall, M. Sean
Subject: Facebook, Inc.
Attachments: L. Berger ltr.pdf
Importance: High

Attached is correspondence addressed to you from S. Ashlie Beringer, dated August 25, 2011, regarding Facebook, Inc. Please contact me if you have any questions or concerns. Thank you.

Lorraine Nishiguchi
Legal Secretary

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
1881 Page Mill Road, Palo Alto, CA 94304-1211
(b)(6)
(b)(6) • www.gibsondunn.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

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August 25, 2011

VIA ELECTRONIC MAIL

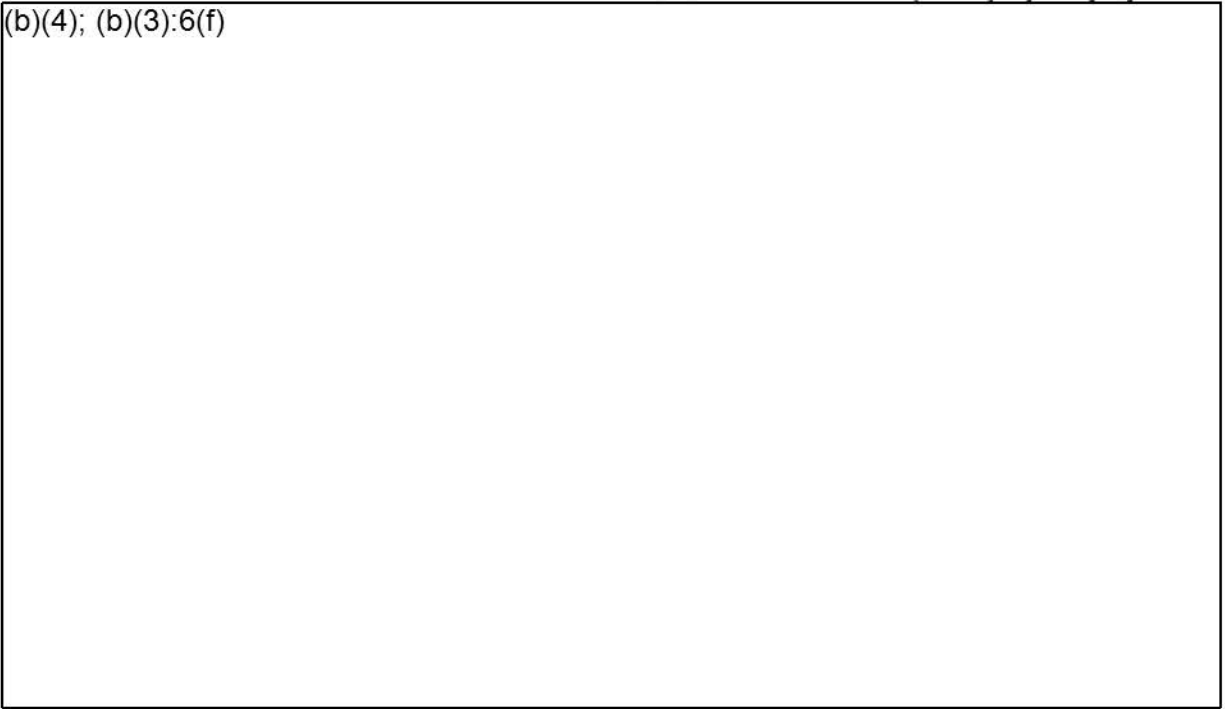
Laura Berger, Esq.
Federal Trade Commission
601 New Jersey Avenue, NW
Mail Stop NJ-8122
Washington, DC 20001

Re: Facebook, Inc.

Dear Laura:

This responds to your email of August 24, 2011. We were surprised by your recent statement that Staff sees no point in continued settlement negotiations, particularly given the significant progress we have recently made resolving several of the remaining key issues with the draft consent order. We also did not understand your decision to cancel our scheduled meeting yesterday with Jim Kohm. We requested that meeting because we

(b)(4); (b)(3):6(f)



GIBSON DUNN

Laura Berger, Esq.
August 25, 2011
Page 4

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We are happy to address these issues at the Bureau Director level, to the extent that Staff believes the continued discussion of these points would be futile.

Sincerely,



S. Ashlie Beringer

SAB/ln

cc: Christopher Olsen, Esq.
Cora Han, Esq.
M. Sean Royall, Esq.

101139571.1

From: Edward Palmieri
Sent: 27 Aug 2015 17:12:05 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Facebook Update
Attachments: FTC Briefing Deck 8.27.15 Final.pdf

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Dear Reenah and Laura:

Please see attached – some screenshots we'd like to talk through today.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)

From: Jack Yang
Sent: 30 Aug 2017 16:03:30 +0000
To: Kim, Reenah;Cohen, Kristin;Magee, Peder
Cc: Antigone Davis;Rob Sherman;Shane Witnov;Berger, Laura
Subject: Talk App Disclosures
Attachments: FTC MK UX Disclosures_Confidential[1].pdf, Messenger Kids Privacy Policy_Confidential_FTC [1].pdf, Messenger Kids TOS_Confidential_FTC .pdf

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Dear Reenah, Peder & Kristin:

Hope this e-mail finds you well. Following up on our conversation on August 3rd, please find attached the following documents regarding “Talk” for your consideration (Note: the name of the service has changed from “Talk” to “Messenger Kids”).

- **The Data Policy and Terms of Use for Messenger Kids** (previously branded “Talk”)

We believe these documents meet our obligations under the Children’s Online Privacy Protection Act, as well as provide clear, robust disclosures regarding our service, data collection and processing practices, and the commitments we seek from Messenger Kids users to help make the service a fun and safe experience for kids.

Indeed, as part of our commitment to making these documents user-friendly and sensitive to the concerns of consumer rights organizations and other key constituencies, (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- **The Messenger Kid account creation/registration flow**

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We look forward to getting your feedback on these materials, and are happy to discuss any additional thoughts or questions you may have when convenient. We are planning to launch Messenger Kids within the United States in early October

(b)(4); (b)(3):6(f)

Thanks very much for your input and collaboration throughout this process.

Jack Yang
AGC & Head of Privacy
Facebook

(b)(6)

From: Rob Sherman
Sent: 1 Sep 2016 14:26:10 +0000
To: Kim, Reenah
Cc: Berger, Laura;Edward Palmieri
Subject: WhatsApp
Attachments: Consent Flow.pdf

Reenah,

As you requested, I'm attaching a PDF that includes the three screens of the WhatsApp policy update consent flow. As you know, the bottom part of the first screenshot drags up to the second screenshot. That second page includes the Key Updates language, along with the Terms and Privacy Policy themselves. (You can see the full text of these materials at [https://www.whatsapp.com/legal/.](https://www.whatsapp.com/legal/))

Please let us know if we can provide any other information that would be helpful.

Best,

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

Hill, Jonathan

From: Rob Sherman (b)(6)
Sent: Friday, September 02, 2016 5:47 PM
To: Kim, Reenah
Cc: Berger, Laura; Edward Palmieri
Subject: Re: WhatsApp
Attachments: User Flow Screen Shots[1].zip

Reenah,

Following up on our discussion yesterday, I'm attaching screenshots that capture the flow that a person who joined WhatsApp today would go through to create an account. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

As always, please feel free to call if you have any additional questions.

Hope you and Laura both enjoy your long weekends.

Rob

From: Rob Sherman (b)(6)
Date: Thursday, September 1, 2016 at 10:26 AM
To: Reenah Kim <rkim1@ftc.gov>
Cc: "Berger, Laura" <lberger@ftc.gov>, Edward Palmieri (b)(6)
Subject: WhatsApp

Reenah,

As you requested, I'm attaching a PDF that includes the three screens of the WhatsApp policy update consent flow. As you know, the bottom part of the first screenshot drags up to the second screenshot. That second page includes the Key Updates language, along with the Terms and Privacy Policy themselves. (You can see the full text of these materials at [https://www.whatsapp.com/legal/.](https://www.whatsapp.com/legal/))

Please let us know if we can provide any other information that would be helpful.

Best,

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: Edward Palmieri
Sent: 8 Sep 2016 18:41:18 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Confidential Facebook Update
Attachments: FTC-Briefing-Deck-9.8.16 FINAL.pdf

Laura and Reenah:

Thank you, again, for making time for us this afternoon. Please see attached – our agenda/presentation.

Also, we are going to show a very brief video that is too large to email as an attachment – please use this link to download and access it:

(b)(4); (b)(3):6(f)

Thank you,
Edward

Koss, Laura

From: Beringer, S. Ashlie <ABeringer@gibsondunn.com>
Sent: Wednesday, September 11, 2013 2:55 PM
To: Kim, Reenah; Edward Palmieri; Daniel Li (b)(6)
Cc: Kohm, James A.; Wolfe, Douglas; Koss, Laura; Hall, Jennifer
Subject: RE: Additional Questions

Reenah –

We are surprised and concerned by the suggestion that we were not thorough in addressing your questions during our call yesterday. We provided detailed answers to each of the questions in Laura's email, and accurately relayed that Facebook is not changing any practices, audiences or privacy settings as part of the update to its Data Use Policy. While we were not in a position to address a handful of new questions that you raised for the first time during the call, we advised that we would follow up on the answers to those questions as soon as possible.

We also agreed to provide written responses to your questions tracking our discussion yesterday, which we plan to provide by tomorrow, before Facebook launches the revised DUP and SRR. Facebook is likely to launch the revised DUP and SRR on Friday.

As we discussed, we do not believe there is any credible basis to assert that your questions relate to Facebook's obligations under the Consent Order, since there is no change at all to users' existing settings or to the audience that may access information users share on Facebook, and as the changes to the DUP and SRR are merely intended to clarify and provide more detailed explanations for practices that already were in place and previously were disclosed to users. While we are happy to work cooperatively with you to provide the information you need to confirm this, we would hope that our continued dialogue would reflect this.

Please let me know if you have any further questions before we provide written responses tomorrow.

Best regards,
Ashlie

Ashlie Beringer

GIBSON DUNN

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ABeringer@gibsondunn.com • www.gibsondunn.com

From: Kim, Reenah [mailto:rkim1@ftc.gov]
Sent: Wednesday, September 11, 2013 11:35 AM
To: Beringer, S. Ashlie; Edward Palmieri; Daniel Li (b)(6)
Cc: Kohm, James A.; Wolfe, Douglas; Koss, Laura
Subject: RE: Additional Questions

We write to follow up on our teleconference yesterday with Ashlie and Jenny. They expressed Facebook's desire to have a cooperative relationship with the Commission. However, we are greatly disappointed they

did not provide us the information we requested to assess Facebook's compliance with the Commission's Order.

Having sent our questions by email in advance, we expected counsel to be fully prepared to answer those questions and explain in detail Facebook's proposed changes to its Data Use Policy and Statement of Rights and Responsibilities. This did not happen. Instead, counsel merely reiterated what Facebook has already said to the press. Counsel also claimed the proposed changes are consistent with the Order – despite acknowledging they had not actually reviewed the Order in quite some time. Their lack of familiarity with key terms (for example, to explain what constitutes “content” and “information” as those terms are used in Facebook's policies, and to clarify whether Facebook considers device IDs, IP addresses, and other data obtained through the use of cookies, pixels, and similar technologies to be personally identifying information) hindered their ability to discuss the answers to our questions, essentially making the call a waste of time.

While counsel characterized yesterday's call as a precursor to written responses, they have not given a date certain for when Facebook will provide those written responses to our questions as requested. Moreover, they were unable to state when Facebook expects to implement the proposed policy changes. This is unacceptable.

Please provide us promptly with complete written responses to the questions we previously sent by email and those discussed during yesterday's call, including the following:

- (1) Explain whether Facebook considers information obtained through the use of cookies, pixels, and similar technology to constitute personally identifying information;
- (2) Explain whether Facebook shares any information it obtains through the use of cookies, pixels, and similar technology with third parties such as advertisers and developers and, if so, specify (a) what information is shared, and (b) for what purpose;
- (3) Explain whether Facebook shares user data such as device IDs and IP addresses with third parties such as advertisers and developers.

Thank you.

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mail Drop M-8102B | Washington, DC 20580
t:202.326.2272 | f:202.326.2558 | rkim1@ftc.gov

From: Beringer, S. Ashlie [<mailto:ABeringer@gibsondunn.com>]

Sent: Tuesday, September 10, 2013 1:51 AM

To: Koss, Laura; Edward Palmieri; Daniel Li (b)(6)

Cc: Kim, Reenah; Kohm, James A.; Wolfe, Douglas

Subject: RE: Additional Questions

Laura and Jim-

Are you available to speak tomorrow during the window I proposed last Friday or, alternatively, on Wednesday between 11-1 ET? We're happy to answer your questions, but we believe much of the confusion surrounding Facebook's proposed changes to the Data Use Policy can be addressed in a call. There is no contemplated change to any user's existing privacy settings or controls or any other change that implicates the consent order. I hope to have an opportunity to speak to you about this soon before any additional misinformation circulates, so I would be grateful if you could let me know when you have time for a brief call.

Best regards,
Ashlie
Ashlie Beringer

GIBSON DUNN

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Tel +1 650.849.5219 • Fax +1 650.849.5019
ABeringer@gibsondunn.com • www.gibsondunn.com

From: Koss, Laura [<mailto:LKOSS@ftc.gov>]
Sent: Monday, September 09, 2013 1:00 PM
To: Edward Palmieri; Daniel Li (b)(6)
Cc: Beringer, S. Ashlie; Kim, Reenah; Kohm, James A.; Wolfe, Douglas
Subject: Additional Questions

Following up on Jim Kohm's email last Friday, we ask that you respond to the following:

Data Use Policy

1. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); Please state whether Facebook collects new data from people who are logged into, but are not actively using, Facebook. If so, what data does Facebook collect?

2. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

As Jim Kohm stated in his September 6, 2013 email to Ashleigh Beringer, under this language, (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); If so, the change appears to implicate Part II of the Order. If you contend that the change does not implicate the Order, please explain why.

3. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(a) Please explain what Facebook means by (b)(4); (b)(3):6(f)

(b) Please specify who the "service providers" are and explain whether such service providers would access information that the user did not make public.

4. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Please clarify

whether using users' profile pictures for tagging suggestions is a new practice.

5. Under the original Data Use Policy, Facebook users can use a setting to select whether to "pair social actions with ads" for "No one" or "Only my friends." If a user has chosen the "No one" setting, will the user have to take any additional steps to maintain this setting after the changes to the Data Use Policy and the Statement of Rights and Responsibilities go into effect?

6. Under the proposed changes, will users be required to reset any privacy settings or take any additional steps to ensure that information is not shared beyond their current settings?

7. Under "Your Information," the proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Please clarify if this

reflects a change in the type of information Facebook collects, uses, or shares.

Statement of Rights and Responsibilities

8. The proposed revision to Section 10 states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Please explain what information is covered by "content and information" and whether this reflects a change in the types of information that Facebook collects, uses, or shares.

We look forward to hearing from you.

Laura Koss
Senior Attorney
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t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

Koss, Laura

From: Beringer, S. Ashlie <ABeringer@gibsondunn.com>
Sent: Thursday, September 12, 2013 8:48 PM
To: Koss, Laura; Edward Palmieri; Daniel Li (b)(6)
Cc: Kim, Reenah; Kohm, James A.; Wolfe, Douglas; Hall, Jennifer
Subject: RE: Additional Questions

Dear Laura, James, and Reenah,

Thank you for your time, both in speaking with us on Tuesday and in reviewing our answers to your questions. We appreciate your feedback.

As requested, below we are providing written responses to your questions regarding Facebook's proposed amendments to its Data Use Policy ("DUP") and Statement of Rights and Responsibilities ("SRR"). As we discussed during our call on Tuesday, the updates to the DUP and SRR do not reflect a change in Facebook's information collection or disclosure practices or a change to or removal of any user's privacy settings; instead, these revisions are intended to clarify pre-existing practices that were disclosed in previous versions of the DUP and SRR.

For ease of review, we have copied the questions from Laura's September 9 email below and have provided responses and additional information requested during our call inline.

Data Use Policy

1. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); Please state whether Facebook collects new data from people who are logged into, but are not actively using, Facebook. If so, what data does Facebook collect?

No, the updated language was not designed to reflect that Facebook is collecting new data from mobile users. The update clarifies the realities of modern mobile technology. For example, it is common that mobile apps will continue "running" even when users aren't actively using the app. Facebook proposed this update to ensure users understand this practice, especially as more users access Facebook on mobile devices.

2. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

As Jim Kohm stated in his September 6, 2013 email to Ashleigh Beringer, under this language, (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); If so, the change appears to implicate Part II of the Order. If you contend that the change does not implicate the Order, please explain why.

No, Facebook does not share personally identifiable information with advertisers under the existing policy, nor does it contend that it could do so under the revised policy (without permission). Instead, the above-referenced statement is consistent with Facebook's policy and intended to clarify existing practices. In particular, Facebook added the explicit reference to "your name" in an effort to provide a user-friendly example of personally identifying information.

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We have shared this feedback with our client, and Facebook will make that change to avoid possible confusion about the revised

provision (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

3. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(a) Please explain what Facebook means by (b)(4); (b)(3):6(f)

Facebook's existing policy repeatedly discloses that Facebook may provide access to information that users have shared publicly on its service. In particular, Facebook's Data Use Policy describes "public information" at length. For example, in the Public information section of Facebook's policy, it states "When we use the phrase 'public information' (which we sometimes refer to as 'Everyone information'), we mean the information you choose to make public, as well as information that is always publicly available." (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b) Please specify who the "service providers" are and explain whether such service providers would access information that the user did not make public.

This reference to "service providers" also does not reflect a change in Facebook's existing practices. This edit is a cross-reference to an existing section entitled "Service Providers." That section explains that Facebook "give[s] your information to the people and companies that help us provide, understand and improve the services we offer." The section continues "For example, we may use outside vendors to help host our website, serve photos and videos, process payments, analyze data, conduct and publish research, measure the effectiveness of ads, or provide search results."

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We have discussed this issue with our client, and Facebook will be revising the proposed DUP to break these concepts into separate sentences, as follows:

(b)(4); (b)(3):6(f)

4. The proposed Data Use Policy states: "(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Please clarify

whether using users' profile pictures for tagging suggestions is a new practice.

Facebook's photo tag suggest tool is not a new feature, although Facebook has not previously included profile pictures in the photo set that is used to implement the tool (currently, all photos in which a user has been tagged). (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

As always, users have the ability to control whether the tag suggest tool will suggest that their friends tag them in photos. If the user selects "no one" in the tag suggest setting, the tool will not generate tag recommendations for that user and also will delete the template used to make the suggestions. (In other words, in response to your follow up question, no template is maintained or created for users who have opted out of

the tag suggestion feature). In addition to the tag suggest setting, users also may remove tags from photos, by viewing the photo itself or using their Activity Log to select multiple photos at once. Users may also delete their profile picture at any time. None of the tag suggestion tool's functionality or the setting associated with the tool will change.

5. Under the original Data Use Policy, Facebook users can use a setting to select whether to "pair social actions with ads" for "No one" or "Only my friends." If a user has chosen the "No one" setting, will the user have to take any additional steps to maintain this setting after the changes to the Data Use Policy and the Statement of Rights and Responsibilities go into effect?

No. This proposed update does not change the applicability, operation or existence of this setting. As such, there is no need for any user to change the applicable privacy settings, regardless of whether he or she is using the "No one" or "Only my friends" setting.

6. Under the proposed changes, will users be required to reset any privacy settings or take any additional steps to ensure that information is not shared beyond their current settings?

No. The proposed revisions do not institute a change to users' privacy settings.

7. Under "Your Information," the proposed Data Use Policy states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Please clarify if this

reflects a change in the type of information Facebook collects, uses, or shares.

No, this does not reflect a change in the type of information Facebook collects, uses, or shares. Instead, this is intended to conform to industry practice by spelling out the inherent fact that Facebook may receive information when you contact them. For example, as with any company, if you email Facebook with a question or problem, Facebook may have your email address as part of the records for those communications.

Statement of Rights and Responsibilities

8. The proposed revision to Section 10 states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

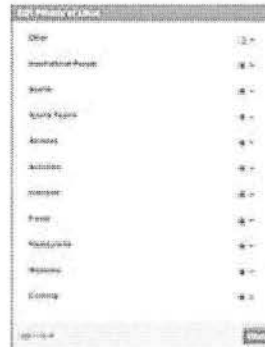
(b)(4); (b)(3):6(f) Please explain what information is covered by "content and information" and whether this reflects a change in the types of information that Facebook collects, uses, or shares.

Content and information are defined terms in the SRR. In particular, information is defined to mean "facts and other information about you, including actions taken by users and non-users who interact with Facebook," such as clicking "Like" to share that action on Facebook. Content is "anything you or other users post on Facebook that would not be included in the definition of information," such as including a comment when sharing a link on Facebook.

No, there has not been a change in the types of information that Facebook collects, uses, or shares. Instead, this language was mandated by the settlement agreement approved by a federal court in the putative class action *Fraleigh, et al. v. Facebook*, No. 3:11-cv-01726 (N.D. Cal.), and was intended to clarify the types of actions a user shares on Facebook that may be published in a sponsored or commercial context. This practice has long been disclosed in the SRR, the Data Use Policy, and elsewhere on Facebook's site. As always, when users choose to "Like" a product or company or to take other actions that may relate to commercial or sponsored content, the resulting "content" and "information" may only be seen by the specific audience selected by the user when he or she chose to share it on Facebook.

You asked whether and how a user can control how his or her "likes" and other social actions are published in connection with sponsored or commercial content. To control the audience for a users' Likes, the user can visit

his or her "Likes" page (Timeline > More > Likes) and can customize the audience eligible to view these actions by clicking on the pencil icon and selecting "Edit Privacy." The user then can designate a specific audience ("Public," "Friends," "Only Me," or "Custom") for each category of "Likes" (e.g., sports teams, restaurants, etc.). A screenshot of this process – which will not change upon adopting the revised SRR – is included below.



In addition, in connection with the court-approved settlement of the *Fraley* action, Facebook has agreed to develop a mechanism that will enable users to view the content they have shared on Facebook that has been displayed in a Sponsored Story. Facebook will also engineer a setting that will then enable users to prevent further use of individual actions in sponsored contexts. This tool will give users an additional mechanism to control how social actions are republished in connection with sponsored or commercial content.

As reflected in both the current and proposed versions of the SRR, Facebook does not share a user's content or information with advertisers without the user's consent. SRR at 10.2. For example, an audience designated by the user - such as his or her friends - might see that the user "Liked" a certain brand or product in a Sponsored Story, but Facebook would not identify the user receiving or featured in the Sponsored Story to the advertiser.

In addition to the questions posed above, you also asked for clarification with respect to the following proposed change to the "Cookies, pixels, and other similar technologies" section of the Data Use Policy: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

In a follow

up to the call, you asked:

- 9) Explain whether Facebook considers information obtained through the use of cookies, pixels, and similar technology to constitute personally identifying information;
- 10) Explain whether Facebook shares any information it obtains through the use of cookies, pixels, and similar technology with third parties such as advertisers and developers and, if so, specify (a) what information is shared, and (b) for what purpose; and
- 11) Explain whether Facebook shares user data such as device IDs and IP addresses with third parties such as advertisers and developers.

Again, this proposed revision does not refer to any change in the information shared by Facebook with advertisers. Instead, the language was revised to conform to other, related language in the DUP. See, e.g., Revised DUP at IV (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4): Under both the current and proposed policies, Facebook does not share personally identifying information with advertisers without permission.

On the question of information collected through the use of cookies, pixels, and similar technology, Facebook's Data Use Policy does not classify all such information as either personally identifying information or non-personally identifying information. Facebook receives a range of information using these technologies, rendering such categorical classification infeasible. For example, when people load a web page that includes a Facebook social plugin, Facebook receives the type of web browser (for example, Internet Explorer or Firefox)

that they use, and (b)(4); (b)(3):6(f)

(b)(4); Typically, personally identifying information is not collected through these technologies.

With respect to the second question noted above, Facebook may use the information that it collects through cookies, pixels, and similar technologies to provide advertisers with aggregated reports that measure the performance of their advertisements. In addition, Facebook shares certain data that it receives through its app software development kit with a small number of partners who use that data to prepare measurement reports. Again, however, Facebook does not provide personally identifiable information to advertisers (without permission).

For websites and applications that integrate the Facebook platform (including social plugins), Facebook uses cookies and similar technology to identify unique users for reporting purposes. Facebook uses this data to prepare reports containing aggregate demographic information for its partners, as well as aggregate reports measuring their interactions with its social plugins (e.g., the number of likes, comments, shares, etc.).

Finally, you asked whether Facebook shares device IDs and IP address with third parties such as developers and advertisers. We do not share device identifiers with advertisers or developers. As part of Facebook's Ad Exchange program, Facebook does make partial IP addresses available to Exchange partners so that they can identify the jurisdiction where the ad will be displayed. These partners use this information to ensure that they bid in the correct currency and that they are in compliance with the applicable jurisdiction's regulations. We redact these IP addresses so that they are not unique and constitute less information than the partner would receive if it was serving the ad directly, as occurs on other platforms.

* * *

Facebook takes its users' privacy very seriously and appreciates your feedback in connection with the process of updating its SRR and Data Use Policy, which Facebook plans to finalize next week. We hope that this information is helpful and believe that we have answered your questions, but please feel free to contact me if you have any further questions.

Best regards,

Ashlie Beringer

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Tel +1 650.849.5219 • Fax +1 650.849.5019
ABeringer@gibsondunn.com • www.gibsondunn.com

From: Koss, Laura [mailto:LKOSS@ftc.gov]
Sent: Monday, September 09, 2013 1:00 PM
To: Edward Palmieri; Daniel Li (b)(6)
Cc: Beringer, S. Ashlie; Kim, Reenah; Kohm, James A.; Wolfe, Douglas
Subject: Additional Questions

Following up on Jim Kohm's email last Friday, we ask that you respond to the following:

Data Use Policy

1. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)
(b)(4); Please state whether Facebook collects new data from people who are logged into, but are not actively using, Facebook. If so, what data does Facebook collect?

2. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)

As Jim Kohm stated in his September 6, 2013 email to Ashleigh Beringer, under this language, Facebook (b)(4);
(b)(4); (b)(3):6(f)
(b)(4); If so, the change appears to implicate Part II of the Order. If you contend that the change does not implicate the Order, please explain why.

3. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)

- (a) Please explain what Facebook means by (b)(4); (b)(3):6(f)
- (b) Please specify who the "service providers" are and explain whether such service providers would access information that the user did not make public.

4. The proposed Data Use Policy states: (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f) Please clarify whether using users' profile pictures for tagging suggestions is a new practice.

5. Under the original Data Use Policy, Facebook users can use a setting to select whether to "pair social actions with ads" for "No one" or "Only my friends." If a user has chosen the "No one" setting, will the user have to take any additional steps to maintain this setting after the changes to the Data Use Policy and the Statement of Rights and Responsibilities go into effect?

6. Under the proposed changes, will users be required to reset any privacy settings or take any additional steps to ensure that information is not shared beyond their current settings?

7. Under "Your Information," the proposed Data Use Policy states: (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f) Please clarify if this reflects a change in the type of information Facebook collects, uses, or shares.

Statement of Rights and Responsibilities

8. The proposed revision to Section 10 states: (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f) Please explain what information is covered by "content and information" and whether this reflects a change in the types of information that Facebook collects, uses, or shares.

We look forward to hearing from you.

Laura Koss
Senior Attorney

Federal Trade Commission | Division of Enforcement
600 Pennsylvania Ave., N.W. | Mail Drop M-8102B | Washington DC 20580
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This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: Berger, Laura
Sent: 13 Sep 2011 18:33:23 +0000
To: Beringer, Ashlie (ABeringer@gibsondunn.com)
Cc: Li, Daniel Y. (DLi@gibsondunn.com); Han, Cora Tung; Mohapatra, Manas; Royall, M. Sean (SRoyall@gibsondunn.com)
Subject: Facebook, Inc.; Response to your August 25th letter
Attachments: SCAN8269_000.pdf

Hi Ashlie,

Please find attached a letter responding to your August 25th letter.

Best,
Laura



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Laura D. Berger
Attorney
Division of Privacy and Identity Protection

Direct Dial: 202.326.2471
Fax: 202.326.3062
E-mail: lberger@ftc.gov

September 13, 2011

VIA ELECTRONIC MAIL

S. Ashlie Beringer
Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211

Re: Facebook, Inc.

Dear Ashlie:

I am writing in response to your letter dated August 25, 2011, regarding our mutual efforts to reach a voluntary settlement of alleged law violations by your client, Facebook, Inc. ("Facebook"). (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

On August 23, 2011, you stated that (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

willingness to concede these points, and we had made concessions in response. We discuss these requirements, and Facebook's responses to them, below.

¹ Your position is reflected in the offer that you emailed to us on August 23, 2011 ("final Facebook offer"), and in your August 25th letter (collectively, "Facebook's responses").

(b)(4); (b)(3):6(f)

Your letter is certainly correct that we have made substantial progress in addressing outstanding issues in these negotiations. Although we are moving ahead with our complaint recommendation, we welcome the opportunity for further progress within the parameters outlined above.

Sincerely,

A handwritten signature in cursive script that reads "Laura D. Berger".

Laura D. Berger

From: Jack Yang
Sent: 18 Sep 2017 14:38:03 +0000
To: Kim, Reenah;Cohen, Kristin;Magee, Peder
Cc: Antigone Davis;Rob Sherman;Shane Witnov;Berger, Laura
Subject: Re: Talk App Disclosures

Reenah:

Thanks very much.

Jack

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Monday, September 18, 2017 at 6:10 AM
To: Jack Yang (b)(6) "Cohen, Kristin" <kcohen@ftc.gov>, "Magee, Peder" <PMAGEE@ftc.gov>
Cc: Antigone Davis (b)(6), Rob Sherman (b)(6) Shane Witnov (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Talk App Disclosures

Thanks Jack. No further questions on our end for now.

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Wednesday, September 13, 2017 11:19 AM
To: Kim, Reenah; Cohen, Kristin; Magee, Peder
Cc: Antigone Davis; Rob Sherman; Shane Witnov; Berger, Laura
Subject: Re: Talk App Disclosures

Reenah, Peder & Kristin:

Just wanted to follow up on the below email to check on the status of your review.

Thanks much in advance.

Jack Yang
AGC & Head of Privacy
Facebook

(b)(6)

From: Jack Yang <(b)(6)>
Date: Wednesday, August 30, 2017 at 9:03 AM
To: "Kim, Reenah" <rkim1@ftc.gov>, "Cohen, Kristin" <kcohen@ftc.gov>, "Magee, Peder" <PMAGEE@ftc.gov>
Cc: Antigone Davis (b)(6) Rob Sherman (b)(6) Shane Witnov (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Subject: Talk App Disclosures

CONFIDENTIAL

Dear Reenah, Peder & Kristin:

Hope this e-mail finds you well. Following up on our conversation on August 3rd, please find attached the following documents regarding "Talk" for your consideration (Note: the name of the service has changed from "Talk" to "Messenger Kids").

- **The Data Policy and Terms of Use for Messenger Kids** (previously branded "Talk")

We believe these documents meet our obligations under the Children's Online Privacy Protection Act, as well as provide clear, robust disclosures regarding our service, data collection and processing practices, and the commitments we seek from Messenger Kids users to help make the service a fun and safe experience for kids.

Indeed, as part of our commitment to making these documents user-friendly and sensitive to the concerns of consumer rights organizations and other key constituencies, (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

- **The Messenger Kid account creation/registration flow**

(b)(4); (b)(3):6(f)

We look forward to getting your feedback on these materials, and are happy to discuss any additional thoughts or questions you may have when convenient. We are planning to launch Messenger Kids within the United States in early October

(b)(4); (b)(3):6(f)

Thanks very much for your input and collaboration throughout this process.

Jack Yang
AGC & Head of Privacy
Facebook

(b)(6)

From: Beringer, Ashlie
Sent: 20 Sep 2011 21:08:42 +0000
To: Berger, Laura
Cc: Olsen, Christopher; Han, Cora Tung; Mohapatra, Manas; Royall, M. Sean; Li, Daniel Y.
Subject: Response to your September 13, 2011 letter
Attachments: 9-20-11 ltr to L Berger.pdf

Hi Laura -

I'm forwarding a response to your September 13, 2011 letter. Let me know if you'd like to arrange a time to follow up on these issues once you've had an opportunity to review this internally.

Best,
Ashlie
Ashlie Beringer

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
1881 Page Mill Road, Palo Alto, CA 94304-1211
Tel +1 650.849.5219 • Fax +1 650.849.5019
ABeringer@gibsondunn.com • www.gibsondunn.com

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

CONFIDENTIAL SETTLEMENT COMMUNICATION

September 20, 2011

Via Electronic Mail

Laura D. Berger, Esq.
Federal Trade Commission
601 New Jersey Avenue, NW
Mail Stop NJ-8122
Washington, DC 20001

Re: Facebook, Inc.

Dear Laura:

Thank you for your letter of September 13, 2011. We wanted to clarify and respond to a few points raised in your letter, before outlining a possible path forward given the respective positions outlined in our recent correspondence.

(b)(4); (b)(3):6(f)

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Laura D. Berger, Esq.
September 20, 2011
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(b)(4); (b)(3):6(f)

We believe it would be productive to explore the potential to resolve the few, but important, open issues along these lines - (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We are available to discuss these issues further with Staff (or with the Bureau Director, if preferable) at your convenience.

Very truly yours,



S. Ashlie Beringer

SAB/ln

cc: Cora Han, Esq.
Chris Olson, Esq.
M. Sean Royall, Esq.
(via electronic mail)

101153989.1



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue NW
WASHINGTON, DC 20580

Bureau of Consumer Protection
Division of Enforcement, Mailstop M-8102B
Direct Dial: (202) 326-2272

September 20, 2013

Via Federal Express and electronic mail (ABeringer@gibsondunn.com)

Ashlie Beringer
Gibson, Dunn & Crutcher LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211

Re: *In the Matter of Facebook, Inc.*, Docket No. C-4365

Dear Ms. Beringer:

Thank you for your recent response to our inquiries regarding Facebook's proposed changes to its Data Use Policy (DUP) and Statement of Rights and Responsibilities (SRR). Pursuant to Part IX of the Federal Trade Commission's Decision and Order ("Order"), we ask that Facebook provide, within ten (10) days, a true and accurate written report that affirms the information provided in your September 12, 2013 email, and additionally addresses the following:

1. Section 10.1 of the proposed SRR states: "You give us permission to use your name, profile picture, content, and information in connection with commercial, sponsored, or related content (such as a brand you like) served or enhanced by us."

In your September 12 email, you stated that the addition of "content and information" in this provision "does not reflect that there has been a change in the type of information that Facebook collects, uses, or shares." You also stated that this practice "has long been disclosed" in the SRR and DUP.

a) Please identify with specificity the provisions in the current SRR and DUP that disclose this practice.

b) Is it Facebook's position that the proposed language would allow Facebook in the future to expand or make other changes to the types of user information it collects, uses, or shares? If so, please explain the basis for this contention.

2. Your email also stated that, pursuant to the class action settlement in *Fraleley, et al. v. Facebook*, No. 3:11-cv-01726 (N.D. Cal.), Facebook will develop a setting that will "enable users to prevent further use of individual actions in sponsored contexts," and also "give users an

additional mechanism to control how social actions are republished in connection with sponsored or commercial content.”

Does Facebook contend that users do not currently have a setting that enables them to control how their social actions are republished in connection with sponsored or commercial content – *i.e.*, controlling the manner or context in which their social action is republished (as distinguished from simply selecting the audience for the sponsored or commercial content)? If so, please explain the basis for this contention.

3. It has come to our attention that mobile users do not appear to have the same access to settings for Facebook ads provided for desktop users. Specifically, desktop users can utilize a “Facebook Ads” setting, which allows them to opt out of having their social actions paired with ads (through the “Ads & Friends” section), or having their name or picture used by third-party applications or ad networks (through the “Third Party Sites” section). Desktop users can access this setting through the “Edit social ads” hyperlink in the current DUP, or through their individual account settings. The account settings for mobile users, however, do not include an “Ads” menu – much less sections addressing “Ads and Friends” or “Third Party Sites.” Moreover, mobile users reviewing the DUP cannot link directly to the “Edit social ads” setting from the policy – even though the same DUP applies to both desktop and mobile users.

The failure to include these ads settings for mobile users appears to implicate Part I.B of the Order, which prohibits Facebook from misrepresenting the extent to which a consumer can control the privacy of any covered information maintained by Facebook and the steps a consumer must take to implement such controls. If Facebook contends this discrepancy does not implicate the Order, please explain the basis for this contention.

4. The proposed DUP states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

a) Does Facebook contend that, under the current DUP language, it could share with advertisers or developers information “associated with” a user, even if it does not “personally identify” that user? If so, please identify the language that permits this.

b) Is it Facebook’s position that this proposed revision to the DUP would allow Facebook in the future to expand or make other changes to the types of user information it collects (e.g., through the use of cookies, pixels, or similar technologies), uses, or shares (e.g., such as with advertisers or developers)? If so, please explain the basis for this contention.

c) Does Facebook contend that, under the proposed DUP language, it could in the future share with advertisers or developers information “associated with” a user, even if it does not “personally identify” that user? If so, please explain the basis for this contention.

5. Among other things, the proposed DUP states: (b)(4); (b)(3):6(f)
(b)(4); (b)(3):6(f)

In your September 12 email, you claimed the proposed changes to the DUP are “not designed to reflect that Facebook is collecting new data from mobile users.”

a) Please identify with specificity the provisions in the current DUP that disclose that Facebook collects this data.

b) Is it Facebook’s position that the proposed language would allow Facebook in the future to expand or make other changes to the types of data it will collect from mobile users, disclose, or make accessible to third parties? For example, does Facebook contend the proposed DUP would allow Facebook to collect data or other information from mobile users who are logged into – but not actively using – Facebook that Facebook does not currently collect? If so, please explain the basis for this contention. In addition, please specify what new or additional data Facebook would collect.

* * * * *

Please have a responsible corporate officer or manager of Facebook certify under penalty of perjury that the report and information produced or identified in response to this demand letter are complete and accurate, and that the report and information represent all information responsive to this letter. Please send your responses via overnight courier (e.g., FedEx, UPS) to:

September 20, 2013
page 4

Associate Director
Division of Enforcement
Federal Trade Commission
600 Pennsylvania Ave. NW
Mailstop M-8102B
Washington, DC 20580
Re: *In the Matter of Facebook, Inc.*, Docket No. C-4365

In lieu of overnight courier, you may send your response by first-class mail, but only if you contemporaneously send an electronic copy to the Commission at DEBrief@ftc.gov, with a courtesy copy to us at lkoss@ftc.gov and rkim1@ftc.gov.

If you have any questions, please do not hesitate to contact us at 202-326-2272 (Reenah Kim) or 202-326-2890 (Laura Koss).

Sincerely yours,



Reenah L. Kim
Laura D. Koss
Attorneys

cc: Mr. Edward Palmieri
Mr. Daniel Li

Kim, Reenah

From: Koss, Laura
Sent: Monday, September 24, 2012 8:16 AM
To: Kim, Reenah
Subject: FW: Facebook - Irish DPC Audit

Laura Koss
Federal Trade Commission | Division of Enforcement
600 Pennsylvania Ave., N.W. | Mail Drop M-8102B | Washington DC 20580
t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov

From: Olsen, Christopher
Sent: Friday, September 21, 2012 4:27 PM
To: Berger, Laura; Koss, Laura
Subject: FW: Facebook - Irish DPC Audit

fyi

From: Rob Sherman [mailto:(b)(6)]
Sent: Friday, September 21, 2012 10:58 AM
To: Mithal, Maneesha; Olsen, Christopher
Cc: Erin Egan
Subject: Facebook - Irish DPC Audit

Dear Maneesha and Chris,

Erin and I wanted to let you know that the Irish Data Protection Commissioner, which regulates our European affiliate Facebook Ireland, issued a report this morning on its follow-up audit relating to Facebook's privacy practices. This report follows up on the comprehensive audit that the Irish DPC performed at the end of 2011 (available at <http://dataprotection.ie/viewdoc.asp?DocID=1182>). Today's report is available at [http://dataprotection.ie/docs/Facebook Audit Review Report/1232.htm](http://dataprotection.ie/docs/Facebook%20Audit%20Review%20Report/1232.htm).

We welcome the confirmation in this new report by the DPC that Facebook has "demonstrated a clear and ongoing commitment...to comply with its data protection responsibilities." The report also makes clear that the "great majority of the recommendations [in the 2011 audit report] have been fully implemented to the [DPC's] satisfaction." The report identifies a few areas where we are continuing to work toward the DPC's recommendations, and in these cases the report identifies the progress that we have made and describes our timetable for full implementation.

Areas of improvement covered in the report include –

Better transparency for the user, where we have:

- ✍ Revised our **plain-language Data Use Policy**, which describes not only our policies but concrete explanations of how the policies work in practice
- ✍ Increased the use of **inline privacy settings**, which gives users in-context transparency and control over who will see their posts
- ✍ Introduced **tours to help new users to understand the controls** available to them

Better user control over settings, where we have:

- ✍ Introduced **simpler and more upfront information** about the data that will be used by **third party application**.
- ✍ “Extended considerable time and resources” to ensuring that when **users request deletion of an account** “it takes place in a **timely fashion**”
- ✍ Satisfied the DPC that “users are interacting in a **fully informed way with how tags work in practice**”

Clear retention periods for personal data, where we have:

- ✍ **Refined our retention policies** around **log-in data and cookies**
- ✍ Given users **transparency into and control over the retention of their search queries**
- ✍ Agreed to **anonymize all ad-click data** after a two year period

Right to have ready access to personal data, where we now enable users (including U.S.-based users) to access their data in the following ways:

- ✍ The **Activity Log** which provides a detailed description and ability to interact and control their actions on the site.
- ✍ A **download tool** providing additional data that users may frequently want to export from their Facebook accounts.
- ✍ An **enhanced, expanded archive**, which provides access to more detailed account-level information that many users typically do not seek to access.

We believe that this is one of the most comprehensive examinations of the privacy practices of an Internet service, involving months of work by the DPC's auditors. These audit reports are not frequently made public, but in this case, the DPC and Facebook agreed that, in the interest of transparency, the contents of the audit and subsequent review should be made available to the public. We believe this is the best way for users and policymakers around the world to understand the extensiveness of the audit and the steps we are taking to promote privacy best practices on Facebook.

As the DPC's report notes, one of the reasons for Facebook's success is our effort to constantly innovate to provide the best possible service to our users. As Facebook continues to evolve, we are committed to building our service in a way that promotes our users' privacy, and our ability to have regular discussions with the FTC, as well as with the Irish DPC, has greatly contributed to our ability to meet that goal.

Please let us know if you have any questions about the specific conclusions described in the Irish report. Erin and I would be happy to set up a time to stop by to talk about this or to discuss any other aspects of our privacy practices.

Best,

Rob

Rob Sherman

Facebook | Manager, Privacy and Public Policy
1155 F Street, NW Suite 475 | Washington, DC 20004

(b)(6)

September 30, 2013

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Laura Koss
Reenah Kim
Division of Enforcement
Federal Trade Commission
600 Pennsylvania Ave. NW
Mailstop M-8102B
Washington, DC 20580

Re: In the Matter of Facebook, Inc., Docket No. C-4365

Dear Ms. Koss and Ms. Kim:

This responds on behalf of Facebook to your letter dated September 20, 2013. Facebook values its relationship with the Commission and its Staff and appreciates your feedback in connection with its Statement of Rights and Responsibilities (“SRR”) and Data Use Policy (“DUP”) update. The information below reflects Facebook’s continued commitment to cooperation and collaboration with Staff.

Please note that the material contained in this response constitutes Facebook’s confidential business information and should be treated with the highest degree of confidentiality pursuant to 5 U.S.C. §§ 552(b)(3) & (b)(4) and 15 U.S.C. § 46(f).¹

Please see below for Facebook’s specific answers to your questions.

¹ Your letter requests a response within 10 days, pursuant to Part IX of the Facebook Consent Order. Part IX, however, contemplates the submission of reports regarding “the manner and form” of Facebook’s compliance with the Order; it does not contemplate or require Facebook’s response to interrogatories. Moreover, a significant portion of the inquiries involve matters that fall outside the scope of the Order. Facebook responds to the questions you have raised within the timeframe you requested in the spirit of a cooperative dialogue, but in so doing reserves all rights.

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Reenah Kim
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Page 2

1. Section 10.1 of the proposed SRR states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

In your September 12 email, you stated that the addition of “content and information” in this provision “does not reflect that there has been a change in the type of information that Facebook collects, uses, or shares.” You also stated that this practice “has long been disclosed” in the SRR and DUP.

a) Please identify with specificity the provisions in the current SRR and DUP that disclose this practice.

Facebook’s existing disclosures cover this practice. Section 10 of the SRR relates to “advertisements and other commercial content served or enhanced by Facebook” and provides disclosures related to the right of publicity. In particular, Section 10.1 provides that “[y]ou can use your privacy settings to limit how your name and profile picture may be associated with commercial, sponsored, or related content (such as a brand you like) served or enhanced by us. You give us permission to use your name and profile picture in connection with that content, subject to the limits you place.” The language provides an explicit exemplar of how a user’s content and information could be collected, used, or shared in commercial contexts. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

In addition, Section IV of the DUP, entitled “How advertising and Sponsored Stories work,” contains a detailed description of how a user’s content and/or information may be published in a sponsored or commercial context. For example, it explains that a restaurant might sponsor a user’s RSVP to an event scheduled to take place at the restaurant, thereby boosting distribution of that story on Facebook. Facebook has also created user-friendly explanations of Sponsored Stories, including the type of content and information eligible to appear in them, in numerous locations throughout the site.² In all such cases (as made clear by Facebook in both its SRR and DUP), the audience eligible to see the user’s content or information remains the same and is determined solely by the user.

² See, e.g., <https://www.facebook.com/about/ads/#types>.

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As explained in my email dated September 12, 2013, this language does not reflect a change in the types of information that Facebook collects, uses, or shares. Nor does it relate to the privacy or security of information shared on Facebook. Instead, this change was intended to clarify existing practices concerning the pairing of user information with branded content, as mandated by a federal court in the putative class action *Fraleley, et al. v. Facebook*, No. 3:11-cv-01726 (N.D. Cal.).

Relatedly, under Section 2.1 of Facebook's current SRR, users grant Facebook a license to distribute content that they upload that is covered by intellectual property rights to an audience of their choosing. In particular, that section provides that users "specifically give [Facebook] the following permission, subject to your privacy and application settings: you grant us a non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use any IP content that you post on or in connection with Facebook (IP License)."

b) Is it Facebook's position that the proposed language would allow Facebook in the future to expand or make other changes to the types of user information it collects, uses, or shares? If so, please explain the basis for this contention.

No. The proposed language addresses the potential for information to appear in a sponsored context (e.g., our Sponsored Stories product). As noted in the previous response, it does not reflect a change to Facebook's right to collect, use or share data as set forth under the existing language. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Importantly, as with the existing language, users authorize Facebook to use the content and information they share – including in connection with advertising. Facebook's right to use and share content is limited by the audience people designate and expires when all instances of the content are deleted.

2. Your email also stated that, pursuant to the class action settlement in *Fraleley, et al. v. Facebook*, No. 3:11-cv-01726 (N.D. Cal.), Facebook will develop a setting that will "enable users to prevent further use of individual actions in sponsored contexts," and also "give users an additional mechanism to control how social actions are republished in connection with sponsored or commercial content."

Does Facebook contend that users do not currently have a setting that enables them to control how their social actions are republished in connection with sponsored or commercial content – i.e., controlling the manner or context in which their social

Laura Koss
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action is republished (as distinguished from simply selecting the audience for the sponsored or commercial content)? If so, please explain the basis for this contention.

No. As described in my email dated September 12, 2013, Facebook provides users with multiple methods to control how their social actions are paired with sponsored or commercial content. For example, a user can change the audience he or she has selected for a social action or may delete the social action entirely (in which case it will no longer be published). In addition, users can change how their social actions are paired with certain types of sponsored or commercial content through the Ads & Friends setting under the Facebook Ads menu.

3. It has come to our attention that mobile users do not appear to have the same access to settings for Facebook ads provided for desktop users. Specifically, desktop users can utilize a “Facebook Ads” setting, which allows them to opt out of having their social actions paired with ads (through the “Ads & Friends” section), or having their name or picture used by third-party applications or ad networks (through the “Third Party Sites” section). Desktop users can access this setting through the “Edit social ads” hyperlink in the current DUP, or through their individual account settings. The account settings for mobile users, however, do not include an “Ads” menu - much less sections addressing “Ads and Friends” or “Third Party Sites.” Moreover, mobile users reviewing the DUP cannot link directly to the “Edit social ads” setting from the policy – even though the same DUP applies to both desktop and mobile users.

The failure to include these ads settings for mobile users appears to implicate Part I.B of the Order, which prohibits Facebook from misrepresenting the extent to which a consumer can control the privacy of any covered information maintained by Facebook and the steps a consumer must take to implement such controls. If Facebook contends this discrepancy does not implicate the Order, please explain the basis for this contention.

Every Facebook user has access to the “Facebook Ads” setting through his or her web browser. The DUP does not suggest or represent that all controls and features will be available in Facebook’s mobile apps. As Staff has recognized, the mobile environment is new and differs significantly (in terms of technology and the consumer experience) from traditional web-browser models. Indeed, not only has Staff recognized the complexity that comes with the mobile space, Staff also has recognized that it should encourage proactive

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disclosures from apps and the development of mobile-friendly privacy models.³ (b)(4);

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f) Should any Facebook user desire to opt out of Facebook Ads, he or she can do so by accessing the above-described setting.

(b)(4); (b)(3):6(f)

(b)(4); As you know, Facebook has worked over the last year to enhance its mobile apps to offer a range of privacy controls and features (including access to in-line notice, audience selectors, and activity log) (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

4. The proposed DUP states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

In your September 12 email, you claimed this proposed change “does not refer to any change in the information shared by Facebook with advertisers.” You also stated that, “[u]nder both the current and proposed policies, Facebook does not share personally identifying information with advertisers without permission.” You further stated that, “[t]ypically, personally identifying information is not collected” through

³ The FTC has on multiple occasions expressed the importance of addressing privacy in the mobile context, as well as the new challenges presented by the mobile environment. *See, e.g.*, FTC, Mobile Privacy Disclosures: Building Trust Through Transparency, p. 29 (Feb. 2013) (“...FTC staff strongly encourages companies in the mobile ecosystem to work expeditiously to implement the recommendations in this report. Doing so likely will result in enhancing the consumer trust that is so vital to companies operating in the mobile environment. Moving forward, as the mobile landscape evolves, the FTC will continue to closely monitor developments in this space, including evolving business models, and consider additional ways it can help businesses effectively provide privacy information to consumers.”); FTC, Protecting Consumer Privacy in an Era of Rapid Change, Recommendations for Business and Policymakers, p. v (Mar. 2012) (“The Commission calls on companies providing mobile services to work toward improved privacy protections, including the development of short, meaningful disclosures.”).

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Facebook's use of cookies, pixels, and similar technologies. In addition, you stated that Facebook "does not share device identifiers with advertisers or developers," and that, "as part of Facebook's Ad Exchange program, Facebook does make partial IP addresses available to Exchange partners so that they can identify the jurisdiction where the ad will be displayed We redact these IP addresses so that they are not unique and constitute less information than the partner would receive if it was serving the ad directly, as occurs on other platforms."

a) Does Facebook contend that, under the current DUP language, it could share with advertisers or developers information "associated with" a user, even if it does not "personally identify" that user? If so, please identify the language that permits this.

No. Under the existing DUP, which states that Facebook may "provide data to our advertising partners after we have removed your name or any other personally identifying information from it, or have combined it with other people's data in a way that it is no longer associated with you," Facebook can share with advertisers certain information pertaining to an individual user so long as that information does not personally identify him or her. For example, when a user clicks on an ad, he or she is redirected to the destination set by the advertiser, and the advertiser may receive information about the ad that was served on the user's browser or device. Facebook could also provide aggregate analytics and reports that are not personally identifiable. These types of industry standard analytics are fundamental to ad measurement and enable advertisers to understand the effectiveness of the ads they run. The phrase "associated with" in the DUP was intended to modify the last clause of this sentence and clarify that, after data have been aggregated ("combined . . . with other people's data"), we may share the aggregation in a way that is not personally identifiable.⁴

b) Is it Facebook's position that this proposed revision to the DUP would allow Facebook in the future to expand or make other changes to the types of user

⁴ The language referenced relates to information Facebook may share with advertisers, but the question posed by Staff also asks about sharing non-personally identifiable, user-level data with developers. As Facebook discussed with staff in May 2012, in some circumstances – such as when a user is presented with a granular data permissions dialog – a developer may receive geographic and/or age range information, so the developer can render information in the appropriate language and to implement any age-gating restrictions it has adopted. This disclosure is addressed in the DUP in Section III ("Other websites and applications") in the sub-section entitled "Controlling what information you share with applications" ("When you first visit an app, Facebook lets the app know your language, your country, and whether you are in an age group, for instance, under 18, between 18-20, or 21 and over.").

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information it collects (e.g., through the use of cookies, pixels, or similar technologies), uses, or shares (e.g., such as with advertisers or developers)? If so, please explain the basis for this contention.

No. The proposal provides more robust notice of the types of information Facebook would not share, and on its face does not speak to collection or usage of such information. Furthermore, as we have previously explained, Facebook's proposed change is not intended to reflect a change in our practices – *i.e.*, in *how or when* Facebook shares information – but rather is intended to provide an even clearer explanation of practices that have long been disclosed. For example, one of the ways we attempt to accomplish this is by adding relevant examples to help people understand our statements and put them in context.

c) Does Facebook contend that, under the proposed DUP language, it could in the future share with advertisers or developers information “associated with” a user, even if it does not “personally identify” that user? If so, please explain the basis for this contention.

No. The current and proposed DUP allow Facebook to share data regarding users with advertisers where that data does not personally identify the user, such as aggregated statistics concerning users' interaction with a page (e.g., 27% of users were female) or user-level data that does not personally identify a user (e.g., a particular ad campaign was displayed on this browser or device). As explained above, Facebook uses the term “associated with” in its DUP to refer to information that is personally identifiable data – specifically, in the context of describing data aggregation. This description is part of a statement that user-level data may not be shared with advertisers if it includes personally identifiable information.

5. Among other things, the proposed DUP states: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

In your September 12 email, you claimed the proposed changes to the DUP are “not designed to reflect that Facebook is collecting new data from mobile users.”

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a) Please identify with specificity the provisions in the current DUP that disclose that Facebook collects this data.

Facebook's current DUP discloses that it may collect data from "mobile phone[s], or other devices you use to access Facebook," including IP address, pages you visit and location. Accordingly, the proposed language change is not necessary to provide notice of the collection of this data. Rather, the update is a reflection of the fact that, since Facebook last revised its DUP, Facebook users have increasingly accessed the service through mobile devices. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

In this respect, one distinguishing feature of mobile operating systems is that applications often run in both the foreground and background, and utilize different standards and models for mobile development to facilitate network communication. The existing DUP already explains to users that Facebook receives a variety of technical information from the browsers *and* devices (including mobile devices) used to access Facebook services. By adding examples, particularly those related to the mobile experience, Facebook is striving to ensure that its disclosures keep pace with technological innovation.

Respectfully, this goal – of ensuring that disclosures keep pace with technological innovation and the shift to mobile – is worthy of attention from the entire industry. Many online companies that offer both website access and mobile apps explain their practices to users without providing a robust explanation of how and when information is collected from mobile devices. Indeed, many popular services (such as those offered by Pandora, Google, LinkedIn, Twitter, Yahoo!, Spotify, Skype, and Yelp) are offered on mobile devices but do not explicitly address the fact that their app may be running on a user's device even when the user is not actively engaging with it. The Commission has emphasized that "[c]ompanies should disclose details about their collection and use of consumers' information" in the mobile environment, and applauds where "companies in the mobile ecosystem have already begun addressing the challenge of developing effective privacy disclosures."⁵ While, as noted, the change we proposed is not legally required, we believe clarification on this point is helpful to users and consistent with our commitment to transparency. Our proposed edits follow the Commission's guidance and we encourage the Commission to discuss with industry more broadly how the Commission and industry can best educate users to ensure that consumer awareness and disclosures keep pace with the transition to mobile.

⁵ See FTC, *Mobile Privacy Disclosures Building Trust Through Transparency*, pp. iii, 6 (Feb. 2013).

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Page 9

b) Is it Facebook's position that the proposed language would allow Facebook in the future to expand or make other changes to the types of data it will collect from mobile users, disclose, or make accessible to third parties? For example, does Facebook contend the proposed DUP would allow Facebook to collect data or other information from mobile users who are logged into – but not actively using – Facebook that Facebook does not currently collect? If so, please explain the basis for this contention. In addition, please specify what new or additional data Facebook would collect.

As a technical matter, mobile operating systems generally enable apps to access a device when the app is running, even if a user is not actively using the app. For example, users on most smartphone operating systems can run multiple apps at the same time and easily switch between them. Apps running in the background can periodically retrieve updated content so that the latest information is available when the user navigates back to the app.

As noted above, Facebook's existing DUP explains that Facebook receives a variety of information from browsers and devices (including mobile devices) used to access Facebook services. By adding examples and providing additional detail regarding the technical aspects of a mobile user's experience, Facebook is updating its disclosures to ensure that they remain clear as users increasingly transition to the mobile environment. The proposed changes address and clarify existing mobile practices and do not reflect a change to Facebook's data practices. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

* * *

GIBSON DUNN

Laura Koss
Reenah Kim
September 30, 2013
Page 10

We hope this information is helpful. Facebook is planning to adopt the proposed SRR and DUP language shortly. If you have any additional questions or additional suggested language changes, we would appreciate you letting us know within the next few days.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Ashlie Beringer', with a long horizontal line extending to the right.

S. Ashlie Beringer
SAB/lm

Kim, Reenah

From: Edward Palmieri
Sent: Wednesday, October 01, 2014 2:34 PM
To: Olsen, Christopher; Berger, Laura; Kim, Reenah; Koss, Laura; Han, Cora Tung
Cc: Sandeep Solanki; Emily Sharpe
Subject: Research at Facebook Update

CONFIDENTIAL

Dear Chris, Laura, Reenah, Laura, and Cora,

We wanted to contact you regarding updates to how we will review research proposals at Facebook.

As you know, over the last few weeks we have reviewed our internal processes around the research we do, especially including the product research discussed in the press recently.

(b)(4); (b)(3):6(f)

It is our hope that this first step will help us maintain a robust review program and an ongoing dialog internally and externally.

(b)(4); (b)(3):6(f)

- **Research website:** Our published academic research will be available at a single location - see <https://research.facebook.com/>.

We plan to announce these updates tomorrow and we are happy to discuss any of this with you. As always, thank you for your time.

Best,
Edward

edward palmieri | director + associate general counsel, privacy | facebook legal (b)(6)

From: Rob Sherman
Sent: 9 Oct 2015 17:14:16 +0000
To: Edward Palmieri; Kim, Reenah; Berger, Laura; VanDruff, Laura Riposo
Subject: Re: Facebook Update
Attachments: Facebook 10.09.15.pdf

Ahead of our discussion this afternoon, we wanted to pass along this copy of the deck so Laura will be able to follow along. We'll look forward to seeing you all shortly.

Rob

Rob Sherman

Facebook | Deputy Chief Privacy Officer

1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 (b)(6)

From: Edward Palmieri (b)(6)
Date: Friday, October 2, 2015 at 4:38 PM
To: Reenah Kim <rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>, "VanDruff, Laura Riposo" <lvandruff@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: Re: Facebook Update

Thank you and see you then.

From: "Kim, Reenah"
Date: Friday, October 2, 2015 at 3:43 PM
To: e p, "Berger, Laura", "VanDruff, Laura Riposo"
Cc: Rob Sherman
Subject: RE: Facebook Update

1:30p ET this Friday (October 9) works for us. Please ask for me when you arrive at the guard's desk.

Also, if you could please send any presentation materials in advance so Laura Berger can follow along from CA, that would be great.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Friday, October 02, 2015 2:38 PM
To: Kim, Reenah; Berger, Laura; VanDruff, Laura Riposo
Cc: Rob Sherman
Subject: Re: Facebook Update

Good afternoon.

How about Friday @ 1:30 pm et? Does that still work for you all?

Many thanks,
Edward

From: "Kim, Reenah"
Date: Thursday, October 1, 2015 at 7:15 PM
To: e p, "Berger, Laura", "VanDruff, Laura Riposo"
Cc: Rob Sherman
Subject: RE: Facebook Update

I misspoke – on Thursday, we're only available during the 12-2p Eastern window. Friday afternoon is also available.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Kim, Reenah
Sent: Thursday, October 01, 2015 6:44 PM
To: Edward Palmieri; Berger, Laura; VanDruff, Laura Riposo
Cc: Rob Sherman
Subject: RE: Facebook Update

Ed:

We're available on Thursday Oct 8th between 12-2p and 3-4p. Alternately, we could do Friday afternoon.

Thanks,

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Thursday, October 01, 2015 2:40 PM
To: Kim, Reenah; Berger, Laura; VanDruff, Laura Riposo
Cc: Rob Sherman
Subject: Re: Facebook Update

[resending with Laura's correct email address!]

CONFIDENTIAL

Dear Reenah, Laura, and Laura:

We were hoping to come in to meet with you about a few Facebook Updates next week. If you are free, we would like to propose meeting next Thursday or Friday, October 8th or 9th. At your convenience, please let us know if this might work for you. If not, we are happy to find alternative times – just let us know.

Also, in case you are interested, I wanted to share a blog post about a redesign of people's timeline: <http://newsroom.fb.com/news/2015/09/improving-mobile-profiles/>. This update aims at making people's timeline more mobile friendly (viewing it from a mobile device, etc.). The link above provides a great overview and we'll also be happy to walk you through it next week.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)

From: Rob Sherman
Sent: 17 Oct 2017 15:41:14 +0000
To: Kim, Reenah; Berger, Laura
Cc: Jack Yang
Subject: Facebook Update
Attachments: Facebook Update - Confidential.pdf

Confidential

Laura and Reenah,

Ahead of our meeting today, we wanted to share the deck that we're planning to walk through with you. We'll look forward to seeing you shortly.

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer

1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004

(b)(6)

Berger, Laura

From: Olsen, Christopher
Sent: Monday, October 21, 2013 2:58 PM
To: Berger, Laura
Subject: Fw: Facebook Update

From: Rob Sherman [mailto:(b)(6)]
Sent: Monday, October 21, 2013 05:29 PM
To: Mithal, Maneesha; Olsen, Christopher
Cc: Erin Egan; Edward Palmieri
Subject: FW: Facebook Update

Maneesha and Chris,

We wanted to be sure that you'd seen the update below, which Ed sent to Laura and Reenah earlier today. Now that your team is back and hopefully things are starting to return to normal, Ed has suggested getting together with Laura and Reenah on Wednesday morning to talk through these points and some other things we'll be working on over the next few weeks. We'd be happy for you to join us (or to talk separately, if that's more convenient) if you'd like more information about any of this — just let us know.

Best,

Rob

Rob Sherman

Facebook | Manager, Privacy and Public Policy
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004
(b)(6)

From: Edward Palmieri (b)(6)
Date: Monday, October 21, 2013 4:59 PM
To: "Koss, Laura" <LKOSS@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>
Cc: Daniel Li (b)(6), Megan Alvarez (b)(6)
Subject: Facebook Update

Dear Laura and Reenah,

Welcome back.

As part of our continuing efforts to maintain an open dialogue with you, we wanted to provide information on some recent developments. As you'll see, the first two updates are reminders of things we've already discussed and the third is an acquisition we announced last week. We're happy to discuss any or all of these with you at any time.

Additionally, we have a few other product updates coming in October that we'd be happy to come in and tell you about. If your schedule permits, perhaps we can schedule something for Wednesday morning? At your convenience, please let us know.

Facebook Updates

(b)(4); (b)(3):6(f)

3. Onavo Acquisition

On October 14th, Facebook announced its intention to acquire Onavo, Inc. Onavo offers mobile utility apps that help consumers save money by allowing them to understand and reduce their mobile data usage. For example, after a user installs Onavo's flagship Extend app, the app connects the mobile device to Internet services through Onavo's systems, thereby allowing Onavo to analyze, compress, and make more efficient the device's access to data services. By holistically compressing mobile data, Extend allows people to access websites and enjoy apps as they always have, but without using as much data—so their mobile charges are reduced. And, by providing users with a breakdown of their data usage, users can see how much data is being consumed by the things they do from their device and make informed data usage choices. Facebook believes these capabilities will be extremely valuable to the critical goal of Internet.org by improving the efficiency of mobile data usage and allowing more people around the world to connect and share.

* * *

We are available to address any questions you may have and please do let us know if you are available for an in-person meeting on Wednesday AM to discuss some upcoming updates.

As always, thank you for your time.

Best,
Edward

(b)(6)

From: Rob Sherman
Sent: 21 Oct 2016 15:45:14 +0000
To: Kim, Reenah; Berger, Laura
Cc: Edward Palmieri
Subject: Re: Confidential Facebook Update
Attachments: Confidential Facebook FTC Briefing 10-21-16.pdf

Thanks so much. For Laura's benefit, I'm attaching a PDF version of the deck we're planning to walk through – but we should be able to project it via the web connection as well.

Rob

facebook

Rob Sherman | Deputy Chief Privacy Officer
1299 Pennsylvania Avenue, NW | Suite 800 | Washington, DC 20004 | (b)(6)

From: Reenah Kim <rkim1@ftc.gov>
Date: Friday, October 21, 2016 at 11:20 AM
To: Rob Sherman (b)(6) Edward Palmieri (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Confidential Facebook Update

I should be able to view the video from where I am. Thanks.

From: Rob Sherman [mailto:(b)(6)]
Sent: Friday, October 21, 2016 10:53 AM
To: Edward Palmieri; Kim, Reenah; Berger, Laura
Subject: Re: Confidential Facebook Update

The bridge that Ed is adding to the agenda includes an optional video component. Is it possible that one or both of you would be able to connect via web browser? There are two quick videos that we're hoping to show to help illustrate a new flow we are adding to Facebook pages, and we think it may be easiest to illustrate interactively rather than through screenshots.

If this doesn't work, of course, we'll do our best to explain the context verbally.

Thanks again.

From: Edward Palmieri (b)(6)
Date: Friday, October 21, 2016 at 9:08 AM
To: Reenah Kim <rkim1@ftc.gov>, "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: Re: Confidential Facebook Update

Will do – I am updating the invite now. Welcome back!

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Friday, October 21, 2016 at 8:12 AM
To: Edward Palmieri (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: Re: Confidential Facebook Update

I'm back, but working from home today, not in the office. Could you please circulate a dial-in number for our 12:00?

Thanks,
-Reenah

On: 20 October 2016 21:08, "Edward Palmieri" (b)(6) wrote:
Laura, thank you for your note.

Yes, we are still on (assuming Reenah is available). We will conference you into the call and will compensate for your lack of slides with extra descriptions via telephone.

Thank you.

From: "Berger, Laura" <LBERGER@ftc.gov>
Date: Thursday, October 20, 2016 at 8:42 PM
To: Edward Palmieri (b)(6) "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: RE: Confidential Facebook Update

Hi all,

Assuming we still are meeting tomorrow, please call my cell (b)(6) I will be out of the office, so won't be able to view any slides you send tomorrow, but will be able to join you at noon Eastern.

Best,

Laura

From: Edward Palmieri
Sent: Thursday, October 06, 2016 8:31 PM
To: Berger, Laura; Kim, Reenah
Cc: Rob Sherman
Subject: Re: Confidential Facebook Update

Thank you very much for the update and we sincerely appreciate your flexibility. Friday, October 21 @ 12 Noon ET / 9 AM PT works for us. We'll send an invite out for that time and unless we hear back from Reenah that this won't work, we'll stick to that plan.

From: "Berger, Laura" <LBERGER@ftc.gov>
Date: Thursday, October 6, 2016 at 1:02 PM
To: Edward Palmieri (b)(6) "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: RE: Confidential Facebook Update

Apologies, but I just saw that Reenah's not back until the 21st. You all could meet that day, but I have to be at a conference. It looks like Reenah's schedule is pretty open on the 21st; if you wind up meeting at noon Eastern/9 am Pacific on the 21st, I could probably join you.

From: Edward Palmieri
Sent: Thursday, October 06, 2016 9:50 AM
To: Berger, Laura; Kim, Reenah
Cc: Rob Sherman
Subject: Re: Confidential Facebook Update

Got it – I recall a (b)(6) from the last briefing, but we thought it was later in the month! My last day in the office (for a few weeks) is Friday the 21st. If Reenah is back then, would that be an option? Apologies for the tight schedules. If the 21st isn't convenient, I'm sure we can figure out an alternative.

From: "Berger, Laura" <LBERGER@ftc.gov>
Date: Thursday, October 6, 2016 at 12:34 PM
To: Edward Palmieri (b)(6) "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: RE: Confidential Facebook Update

I believe Reenah is out from today until the 20th. Would it work to schedule something when she is back?

From: Edward Palmieri
Sent: Thursday, October 06, 2016 9:15 AM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Confidential Facebook Update

CONFIDENTIAL

Reenah and Laura:

Rob and I would like to schedule a meeting with you next week, if you are free. Do you think you might have time on Friday? If not Friday, perhaps Thursday?

At your convenience, please let us know what might work for you.

Best,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: Edward Palmieri
Sent: 5 Nov 2015 21:46:00 +0000
To: Kim, Reenah; Rob Sherman
Cc: Berger, Laura
Subject: Re: FB Messenger

Reenah:

Happy to have a call – I'll coordinate with Rob and reply with a day/time. More soon.

Thank you,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Thursday, November 5, 2015 at 4:43 PM
To: e p (b)(6) Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: FB Messenger

Ed and Rob:

Do you have time for a call sometime next week regarding FB Messenger? We're generally available in the afternoons – Monday or Tuesday? If not, other dates in the afternoon would probably work as well. Just let us know.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

Kim, Reenah

From: Edward Palmieri
Sent: Monday, November 10, 2014 11:15 AM
To: Kim, Reenah; Koss, Laura
Cc: Megan Alvarez; Emily Sharpe
Subject: Re: call today

CONFIDENTIAL

Laura and Reenah:

Thank you for your call this morning - I'm sorry I missed your call (I was in a meeting). I think you are in your meeting right now (11 am et), but I am happy to discuss when you are out/done. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Again, thank you very much for your reviews – we know how busy you are and very much appreciate your time.

Best,

Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)

From: e p (b)(6)
Date: Monday, November 10, 2014 at 12:47 AM
To: "Kim, Reenah" <rkim1@ftc.gov>, "Koss, Laura" <LKOSS@ftc.gov>
Cc: Megan Alvarez (b)(6), Emily Sharpe (b)(6)
Subject: Re: call today

CONFIDENTIAL

Laura and Reenah:

Thank you again for your time on Thursday and for your follow-up call on Friday.

We wanted to get back to you on the 2 questions raised:

[1] Deletion. We contacted a colleague to review our deletion practices and confirmed that we work to delete information that users delete, including when they delete their entire account. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

[2] Service providers. We understand your concern about service providers and appreciated you point about the previous version's statements around confidentiality and compliance with FB's Data Policy. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We also wanted to update you on the "notice of changes" text in our terms and privacy. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We hope you find these 3 updates helpful. We believe these updates address the concerns or questions you raised, but if you have any additional questions about these or any other provisions, please let us know. As of tonight (Sunday night), we are still planning on going "live" with our comment period on Thursday.

Again, thank you for your time.

Best,

Edward

From: Kim, Reenah [<mailto:rkim1@ftc.gov>]
Sent: Friday, November 7, 2014 12:13 PM
To: Edward Palmieri; Megan Alvarez; Emily Sharpe
Cc: Koss, Laura
Subject: call today

Do you have time for a quick call today? We're available anytime before 5. If possible, it'd be great if we could make it before 3 or after 3:45, but whenever you're able to make it work would be fine.

Thanks,

-Reenah

Reenah L. Kim

Federal Trade Commission

Bureau of Consumer Protection | Division of Enforcement

600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580

t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

Kim, Reenah

From: Edward Palmieri
Sent: Monday, November 10, 2014 12:48 AM
To: Kim, Reenah; Koss, Laura
Cc: Megan Alvarez; Emily Sharpe
Subject: Re: call today

CONFIDENTIAL

Laura and Reenah:

Thank you again for your time on Thursday and for your follow-up call on Friday.

We wanted to get back to you on the 2 questions raised:

[1] Deletion. We contacted a colleague to review our deletion practices and confirmed that we work to delete information that users delete, including when they delete their entire account. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

[2] Service providers. We understand your concern about service providers and appreciated you point about the previous version's statements around confidentiality and compliance with FB's Data Policy. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We also wanted to update you on the "notice of changes" text in our terms and privacy. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

We hope you find these 3 updates helpful. We believe these updates address the concerns or questions you raised, but if you have any additional questions about these or any other provisions, please let us know. As of tonight (Sunday night), we are still planning on going "live" with our comment period on Thursday.

Again, thank you for your time.

Best,

Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)

From: Kim, Reenah [mailto:rkim1@ftc.gov]
Sent: Friday, November 7, 2014 12:13 PM
To: Edward Palmieri; Megan Alvarez; Emily Sharpe
Cc: Koss, Laura
Subject: call today

Do you have time for a quick call today? We're available anytime before 5. If possible, it'd be great if we could make it before 3 or after 3:45, but whenever you're able to make it work would be fine.

Thanks,

-Reenah

Reenah L. Kim

Federal Trade Commission

Bureau of Consumer Protection | Division of Enforcement

600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580

t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang
Sent: 30 Nov 2017 19:48:56 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Slide for FTC/FB 11-30 Presentation
Attachments: FTC-FB-1130.pdf

Reenah & Laura:

We are looking forward to seeing you this afternoon.

Please find attached the slide for today's discussion.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: Edward Palmieri
Sent: 9 Dec 2015 16:45:55 +0000
To: Berger, Laura;Kim, Reenah
Cc: Rob Sherman;Anne Hoge;VanDruff, Laura Riposo
Subject: Confidential WhatsApp Update
Attachments: WhatsApp - Privacy Policy.pdf, WhatsApp - Terms of Service.pdf

CONFIDENTIAL

Dear Reenah and Laura:

Thank you again for making time for us tomorrow at 11 AM ET at your office. In advance of tomorrow's meeting, we wanted to explain the topic and provide the attached corresponding materials. As you will see in the attached two documents, WhatsApp is planning to update its terms of service and privacy policy in their entirety.

The existing terms and privacy policy (see <https://www.whatsapp.com/legal/>) are dated July 7, 2012.

(b)(4); (b)(3):6(f)

Quick details:

- Topic: WhatsApp Terms and Privacy Policy update, and corresponding user notice, consent, and control
- Timeframe: ~ February 11, 2016 launch
- WhatsApp Attendee: Anne Hoge, General Counsel, WhatsApp

We look forward to discussing this update with you and are hoping to get some feedback from you in tomorrow's meeting. We also would like to follow up after the meeting so we can discuss any additional thoughts or questions that you may have (although we aren't planning to launch until February, given internal development and coding processes we are working to integrate feedback as soon as possible).

Finally, we are preparing a presentation and we will send that out in advance of the meeting tomorrow. If you would like anyone else from the FTC to attend, please just let us know so we can plan accordingly.

Again, thank you for your time.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal

(b)(6)

From: Edward Palmieri
Sent: 10 Dec 2015 15:17:23 +0000
To: Berger, Laura;Kim, Reenah
Cc: Rob Sherman;Anne Hoge;VanDruff, Laura Riposo
Subject: Re: Confidential WhatsApp Update
Attachments: WhatsApp Terms & Privacy Update 12102015 FINAL.pdf

CONFIDENTIAL

Dear Reenah and Laura:

Thank you again for making time for us today. We are leaving the office shortly to meet you at 11 AM ET. In advance of that meeting, we are sending the deck that we will walk through with you.

Again, thank you for your time.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal

(b)(6)

From: Edward Palmieri (b)(6)
Date: Wednesday, December 9, 2015 at 11:45 AM
To: "Berger, Laura" <LBERGER@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6) Anne Hoge (b)(6)
"VanDruff, Laura Riposo" <lvandruff@ftc.gov>
Subject: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

Thank you again for making time for us tomorrow at 11 AM ET at your office. In advance of tomorrow's meeting, we wanted to explain the topic and provide the attached corresponding materials. As you will see in the attached two documents, WhatsApp is planning to update its terms of service and privacy policy in their entirety.

The existing terms and privacy policy (see <https://www.whatsapp.com/legal/>) are dated July 7, 2012.

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Quick details:

- Topic: WhatsApp Terms and Privacy Policy update, and corresponding user notice, consent, and control
- Timeframe: ~ February 11, 2016 launch
- WhatsApp Attendee: Anne Hoge, General Counsel, WhatsApp

We look forward to discussing this update with you and are hoping to get some feedback from you in tomorrow's meeting. We also would like to follow up after the meeting so we can discuss any additional thoughts or questions that you may have (although we aren't planning to launch until February, given internal development and coding processes we are working to integrate feedback as soon as possible).

Finally, we are preparing a presentation and we will send that out in advance of the meeting tomorrow. If you would like anyone else from the FTC to attend, please just let us know so we can plan accordingly.

Again, thank you for your time.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal

(b)(6)

From: Edward Palmieri
Sent: 20 Dec 2016 18:58:52 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman;Shane Witnov
Subject: Re: Confidential Facebook Update
Attachments: FTC-Briefing-Deck-12.20.16.pdf

CONFIDENTIAL

Dear Laura and Reenah:

Please see attached – the presentation we will walk through during our meeting. As a reminder, the conference bridge information is below.

Thank you,
Edward

Edward Palmieri | Director and Associate General Counsel, Privacy and Regulatory | Facebook Legal (b)(6)

From: (b)(6)
When: 2:00 PM - 3:00 PM December 20, 2016
Subject: Confidential Facebook Update
Location: BJJ Info Below

Blue Jeans Meeting ID:

(b)(4);

To join via Browser:

(b)(4); (b)(3):6(f); (b)(6)

To join via Phone:

1) Dial: (US or Canada only - [see all numbers](#))

2) Enter Conference ID

OneTouch Dialing

From: Edward Palmieri
Sent: 31 Dec 2015 02:24:33 +0000
To: Berger, Laura;Kim, Reenah
Cc: Rob Sherman;Anne Hoge;VanDruff, Laura Riposo
Subject: Re: Confidential WhatsApp Update
Attachments: WhatsApp Terms & Privacy Updated Control Screenshots
CONFIDENTIAL 12292015.pdf, WhatsApp Privacy Policy Updated Clean CONFIDENTIAL
12302015.pdf, WhatsApp Privacy Policy Updated Redline CONFIDENTIAL 12292015.pdf

CONFIDENTIAL

Dear Reenah and Laura:

We hope you are having a wonderful holiday and thank you, again, for making time to meet with us in December.

Since we met and based on some of the feedback you provided in our last meeting, we have been iterating on the user flow and the draft WhatsApp privacy policy. As such, while you continue your review, we thought we would share the latest versions of the user flow and the privacy policy (we have no updates on the terms at this time).

(b)(4); (b)(3):6(f)

In addition to the redline and the new user flow, for easy of review, we have included an updated "clean" PDF of the latest draft, which is our current working-document/draft.

At your convenience, please let us know if you will be available to connect soon after the first of the year (perhaps the middle of next week, like January 6th or 7th?). We would love to get any updated feedback from you and to answer any remaining questions.

Again, thank you for your time. Happy holidays and we wish you all a very happy and healthy new year.

Best,
Edward

From: Edward Palmieri (b)(6)
Date: Thursday, December 10, 2015 at 10:17 AM
To: "Berger, Laura" <LBERGER@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6), Anne Hoge (b)(6),
"VanDruff, Laura Riposo" <lvandruff@ftc.gov>
Subject: Re: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

Thank you again for making time for us today. We are leaving the office shortly to meet you at 11 AM ET. In advance of that meeting, we are sending the deck that we will walk through with you.

Again, thank you for your time.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal
(b)(6)

From: Edward Palmieri (b)(6)
Date: Wednesday, December 9, 2015 at 11:45 AM
To: "Berger, Laura" <LBERGER@ftc.gov>, "Kim, Reenah" <rkim1@ftc.gov>
Cc: Rob Sherman (b)(6), Anne Hoge (b)(6),
"VanDruff, Laura Riposo" <lvandruff@ftc.gov>
Subject: Confidential WhatsApp Update

CONFIDENTIAL

Dear Reenah and Laura:

Thank you again for making time for us tomorrow at 11 AM ET at your office. In advance of tomorrow's meeting, we wanted to explain the topic and provide the attached corresponding materials. As you will see in the attached two documents, WhatsApp is planning to update its terms of service and privacy policy in their entirety.

The existing terms and privacy policy (see <https://www.whatsapp.com/legal/>) are dated July 7, 2012.

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Quick details:

- Topic: WhatsApp Terms and Privacy Policy update, and corresponding user notice, consent, and control
- Timeframe: ~ February 11, 2016 launch
- WhatsApp Attendee: Anne Hoge, General Counsel, WhatsApp

We look forward to discussing this update with you and are hoping to get some feedback from you in tomorrow's meeting. We also would like to follow up after the meeting so we can discuss any additional thoughts or questions that you may have (although we aren't planning to launch until February, given internal development and coding processes we are working to integrate feedback as soon as possible).

Finally, we are preparing a presentation and we will send that out in advance of the meeting tomorrow. If you would like anyone else from the FTC to attend, please just let us know so we can plan accordingly.

Again, thank you for your time.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal

(b)(6)

tbh

tbh has a new home

OCTOBER 16 2017

When we set out to build tbh, we wanted to create a community that made us feel happier and more confident about ourselves. We felt that people craved genuine and positive interactions in their online experiences.

While the last decade of the Internet has been focused on open communication, the next milestone will be around meeting people's emotional needs.

It looks like this hunch might be true: over the last few weeks, over 5 million people have downloaded tbh and sent over a billion messages. More importantly, we've been inspired by the countless stories where tbh helped people recover from depression and form better relationships with friends.

Today we're announcing that we're joining Facebook to continue our mission.

When we met with Facebook, we realized that we shared many of the same core values about connecting people through positive interactions. Most of all, we were compelled by the ways they could help us realize tbh's vision and bring it to more people.

Going forward, your experience on tbh won't change and we'll continue to build the features you love—now with plenty more resources.

Finally, we'd like to thank our users. Your kindness is what makes tbh such a special place. We're looking forward to building this community together.



[Contact](#) [FAQ](#) [Terms](#) [Privacy](#)



© Midnight Labs 2017.

DEbrief

From: Megan Alvarez (b)(6)
Sent: Friday, January 03, 2014 3:55 PM
To: DEbrief
Cc: Edward Palmieri; Daniel Li
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired SportStream Inc., and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for SportStream Inc. is 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Megan Alvarez | Privacy Counsel | Facebook Legal

(b)(6)

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From: Jack Yang
Sent: 18 Jan 2018 16:16:08 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Re: Update of TBH Terms and Conditions/Privacy Policy

Reenah:

Thanks for the quick response on your commitments and schedule. We're really sorry for the short notice. Internal approvals and last-minute changes to the notice made the timing of this less than ideal.

Would it make sense for us to set a time to chat about this at your convenience next week? We can always cancel that call if you decide it's not needed.

Also wondering if you and Laura would have time to meet in the month of February? If so, is there a week that work better for you and Laura?

Thanks much in advance.

Jack

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Thursday, January 18, 2018 at 6:37 AM
To: Jack Yang <yangj@fb.com>, "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: RE: Update of TBH Terms and Conditions/Privacy Policy

Jack – This is very short notice. We will need time to review, and I don't know that we'll be able to align schedules for a call as soon as today (we're not available tomorrow).

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Thursday, January 18, 2018 9:23 AM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Update of TBH Terms and Conditions/Privacy Policy

Reenah and Laura:

As you may recall, in late October, 2017, Facebook acquired Five Industries, Inc., the maker of the TBH (a messaging app directed at high school age students), described <https://tbhtime.com/>. We've attached our notice to the FTC regarding this acquisition. TBH is available only to persons in the United States.

(b)(4); (b)(3):6(f)

Please let us know if you'd like to find time for a call to answer any questions you may have. If you'd like to discuss this, it would be ideal to find time today or

Friday since the team would like to move ahead with this update either this week or next week.

Jack & Rob

From: Jack Yang
Sent: 18 Jan 2018 14:22:31 +0000
To: Kim, Reenah;Berger, Laura
Cc: Rob Sherman
Subject: Update of TBH Terms and Conditions/Privacy Policy
Attachments: In the Matter of Facebook, Inc., FTC Docket No. C-4365

Reenah and Laura:

As you may recall, in late October, 2017, Facebook acquired Five Industries, Inc., the maker of the TBH (a messaging app directed at high school age students), described <https://tbhtime.com/>. We've attached our notice to the FTC regarding this acquisition. TBH is available only to persons in the United States.

(b)(4); (b)(3):6(f)

Please let us know if you'd like to find time for a call to answer any questions you may have. If you'd like to discuss this, it would be ideal to find time today or

Friday since the team would like to move ahead with this update either this week or next week.

Jack & Rob

From: Kim, Reenah
Sent: 22 Jan 2018 13:03:28 +0000
To: 'Jack Yang';Rob Sherman
Cc: Berger, Laura
Subject: RE: Update of TBH Terms and Conditions/Privacy Policy

Jack and Rob – I have a number of questions for you about this, and I think that Laura may have questions as well. However, as you're probably aware, due to the recent government shutdown, we are prohibited from working until Congress restores appropriations to the FTC. I will contact you to follow up once normal government operations resume.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Thursday, January 18, 2018 11:16 AM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Re: Update of TBH Terms and Conditions/Privacy Policy

Reenah:

Thanks for the quick response on your commitments and schedule. We're really sorry for the short notice. Internal approvals and last-minute changes to the notice made the timing of this less than ideal.

Would it make sense for us to set a time to chat about this at your convenience next week? We can always cancel that call if you decide it's not needed.

Also wondering if you and Laura would have time to meet in the month of February? If so, is there a week that work better for you and Laura?

Thanks much in advance.

Jack

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Thursday, January 18, 2018 at 6:37 AM
To: Jack Yang [(b)(6)] "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman [(b)(6)]
Subject: RE: Update of TBH Terms and Conditions/Privacy Policy

Jack – This is very short notice. We will need time to review, and I don't know that we'll be able to align schedules for a call as soon as today (we're not available tomorrow).

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [<mailto:>[(b)(6)]]
Sent: Thursday, January 18, 2018 9:23 AM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Update of TBH Terms and Conditions/Privacy Policy

Reenah and Laura:

As you may recall, in late October, 2017, Facebook acquired Five Industries, Inc., the maker of the TBH (a messaging app directed at high school age students), described <https://tbhtime.com/>. We've attached our notice to the FTC regarding this acquisition. TBH is available only to persons in the United States.

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Please let us know if you'd like to find time for a call to answer any questions you may have. If you'd like to discuss this, it would be ideal to find time today or Friday since the team would like to move ahead with this update either this week or next week.

Jack & Rob

From: Jack Yang
Sent: 31 Jan 2018 21:00:36 +0000
To: Kim, Reenah
Cc: Berger, Laura; Rob Sherman
Subject: Re: Update of TBH Terms and Conditions/Privacy Policy
Attachments: TBH Terms Update.pdf

Facebook Confidential

Reenah:

In anticipation of our meeting tomorrow, please find attached the slides. Look forward to chatting with you tomorrow.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Monday, January 29, 2018 at 5:20 AM
To: Jack Yang (b)(6) Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Update of TBH Terms and Conditions/Privacy Policy

Yes 1030 this Thursday (Feb 1) works for me.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Friday, January 26, 2018 4:06 PM
To: Kim, Reenah; Rob Sherman
Cc: Berger, Laura
Subject: Re: Update of TBH Terms and Conditions/Privacy Policy

Reenah:

Was able to coordinate with Rob on availability. Would 10:30AM-11:00AM next Thursday work for you?

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Thursday, January 25, 2018 at 8:10 AM
To: Jack Yang (b)(6) Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Update of TBH Terms and Conditions/Privacy Policy

I'm generally available for a call on Thursday or Friday of next week (Feb 1-2) before 5p Eastern.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [[\(b\)\(6\)](mailto:(b)(6))]
Sent: Wednesday, January 24, 2018 4:57 PM
To: Kim, Reenah; Rob Sherman
Cc: Berger, Laura
Subject: Re: Update of TBH Terms and Conditions/Privacy Policy

Reenah:

Thanks for your voicemail. If possible, it would be great to have a call next week while Laura is travelling. If you'd like to suggest some times for next week, Rob and I will arrange our schedules accordingly.

We'll ensure we get you the materials you requested below in advance of the call.

Thanks much in advance.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Wednesday, January 24, 2018 at 11:19 AM
To: Jack Yang (b)(6), Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Update of TBH Terms and Conditions/Privacy Policy

Thanks for your message. We're not available on Friday, so I'm trying to confirm whether tomorrow would work instead.

In the meantime, a few points:

(b)(4); (b)(3):6(f)

4. I've seen the October 16, 2017 post on the tbh website (tbh.com/news) regarding the acquisition. Were any other representations made to tbh users regarding the acquisition and, if so, in what format?

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Tuesday, January 23, 2018 7:03 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Re: Update of TBH Terms and Conditions/Privacy Policy

Reenah & Laura:

Thanks for your e-mail. We hope this week's events didn't cause too much disruption. We were wondering whether you might have time on Thursday or Friday to speak on tbh? We're happy to adjust our schedules to meet at your convenience. However, I do know that we are definitely available during the following times:

Thursday 3-3:30PM EST; and
Friday 11-11:30AM EST.

Thanks very much in advance. Look forward to speaking with you.

Jack Yang
AGC & Head of Privacy
Facebook, Inc.

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Monday, January 22, 2018 at 5:04 AM
To: Jack Yang (b)(6), Rob Sherman (b)(6)
Cc: "Berger, Laura" <LBERGER@ftc.gov>
Subject: RE: Update of TBH Terms and Conditions/Privacy Policy

Jack and Rob – I have a number of questions for you about this, and I think that Laura may have questions as well. However, as you're probably aware, due to the recent government shutdown, we are prohibited from working until Congress restores appropriations to the FTC. I will contact you to follow up once normal government operations resume.

Regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Thursday, January 18, 2018 11:16 AM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Re: Update of TBH Terms and Conditions/Privacy Policy

Reenah:

Thanks for the quick response on your commitments and schedule. We're really sorry for the short notice. Internal approvals and last-minute changes to the notice made the timing of this less than ideal.

Would it make sense for us to set a time to chat about this at your convenience next week? We can always cancel that call if you decide it's not needed.

Also wondering if you and Laura would have time to meet in the month of February? If so, is there a week that work better for you and Laura?

Thanks much in advance.

Jack

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Thursday, January 18, 2018 at 6:37 AM
To: Jack Yang (b)(6) "Berger, Laura" <LBERGER@ftc.gov>
Cc: Rob Sherman (b)(6)
Subject: RE: Update of TBH Terms and Conditions/Privacy Policy

Jack – This is very short notice. We will need time to review, and I don't know that we'll be able to align schedules for a call as soon as today (we're not available tomorrow).

-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Jack Yang [mailto:(b)(6)]
Sent: Thursday, January 18, 2018 9:23 AM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman
Subject: Update of TBH Terms and Conditions/Privacy Policy

Reenah and Laura:

As you may recall, in late October, 2017, Facebook acquired Five Industries, Inc., the maker of the TBH (a messaging app directed at high school age students), described <https://tbhtime.com/>. We've attached our notice to the FTC regarding this acquisition. TBH is available only to persons in the United States.

(b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Please let us know if you'd like to find time for a call to answer any questions you may have. If you'd like to discuss this, it would be ideal to find time today or Friday since the team would like to move ahead with this update either this week or next week.

Jack & Rob

DEbrief

From: Charles Proctor (b)(6)
Sent: Monday, March 05, 2018 3:50 PM
To: DEbrief
Cc: Jack Yang; Ly Tran
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Confirm Inc., and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. Correspondence for Confirm Inc. sent by mail may be directed to 1601 Willow Road, Menlo Park, CA 94025.

Regards,
Charles

Charles Proctor | Privacy Counsel | facebook

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DEbrief

From: Megan Alvarez (b)(6)
Sent: Sunday, March 09, 2014 3:23 PM
To: DEbrief
Cc: Edward Palmieri; Daniel Li
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Little Eye Labs. The company will continue to operate as a wholly-owned subsidiary of Facebook, Inc. under the corporate name Liberty Acquisition Sub II, LLC, with the corporate address of 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Megan Alvarez | Privacy Counsel | Facebook Legal

(b)(6)

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DEbrief

From: Jenny Hall (b)(6)
Sent: Monday, April 06, 2015 12:34 PM
To: DEbrief
Cc: Edward Palmieri; Megan Alvarez
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired TheFind, Inc. and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for TheFind, Inc. is 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Jenny Hall | facebook | Lead Privacy Counsel

(b)(6)

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DEbrief

From: Megan Alvarez (b)(6)
Sent: Sunday, April 17, 2016 7:03 PM
To: DEbrief
Cc: Edward Palmieri; Jenny Hall
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Masquerade Technologies, Inc. and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for Masquerade Technologies, Inc. is 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Megan Alvarez | Associate General Counsel, Privacy | Facebook Legal

(b)(6)

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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue NW
WASHINGTON, D.C. 20580

Laura D. Koss
Bureau of Consumer Protection
Division of Enforcement, Mailstop CC-9528
Direct Dial: (202) 326-2890

April 21, 2015

via U.S. and electronic mail ((b)(6))

Mr. Edward Palmieri
Associate General Counsel, Privacy
Facebook, Inc.
1299 Pennsylvania Avenue N.W.
Suite 800
Washington, DC 20004

Re: *In the Matter of Facebook, Inc., Docket No. C-4365*

Dear Mr. Palmieri:

Thank you for the information Facebook provided in an April 16, 2015 call regarding the
(b)(4);

(b)(4); (b)(3):6(f)

As you know Part I of the Order addresses misrepresentations regarding the extent to which Facebook maintains the privacy and security of covered information, including, but not limited to, its collection of any covered information. The above language does not appear to be deceptive under Part I so long as (b)(4); (b)(3):6(f)

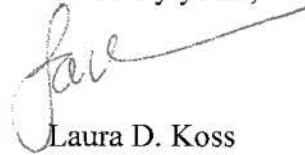
(b)(4); (b)(3):6(f)

We appreciate your communicating proactively with us regarding Facebook's new products and services and wanted to share these concerns in light of Facebook's Order.

April 21, 2015
page 2

If you have any questions, please do not hesitate to contact me at (202) 326-2890 or Reenah Kim at (202) 326-2272.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Laura D. Koss", with a long horizontal flourish extending to the right.

Laura D. Koss
Reenah L. Kim
Attorneys

facebook

CONFIDENTIAL

April 22, 2013

VIA EMAIL AND FEDERAL EXPRESS

James A. Kohm Esq.
Associate Director for the Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20850



Re: *In re Facebook, Inc.*, FTC Docket No. C-4365

Dear Mr. Kohm:

In accordance with Part V of the Decision and Order entered in *In re Facebook*, Docket No. C-4365 (July 27, 2012) ("FTC Order"), enclosed please find a copy of the assessment and report ("Assessment"), prepared by a qualified, objective, independent third-party professional ("Independent Assessor"), examining the sufficiency of the privacy controls that Facebook maintained during the period from August 15, 2012 to February 11, 2013. We are pleased that the Assessment concludes that our Privacy Program was operating effectively throughout the reporting period. This conclusion is based on an exhaustive examination of our program, conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants ("AICPA").

The Facebook Privacy Program

Privacy is central to everything we do at Facebook. Since our founding less than a decade ago, we have worked to develop practices and procedures that ensure that people's personal information is safe, secure, and used in accordance with their sharing settings and choices. Our privacy efforts received a substantial boost in 2011 and 2012, when the Data Protection Commissioner ("DPC") in Ireland, where Facebook's international headquarters is located, undertook the first major governmental review of an internet company's compliance with European data protection law. That review resulted in two comprehensive audit reports that documented Facebook's controls, addressed and rejected a number of misperceptions about how Facebook approaches privacy, and identified areas where we can continue to improve. Facebook Ireland, Ltd., continues to work closely with the DPC to ensure ongoing compliance with EU privacy and data protection law.

The Privacy Program reflected in the attached Assessment built upon our work with the Irish DPC. In developing our program, we went beyond the general requirements set out in Section IV of the FTC Order and leveraged the Generally Accepted Privacy Principles

facebook

("GAPP"), a comprehensive framework created by the AICPA and Canadian Institute of Chartered Accountants. The GAPP framework is the most comprehensive standard for privacy programs, derived from ten internationally-recognized information principles, including notice, choice and consent, access obligations, and limitations on the use, retention, disposal, and disclosure of personal information. We used the GAPP principles and criteria as a guide in developing our own company-specific privacy assertions and controls. Key features of our program include: (a) the designation of responsible employees, including an experienced Privacy Governance Team, (b) comprehensive awareness and training for all employees, appropriate to their job functions, (c) consideration of privacy issues throughout the development process (i.e., "privacy by design"), (d) robust security for privacy controls, (e) safeguards for Platform developers, (f) screening and contractual obligations for service providers, and (g) assessment and integration of acquisitions.

We also have invested in building innovative tools that provide people with control over the sharing of their information. Our Per-Object Privacy controls and Granular Data Permissions model, for example, enable users to choose, at the time of sharing, the specific audience for each piece of content they share and to have direct visibility into the information available to applications they use. Likewise, our Data Use Policy presents layered content, practical headings and screenshots to help users understand how the information they provide is used and shared. We have strengthened existing controls, like Activity Log, which allows people to sort, review, delete or hide the things they post on Facebook. In addition, we continue to launch new controls, such as our privacy shortcuts, which are located at the top of most pages on Facebook and allow users to quickly access key settings and easily visit their main settings page. We believe these tools demonstrate our commitment to achieving the balance users want between sharing information quickly and easily while maintaining appropriate privacy and control.

Independent Assessment

The attached report is a comprehensive assessment of our Privacy Program. It documents our assertions and controls and, for each, describes the testing procedures used to gauge whether the control was operating effectively. The Assessment also identifies areas where control design and/or operating effectiveness can continue to improve. (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)



(b)(4); (b)(3):6(f)

At Facebook, we put privacy at the core of our mission. The attached Assessment reaffirms our commitment to implementing meaningful and effective privacy and security controls. While the Assessment reflects our years of privacy and security innovation and expertise, we view this commitment as ongoing. We will continue to work to meet the changing and evolving needs of our users and to put user privacy and security at the center of everything we do. The Privacy Program – and the Assessment – provide a clear, positive framework for Facebook to move forward in this pursuit.

* * *

Request for Confidentiality

Pursuant to 16 C.F.R. § 4.10(a)(2), we have enclosed two versions of the Assessment – a confidential version that contains highly confidential Facebook and Independent Assessor commercial and trade secret information, and a non-confidential version that redacts such information.

The redacted text contains detailed trade secret information regarding the design and testing of the Facebook Privacy Program. We believe that release of the redacted information would place user information at risk, as it would reveal detailed information regarding the specific strengths and possible limitations of the Facebook Privacy Program to hackers and other third parties that may attempt to infiltrate our system in the future. Furthermore, public disclosure of this information would place both Facebook and the Independent Assessor at a competitive disadvantage vis-à-vis competitors, who could use the information to mimic Facebook's industry-leading development processes or the Independent Assessor's proprietary testing protocols.

For these reasons, we respectfully request that the Commission treat the redacted information as confidential and not subject to the Freedom of Information Act, pursuant to 5 U.S.C. § 552(b)(4).

* * *

We hope that you find the information above and the enclosed Assessment informative. Please do not hesitate to contact us should you have any questions.

Sincerely,

Michael Richter
Chief Privacy Officer, Product

Erin Egan
Chief Privacy Officer, Policy

facebook

April 22, 2013

CONFIDENTIAL

VIA EMAIL AND FEDERAL EXPRESS

James A. Kohm Esq.
Associate Director for the Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20850



Re: *In re Facebook, Inc.*, FTC Docket No. C-4365

Dear Mr. Kohm:

In accordance with Part V of the Decision and Order entered in *In re Facebook*, Docket No. C-4365 (July 27, 2012) ("FTC Order"), enclosed please find a copy of the assessment and report ("Assessment"), prepared by a qualified, objective, independent third-party professional ("Independent Assessor"), examining the sufficiency of the privacy controls that Facebook maintained during the period from August 15, 2012 to February 11, 2013. We are pleased that the Assessment concludes that our Privacy Program was operating effectively throughout the reporting period. This conclusion is based on an exhaustive examination of our program, conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants ("AICPA").

The Facebook Privacy Program

Privacy is central to everything we do at Facebook. Since our founding less than a decade ago, we have worked to develop practices and procedures that ensure that people's personal information is safe, secure, and used in accordance with their sharing settings and choices. Our privacy efforts received a substantial boost in 2011 and 2012, when the Data Protection Commissioner ("DPC") in Ireland, where Facebook's international headquarters is located, undertook the first major governmental review of an internet company's compliance with European data protection law. That review resulted in two comprehensive audit reports that documented Facebook's controls, addressed and rejected a number of misperceptions about how Facebook approaches privacy, and identified areas where we can continue to improve. Facebook Ireland, Ltd., continues to work closely with the DPC to ensure ongoing compliance with EU privacy and data protection law.

The Privacy Program reflected in the attached Assessment built upon our work with the Irish DPC. In developing our program, we went beyond the general requirements set out in Section IV of the FTC Order and leveraged the Generally Accepted Privacy Principles



("GAPP"), a comprehensive framework created by the AICPA and Canadian Institute of Chartered Accountants. The GAPP framework is the most comprehensive standard for privacy programs, derived from ten internationally-recognized information principles, including notice, choice and consent, access obligations, and limitations on the use, retention, disposal, and disclosure of personal information. We used the GAPP principles and criteria as a guide in developing our own company-specific privacy assertions and controls. Key features of our program include: (a) the designation of responsible employees, including an experienced Privacy Governance Team, (b) comprehensive awareness and training for all employees, appropriate to their job functions, (c) consideration of privacy issues throughout the development process (i.e., "privacy by design"), (d) robust security for privacy controls, (e) safeguards for Platform developers, (f) screening and contractual obligations for service providers, and (g) assessment and integration of acquisitions.

We also have invested in building innovative tools that provide people with control over the sharing of their information. Our Per-Object Privacy controls and Granular Data Permissions model, for example, enable users to choose, at the time of sharing, the specific audience for each piece of content they share and to have direct visibility into the information available to applications they use. Likewise, our Data Use Policy presents layered content, practical headings and screenshots to help users understand how the information they provide is used and shared. We have strengthened existing controls, like Activity Log, which allows people to sort, review, delete or hide the things they post on Facebook. In addition, we continue to launch new controls, such as our privacy shortcuts, which are located at the top of most pages on Facebook and allow users to quickly access key settings and easily visit their main settings page. We believe these tools demonstrate our commitment to achieving the balance users want between sharing information quickly and easily while maintaining appropriate privacy and control.

Independent Assessment

The attached report is a comprehensive assessment of our Privacy Program. It documents our assertions and controls and, for each, describes the testing procedures used to gauge whether the control was operating effectively. The Assessment also identifies areas where control design and/or operating effectiveness can continue to improve. This report follows (b)(4):

(b)(4); (b)(3):6(f)



(b)(4); (b)(3):6(f)

At Facebook, we put privacy at the core of our mission. The attached Assessment reaffirms our commitment to implementing meaningful and effective privacy and security controls. While the Assessment reflects our years of privacy and security innovation and expertise, we view this commitment as ongoing. We will continue to work to meet the changing and evolving needs of our users and to put user privacy and security at the center of everything we do. The Privacy Program – and the Assessment – provide a clear, positive framework for Facebook to move forward in this pursuit.

* * *

Request for Confidentiality

Pursuant to 16 C.F.R. § 4.10(a)(2), we have enclosed two versions of the Assessment – a confidential version that contains highly confidential Facebook and Independent Assessor commercial and trade secret information, and a non-confidential version that redacts such information.

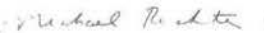
The redacted text contains detailed trade secret information regarding the design and testing of the Facebook Privacy Program. We believe that release of the redacted information would place user information at risk, as it would reveal detailed information regarding the specific strengths and possible limitations of the Facebook Privacy Program to hackers and other third parties that may attempt to infiltrate our system in the future. Furthermore, public disclosure of this information would place both Facebook and the Independent Assessor at a competitive disadvantage vis-à-vis competitors, who could use the information to mimic Facebook's industry-leading development processes or the Independent Assessor's proprietary testing protocols.

For these reasons, we respectfully request that the Commission treat the redacted information as confidential and not subject to the Freedom of Information Act, pursuant to 5 U.S.C. § 552(b)(4).

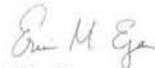
* * *

We hope that you find the information above and the enclosed Assessment informative. Please do not hesitate to contact us should you have any questions.

Sincerely,



Michael Richter
Chief Privacy Officer, Product



Erin Egan
Chief Privacy Officer, Policy

From: DEbrief
Sent: 24 Apr 2013 15:09:46 -0400
To: Koss, Laura; Kim, Reenah
Subject: FW: In the Matter of Facebook, Inc., FTC Docket No. C-4365
Attachments: Facebook Assessment and Report.pdf, Facebook Assessment and Report [Redacted].pdf

I will place this into the database.

Leslie

From: Edward Palmieri [mailto:(b)(6)]
Sent: Monday, April 22, 2013 10:15 PM
To: DEbrief
Cc: Colin Stretch; Daniel Li
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

On behalf of Facebook, Inc., we are submitting the attached assessment and report, prepared by a qualified, objective, independent third-party professional pursuant to Part V of the Decision and Order, served on Facebook on August 15, 2012.

Please do not hesitate to contact me should you have any questions.

Regards,
Edward Palmieri
Associate General Counsel, Privacy

edward palmieri | associate general counsel, privacy | facebook legal (b)(6)

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April 22, 2013

VIA EMAIL AND FEDERAL EXPRESS

James A. Kohm Esq.
Associate Director for the Division of Enforcement
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20850

Re: *In re Facebook, Inc.*, FTC Docket No. C-4365

Dear Mr. Kohm:

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* * *

We hope that you find the information above and the enclosed Assessment informative. Please do not hesitate to contact us should you have any questions.

Sincerely,

Michael Richter
Chief Privacy Officer, Product

Erin Egan
Chief Privacy Officer, Policy



Independent Assessor's Report on Facebook's Privacy Program

Initial Assessment Report

For the period August 15, 2012 to
February 11, 2013

The contents of this document, including the Report of Independent Accountants, contain [REDACTED] proprietary information that shall be protected from disclosure outside of the U.S. Government in accordance with the U.S. Trade Secrets Act and Exemption 4 of the U.S. Freedom of Information Act (FOIA). The document constitutes and reflects work performed or information obtained by [REDACTED], in our capacity as independent assessor for Facebook, Inc. for the purpose of the Facebook, Inc.'s Order. The document contains proprietary information, trade secrets and confidential commercial information of our firm and Facebook, Inc. that is privileged and confidential, and we expressly reserve all rights with respect to disclosures to third parties. Accordingly, we request confidential treatment under FOIA, the U.S. Trade Secrets Act or similar laws and regulations when requests are made for the report or information contained therein or any documents created by the FTC containing information derived from the report. We further request that written notice be given to [REDACTED] and Facebook, Inc. before distribution of the information in the report (or copies thereof) to others, including other governmental agencies, to afford our firm and Facebook, Inc. with the right to assert objections and defenses to the release of the information as permitted under FOIA or other similar applicable law or regulation, except when such distribution is already required by law or regulation. This report is intended solely for the information and use of the management of Facebook, Inc. and the U.S. Federal Trade Commission and is not intended to be and should not be used by anyone other than these specified parties.

HIGHLY CONFIDENTIAL



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Introduction

Facebook, Inc. and the Federal Trade Commission (FTC) entered into Agreement Containing Consent Order File No: 0923184 (“the Order”), which was served on August 15, 2012.

Part IV of the Order requires Facebook to establish and implement, and thereafter maintain, a comprehensive privacy program that is reasonably designed to (1) address privacy risks related to the development and management of new and existing products and services for consumers, and (2) protect the privacy and confidentiality of covered information.

Part V of the Order requires Facebook to obtain initial and biennial assessments and reports (“Assessments”) from a qualified, objective, independent third-party professional, who uses procedures and standards generally accepted in the profession. Facebook engaged  to perform the initial assessment.

As described on pages 6-13, Facebook established its privacy program by implementing privacy controls to meet or exceed the protections required by Part IV of the Order. As described on pages 14-17,  performed inquiry, observation, and inspection/examination procedures to assess the effectiveness of the Facebook privacy controls implemented to meet or exceed the protections required by Part IV of the Order during the first 180 day period ended February 11, 2013, and our conclusions are on pages 4-5.



Report of Independent Accountants

To the Management of Facebook, Inc.:


We have examined Management's Assertion, that as of and for the 180 days ended February 11, 2013 (the "Reporting Period"), in accordance with Parts IV and V of the Agreement Containing Consent Order (the "Order") with an effective date of service of August 15, 2012, between Facebook, Inc. ("Facebook" or "the Company") and the United States of America, acting upon notification and authorization by the Federal Trade Commission ("FTC"), the Company had established and implemented a comprehensive Privacy Program, as described in Management's Assertion ("the Facebook Privacy Program"), based on Company-specific criteria, and the privacy controls were operating with sufficient effectiveness to provide reasonable assurance to protect the privacy of covered information and that the controls have so operated throughout the Reporting Period.

The Company's management is responsible for the assertion. Our responsibility is to express an opinion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and accordingly, included examining, on a test basis, evidence supporting the effectiveness of the Facebook Privacy Program as described above and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

We are not responsible for Facebook's interpretation of, or compliance with, information security or privacy-related laws, statutes, and regulations applicable to Facebook in the jurisdictions within which Facebook operates. We are also not responsible for Facebook's interpretation of, or compliance with, information security or privacy-related self-regulatory frameworks. Therefore, our examination did not extend to the evaluation of Facebook's interpretation of or compliance with information security or privacy-related laws, statutes, regulations, and privacy-related self-regulatory frameworks with which Facebook has committed to comply.

In our opinion, Facebook's privacy controls were operating with sufficient effectiveness to provide reasonable assurance to protect the privacy of covered information and that the controls have so operated throughout the Reporting Period, in all material respects as of and for the 180 days ended February 11, 2013, based upon the Facebook Privacy Program set forth in Management's Assertion.





This report is intended solely for the information and use of the management of Facebook and the United States Federal Trade Commission and is not intended to be and should not be used by anyone other than these specified parties.



San Jose

April 16, 2013

Facebook's Privacy Program Overview

Company Overview

Founded in 2004, Facebook's mission is to give people the power to share and make the world more open and connected. Facebook has been working on privacy since its inception and consistently strives to enhance various elements of its internal privacy programs. For example, Facebook now has a Privacy Cross-Functional ("XFN") internal team (comprised of experts with a range of privacy expertise) that vets and reviews products during the development cycle and before launch. Facebook also created two new corporate officer roles— Chief Privacy Officer, Product and Chief Privacy Officer, Policy—who are charged with ensuring that Facebook's commitments are reflected in all of its activities.

Facebook supports its mission by developing useful and engaging tools that enable people to connect, share, discover, and communicate with each other on mobile devices and computers. Facebook's products include News Feed, Timeline, Platform, Graph Search, Messages, Photos and Video, Groups, Events, and Pages. These products are available through Facebook's website, Facebook.com. They are also accessible through certain Facebook mobile applications or "apps", including Facebook, Camera, Messenger, Pages, and Poke. Versions of Facebook's mobile apps are available for multiple operating systems, such as iOS and Android operating systems. These products and services allow people all over the world to share, and communicate with each other in new and innovate ways, connecting people in ways not possible before these tools were offered.

Facebook Platform ("Platform") is a set of development tools and application programming interfaces ("APIs") that enable developers to build their own social apps, websites, and devices that integrate with Facebook. The Facebook's Developer Operations team is focused on supporting successful applications, driving platform adoption, and maintaining the user experience through developer education and policy enforcement. The Platform Principles that Facebook imposes on all developers are: (1) Create a great user experience (Build social and engaging applications; Give users choice and control; and Help users share expressive and relevant content); and (2) Be trustworthy (Respect privacy; Don't mislead, confuse, defraud, or surprise users; and Don't spam - encourage authentic communications). Additionally, Facebook's Statement of Rights and Responsibilities and Platform Policies outline a variety of developer obligations, including those around privacy, such as providing notice and obtaining consent for certain data uses and restrictions on sharing user information.

Most products and services Facebook offers are free. Facebook is able to do this by providing value for marketers, including brand marketers, small and medium-sized businesses, and developers. Facebook offers a unique combination of reach, relevance, social context, and engagement. Marketers can also use Facebook's analytics platform, Facebook Ad Analytics, to understand and optimize the performance of their campaigns.

In addition to Facebook created products and services, Facebook acquired Instagram on August 31, 2012. Instagram is a photo sharing service that enables users to take photos, apply digital filters to the photos, share them with others, and comment on photos posted by themselves or by others. At the time of acquisition, Instagram had approximately 13 employees. During the reporting period subsequent to the acquisition, Instagram was

available on the web at Instagram.com and as an app on the iOS and Android operating systems.

Facebook Privacy Program Scope

Facebook designed the Privacy Program to accomplish two primary objectives: (a) to address privacy risks related to the development, management, and use of new and existing products; and (b) to protect the privacy and confidentiality of the information Facebook receives from or about consumers. Facebook leveraged the Generally Accepted Privacy Principles (“GAPP”) framework, set forth by the American Institute of Certified Public Accountants (“AICPA”) and Canadian Institute of Chartered Accountants (“CICA”), to define company-specific criteria for the foundation of the Facebook Privacy Program. The GAPP framework is globally recognized as a leading and comprehensive standard for privacy programs.

The ten GAPP principles, which are derived from internationally recognized information practices, are as follows:

1. **Management.** The entity defines, documents, communicates, and assigns accountability for its privacy policies and procedures.
2. **Notice.** The entity provides notice about its privacy policies and procedures and identifies the purposes for which personal information is collected, used, retained, and disclosed.
3. **Choice and consent.** The entity describes the choices available to the individual and obtains implicit or explicit consent with respect to the collection, use, and disclosure of personal information.
4. **Collection.** The entity collects personal information only for the purposes identified in the notice.
5. **Use, retention, and disposal.** The entity limits the use of personal information to the purposes identified in the notice and for which the individual has provided implicit or explicit consent. The entity retains personal information for only as long as necessary to fulfill the stated purposes or as required by law or regulations and thereafter appropriately disposes of such information.
6. **Access.** The entity provides individuals with access to their personal information for review and update.
7. **Disclosure to third parties.** The entity discloses personal information to third parties only for the purposes identified in the notice and with the implicit or explicit consent of the individual.
8. **Security for privacy.** The entity protects personal information against unauthorized access (both physical and logical).
9. **Quality.** The entity maintains accurate, complete, and relevant personal information for the purposes identified in the notice.
10. **Monitoring and enforcement.** The entity monitors compliance with its privacy policies and procedures and has procedures to address privacy related complaints and disputes.

The following is a brief description of the Facebook Privacy Program.

Facebook has designated a team of employees who are directly responsible for the Facebook Privacy Program (the "Privacy Governance Team"). Facebook's Chief Privacy Officer, Product leads the Privacy Governance Team. Other team members include the Chief Privacy Officer, Policy; Chief Security Officer, Associate General Counsel, Privacy; Associate General Counsel, Privacy and Product; Associate General Counsel, Advertising and Product; and Associate General Counsel, Regulatory. While the Chief Privacy Officer, Product provides leadership responsibility for coordinating the Privacy Program, the entire Privacy Governance Team and many employees (including engineers, product managers, etc.) are responsible for various aspects of the Privacy Program and play a crucial role driving and implementing decisions made by the Privacy Governance Team. Of particular note are the Privacy Program Managers who work directly under Chief Privacy Officer, Product. This team is embedded in the product organization and is responsible for: (1) engaging closely with legal, policy, and other members of the Privacy XFN Team to drive privacy decisions; (2) coordinating and presenting privacy issues to the Privacy XFN Team; and (3) maintaining records of privacy decisions and reviews.

A central aspect of Facebook's Privacy Program is a continuous assessment of privacy risks. As part of this risk assessment process, members of the Privacy Governance Team work with relevant Facebook stakeholders, including representatives of Facebook's Privacy, Engineering, Security, Internal Audit, Marketing, Legal, Public Policy, Communications, Finance, Platform Operations, and User Operations teams, to identify reasonably foreseeable, material risks, both internal and external, that could result in the unauthorized collection, use or disclosure of covered information. This process is enriched by input from the Chief Privacy Officer, Policy and her team, which engage with industry stakeholders and regulators and integrate external feedback into Facebook's program.

The team considers risks in each relevant area of operation, including governance, product design, and engineering (including product development and research), user operations (including third-party developers), advertising, service providers, employee awareness and training, employee management, and security for privacy. The team also considers the sufficiency of the safeguards in place to control the identified risks. Through this process, Facebook has documented reasonably foreseeable material risks to user privacy and has put in place reasonable privacy processes and controls to address those risks.

As part of Facebook's on-going privacy risk assessment process, Facebook holds an annual "Privacy Summit" of relevant stakeholders, including key representatives from the Privacy XFN Team. The Privacy XFN Team includes representatives from each major segment of Facebook, including Facebook's Privacy, Public Policy, Legal, Marketing, Product, Engineering, Security, and Communications teams. Attendees of the annual Privacy Summit review and update the privacy risk assessment, focusing on significant material risks identified by the Privacy Governance Team. Attendees evaluate those privacy risks in light of changing internal and external threats, changes in operations, and changes in laws and regulations. Attendees also examine the sufficiency of existing privacy controls in mitigating those risks, as well as new potential risks. Finally, attendees engage in discussion around ways to improve the work performed by the Privacy XFN Team. The last Privacy Summit occurred on [REDACTED]



As indicated above, Facebook's Privacy Governance Team, led by the Chief Privacy Officer, Product is responsible for the design, implementation, and maintenance of the Privacy Program, which is documented in written policies and procedures. Highlights of the program are detailed below.

Privacy and Security Awareness Activities

Facebook communicates Privacy and Security awareness matters to new and existing employees and tailors such communications according to role and responsibility. For example, as part of its regular training for new project managers, Facebook trains project managers about the privacy program and key privacy considerations during the product development cycle. This training involves representatives from the Privacy XFN Team presenting to the project managers (the Privacy XFN process covers those directly involved in the development and management of new products, enhancements to existing products and services for consumers, as described below under “Product Design, Development and Research Activities”). As a further example, engineers at Facebook spend their first six weeks in bootcamp, an immersive, cross-functional orientation program. During bootcamp, engineers are instructed on the importance of privacy and security at Facebook, along with their obligations to protect user information as it relates to their roles and responsibilities. Similar group-specific trainings are held for other constituents in the Company (e.g., user operations).

Facebook also holds “Hacktober” annually in October. Hacktober is a month-long event intended to increase employee privacy and security awareness. A series of simulated security threats (e.g., phishing scams) are presented to employees to determine how the employees would respond. If employees report the security threat, they receive a reward, such as Facebook-branded merchandise. If the security threat goes unreported, or if vulnerability is exploited, the employees undergo further education and awareness.

To further promote recognition and understanding of privacy issues and obligations among all Facebook employees, Facebook recently deployed, in addition to initiatives described above, a computer-based privacy training program to all employees. This training provides an overview of applicable privacy laws and Facebook’s privacy commitments. All new employees are now required to complete the privacy training within 30 days of employment, while all existing employees are required to complete the privacy training annually. Facebook employees are quizzed on their understanding of Facebook’s privacy practices during the training.

Product Design, Development, and Research Activities

The Privacy XFN Team considers privacy from the earliest stages in the product development process (i.e., “privacy by design”). The Chief Privacy Officer, Product and his team spearhead this review and lead a number of key functions and responsibilities. First, as described above, employees, including engineers, product managers, content strategists, and product marketing managers, are educated on Facebook’s privacy framework. This education includes an overview of Facebook’s processes and corresponding legal obligations, and may involve other members of the Privacy XFN team, such as Privacy and Product Counsel.

Second, the Chief Privacy Officer, Product and his team host weekly reviews of key product-related decisions and material changes to Facebook’s privacy framework, which are attended by members of the Privacy XFN Team. The Chief Privacy Officer, Product and his team also review all new product proposals and any material changes to existing products from a privacy perspective and involve the Privacy XFN Team for broader review and feedback. The impact of privacy principles such as notice, choice, consent, access, security,

retention, deletion, and disclosure are considered as part of this review. Product launches are added to the Privacy Launch Calendar to ensure on-going review and consideration of privacy issues by the Privacy XFN Team throughout the development process. Members of the Privacy XFN Team also communicate back to their respective teams on issues covered in the weekly reviews. This review process helps ensure that privacy is considered throughout the product development process, and maintains consistency on privacy issues across all Facebook products and services.

The following products, available on the platforms and devices indicated, are included in the scope of Facebook's Privacy Program and the Order:

- Facebook: Facebook.com (internet/web), m.facebook.com, iOS, Android, Facebook for Every Phone, Facebook for Blackberry, Facebook for Windows;
- Messenger: iOS, Android;
- Camera: iOS;
- Pages Manager: iOS, Android;
- Poke: iOS; and
- Instagram: Instagram.com (internet/web), iOS, Android.

Facebook Platform

Platform applications and developers are required to comply with, and are subject to, Facebook's Statement of Rights and Responsibilities, Platform Principles, and Platform Policies. These terms and policies outline a variety of privacy obligations and restrictions, such as limits on an application's use of data received through Facebook, requirements that an application obtain consent for certain data uses, and restrictions on sharing user data. Facebook's Platform privacy setting and Granular Data Permissions ("GDP") process allows users to authorize the transfer of Facebook user information to third-party applications. Monitoring controls are in place to detect material misuse of the Platform (e.g., user complaints, third-party applications that do not have active privacy policy links).

Security for Privacy

Facebook has implemented technical, physical, and administrative security controls designed to protect user data from unauthorized access, as well as to prevent, detect, and respond to security threats and vulnerabilities. Facebook's security program is led by the Chief Security Officer ("CSO") and supported by a dedicated Security Team. As mentioned above, the CSO is a key and active member of the Privacy Governance team. Facebook's security and privacy employees work closely on an on-going basis to protect user data and Facebook's systems.

Monitoring Activities

In order to ensure that the effectiveness of its controls and procedures are regularly monitored, Facebook has designated an "owner" for each of the controls included in the Privacy Program. Facebook utilizes the annual Privacy Summit to monitor the effectiveness of controls and procedures in light of changing internal and external risks. In addition, members of Facebook's Legal team periodically review the Privacy Program to ensure it, including the controls and procedures contained therein, remains effective. These Legal team members also will serve as point of contacts for control owners and will update the Privacy Program to reflect any changes or updates surfaced.

Service Providers

Facebook has implemented controls with respect to third-party service providers, including implementing policies to select and retain service providers capable of appropriately protecting the privacy of covered information received from Facebook.

Facebook's Security team has a process for conducting due diligence on service providers who may receive covered information in order to evaluate whether their data security standards are aligned with Facebook's commitments to protect covered information. As part of the due diligence process, Facebook asks prospective service providers to complete a security architecture questionnaire or vendor security questionnaire to assess whether the provider meets Facebook's functional security requirements to protect the privacy of user data. Based upon the service provider's responses to the vendor security questionnaire and other data points, Facebook's Security team determines whether further security auditing is required. Facebook partners with an outside security consulting firm to conduct security audits, which may include testing of the service provider's controls, a vulnerability scanning program, a web application penetration test, and/or a code review for security defects. The security consulting firm reports its findings to Facebook, and Facebook requires that the prospective service provider fix critical issues before being on-boarded. Depending on the sensitivity of Facebook data shared with the service provider and other factors, Facebook may require that the service provider undergo a periodic or random security and/or privacy audit.

Facebook also has a contract policy (the "Contract Policy"), which governs the review, approval, and execution of contracts for Facebook. Facebook's pre-approved contract templates require service providers to implement and maintain appropriate protections for covered information. Facebook reviews contracts that deviate from the pre-approved templates to help ensure that contracts with applicable service providers contain the required privacy protections. Facebook Legal documents review of any such contracts through formal approval prior to contract execution.

Monitoring

Facebook's Privacy Program is designed with procedures for evaluating and adjusting the Privacy Program in light of the results of testing and monitoring of the program as well as other relevant circumstances. As mentioned above, Facebook's annual Privacy Summit is designed to identify, discuss, and assess compliance with privacy policies and procedures, and applicable laws and regulations, as well as identify new or changed risks and recommend responsive controls. The Privacy XFN Team assesses risks and controls on an on-going basis through weekly meetings and review processes. Members of Facebook's Legal team support the Privacy Program and serve as points of contact for all relevant control owners to communicate recommended adjustments to the Privacy Program based on regular monitoring of the controls for which they are responsible, as well as any internal or external changes that affect those controls. Additionally, the Privacy Governance Team regularly discusses the Privacy Program in the context of various product and operational discussions. During these discussions, the effectiveness and efficiency of the Privacy Program are considered and reviewed and, when appropriate, adjustments are made to maintain a strong program.



Facebook also continuously evaluates acquisitions for inclusion in the Privacy Program, based on the nature of the acquisition (e.g., talent or people, intellectual property, product or infrastructure). Specifically, Facebook takes steps, as appropriate, to integrate acquisitions into the Privacy Program and reviews products and features developed by acquisitions with the same level of rigor applied to Facebook's products and services. The acquisitions in the current Reporting Period were primarily talent acquisitions, except for Instagram. Instagram's people, product, and supporting infrastructure were acquired on August 31, 2012.

Facebook assessed the privacy risks associated with Instagram's people, process, and technology upon acquisition. In comparison to Facebook, Instagram has significantly fewer users, employees, and products. As described in the Company Overview above, Instagram's products focus on photo taking, filtering, and sharing. From a privacy perspective, Instagram users have one binary choice - to make all photos private or all photos public by setting the "Photos are Private" on/off slider. Once private, the user approves any "follower" requests. After obtaining approval, the follower can access posted photos and related comments. The Privacy XFN Team also was involved in reviewing Instagram's January 19, 2013 privacy policy update.

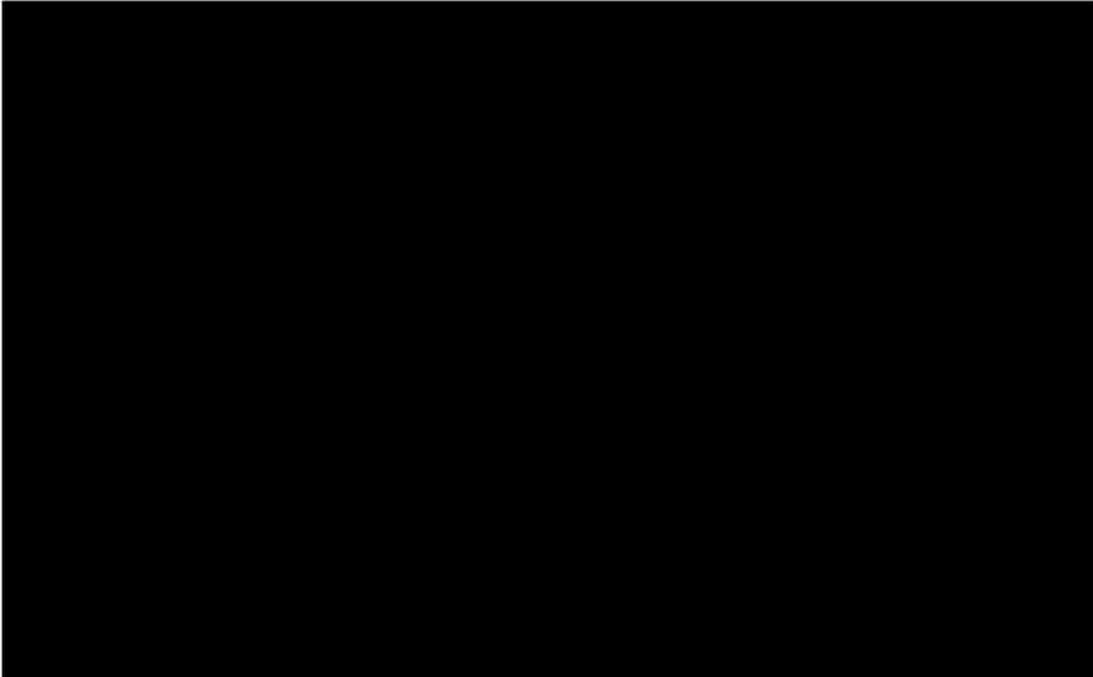


Privacy Assessment Approach

Assessment Standards

Part V of the Order requires that the Assessments be performed by a qualified, objective, independent third-party professional, who uses procedures and standards generally accepted in the profession. This report was issued by [REDACTED] under professional standards which meet these requirements.

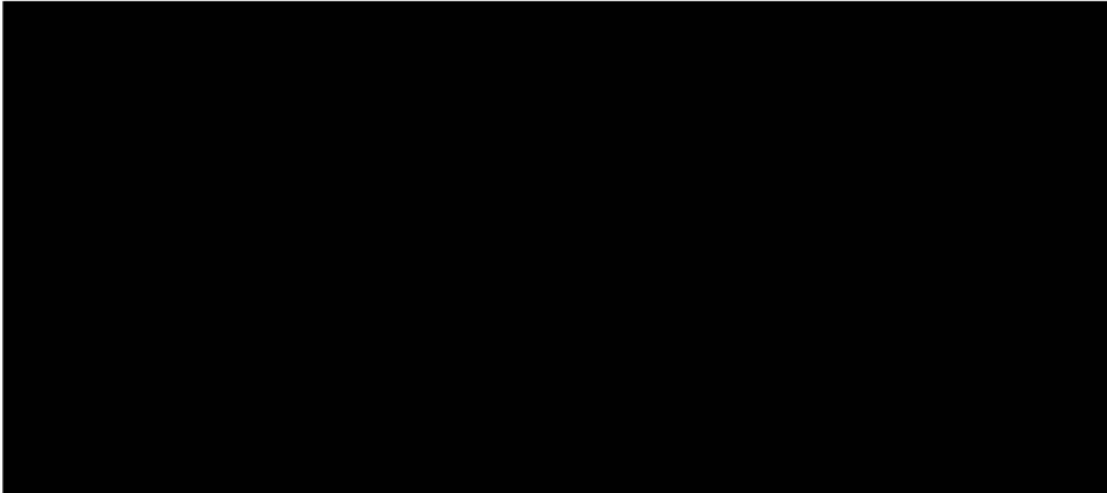
As a public accounting firm, [REDACTED] must comply with the public accounting profession's technical and ethical standards, which are enforced through various mechanisms created by the American Institute of Certified Public Accountants ("AICPA"). Membership in the AICPA requires adherence to the Institute's Code of Professional Conduct. The AICPA's Code of Professional Conduct and its enforcement are designed to ensure that CPAs who are members of the AICPA accept and achieve a high level of responsibility to the public, clients, and colleagues.



In performing this assessment, [REDACTED] complied with all of these Standards.



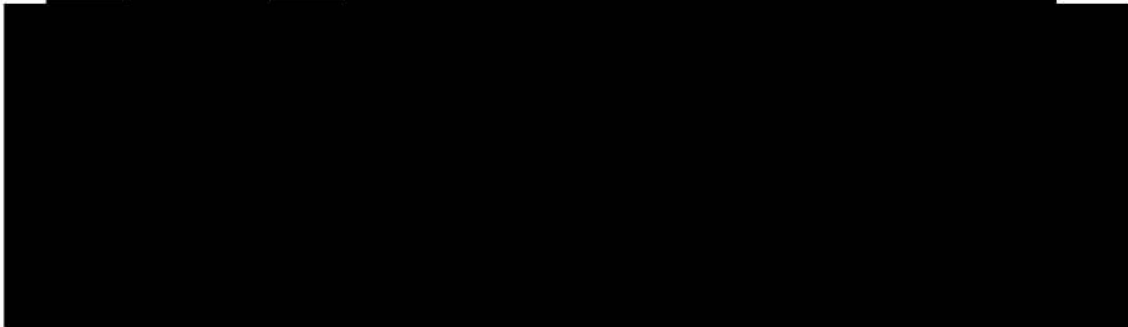
Independence



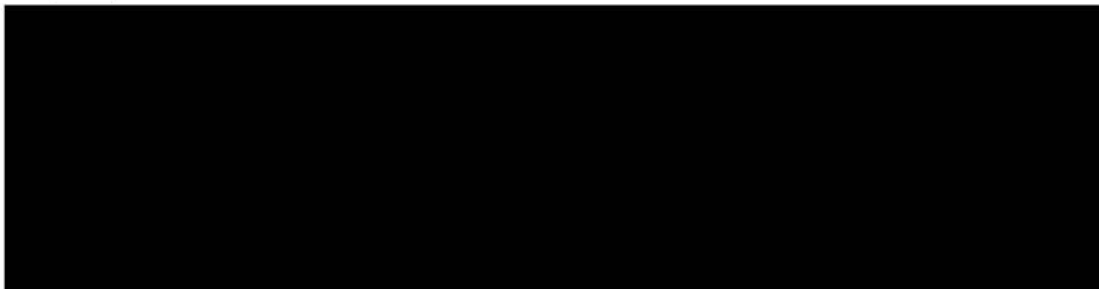
█ is independent with respect to the Standards required for this engagement.

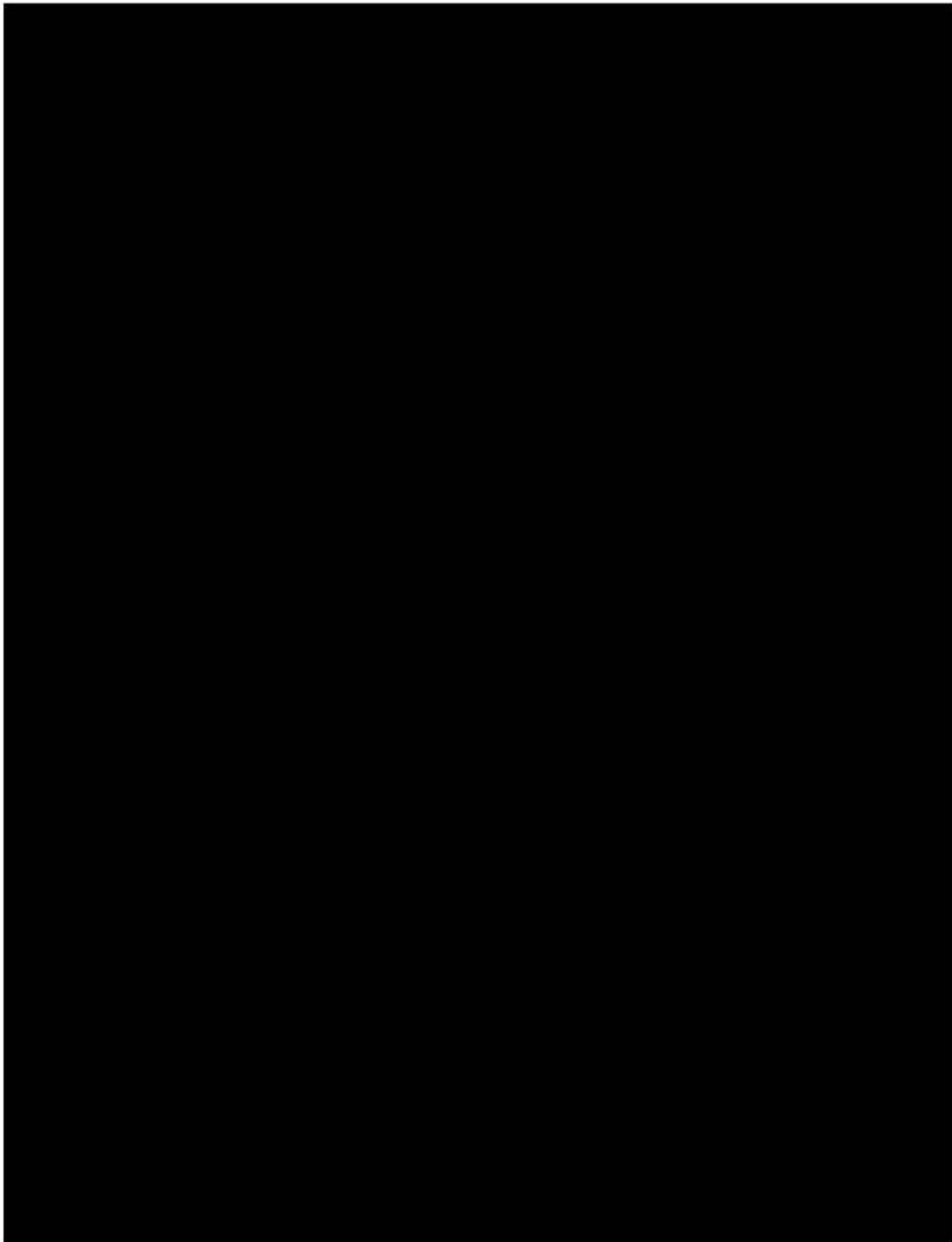
█ Assessor Qualifications

█ assembled an experienced, cross-disciplinary team of █ team members with privacy, assessment, and technology industry expertise to perform the Assessor role for the Order. █



█ Assessment Process Overview







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Assessment of Part IV A, B, C, D and E, of the Order

The tables in section “Facebook’s Privacy Program: Assertions, Control Activities and Tests Performed and Results” of this report describe the scope of Facebook’s Privacy Program referenced in the Management Assertion on pages 77-78. Facebook established its privacy program by implementing privacy controls to meet or exceed the protections required by Part IV of the Order. The table also includes  inquiry, observation, and inspection/examination test procedures to assess the effectiveness of Facebook’s program and test results.  final conclusions are detailed on pages 4-5 of this document.

A. Set forth the specific privacy controls that respondent has implemented and maintained during the reporting period.

As depicted within the table on pages 21-76, Facebook has listed the privacy controls that were implemented and maintained during the reporting period.


B. Explain how such privacy controls are appropriate to respondent’s size and complexity, the nature and scope of respondent’s activities, and the sensitivity of the covered information.

Based on the size and complexity of the organization, the nature and scope of Facebook’s activities, and the sensitivity of the covered information (as defined in by the order), Facebook management developed the company-specific criteria (assertions) detailed on pages 77-78 as the basis for its Privacy Program. The management assertions and the related control activities are intended to be implemented to address the risks identified by Facebook’s privacy risk assessment.

C. Explain how the privacy controls that have been implemented meet or exceed the protections required by Part IV of the Order.

As summarized in the Facebook’s Privacy Program on pages 6-13, Facebook has implemented the following protections:

A. Designation of an employee or employees to coordinate and be responsible for the privacy program.

As described above, Facebook has designated a team of employees to coordinate and be responsible for the Privacy Program as required by Part IV of the Order. As described on pages 21-23 (Management’s Assertion A),  performed test procedures to assess the effectiveness of the Facebook privacy controls implemented to meet or exceed the protections required by Part IV of the Order.

B. The identification of reasonably foreseeable, material risks, both internal and external, that could result in Respondent’s unauthorized collection, use, or disclosure of covered information and an assessment of the sufficiency of any safeguards in place to control these risks. At a minimum, this privacy risk assessment should include consideration of risks in each area of relevant operation.



including, but not limited to: (1) employee training and management, including training on the requirements of this order, and (2) product design, development, and research.

As described above, Facebook has identified reasonably foreseeable, material risks, both internal and external, that could result in Facebook's unauthorized collection, use, or disclosure of covered information, and assessed the sufficiency of any safeguards in place to control these risks as required by Part IV of the Order. As described on page 24 (Management's Assertion B), [REDACTED] performed test procedures to assess the effectiveness of the Facebook privacy controls implemented to meet or exceed the protections required by Part IV of the Order.

C. The design and implementation of reasonable controls and procedures to address the risks identified through the privacy risk assessment, and regular testing or monitoring of the effectiveness of those controls and procedures.

As described above, Facebook has designed and implemented reasonable controls and procedures to address the risks identified through the privacy risk assessment, and regular testing or monitoring of the effectiveness of those controls and procedures as required by Part IV of the Order. As described on pages 25-65 (Management's Assertions C, D, E, F, and G), [REDACTED] performed test procedures to assess the effectiveness of the Facebook privacy controls implemented to meet or exceed the protections required by Part IV of the Order.

D. The development and use of reasonable steps to select and retain service providers capable of appropriately protecting the privacy of covered information they receive from Respondent and requiring service providers, by contract, to implement and maintain appropriate privacy protections for such covered information.

As described above, Facebook has developed and implemented reasonable steps to select and retain service providers capable of appropriately protecting the privacy of covered information they receive from Facebook as required by Part IV of the Order. Facebook also includes terms in contracts with service providers requiring that such service providers implement and maintain appropriate privacy protections. As described on pages 66-70 (Management's Assertion H), [REDACTED] performed test procedures to assess the effectiveness of the Facebook privacy controls implemented to meet or exceed the protections required by Part IV of the Order.

E. The evaluation and adjustment of Respondent's privacy program in light of the results of the testing and monitoring required by subpart C, any material changes to Respondent's operations or business arrangements, or any other circumstances that Respondent knows or has reason to know may have a material impact on the effectiveness of its privacy program.

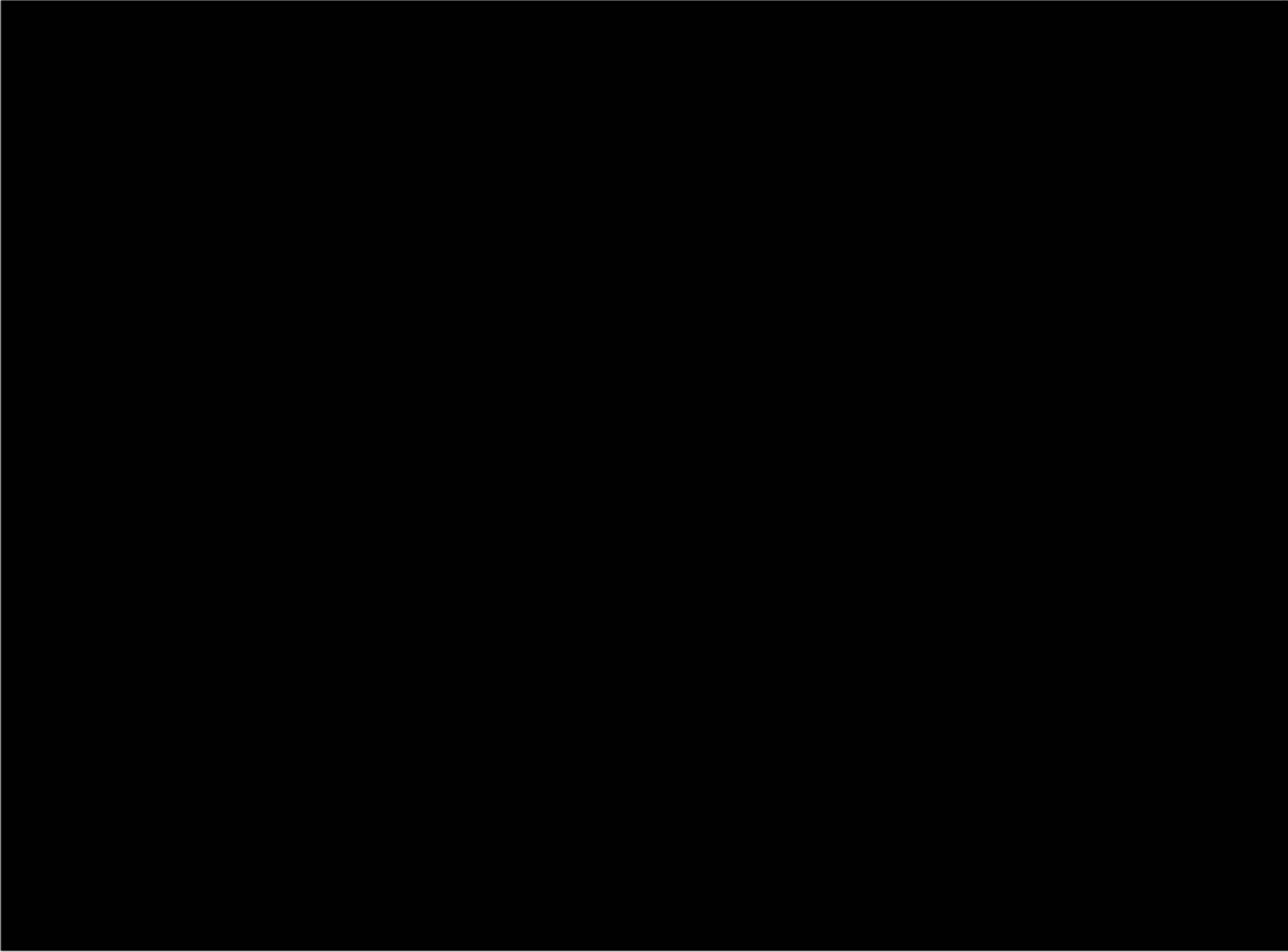
As described above, Facebook has evaluated and adjusted its Privacy Program in light of the results of the testing and monitoring required by subpart C within Part IV of the Order, any material changes to Facebook's operations or business arrangements, or any other circumstances that Facebook knows or has reason to



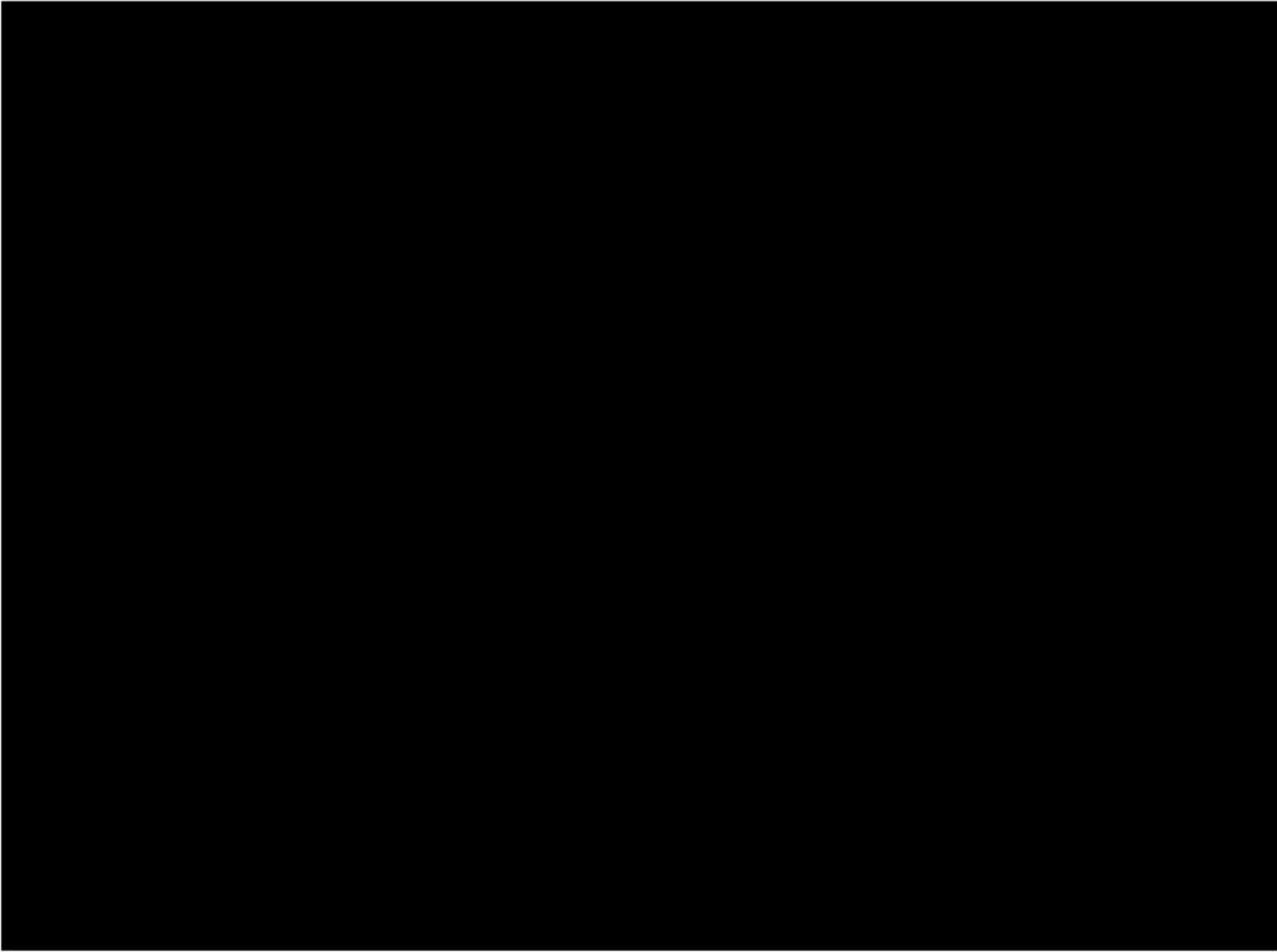
know may have a material impact on the effectiveness of its privacy program as required by Part IV of the Order. As described on pages 71-76 (Management's Assertion I), [REDACTED] performed test procedures to assess the effectiveness of the Facebook privacy controls implemented to meet or exceed the protections required by Paragraph IV of the Order.

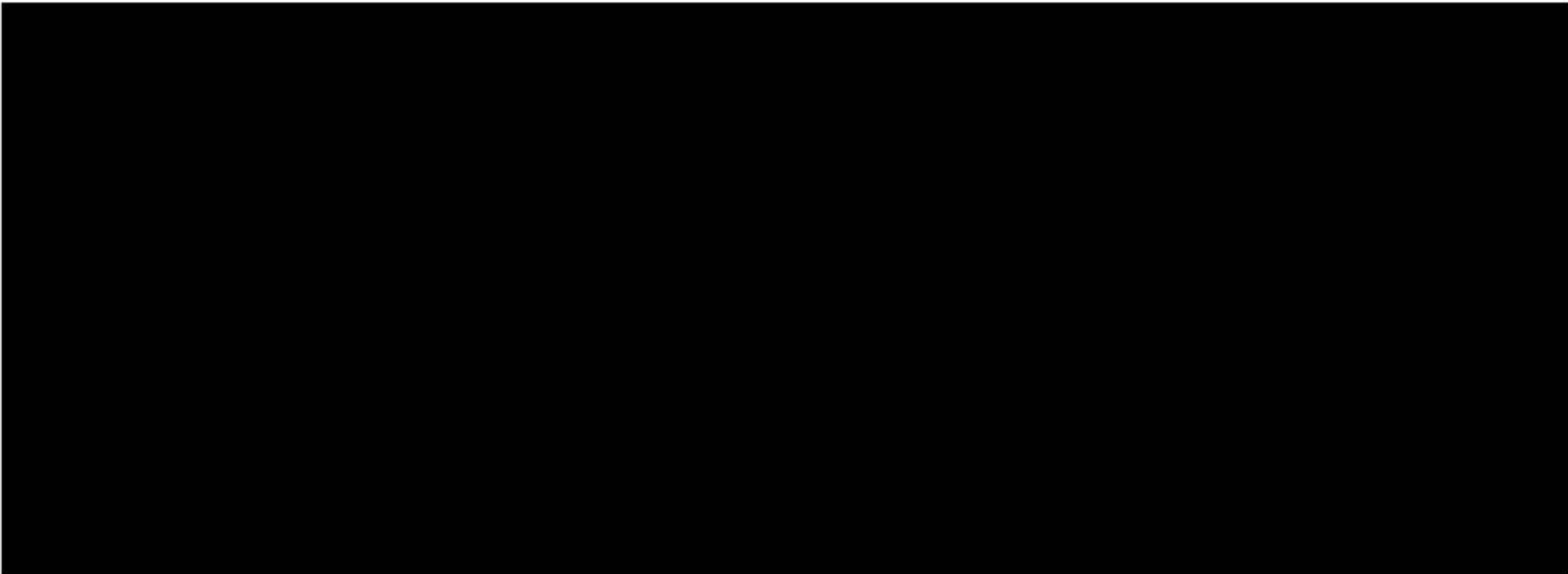
D. Certify that the privacy controls are operating with sufficient effectiveness to provide reasonable assurance to protect the privacy of covered information and that the controls have so operated throughout the reporting period.

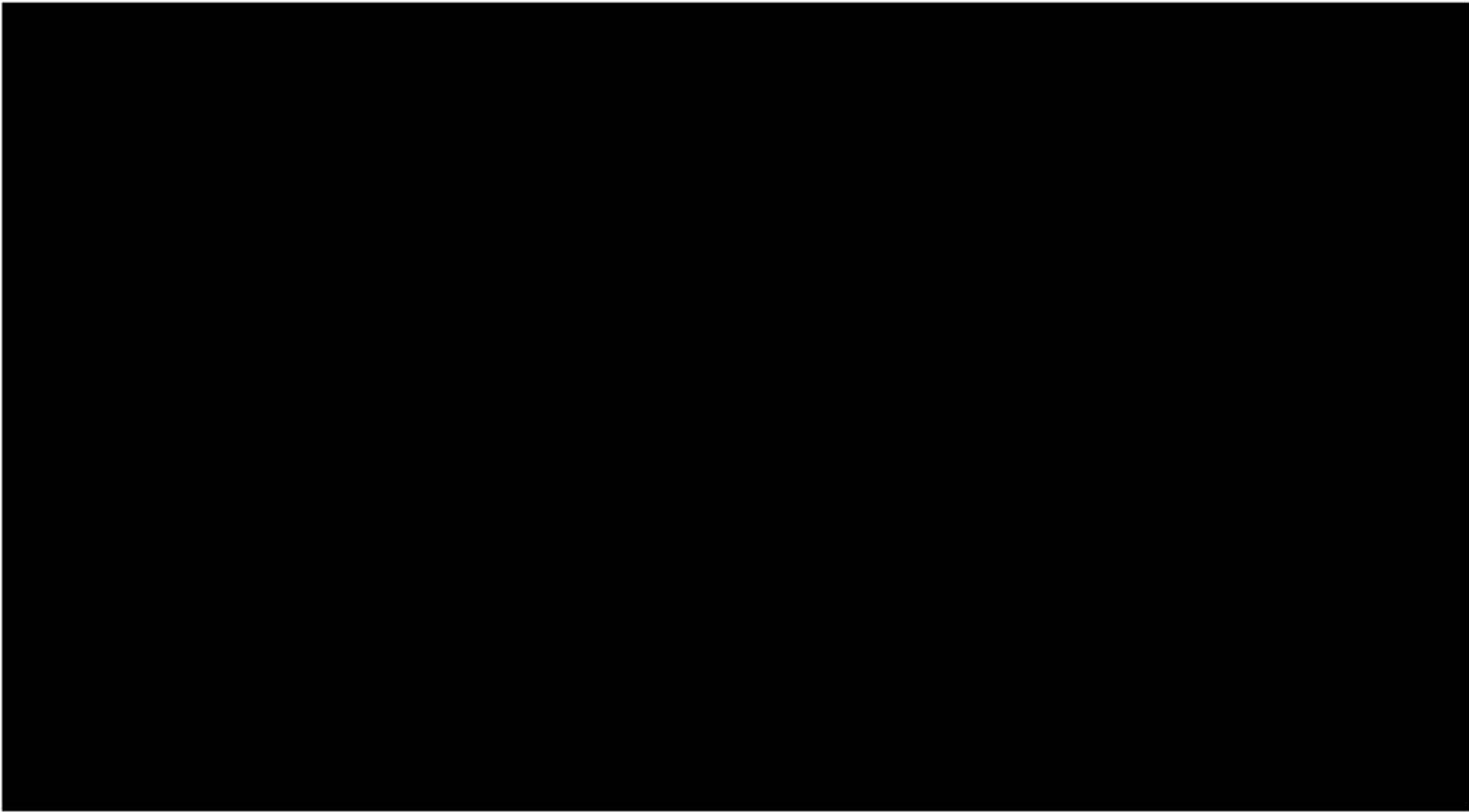
As described in the [REDACTED] Assessment Process Overview section above, [REDACTED] performed its assessment of Facebook's Privacy Program in accordance with AICPA Attestation Standards. Refer to pages 4-5 of this document for [REDACTED] conclusions.

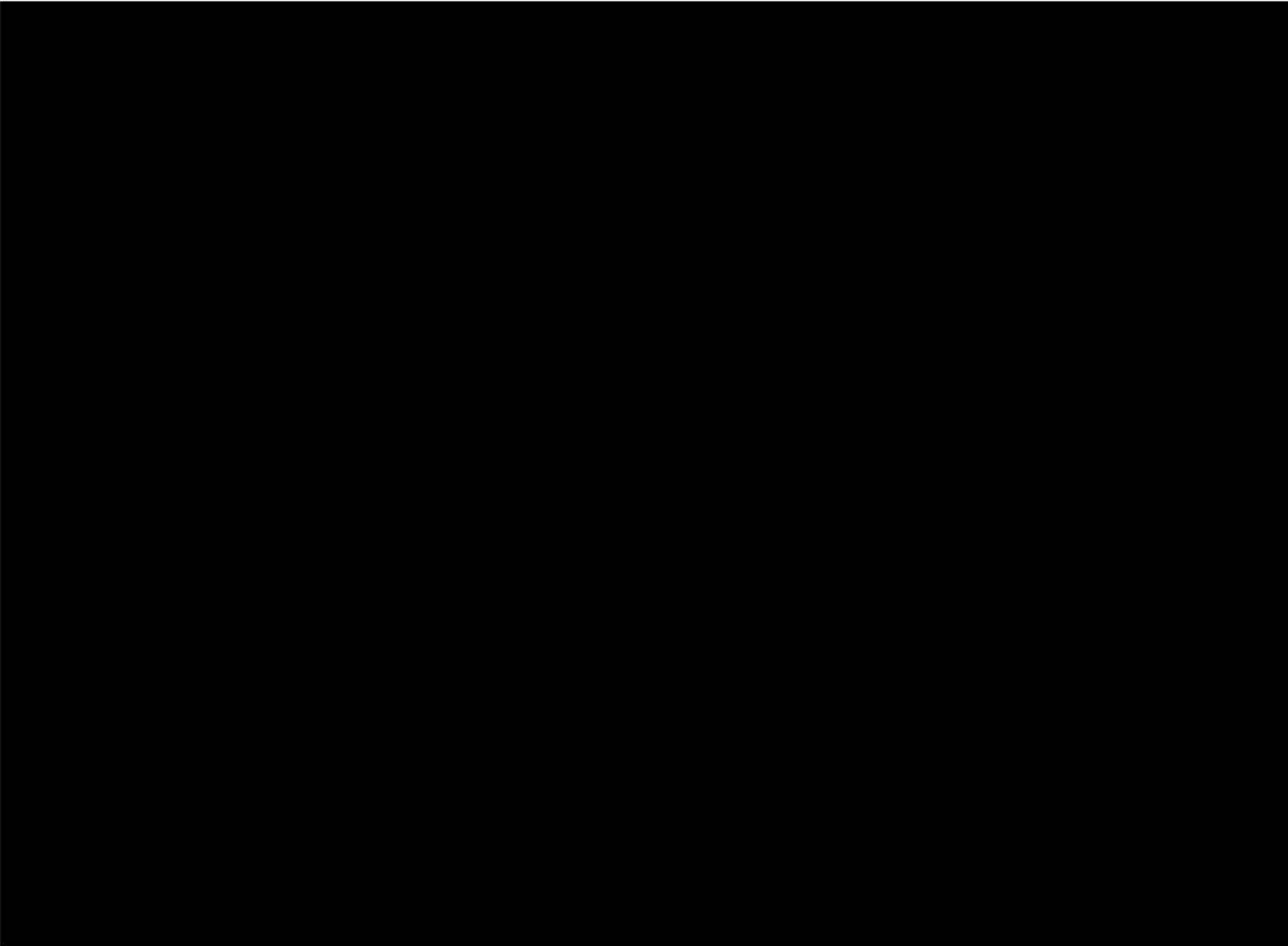


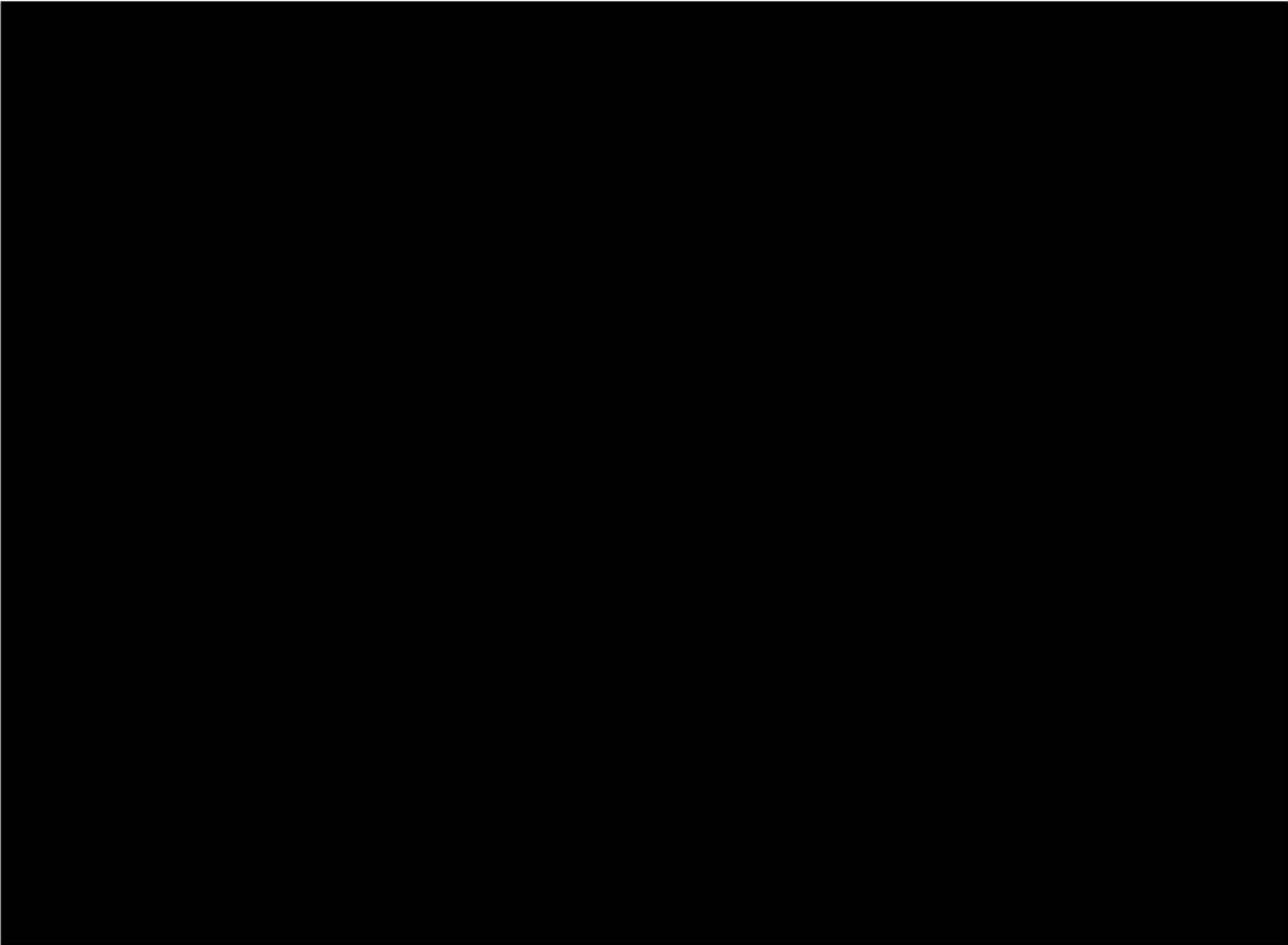
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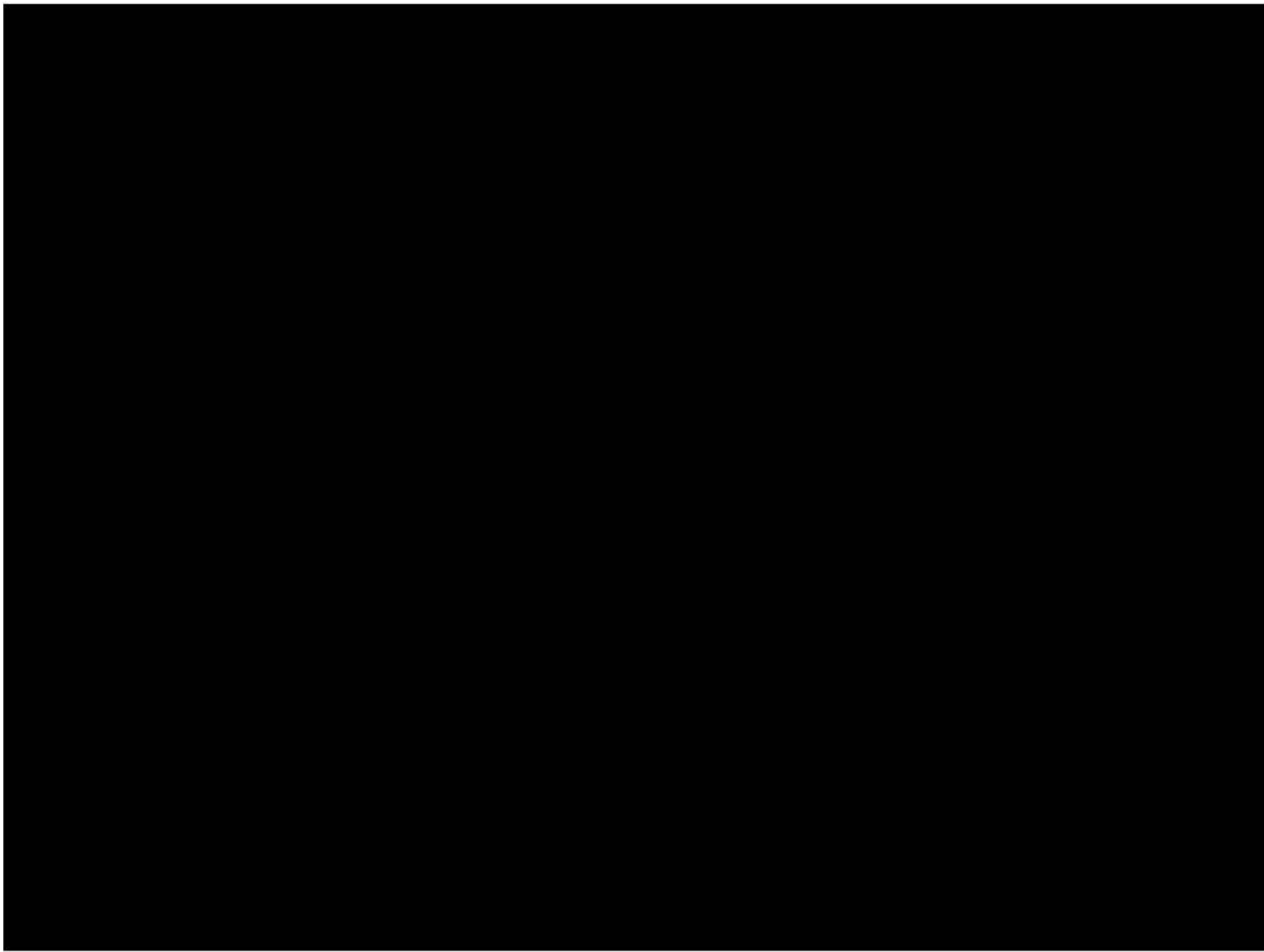


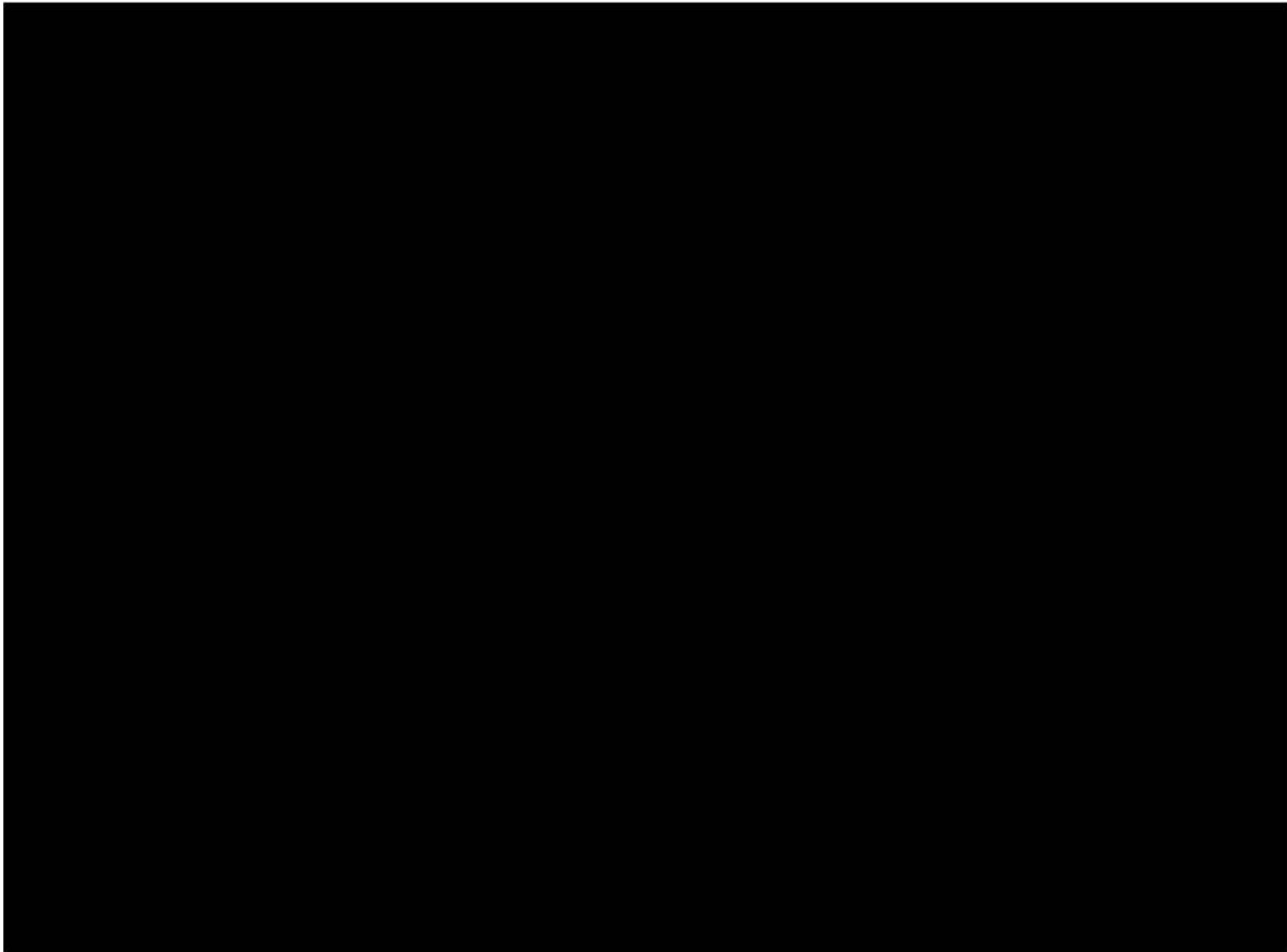


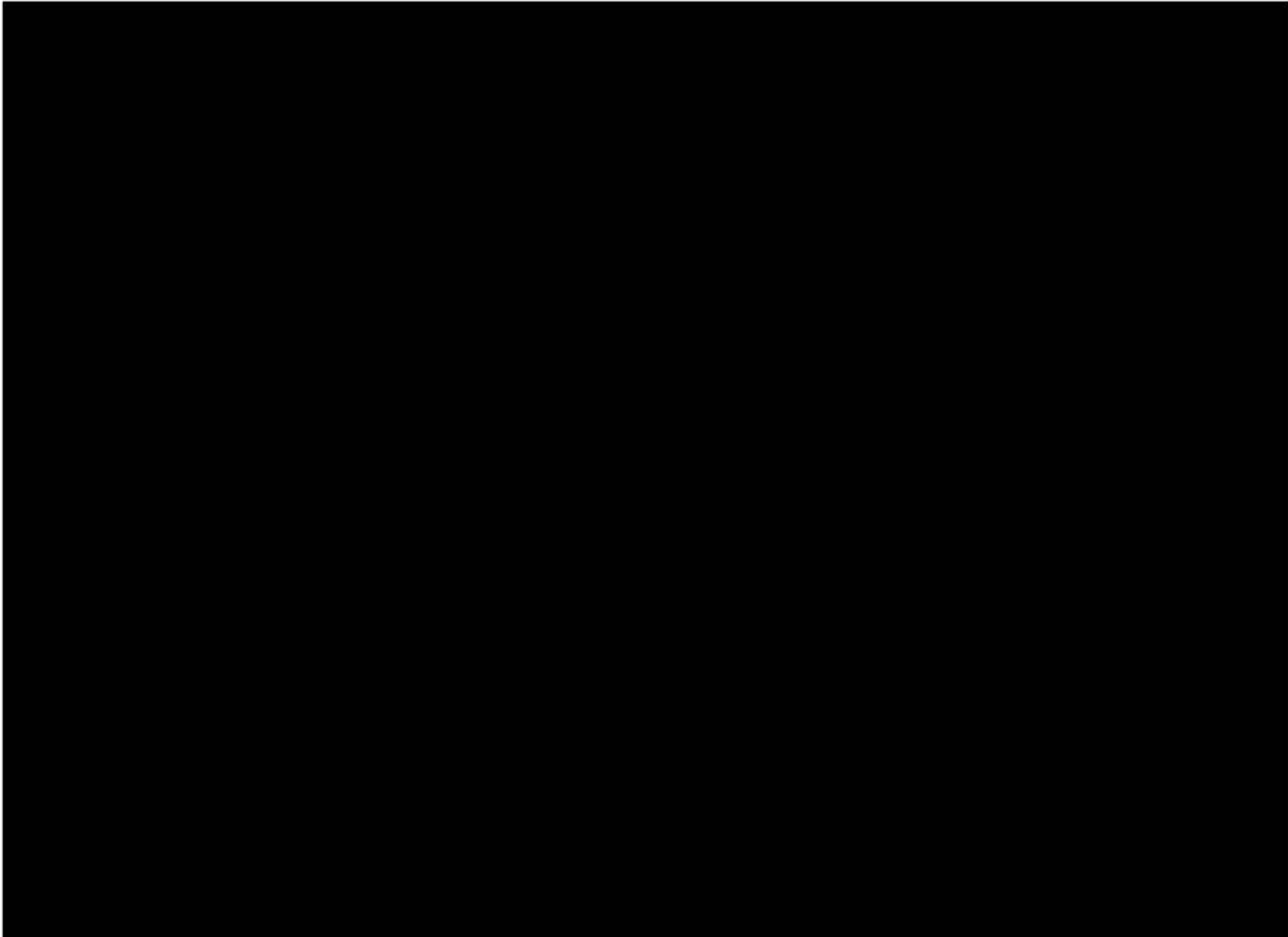


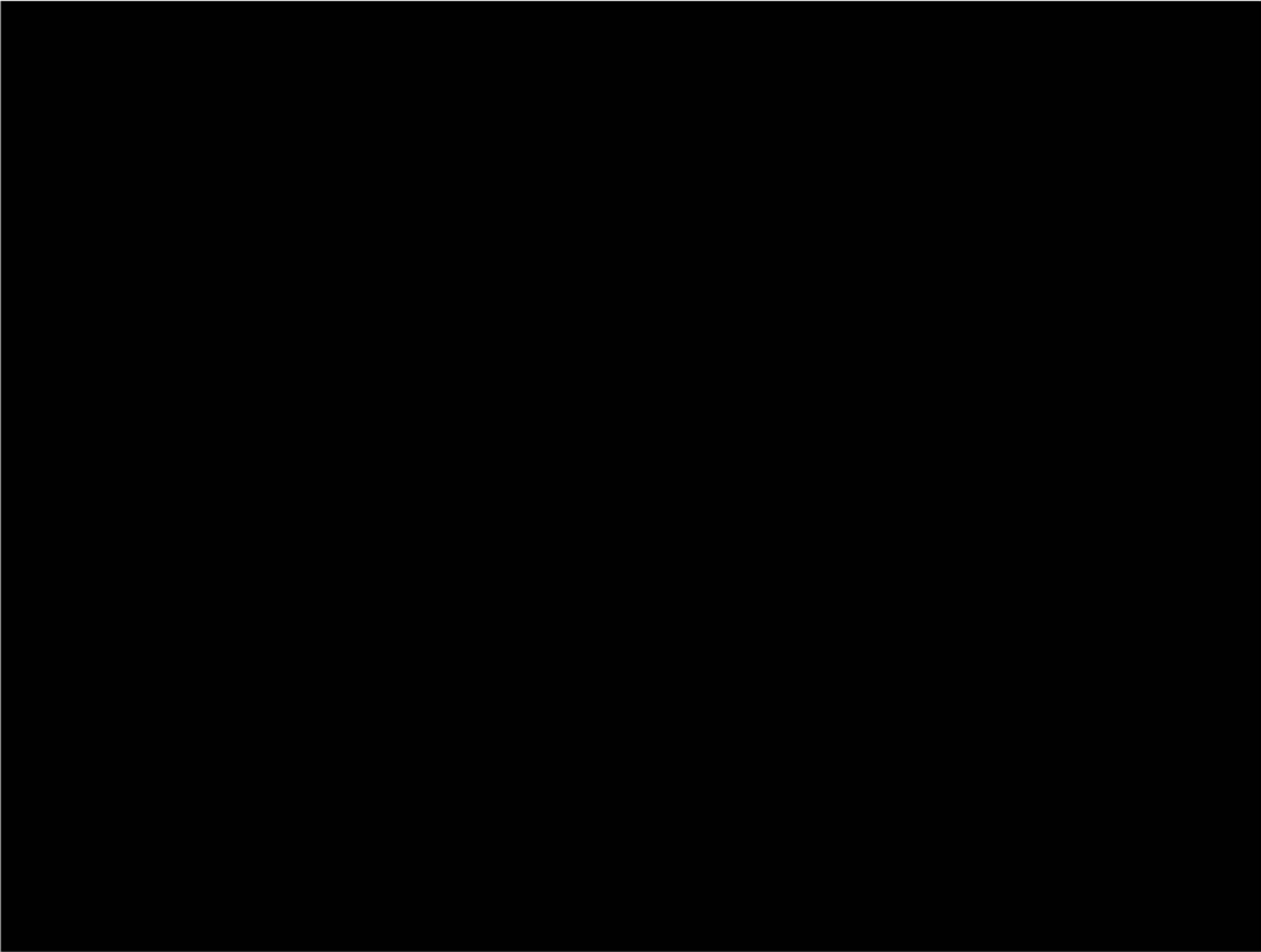




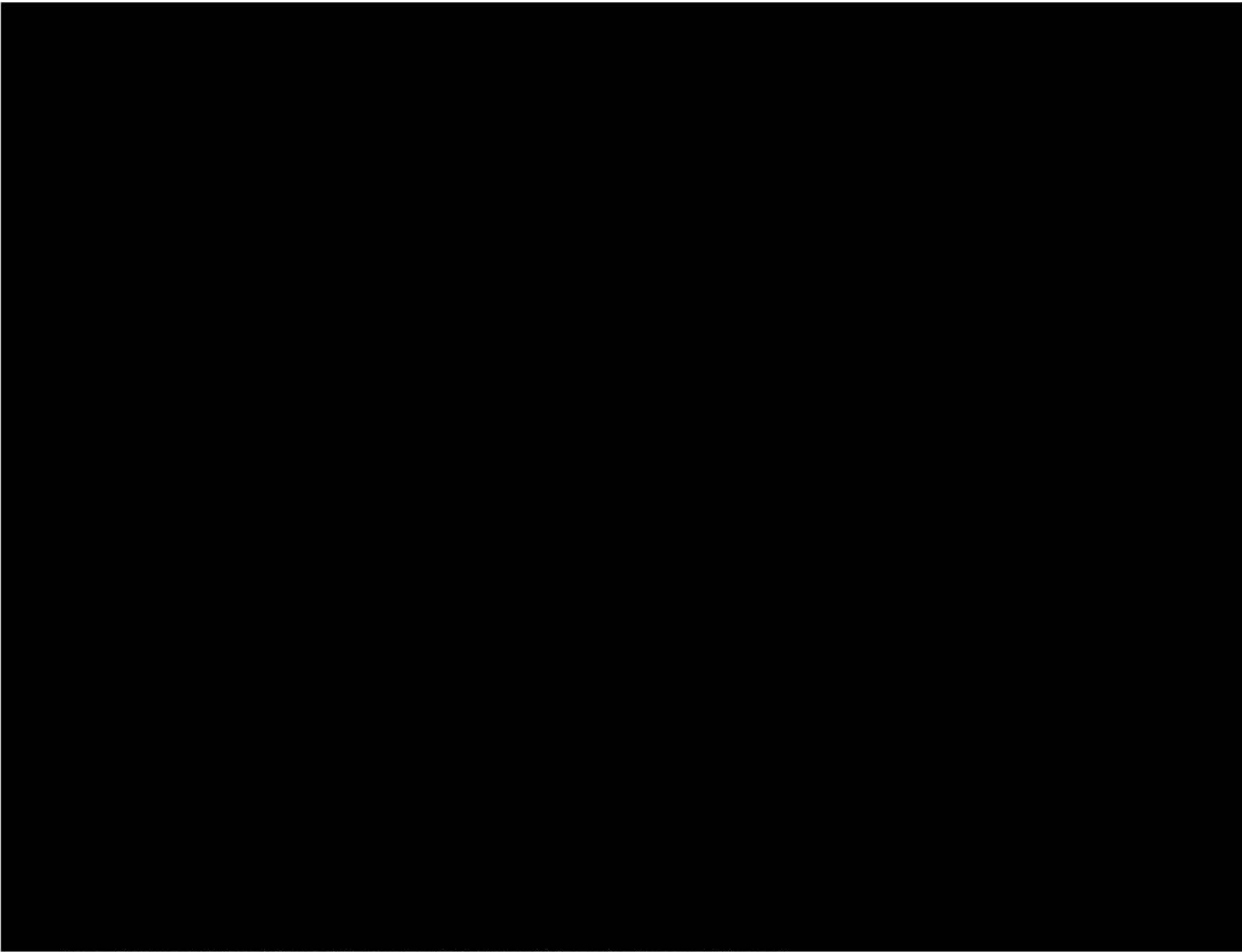


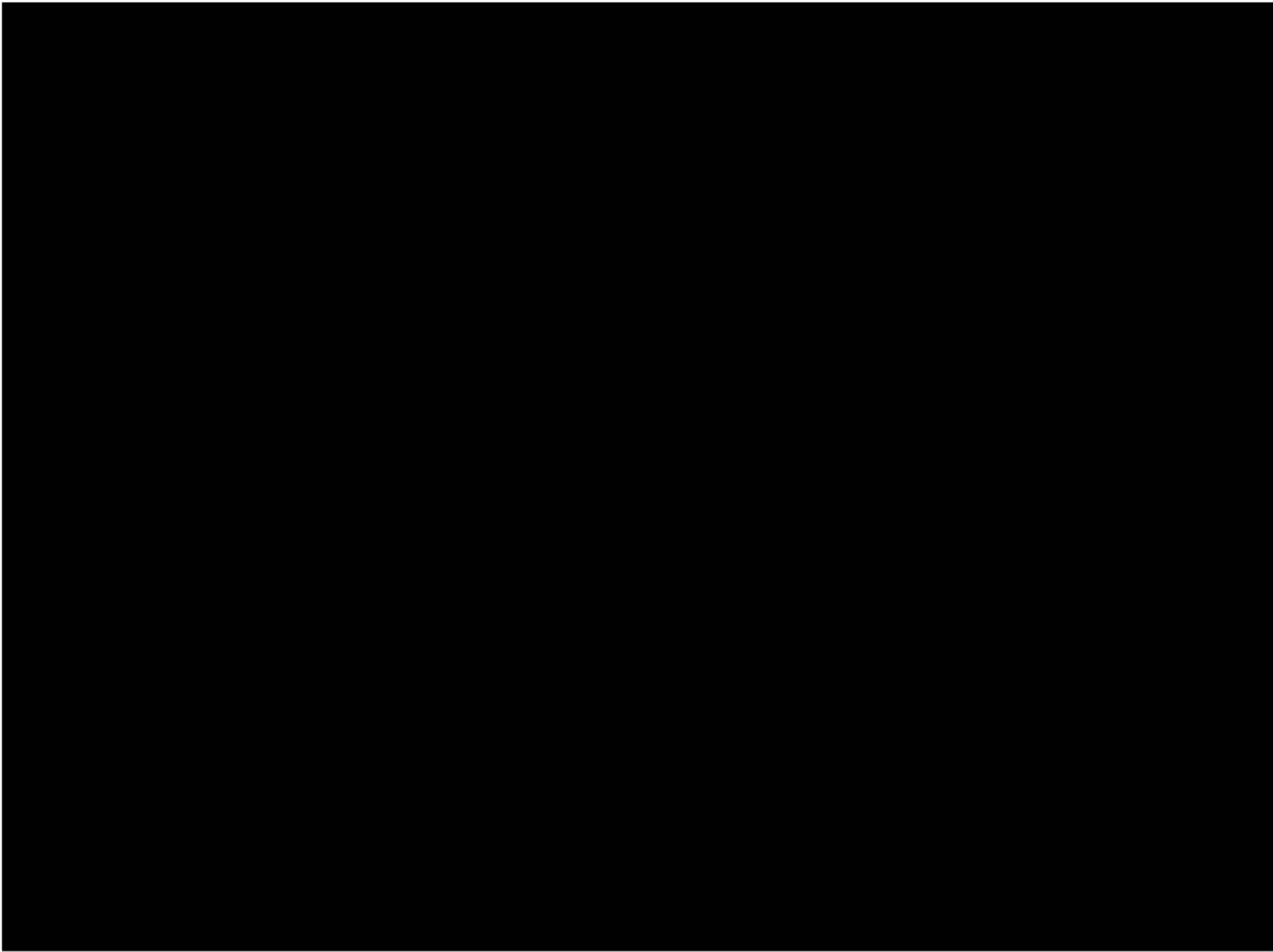


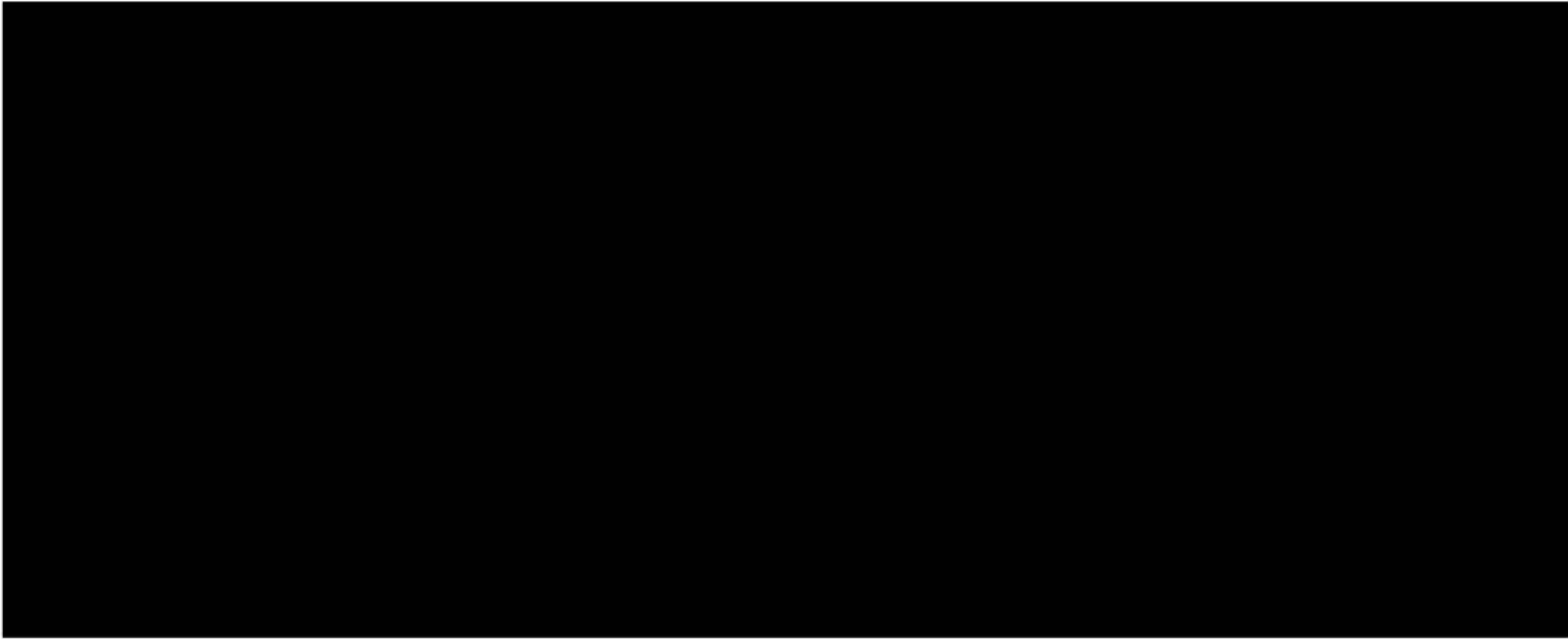


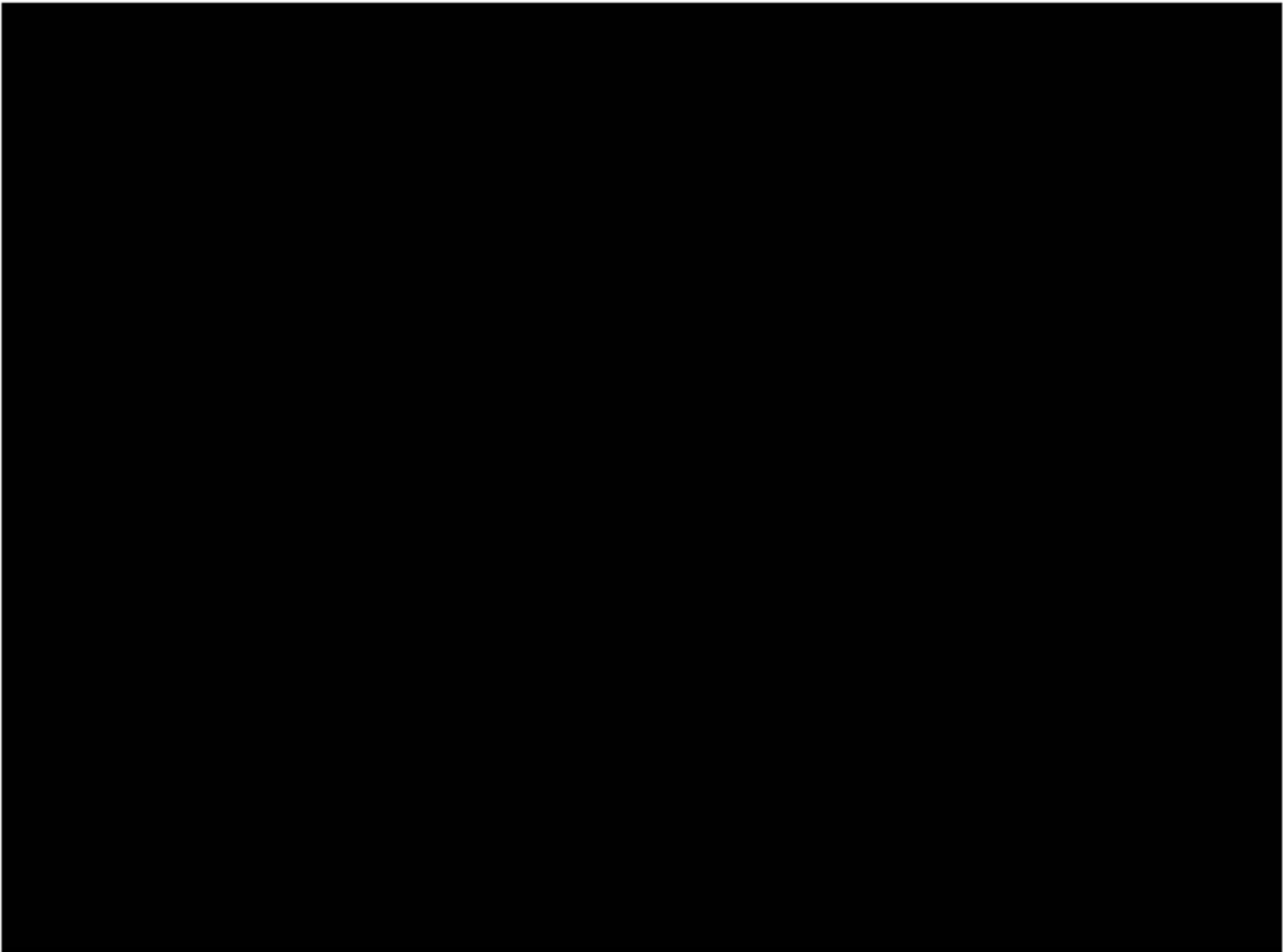


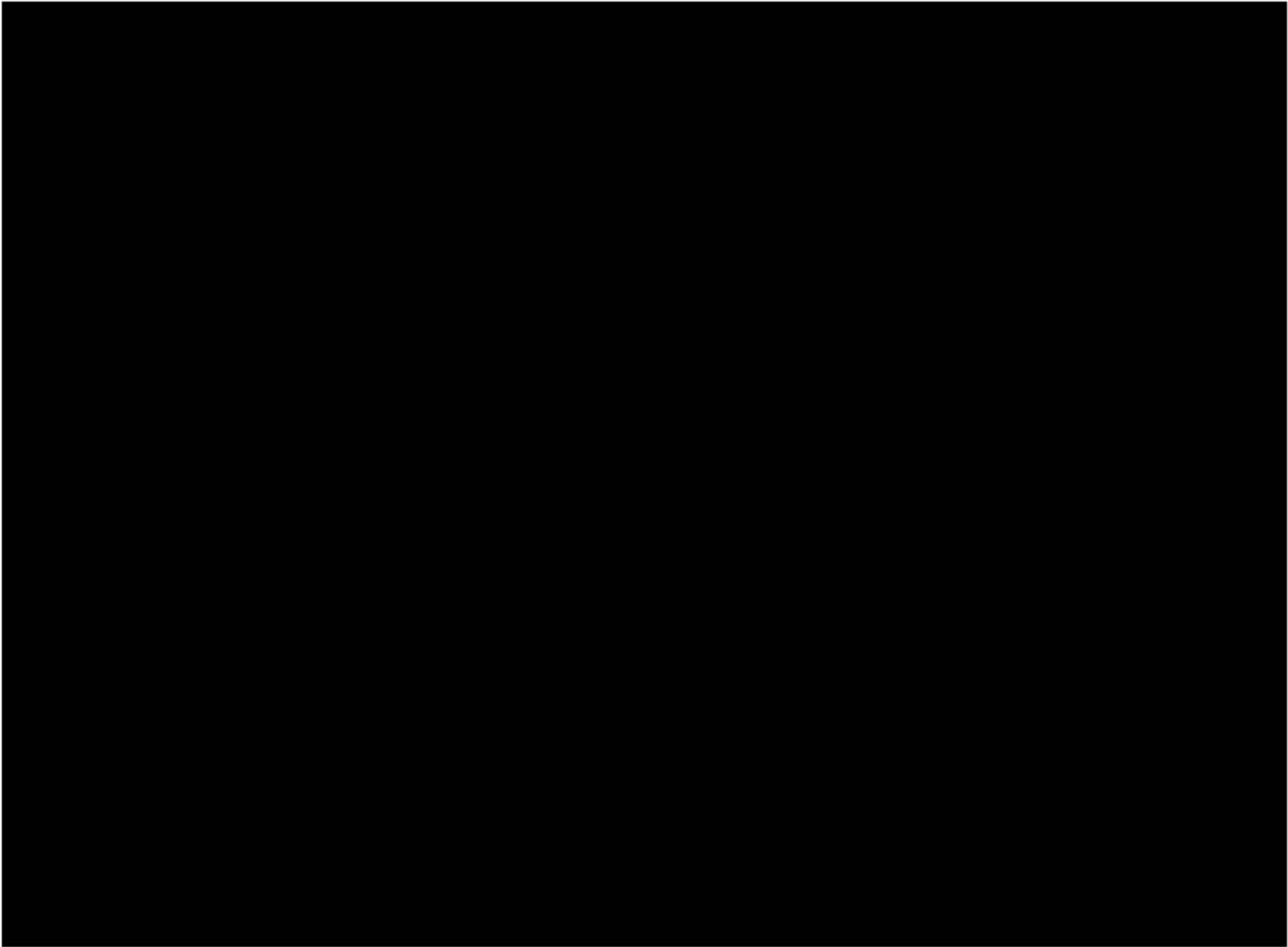
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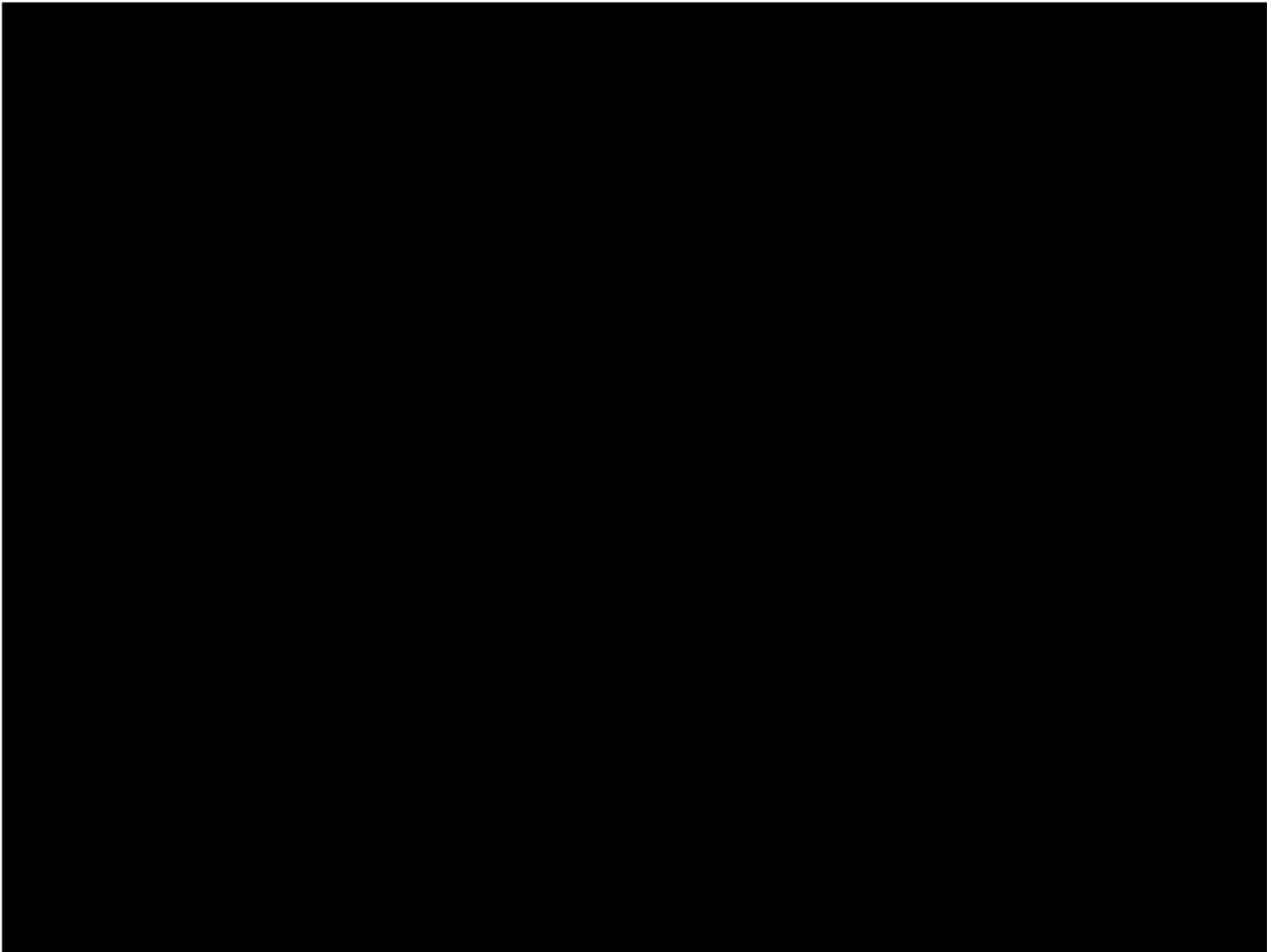


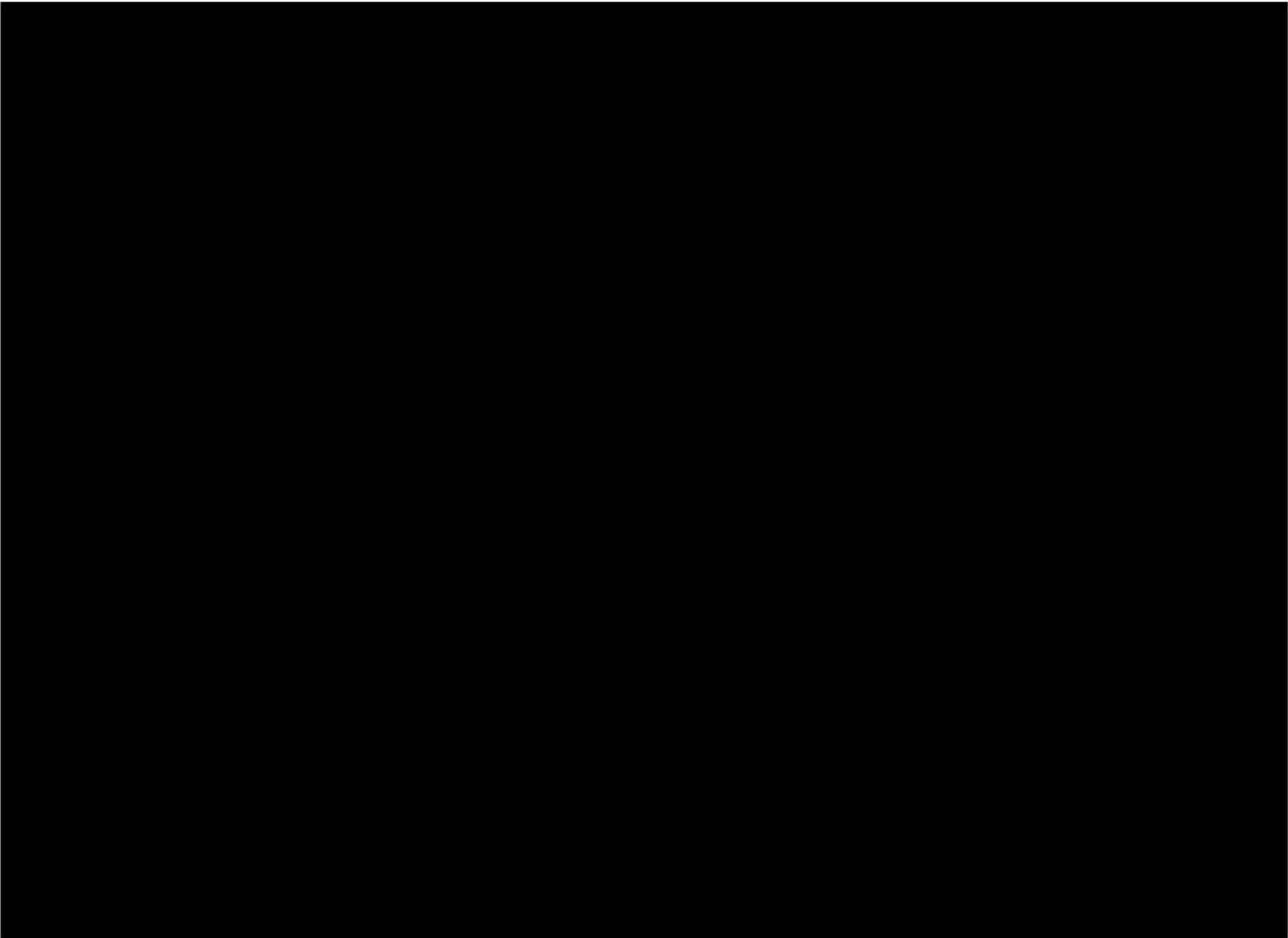


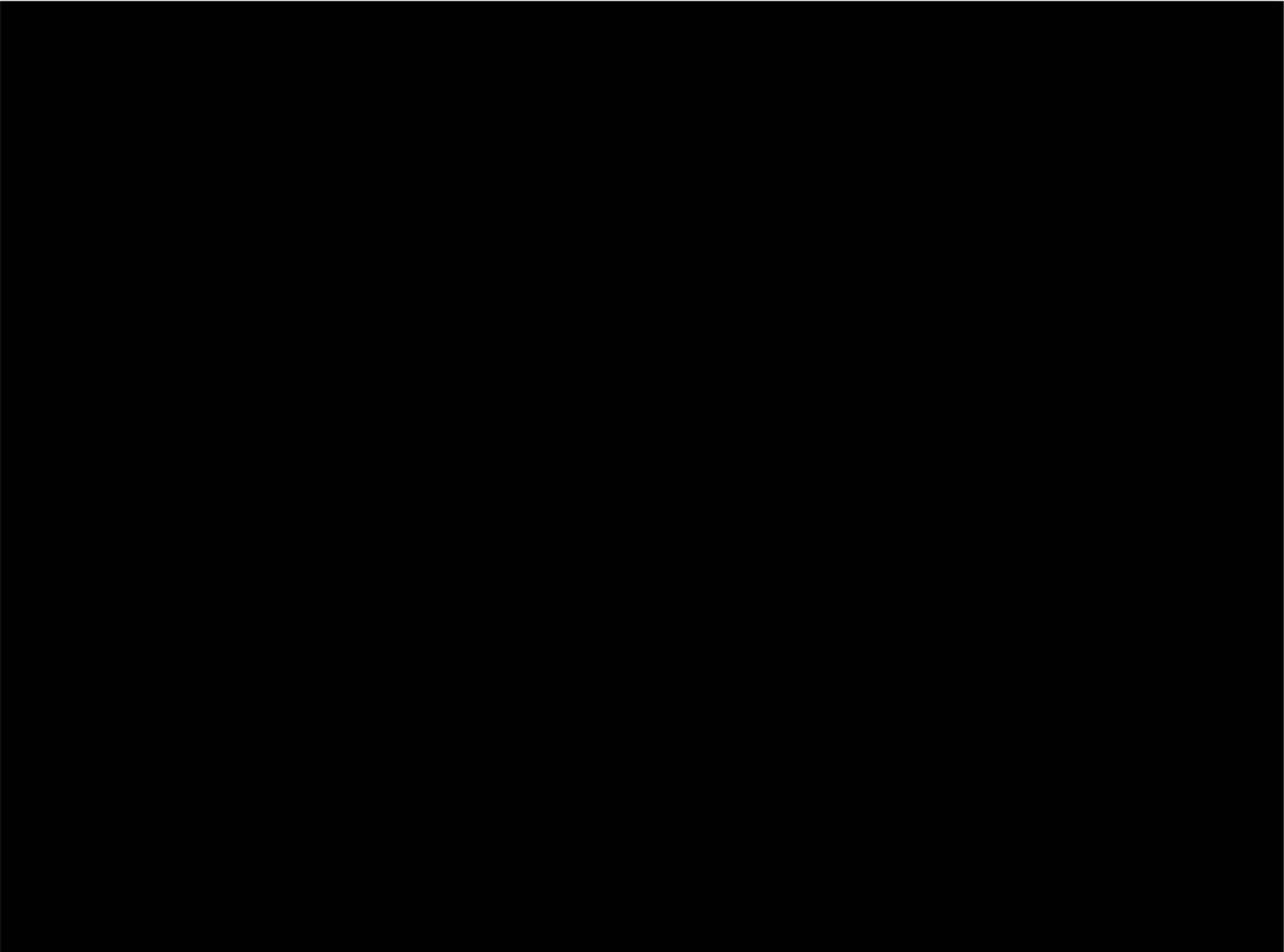


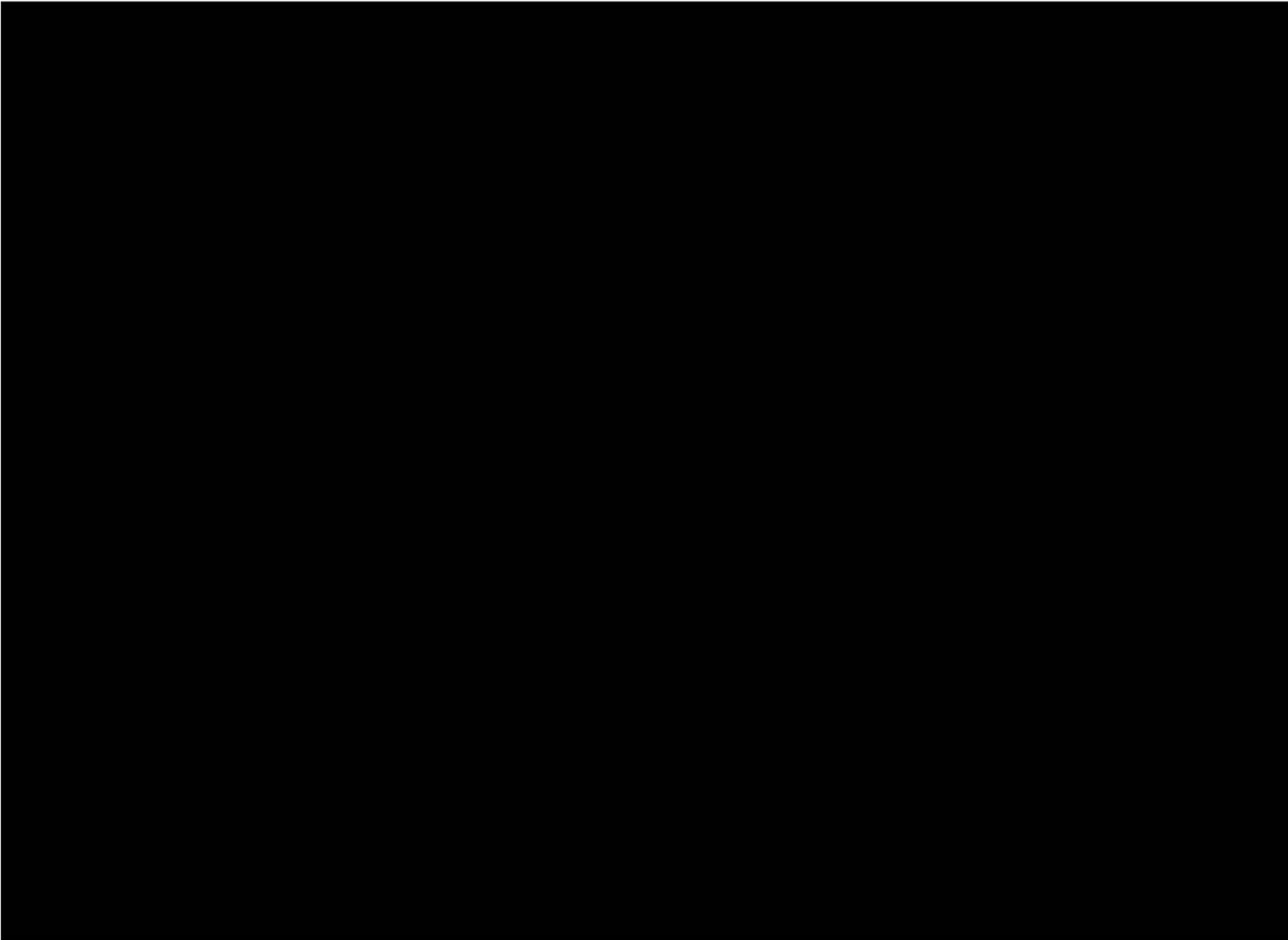


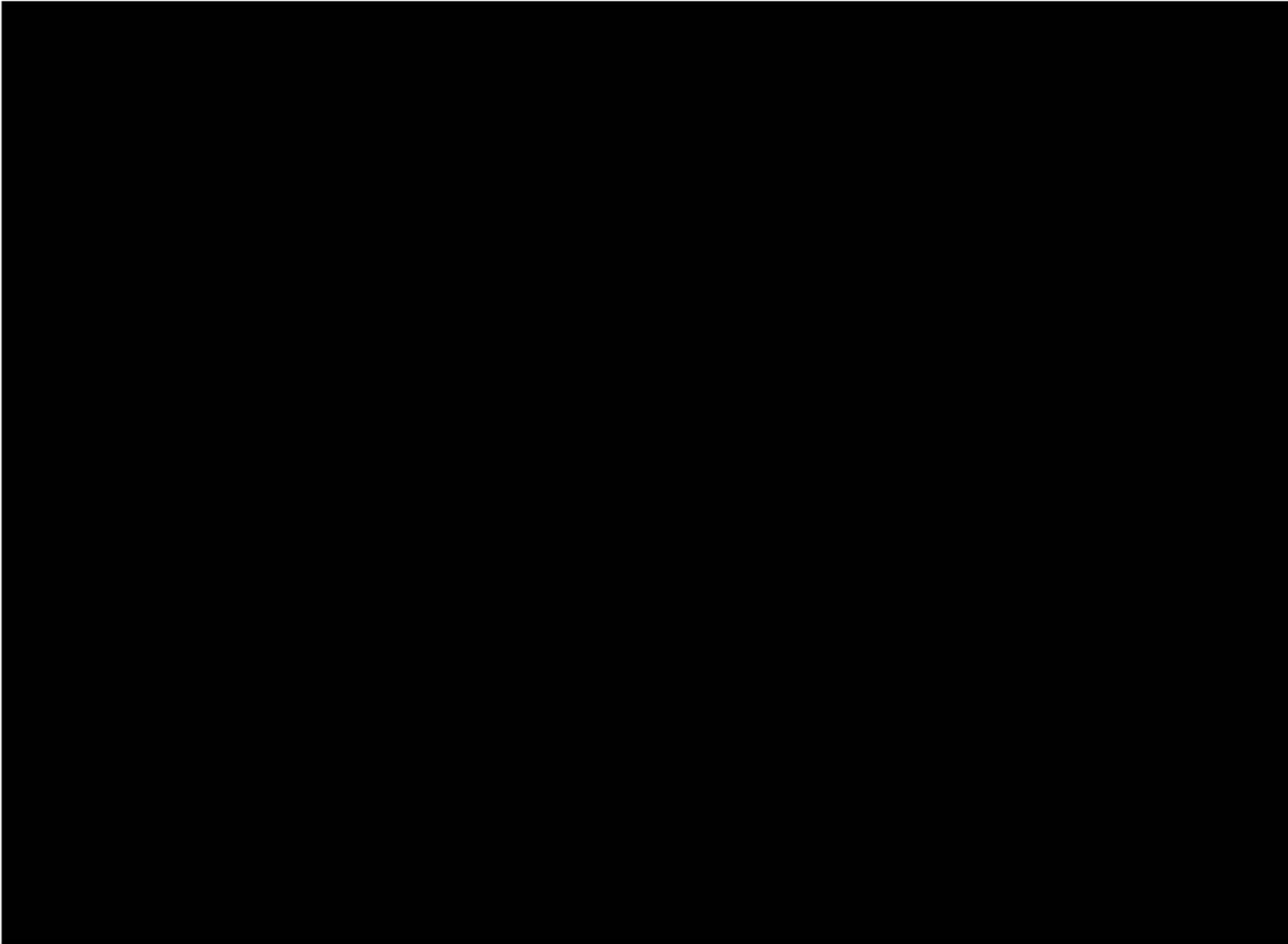






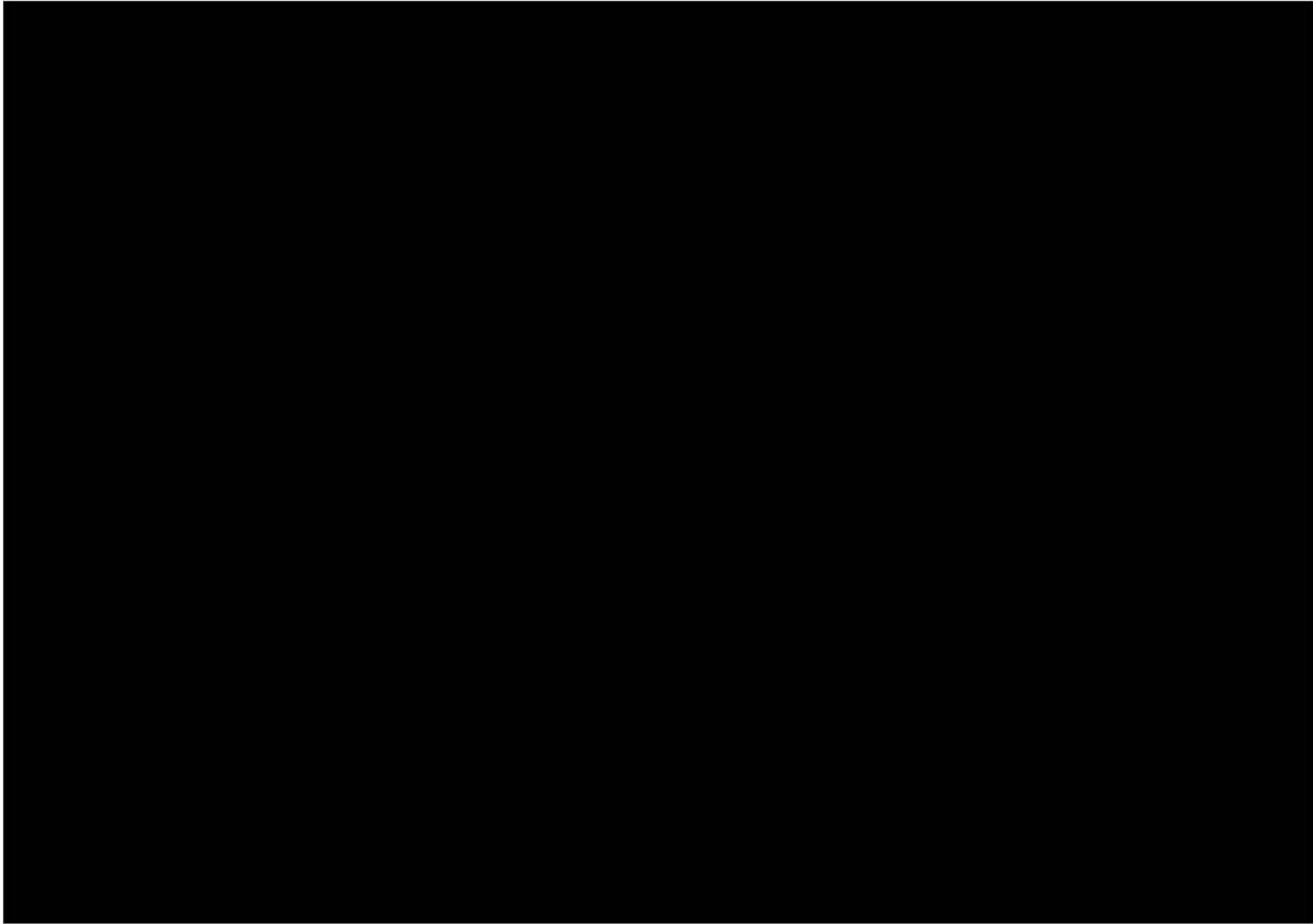


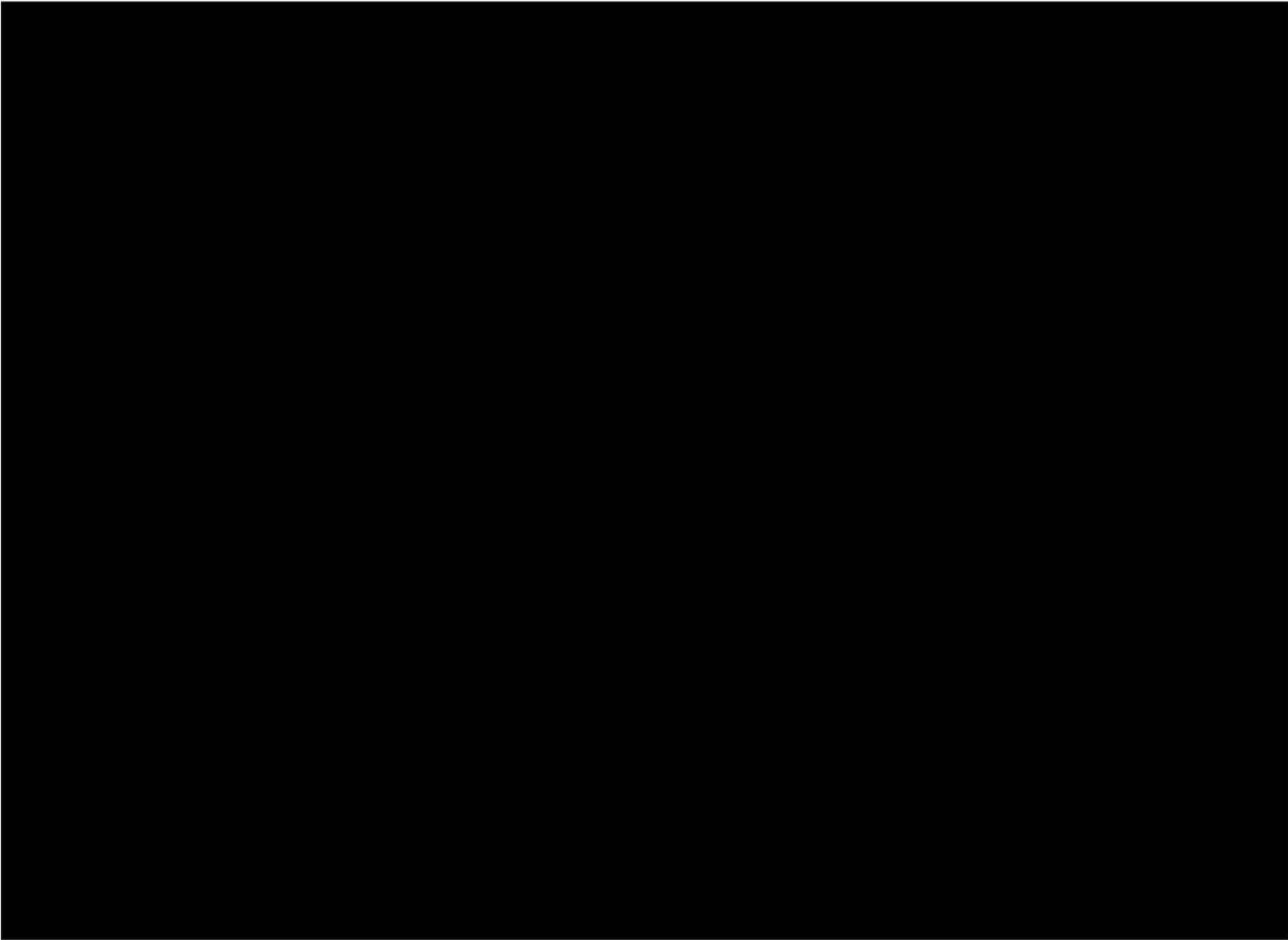




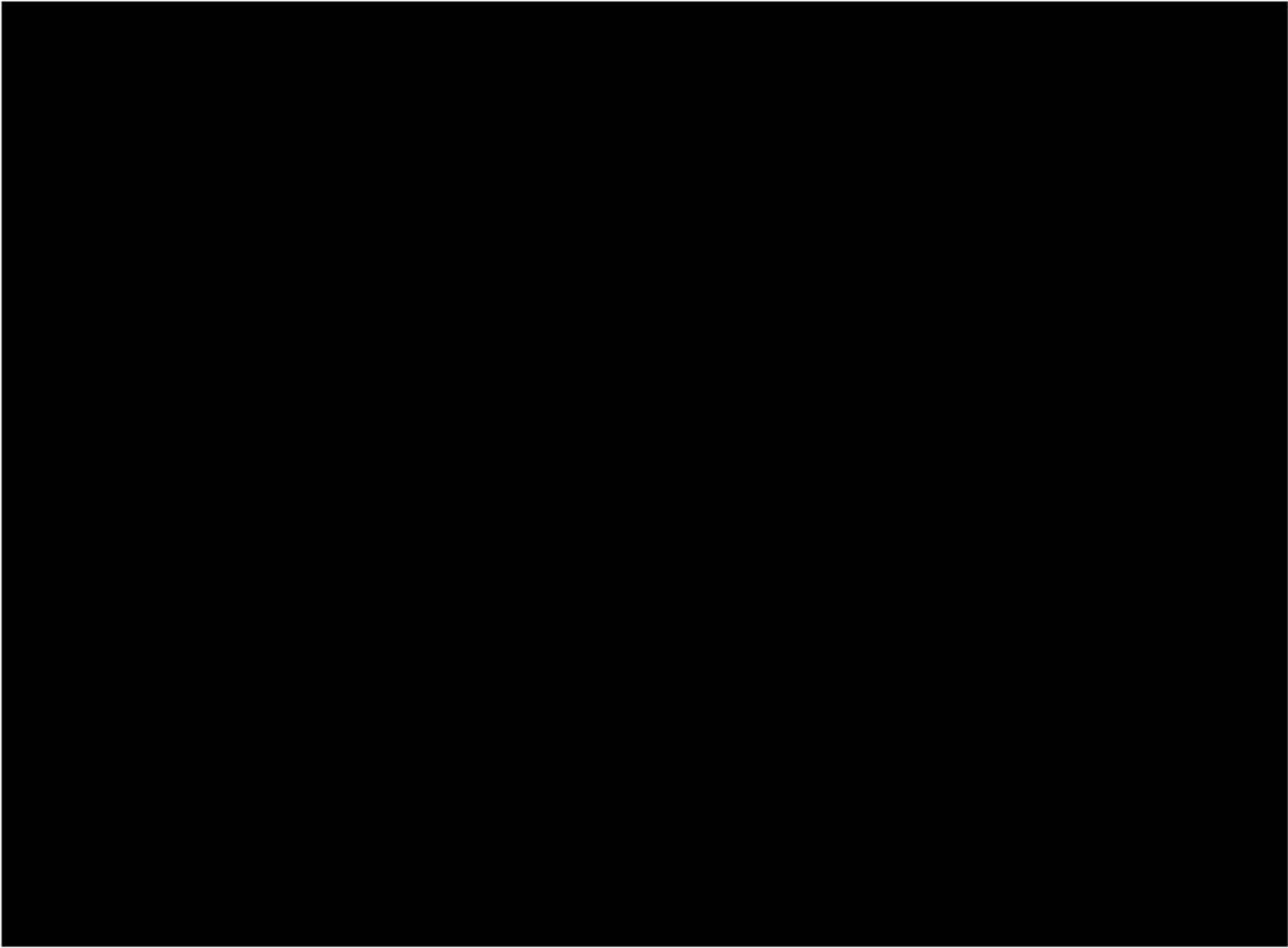
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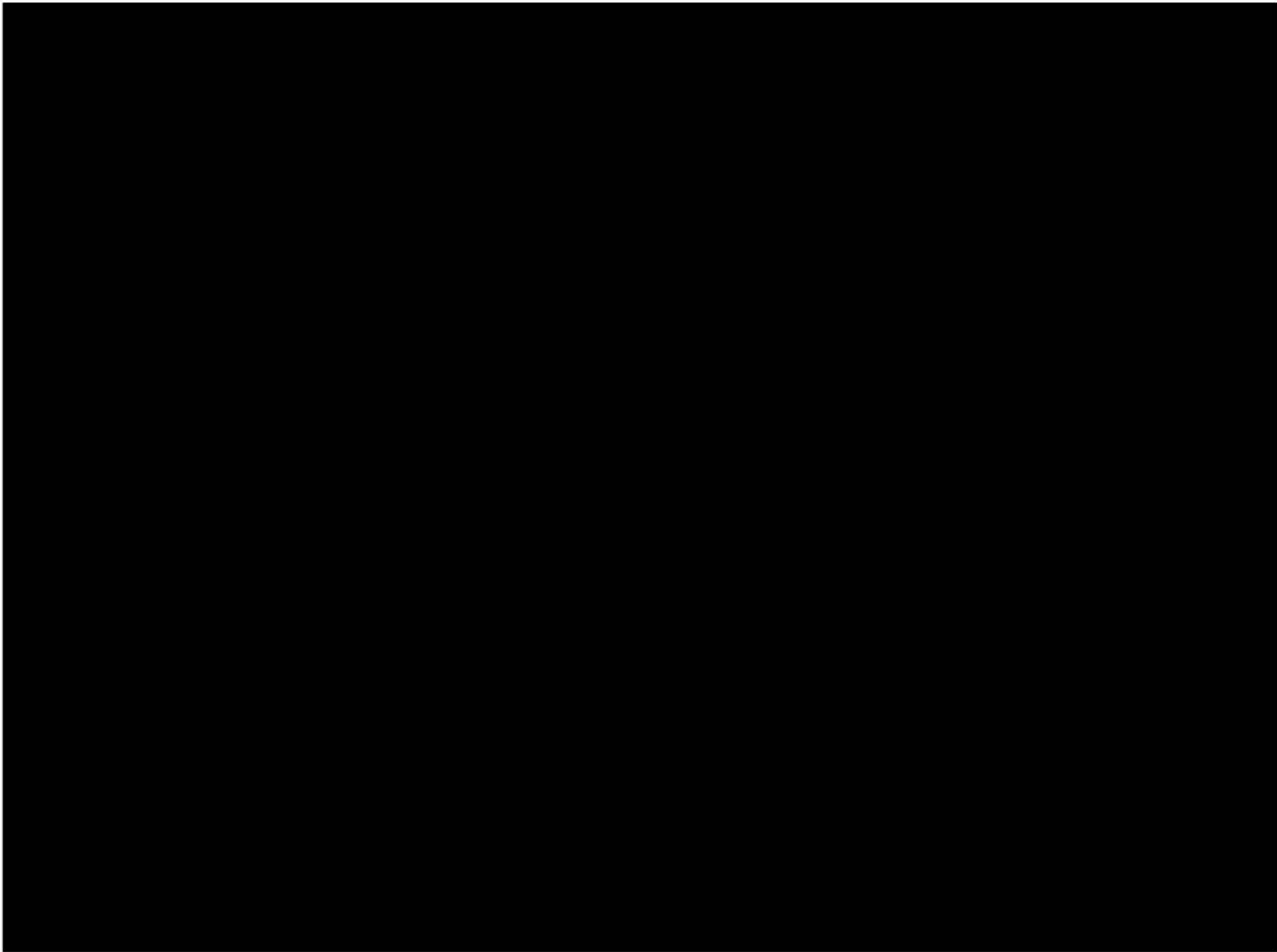




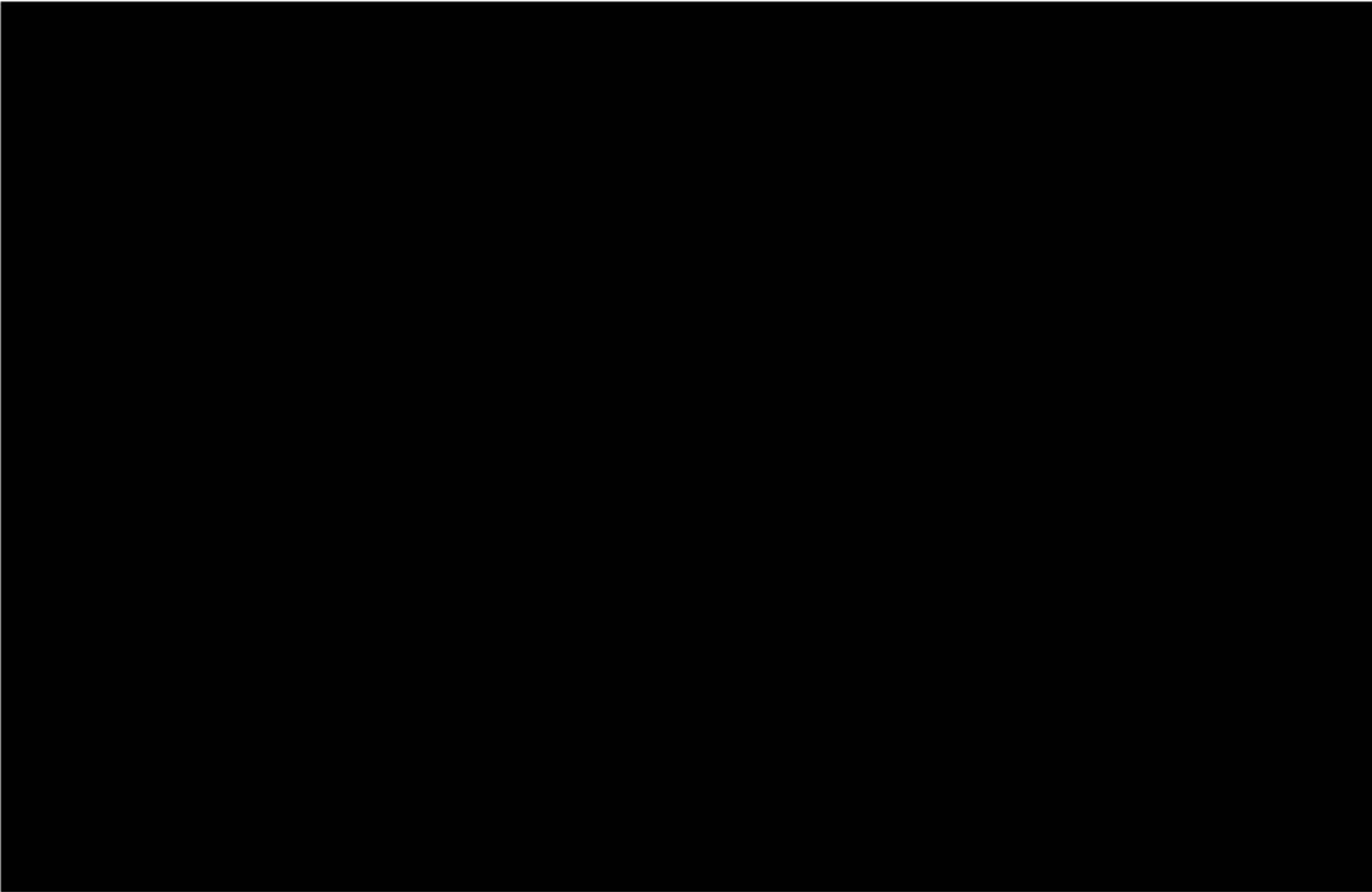






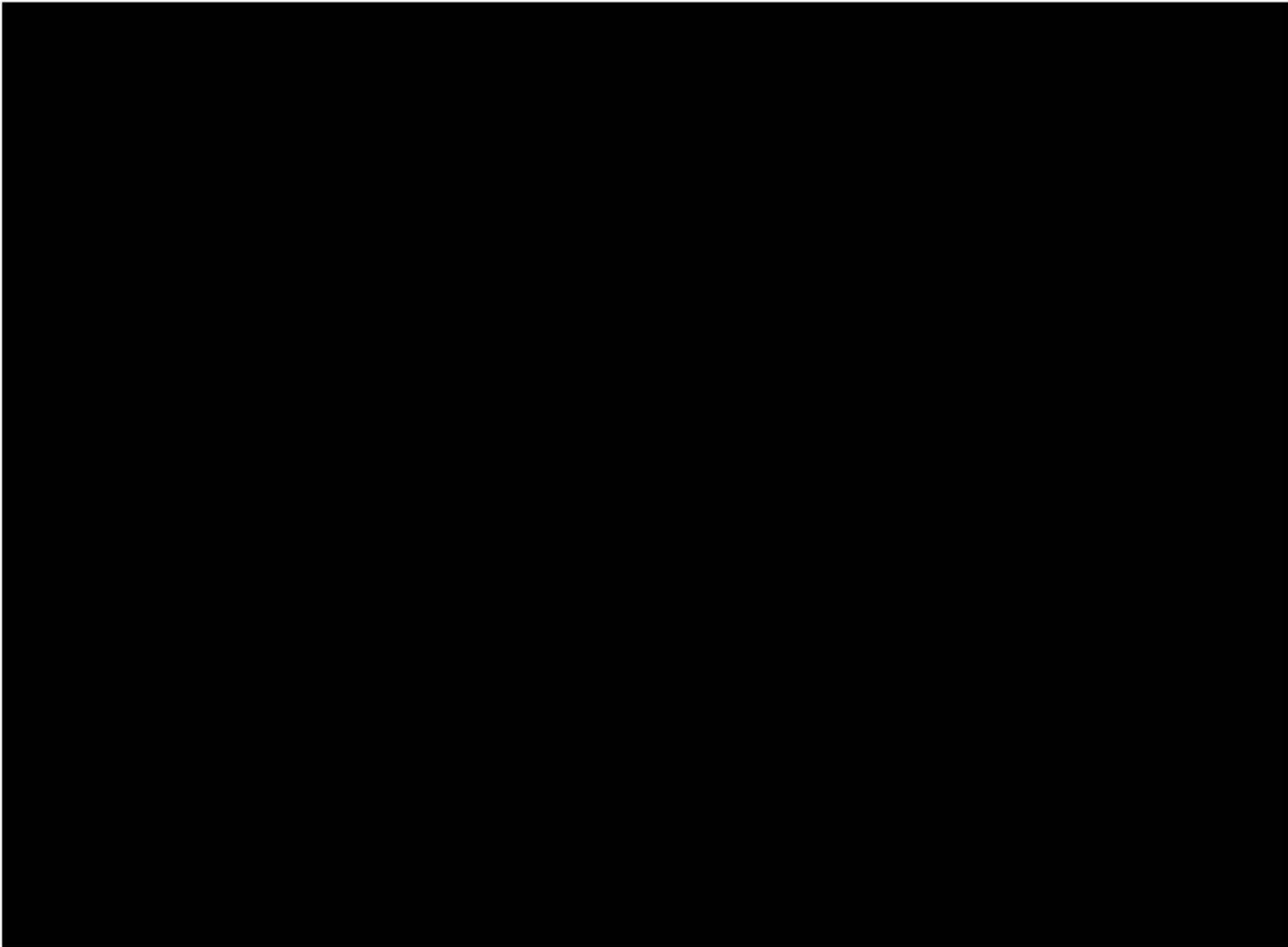


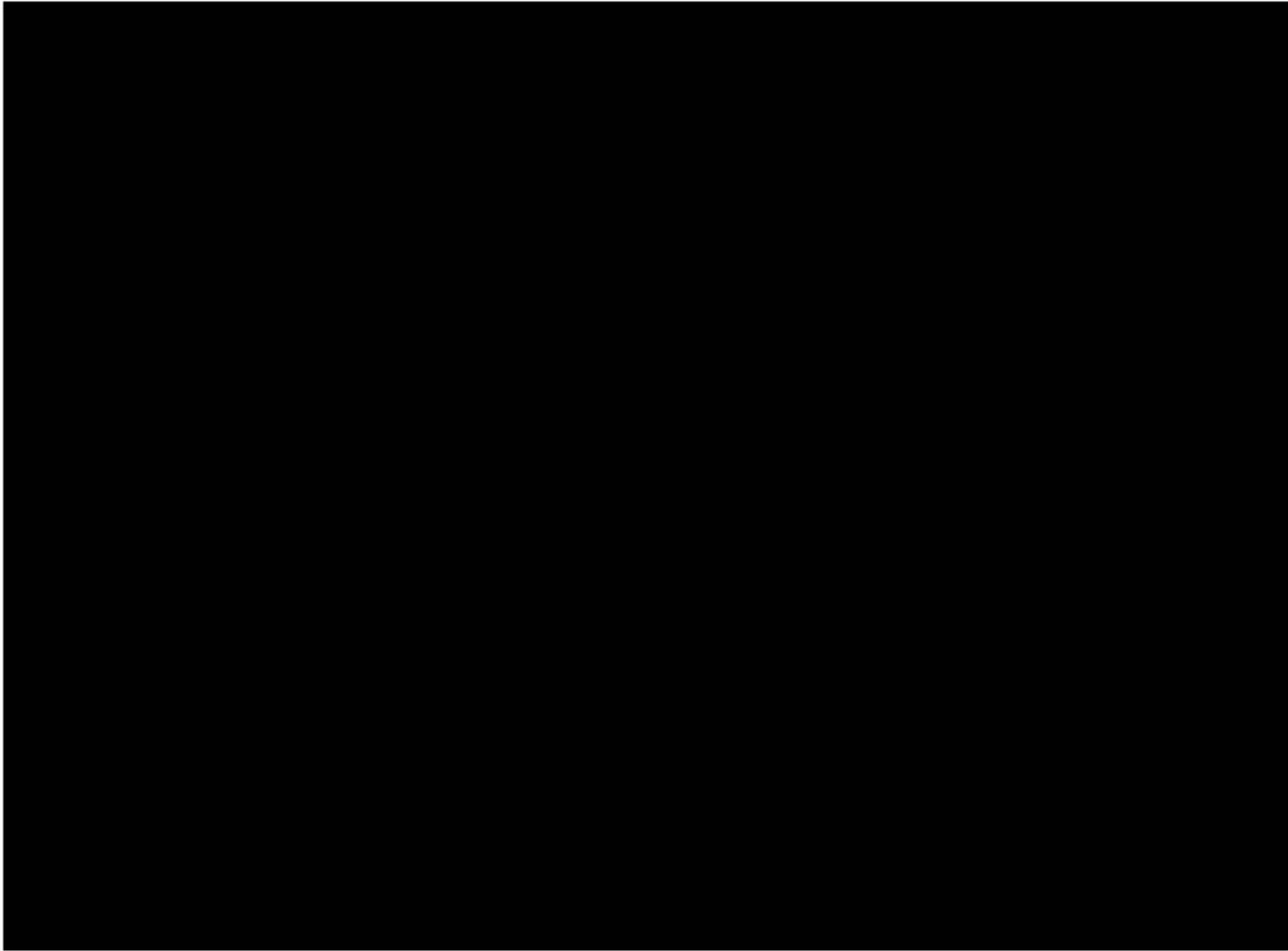




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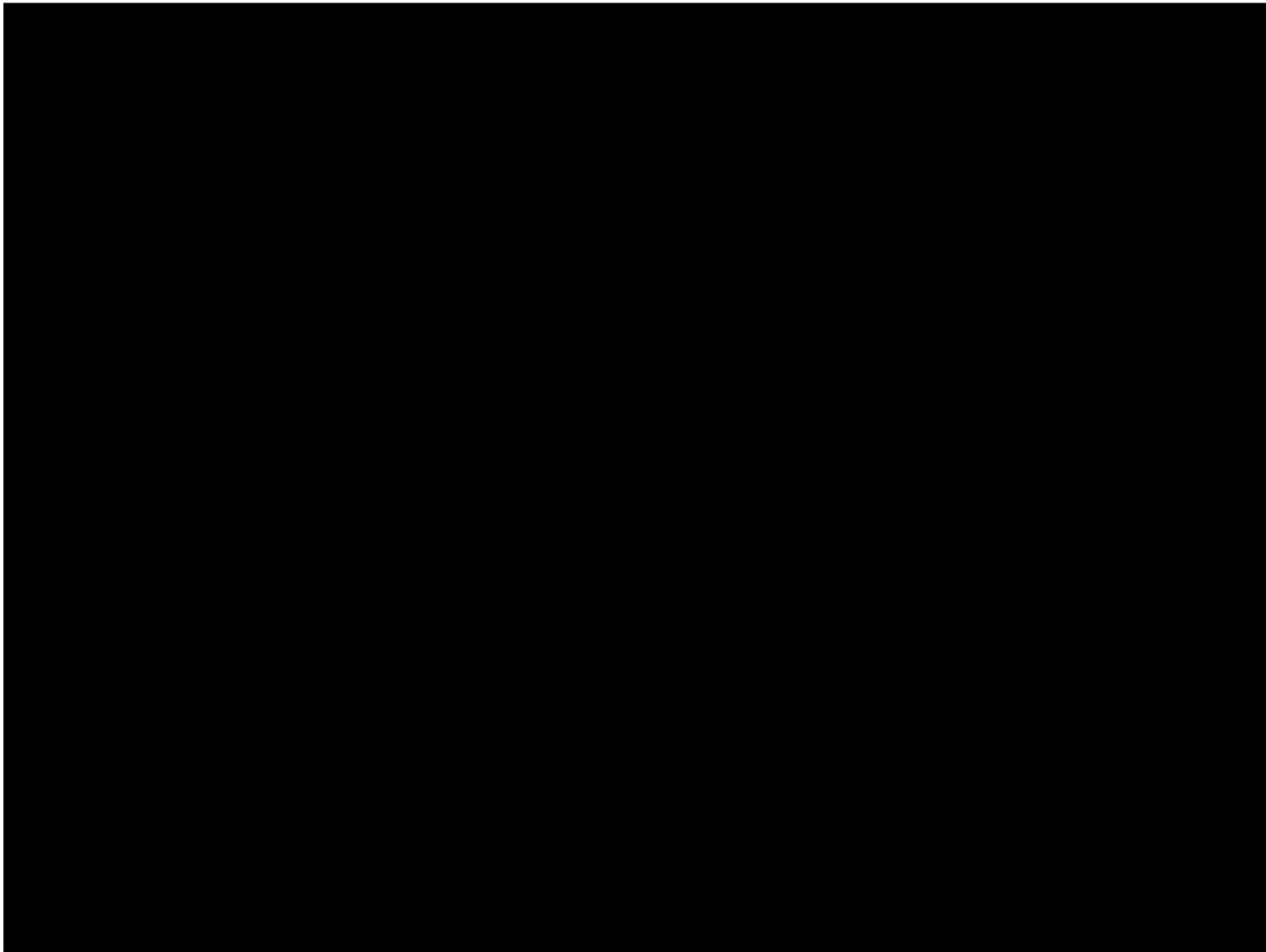
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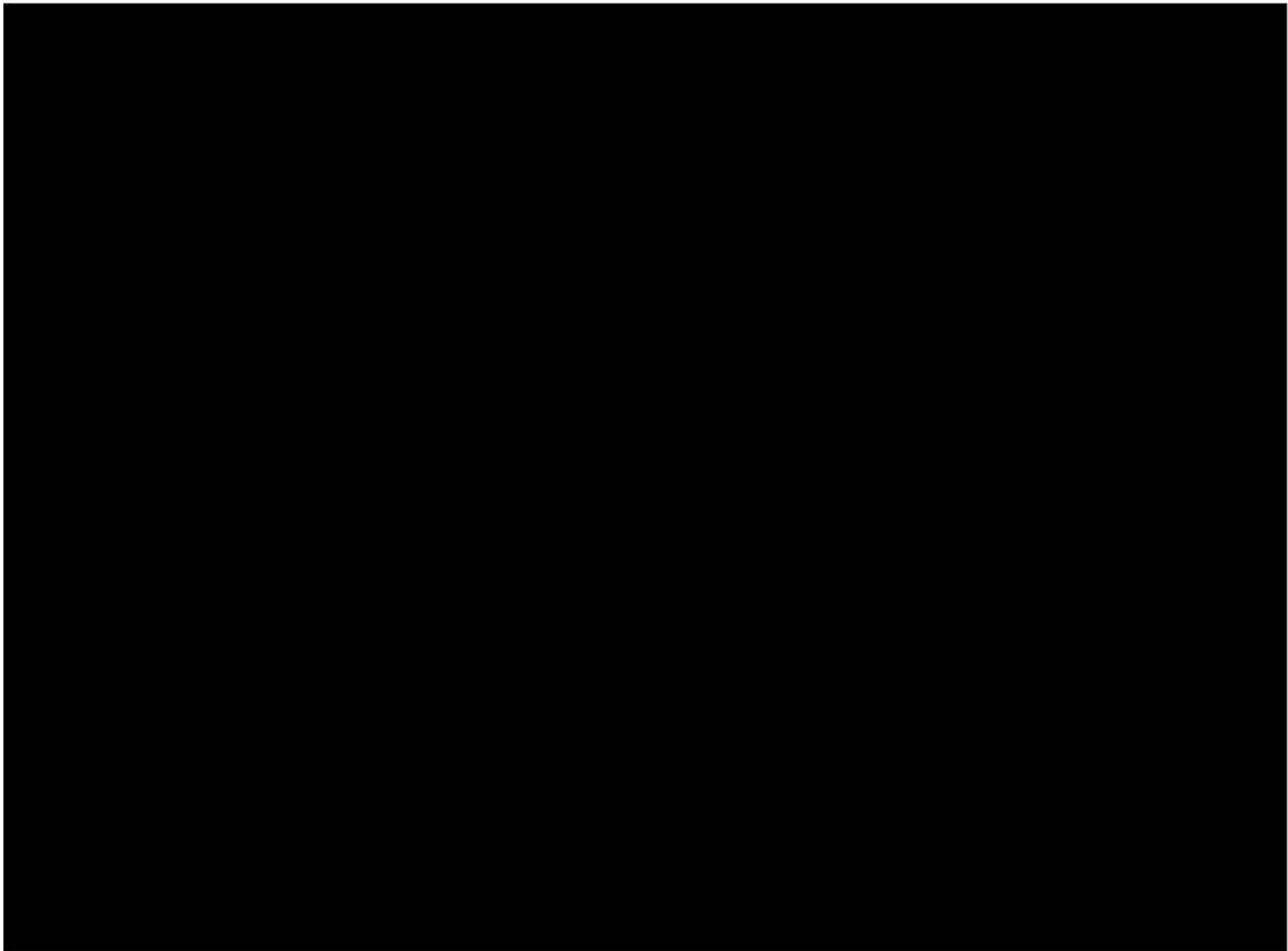


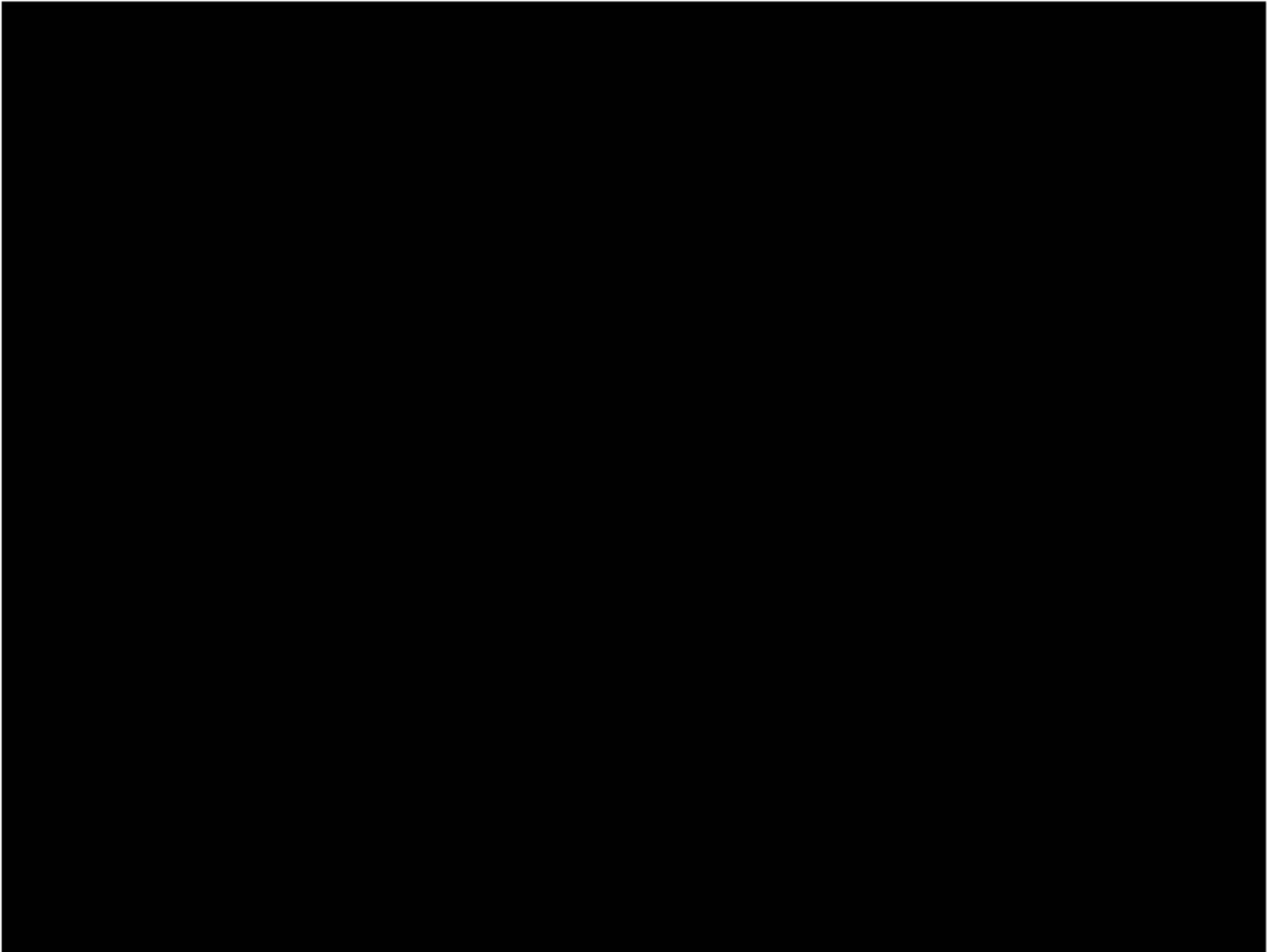


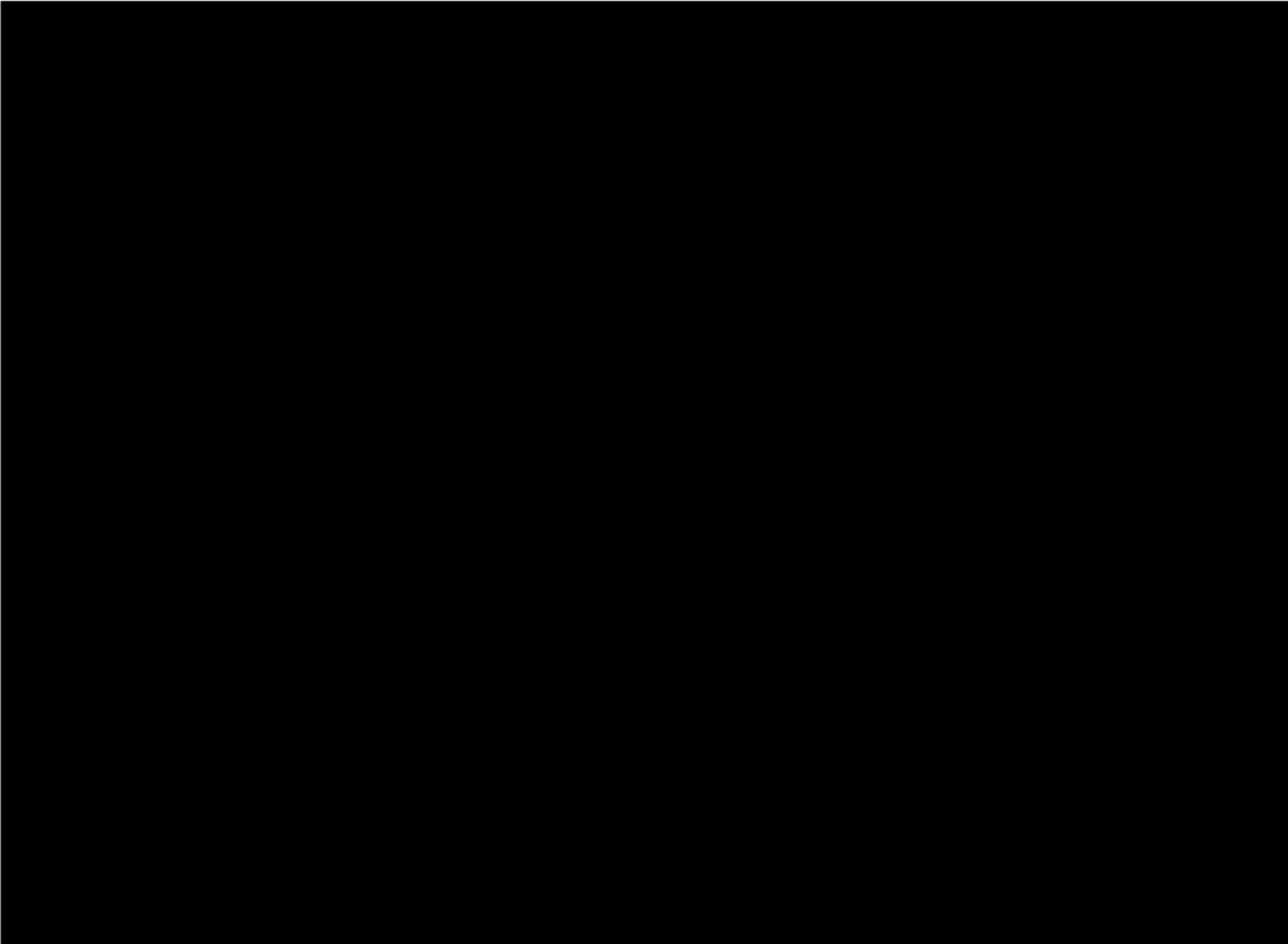




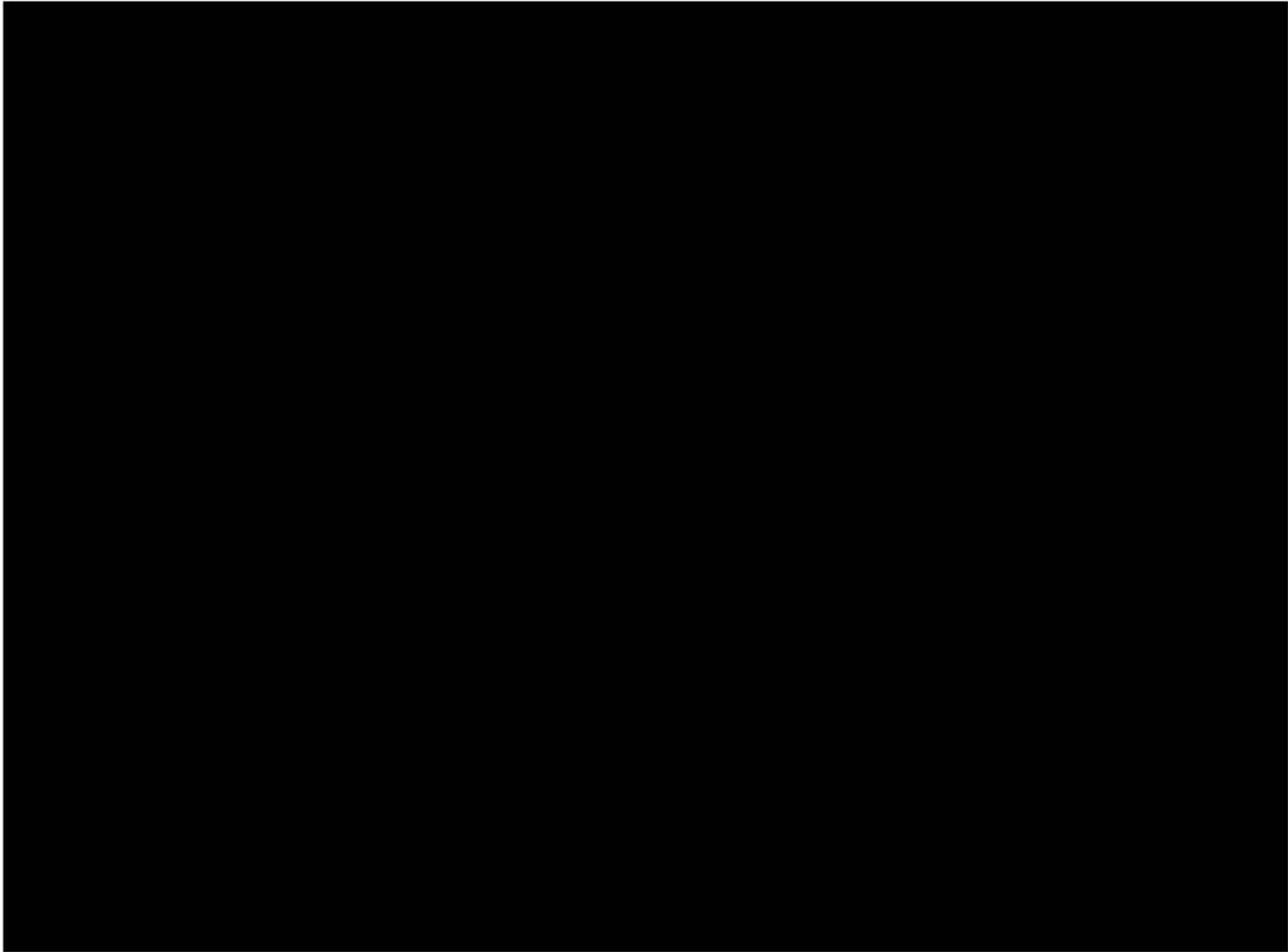


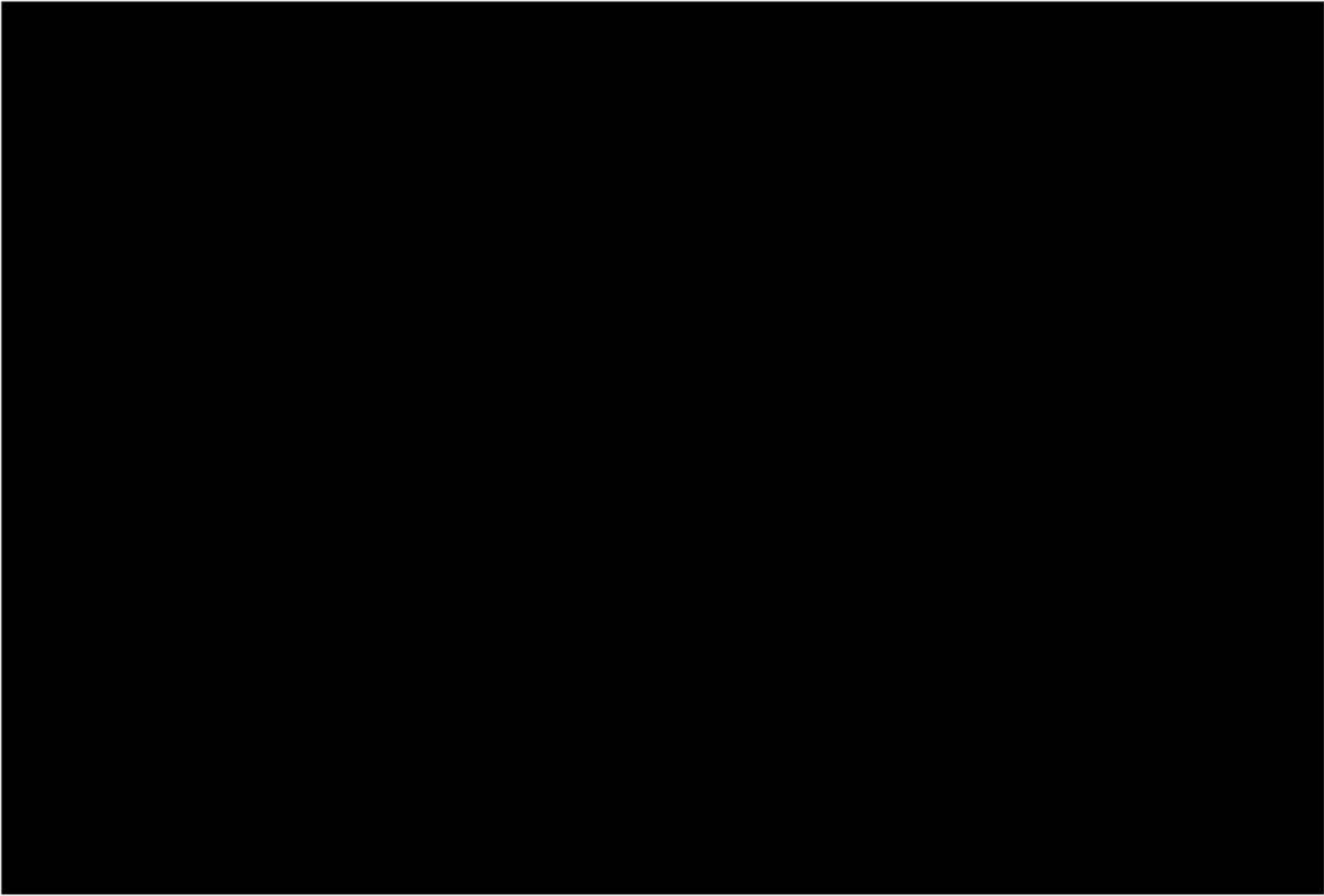


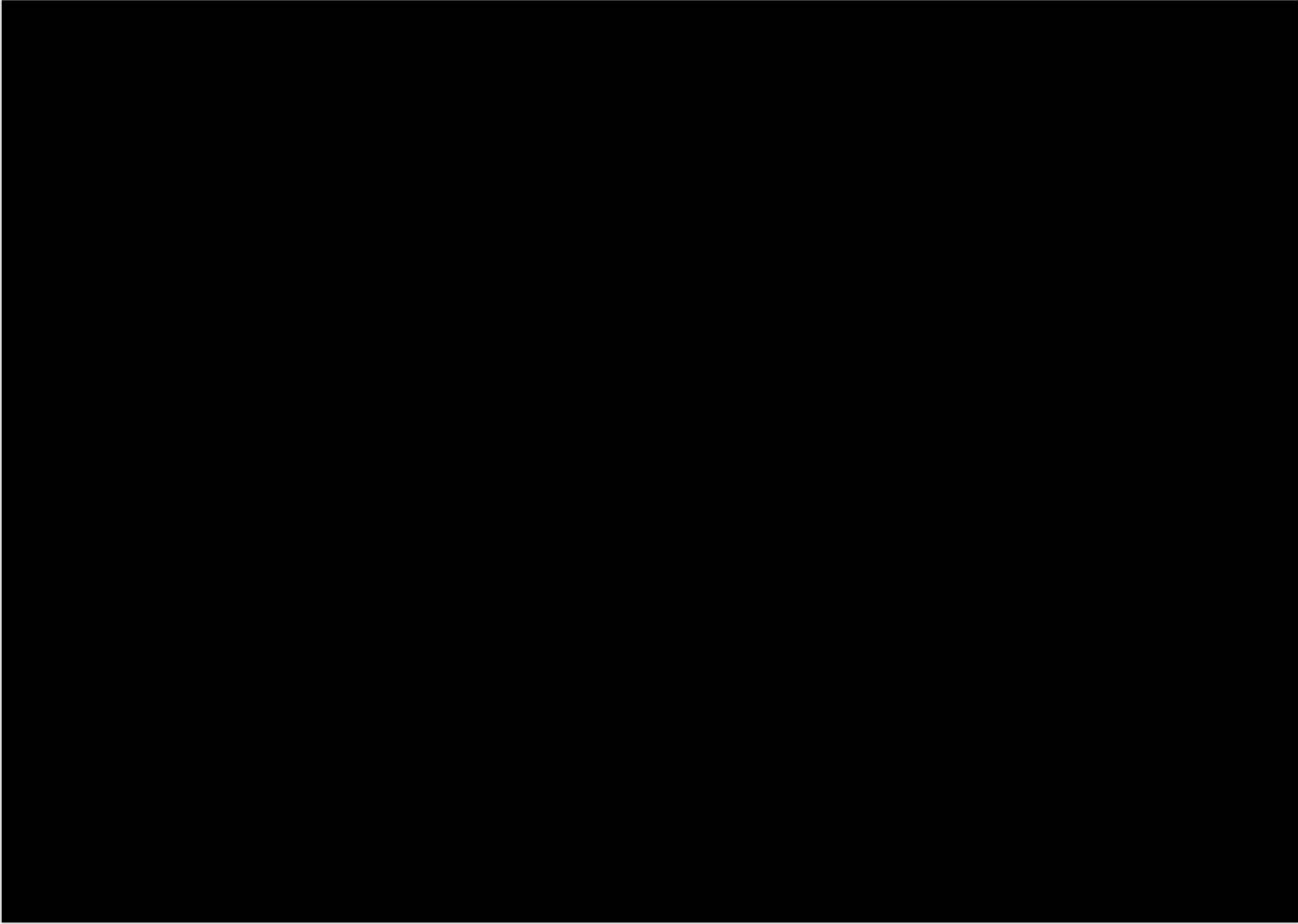




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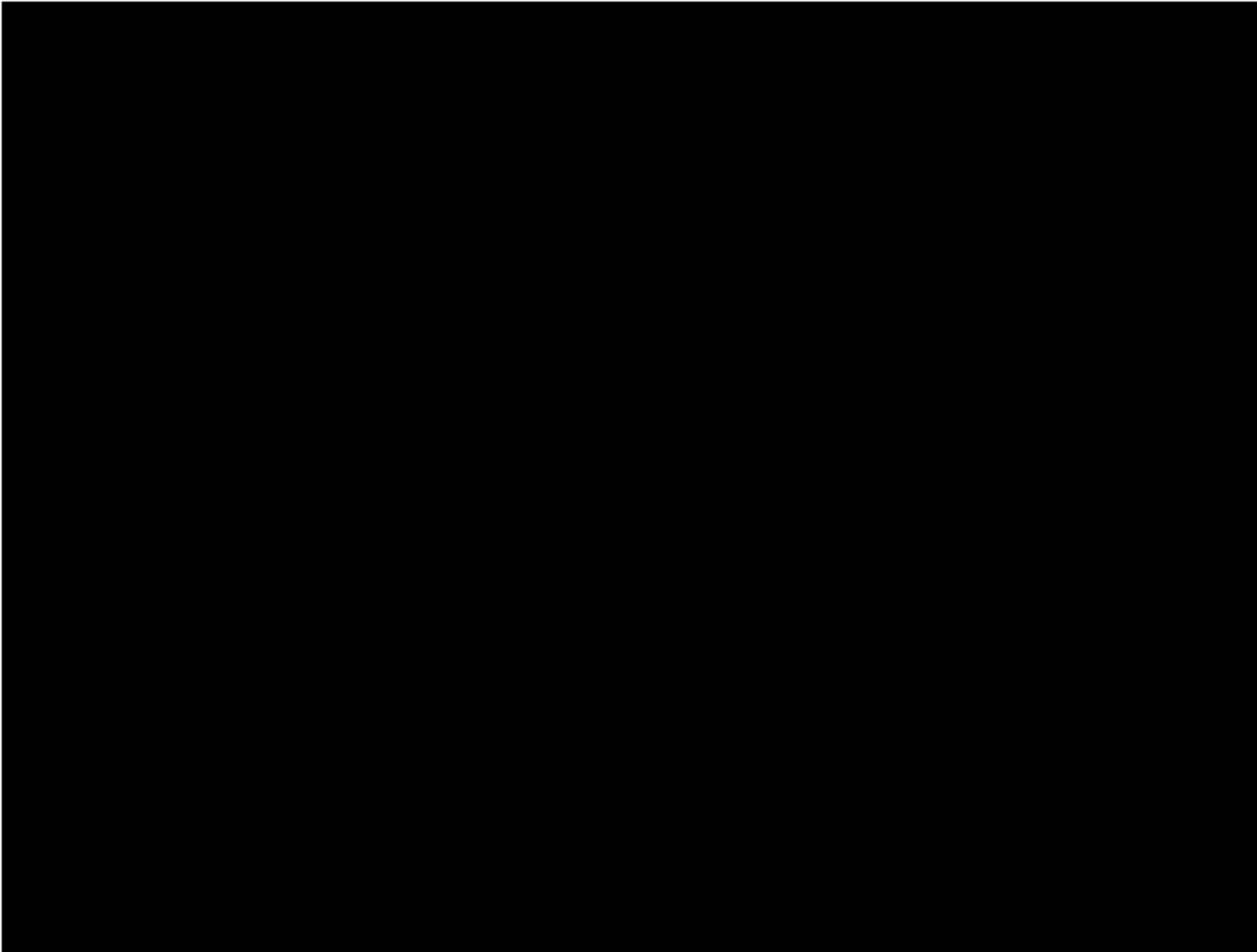


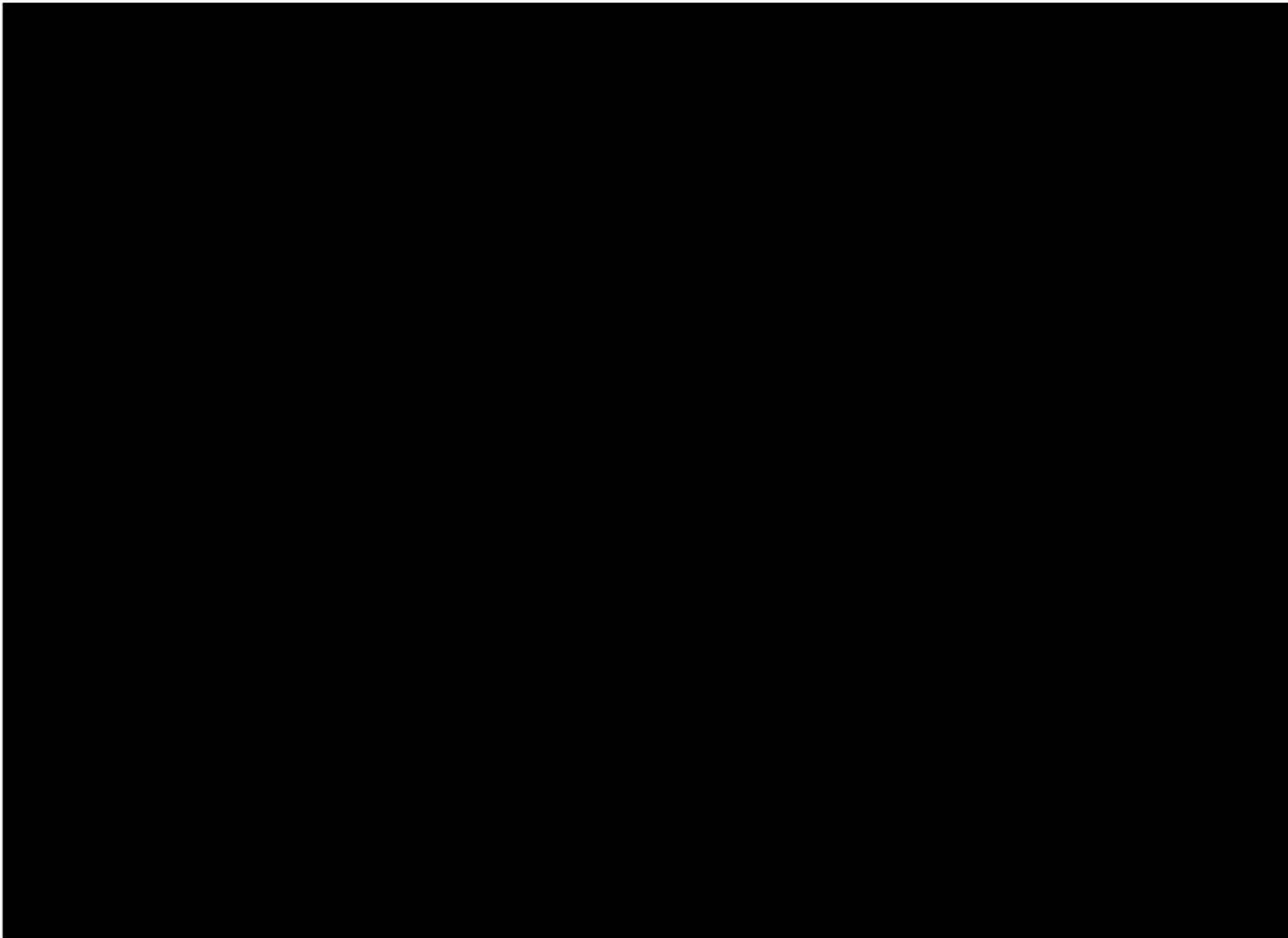


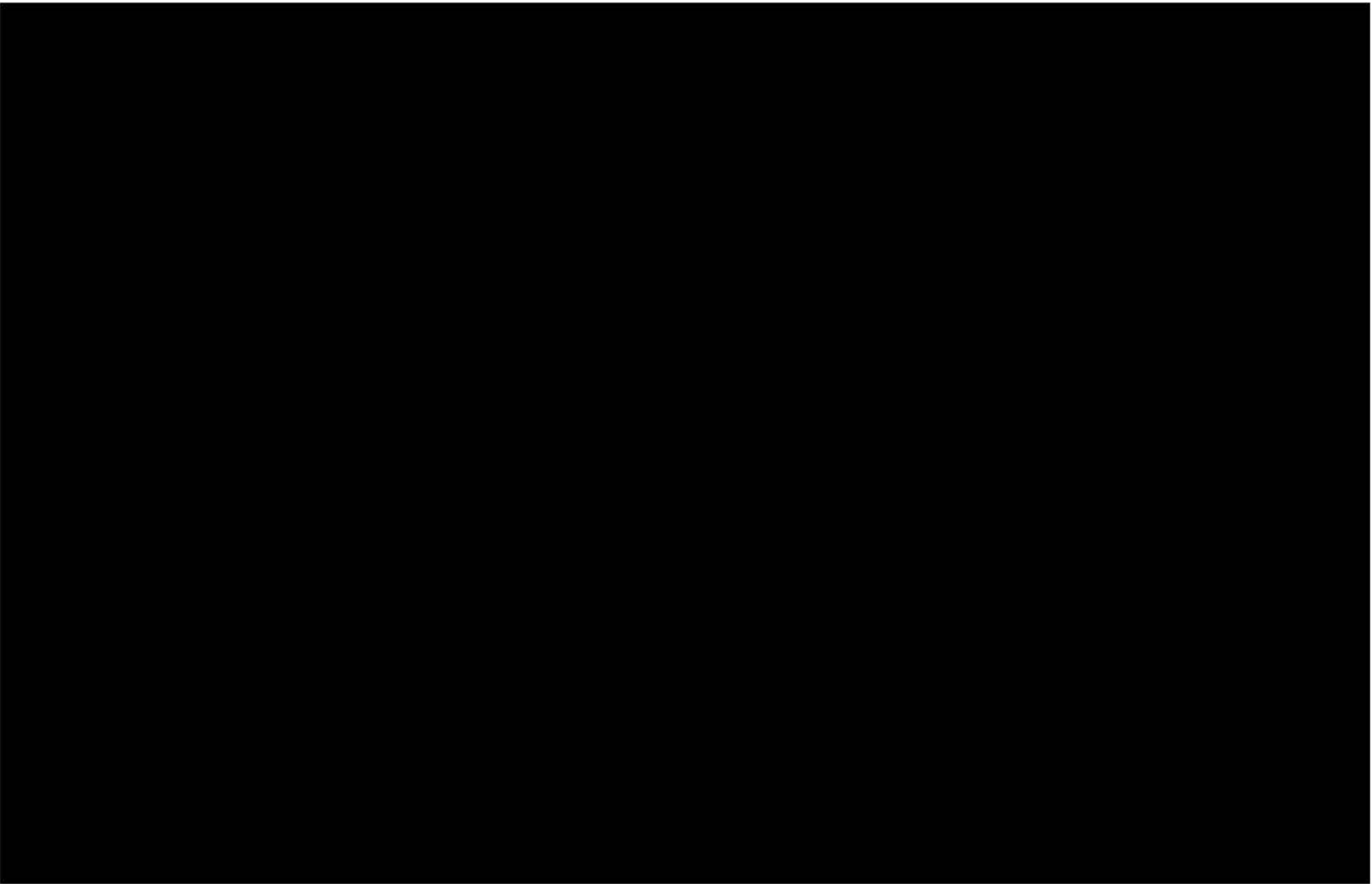


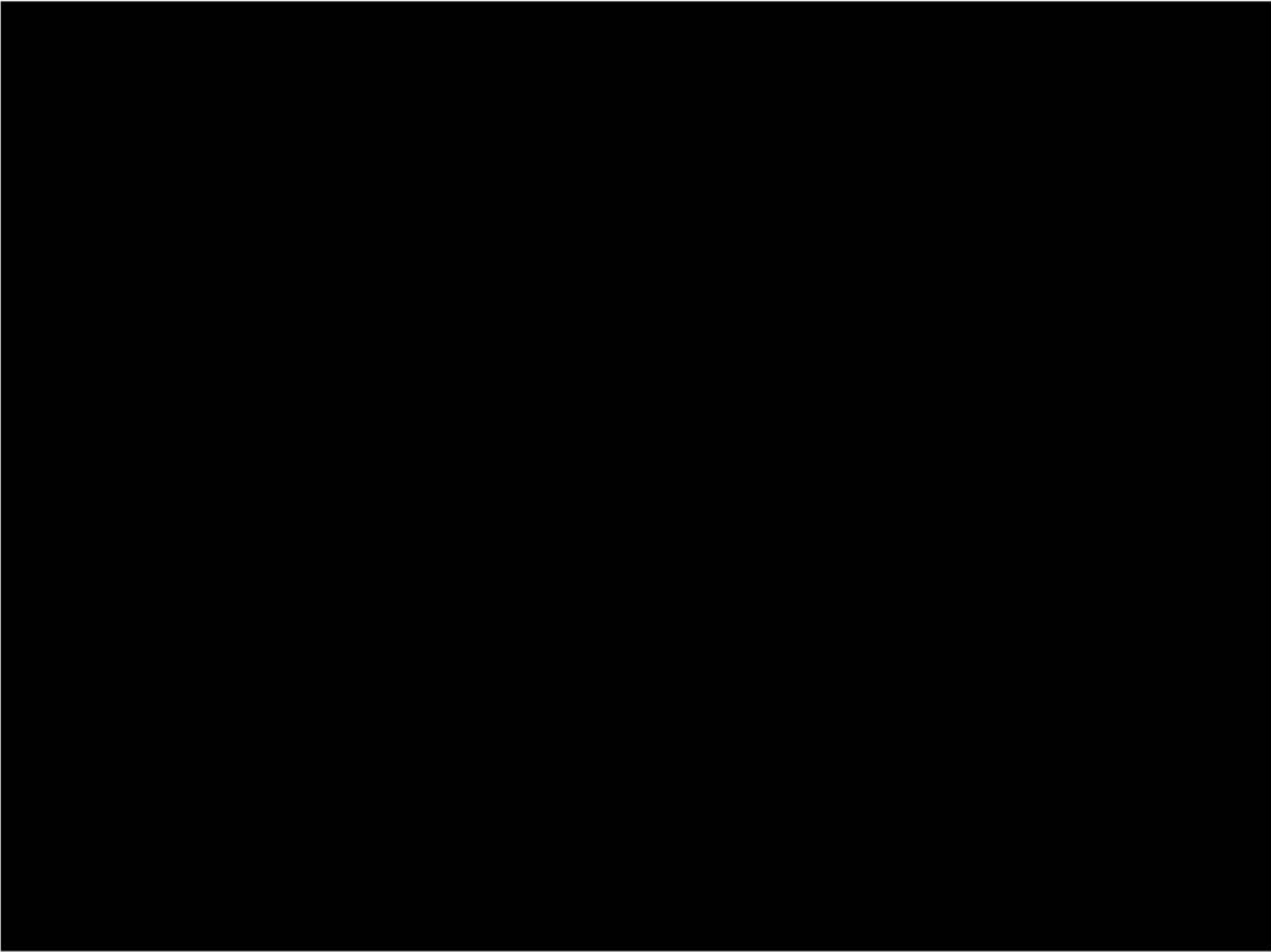
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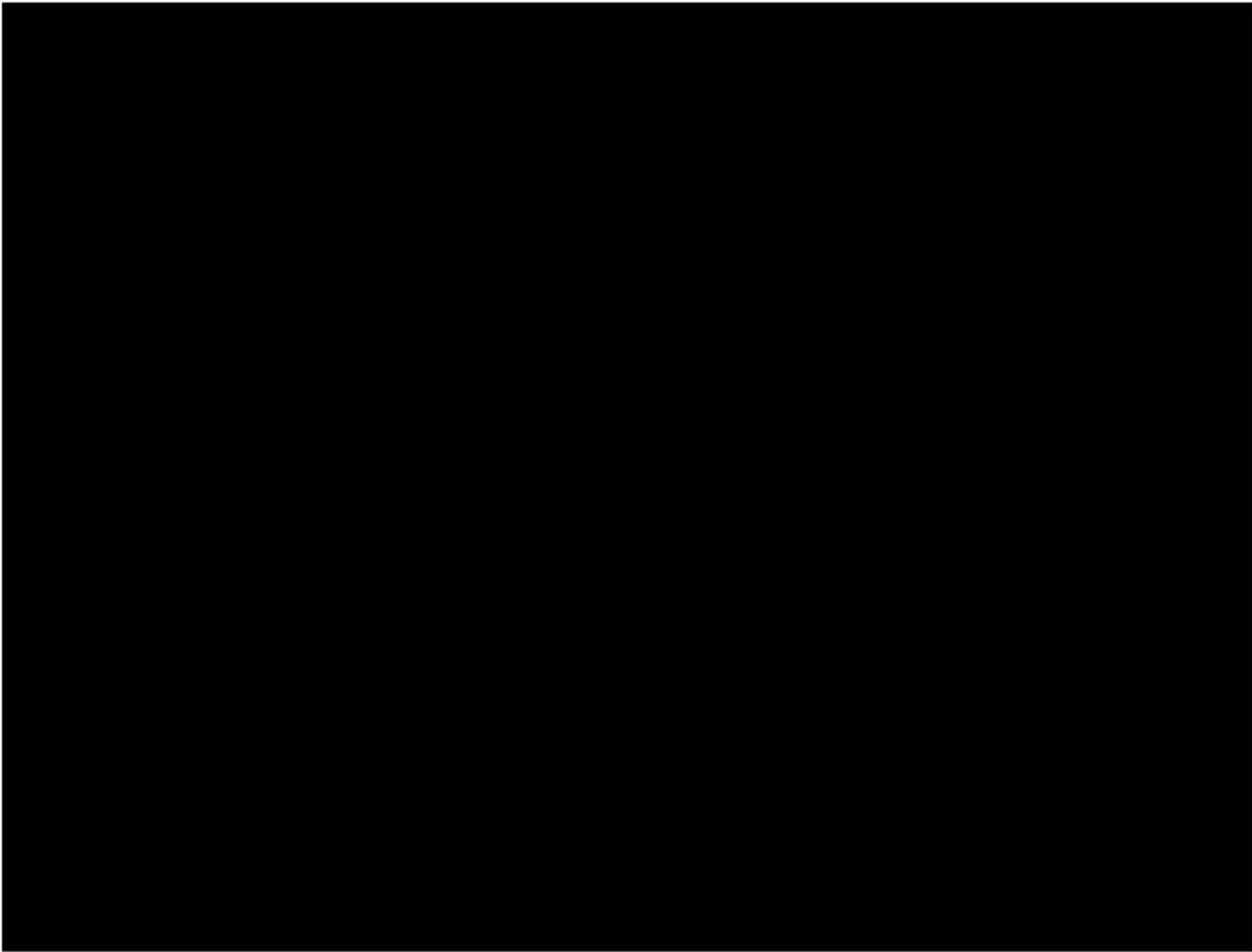
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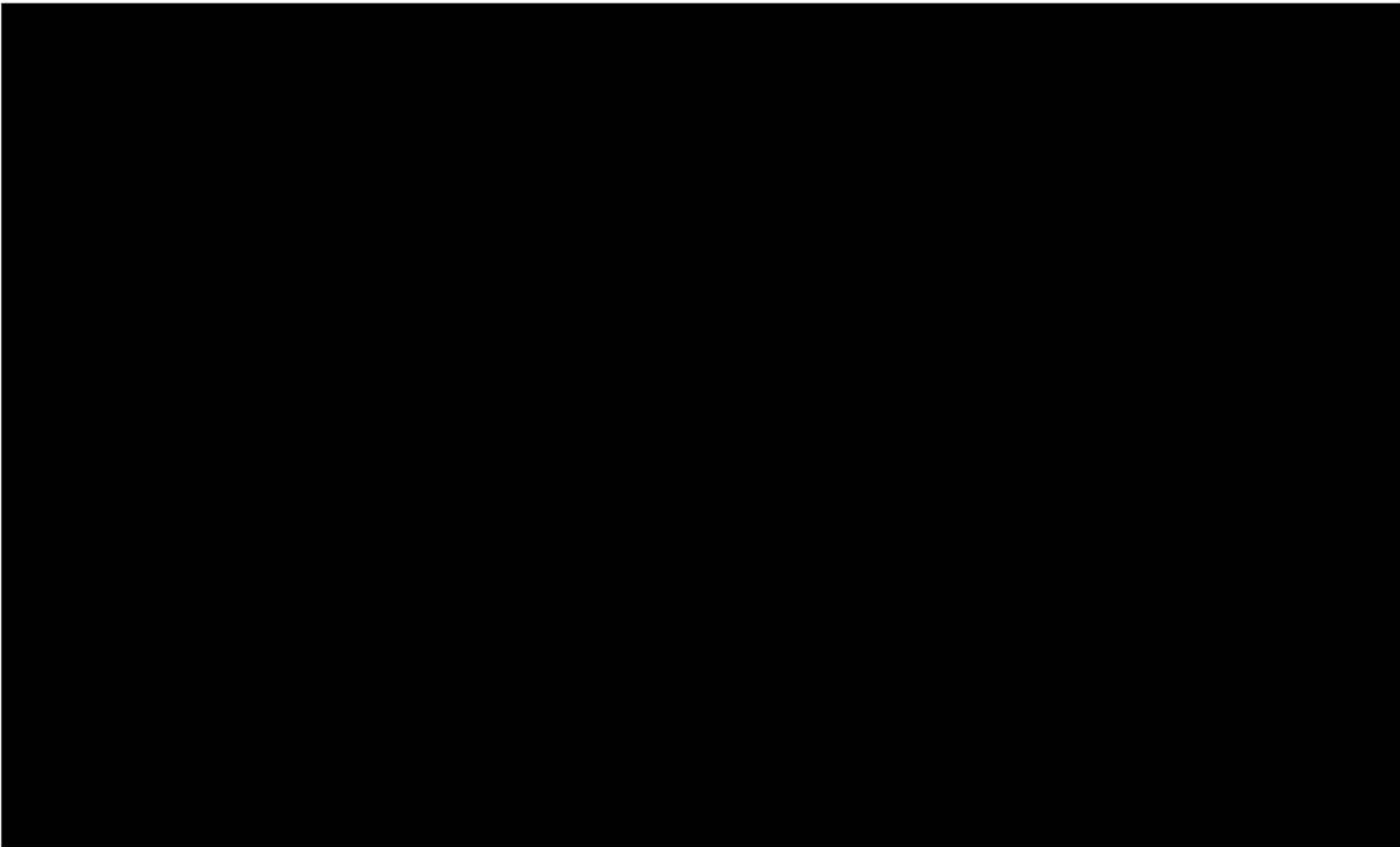


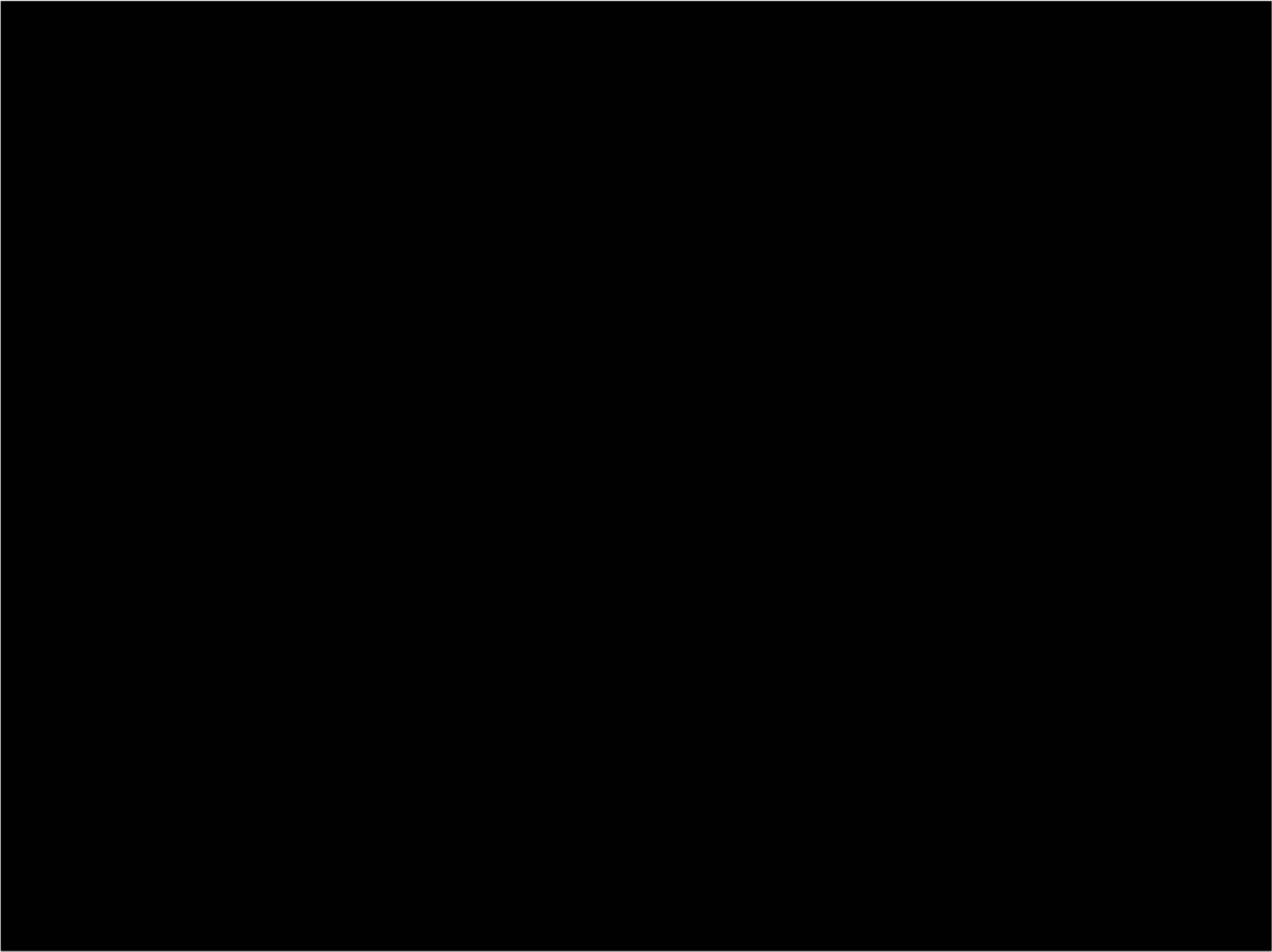


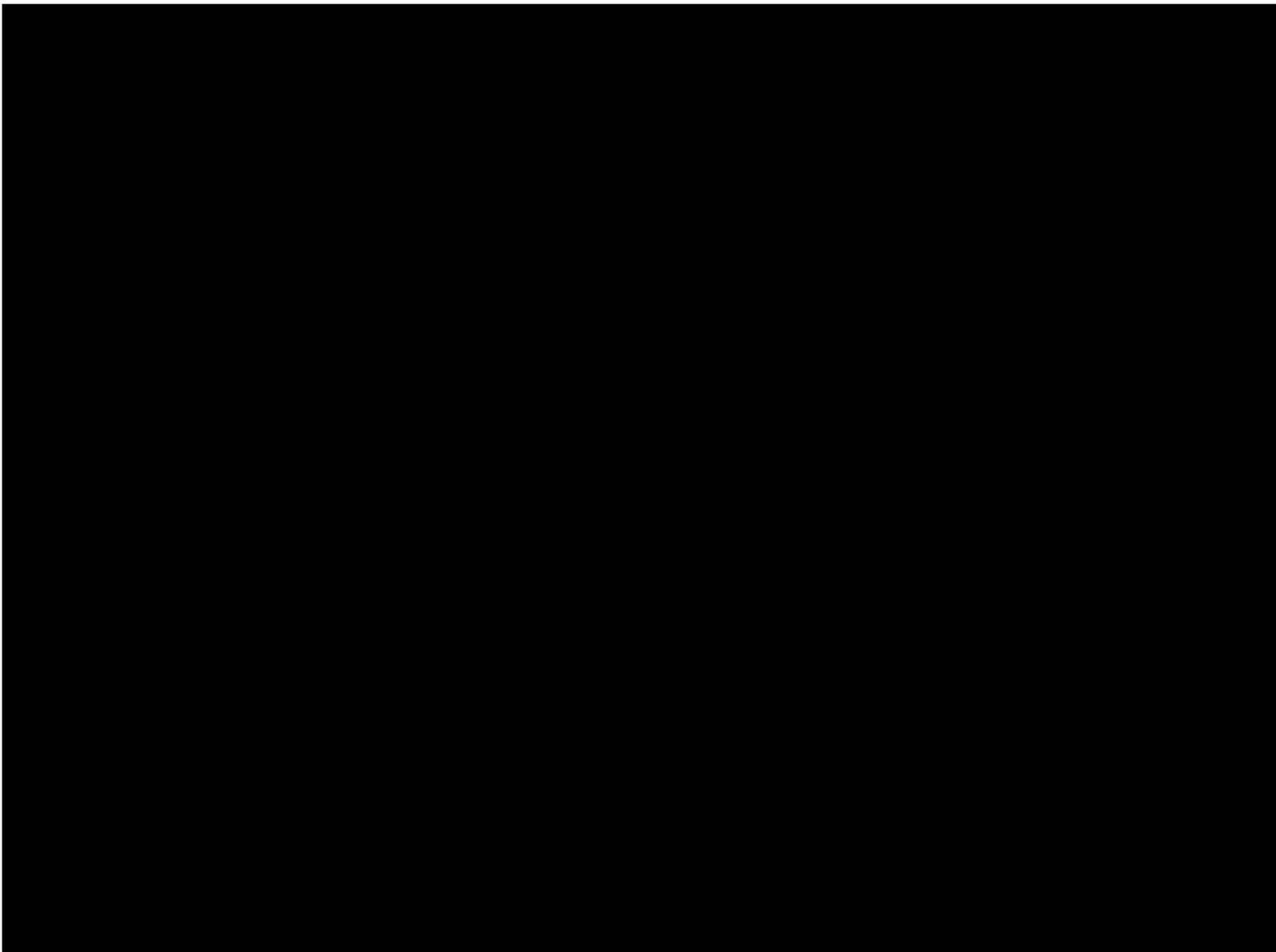


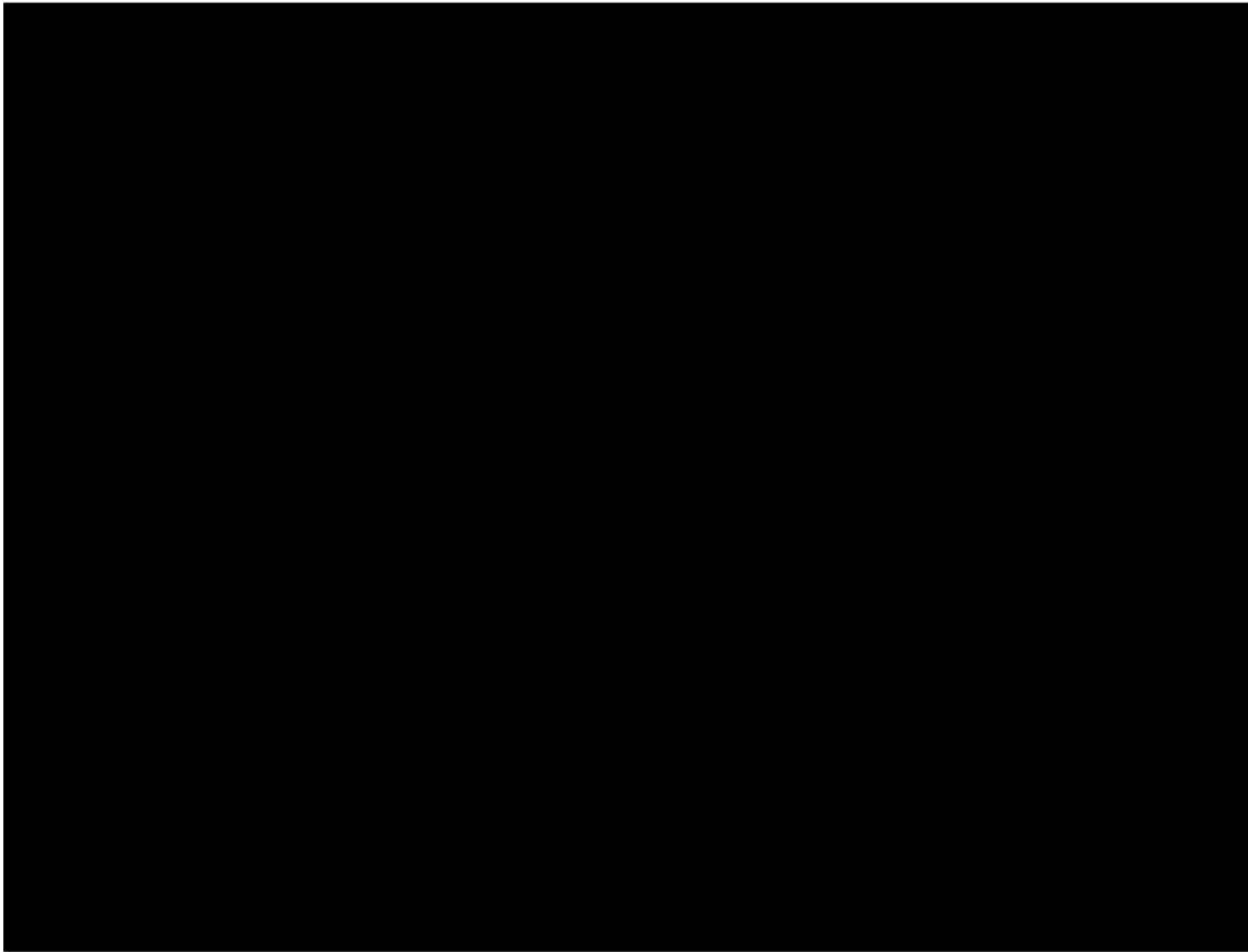


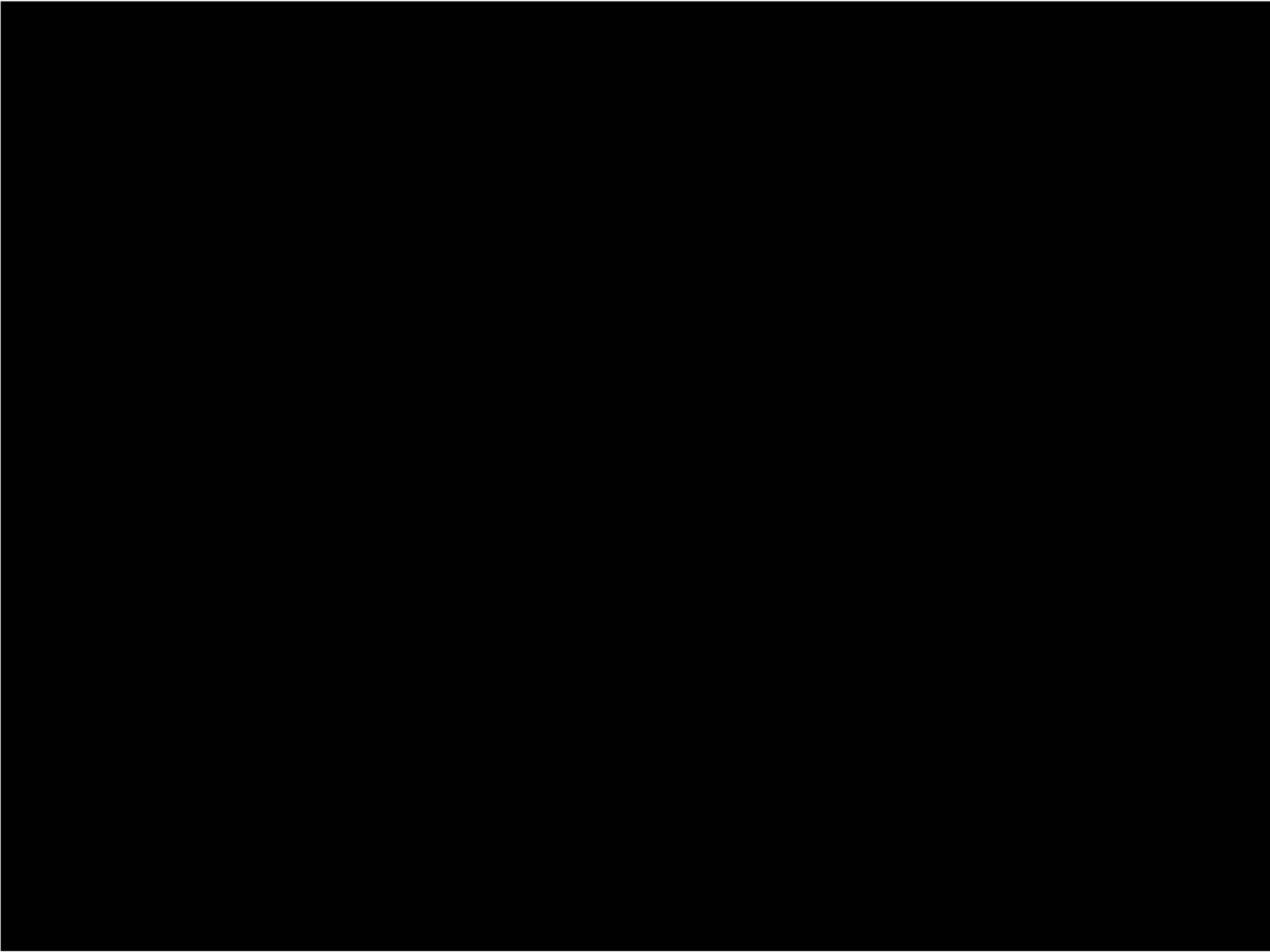








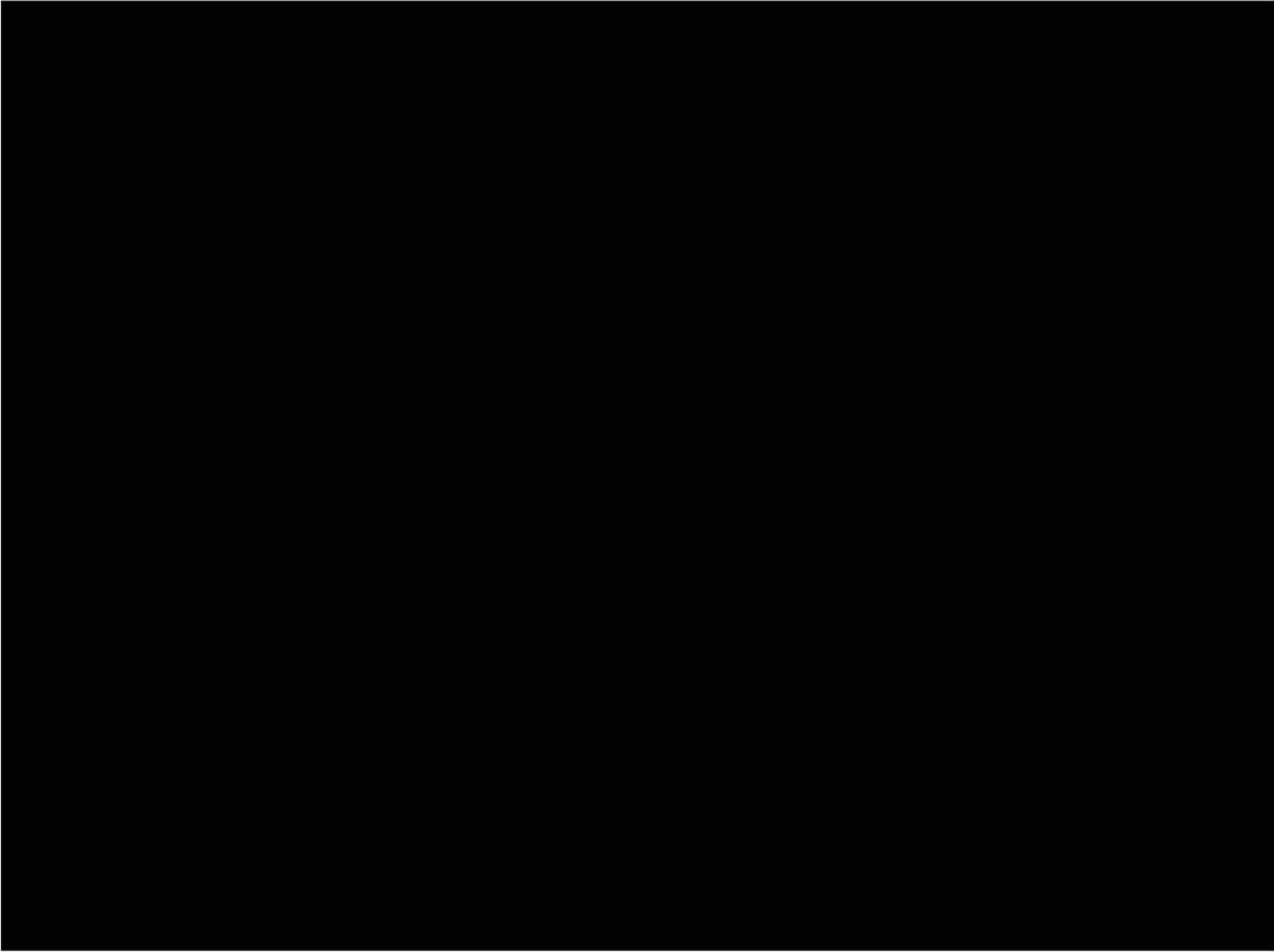




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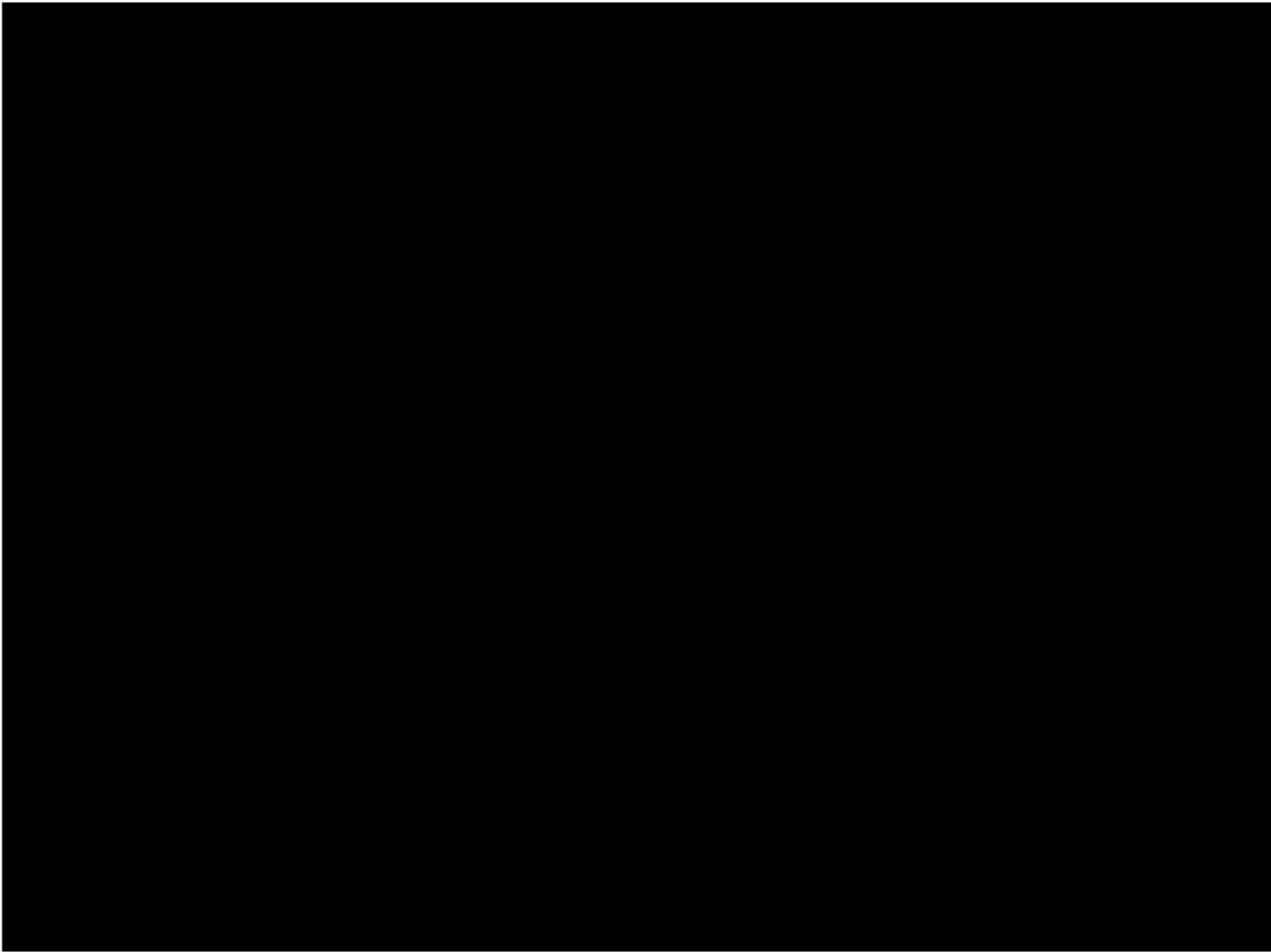
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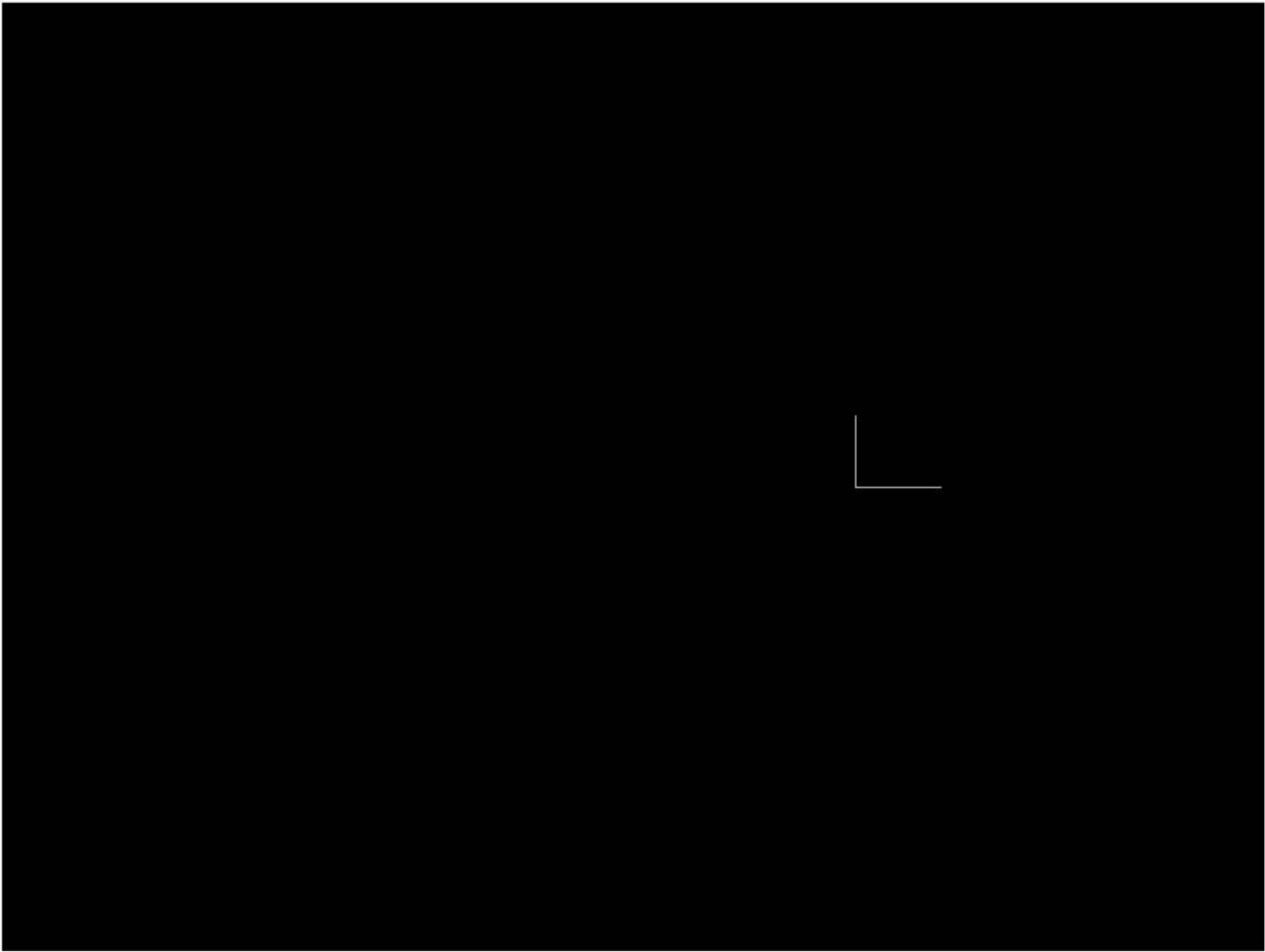


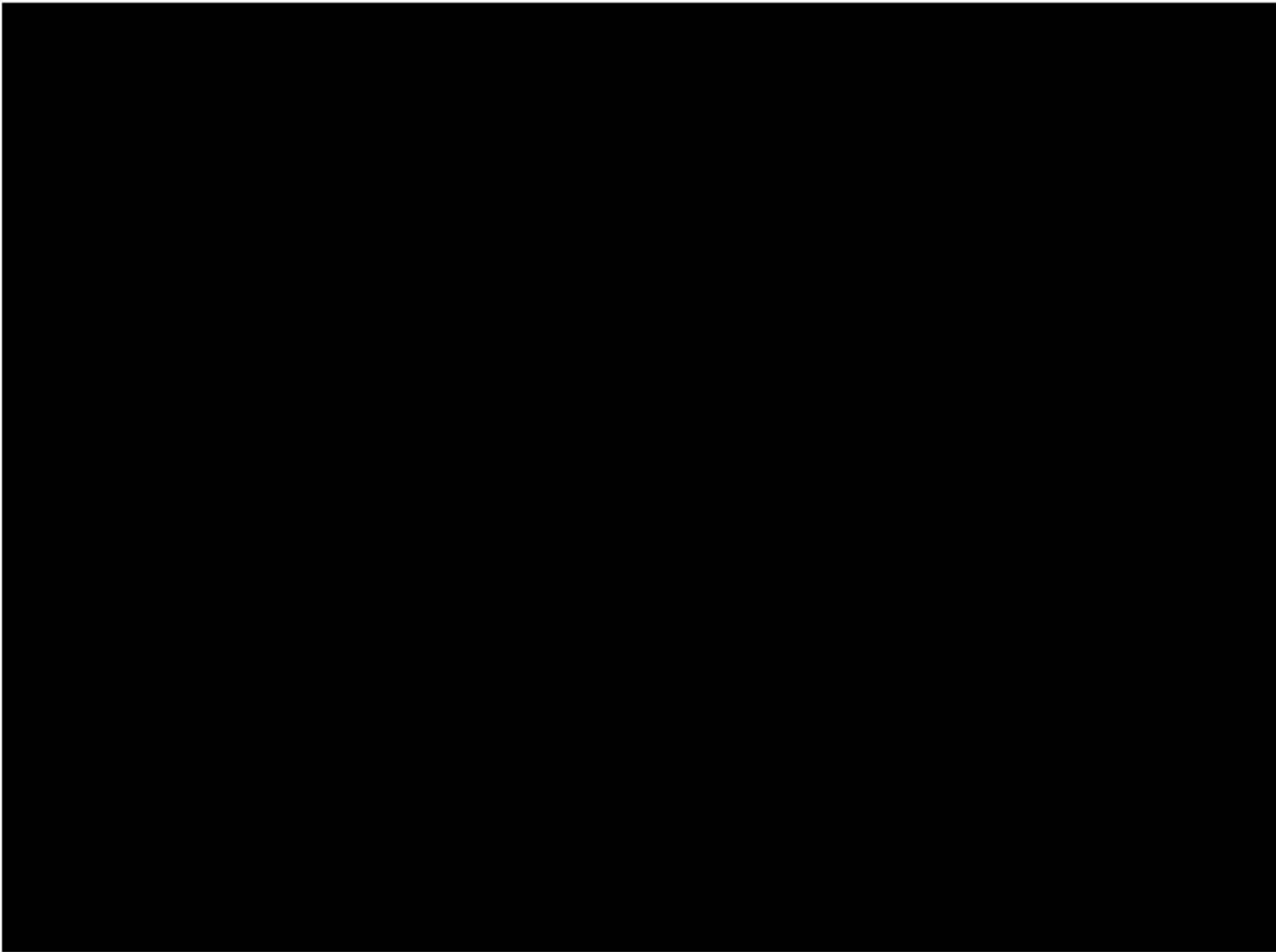


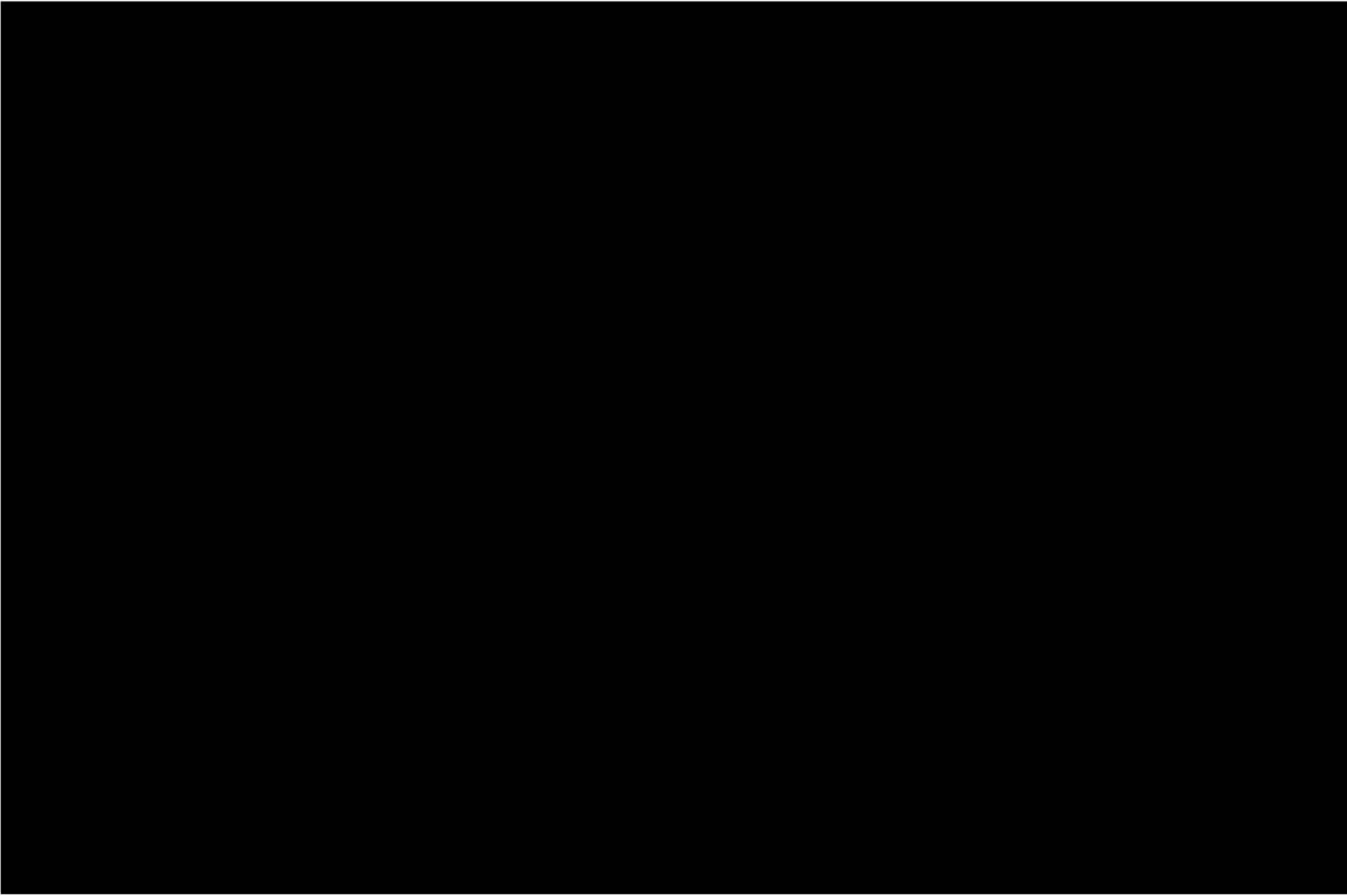
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Management's Assertion

The management of Facebook represents that as of and for the 180 days ended February 11, 2013 ("the Reporting Period"), in accordance with Parts IV and V of the Agreement Containing Consent Order ("The Order"), with a service date of August 15, 2012, between Facebook, Inc. ("the Company") and the United States of America, acting upon notification and authorization by the Federal Trade Commission ("FTC"), the Company had established and implemented a comprehensive Privacy Program, ("the Facebook Privacy Program"), based on Company specific criteria (described in paragraph two of this assertion); and the privacy controls were operating with sufficient effectiveness to provide reasonable assurance to protect the privacy of covered information and that the controls have so operated throughout the Reporting Period.

The company specific criteria ("assertions") used as the basis for Facebook's Privacy Program are described below. The below assertions have corresponding controls on pages 21-76.

Assertion A - Responsibility for the Facebook Privacy Program, which is "Facebook has designated an employee or employees to coordinate and be responsible for the privacy program."

Assertion B - Privacy Risk Assessment, which is "Facebook has identified reasonably foreseeable, material risks, both internal and external, that could result in Facebook's unauthorized collection, use, or disclosure of covered information and an assessment of the sufficiency of any safeguards in place to control these risks. This privacy risk assessment includes consideration of risks in areas of relevant operations, including, but not limited to: (1) employee training and management, including training on the requirements of this order, and (2) product design, development, and research."

Assertion C - Privacy and Security Awareness, which is "Facebook has a privacy and security for privacy awareness program in place which is defined and documented in privacy and security for privacy policies. The extent of communications to employees is based on their role and responsibility and may include internal communications through various channels, training, and the Privacy Cross-Functional ("XFN") team process."

Assertion D - Notice, Choice, Consent, Collection and Access, which is "Facebook provides notice about its privacy policies and procedures and terms of service to users which identifies the purposes for which personal information is collected and used, describes the choices available to users, obtains implicit or explicit consent, collects personal information only for the purposes identified in the notices and provides users with access to their personal information for review and update."

Assertion E - Use, Retention, Deletion and Quality, which is "Facebook limits the use of personal information to the purposes identified in the notice and for which the individual has provided implicit or explicit consent. Facebook retains personal information for as long as necessary to provide services or fulfil the stated purposes or as required by law or regulations and thereafter appropriately disposes of such information. Facebook maintains accurate, complete, and relevant personal information for the purposes identified in the notice."

1601 Willow Road, Menlo Park, California 94025
650.543.4800 – tel 650.543.4801 – fax

Assertion F - Security for Privacy, which is “Facebook protects personal information of users against unauthorized access.”

Assertion G - Third-party developers, which is “Facebook discloses personal information to third-party developers only for the purposes identified in the notice and with the implicit or explicit consent of the individual.”

Assertion H - Service Providers, which is “Facebook has developed and used reasonable steps to select and retain service providers capable of appropriately protecting the privacy of covered information they receive from the Company and requiring service providers, by contract, to implement and maintain appropriate privacy protections for such covered information.”

Assertion I - On-going Monitoring of the Privacy Program, which is “Facebook evaluates and adjusts the Company’s privacy program in light of the results of monitoring activities, any material changes to the Company’s operations or business arrangements, or any other circumstances that the Company knows or has reason to know may have a material impact on the effectiveness of its privacy program.”

Facebook, Inc.



By: _____

Edward Palmieri

Associate General Counsel, Privacy

Facebook, Inc.



By: _____

Daniel Li

Product Counsel

Facebook, Inc.

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650.543.4800 – tel 650.543.4801 – fax

Appendix A – Assessment Interviews Summary

The primary Facebook individuals interviewed by [REDACTED] as a part of the above Assessment procedures, include, but are not limited to, those individuals listed in the table below.

Title	Team
Chief Privacy Officer, Product	Privacy
Chief Privacy Officer, Policy	Public Policy
VP & Deputy General Counsel	Legal
Associate General Counsel, Privacy	Legal
Privacy & Product Counsel	Legal
Lead Contracts Manager	Legal
Compliance Associate	Legal
Privacy Program Manager	Identity
Specialist, User Operations	User Operations
Engineering Manager	Engineering
Software Engineer	Engineering
Developer Policy Enforcement Manager	Developer Operations
Platform Operations Analyst	Developer Operations
Chief Security Officer	Security
Manager, Information Security	Security
Policy and Operations Analyst	Security
Security Manager, Incident Response	Security
Mobile Program Manager	Mobile Partner Management
Recruiting Process Manager	Human Resources
US Data Center Operations Director	Infrastructure
Group Technical Program Manager	Infrastructure
Engineering Manager (formerly Instagram Chief Technology Officer)	Instagram - Engineering
User Operations Manager	Instagram - User Operations
Product Manager	Instagram - Product Management

DEbrief

From: Megan Alvarez (b)(6)
Sent: Friday, April 25, 2014 9:06 AM
To: DEbrief
Cc: Edward Palmieri; Daniel Li
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired ProtoGeo Oy, and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for ProtoGeo Oy is Salomonkatu 17 A, Helsinki, 00100 Finland.

Regards,

Megan Alvarez | Privacy Counsel | Facebook Legal

(b)(6)

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From: Edward Palmieri
Sent: 1 Jun 2017 20:57:16 +0000
To: Kim, Reenah
Cc: (b)(6)
Subject: Re: FTC-Facebook - Letter re 2017 Assessment

Reenah,

Thank you for your email/letter. We will review and be in touch.

Best,
Edward

edward palmieri | director and associate general counsel, privacy | facebook legal | ep@fb.com

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Thursday, June 1, 2017 at 4:09 PM
To: Edward Palmieri (b)(6)
(b)(6)
Subject: FTC-Facebook - Letter re 2017 Assessment

Please see enclosed.

Best regards,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Kim, Reenah
Sent: 1 Jun 2017 20:09:43 +0000
To: Edward Palmieri (b)(6)
Subject: FTC-Facebook - Letter re 2017 Assessment
Attachments: 2017-06-01 Ltr to FB re 2017 Assessment & acquisitions.pdf

Please see enclosed.

Best regards,
-Reenah



Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

Reenah L. Kim
Bureau Of Consumer Protection
Division Of Enforcement
600 Pennsylvania Avenue NW, CC-9528
Washington, DC 20580
(202) 326-2272 (phone)
rkim1@ftc.gov (email)

June 1, 2017

VIA ELECTRONIC AND U.S. MAIL

Mr. Edward Palmieri (b)(6)
Director and Associate General Counsel, Privacy
Facebook, Inc.
1155 F Street NW, Suite 475
Washington DC 20004

RE: *In the Matter of Facebook, Inc., Docket No. C-4365*

Dear Mr. Palmieri:

Thank you for the Assessment dated April 12, 2017 (“April 2017 Assessment” or “Assessment”). We write seeking clarification regarding the scope of this Assessment with respect to Facebook’s acquired entities and affiliates.

Part IV of the Order requires Facebook to establish, implement, and maintain a comprehensive privacy program that is reasonably designed to (1) address privacy risks related to the development and management of new and existing products and services, and (2) protect the privacy and confidentiality of covered information. Part V requires Facebook to obtain third-party assessments which, among other things, explain how Facebook’s specific privacy controls are appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of covered information, as well as explain how the implemented privacy controls meet or exceed Part IV’s required protections.

The cover letter to the 2017 Assessment by PricewaterhouseCoopers LLP (“PwC”) notes that Facebook made acquisitions during the Reporting Period, and states that it excluded “any independently operated affiliates” from the Assessment. As you may recall, when PwC made a similar statement in its cover letter to the assessment dated April 13, 2015 (“2015 Assessment”), we sent a letter seeking clarification on the extent to which the 2015 Assessment covered whether and how Facebook addressed the impact of acquisitions on its Privacy Program. Based on the responses we received from you and PwC in separate letters dated July 14, 2015, we understand that, as part of its Assessment, PwC nonetheless considered the impacts of acquisitions on Facebook’s Privacy Program, and that when an acquisition was integrated into a Privacy Program process or control, it became subject to testing by PwC.

Based on Facebook's previous submissions, we understand that during the two-year Reporting Period covered by the 2017 Assessment (February 12, 2015 through February 11, 2017), Facebook made the following acquisitions: (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f) We write to confirm that, as part of the 2017 Assessment, PwC likewise evaluated whether and how Facebook's acquisitions during this Reporting Period impacted its Privacy Program.

In the "Privacy Program Overview" which prefaces the 2017 Assessment, Facebook asserts that it designed its Privacy Program to accomplish two primary objectives: (1) to address privacy risks related to the development, management, and use of new and existing products, and (2) to protect the information Facebook receives from or about users. Facebook states that it has implemented numerous procedures ("controls") to effectuate these objectives which include "assessing impact on the Privacy Program from acquisitions." For example, Facebook's Privacy Governance Team convenes to discuss the privacy risks associated with newly acquired companies. Moreover, Facebook's Privacy Cross-Functional ("XFN") team routinely reviews new products or features that incorporate newly acquired technology, and assesses the associated risks and controls. As part of the Privacy XFN process and annual privacy summit, Facebook addresses key privacy issues relevant to acquired and affiliate entities, such as data sharing and integration.

We understand that, as part of its assessment, PwC (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

Please let us know promptly if our understanding of how PwC's 2017 Assessment addressed and evaluated the impact of acquisitions on Facebook's Privacy Program (as described above) is in any way incorrect or incomplete. Additionally, please notify us if Facebook acquired any entities during the Reporting Period that are not referenced above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Reenah L. Kim".

Reenah L. Kim

cc: Joseph V. DiVito, Jr.
PricewaterhouseCoopers LLP
(b)(6)

DEbrief

From: Gabe Ledeen (b)(6)
Sent: Friday, June 03, 2016 7:39 PM
To: DEbrief
Cc: Edward Palmieri; Megan Alvarez
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Two Big Ears Ltd. and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. Correspondence for Two Big Ears Ltd. sent by mail may be directed to 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Gabe Ledeen | Privacy Counsel | Facebook Legal

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From: Koss, Laura
Sent: 4 Jun 2015 16:34:40 -0400
To: Edward Palmieri
Cc: (b)(6) Kim, Reenah
Subject: Letter to Facebook, June 4, 2015
Attachments: Ltr to FB re Assessment (4june2015).pdf

Dear Ed,

Please see the enclosed letter. Please contact us with any questions.

Regards,

Laura

Laura Koss
Senior Attorney
Federal Trade Commission | Division of Enforcement
600 Pennsylvania Ave., N.W. | Mail Drop CC-9528 | Washington DC 20580
t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue NW
WASHINGTON, D.C. 20580

Laura D. Koss
Bureau of Consumer Protection
Division of Enforcement, Mailstop CC-9528
Direct Dial: (202) 326-2890

June 4, 2015

via electronic mail (b)(6)

Mr. Edward Palmieri
Associate General Counsel, Privacy
Facebook Legal
1155 F. Street, NW Suite 475
Washington, DC 20004

Re: *In the Matter of Facebook, Inc., Docket No. C-4365*

Dear Mr. Palmieri:

Thank you for the Assessment dated April 13, 2015 (“April 2015 Assessment” or “Assessment”). We write seeking clarification regarding the scope of this Assessment with respect to Facebook’s acquired entities and affiliates.

As you know, Part IV of the Order requires Facebook to establish, implement, and maintain a comprehensive privacy program that is reasonably designed to (1) address privacy risks related to the development and management of new and existing products and services, and (2) protect the privacy and confidentiality of covered information. Part V requires Facebook to obtain third-party Assessments which, among other things, explain how Facebook’s specific privacy controls are appropriate to its size and complexity, the nature and scope of its activities, and the sensitivity of covered information, as well as explain how the implemented privacy controls meet or exceed Part IV’s required protections.

As Facebook acknowledges in its “Privacy Program Overview” prefacing the Assessment, “achieving the objectives of the Privacy Program involves taking a hard look at the privacy practices of any entities acquired by Facebook.” (p. 8 of the Assessment). Facebook states that it “assesses whether its integration of acquired companies effects any material change to Facebook’s operations or business arrangements or has a material impact on the effectiveness of Facebook’s Privacy Program.” It notes that where an acquisition effects a change to Facebook operations or impacts the effectiveness of its Privacy Program, Facebook makes adjustments to ensure the program achieves its objectives: “(1) to address privacy risks related to the development and management of new and existing products and services for Facebook consumers and (2) to protect the privacy and confidentiality of information from or about an individual Facebook consumer.” (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f)

June 4, 2015

page 2

(b)(4); (b)(3):6(f)

Though PricewaterhouseCoopers LLP's ("PwC") cover letter to the Assessment notes that Facebook made acquisitions during the Reporting Period (February 12, 2013 to February 11, 2015), it states it excluded "any independently operated affiliates" from the Assessment. Despite Facebook's assertions, PwC's report does not demonstrate whether and how Facebook addressed the impact of acquisitions on its Privacy Program. For example, the report does not mention any of the entities acquired during the reporting period such as Atlas and WhatsApp – much less indicate whether and how Facebook assessed the acquisition's effect on Facebook's operations and Privacy Program, made adjustments to address any associated privacy risks, or subjected any aspect of the acquisition to its privacy controls. Furthermore, PwC's April 22, 2013 Assessment for Facebook explicitly addressed Instagram¹ (which Facebook had acquired during the August 15, 2012 to February 11, 2013 reporting period²) – whereas the 2015 Assessment does not mention Instagram at all.

To ensure the completeness of the Assessment, we request that PwC verify in detail the extent to which its 2015 Assessment covered, for each entity Facebook acquired during the reporting period, whether and how Facebook addressed the acquisition's impact on its Privacy Program.

If you have any questions, please do not hesitate to contact me at (202) 326-2890 or Reenah Kim at (202) 326-2272.

Sincerely yours,

s/Laura D. Koss
Reenah L. Kim
Attorneys

cc: Carolyn C. Holcomb
Pricewaterhouse Coopers LLP

(b)(6)

¹ See, e.g., 2013 PwC Assessment at pp. 25, 27, 32, 34-41, 43-44, 46, 50-52, 59-60, 64, 66, 73-75.

² In its December 18, 2012 letter to FTC staff, Facebook stated that although it "operates Instagram as a separate brand with distinct product and services," Facebook and Instagram have "integrated business operations (which will continue to be further integrated over time)." It also stated that Facebook has "direct control over Instagram's business operations."

From: Edward Palmieri
Sent: 15 Jun 2017 16:32:43 +0000
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Jack Yang
Subject: Confidential Facebook Update

CONFIDENTIAL

Dear Laura and Reenah:

Rob and I wanted to see if you are free to meet sometime on June 29th or 30th. We would like to discuss a few updates and also introduce you to Jack Yang (cc-ed here). Jack just joined us and will be based in our Menlo Park office. Jack is taking over for me (on the legal side; Rob will continue to represent the Policy team) as I am transitioning to a new role at FB (more to come on that in our meeting). We can also provide an update on the letter we are preparing in response to your inquiry regarding our 2017 Assessment by PwC.

As always, thank you for your time and just let us know what works for you.

Best,
Edward

edward palmieri | director and associate general counsel, privacy | facebook legal (b)(6)

DEbrief

From: Megan Alvarez (b)(6)
Sent: Wednesday, July 02, 2014 8:45 AM
To: DEbrief
Cc: Edward Palmieri; Jenny Hall
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Pryte OY, and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for Pryte OY is Erottajankatu 11A20, 00130 Helsinki Finland.

Regards,

Megan Alvarez | Privacy Counsel | Facebook Legal

(b)(6)

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From: Kim, Reenah
Sent: 8 Jul 2015 17:43:10 +0000
To: Edward Palmieri;Koss, Laura
Cc: (b)(6)
Subject: RE: Letter to Facebook, June 4, 2015

Ed – Just following up. When can we expect to see a response to our June 4 letter?

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Monday, June 15, 2015 9:46 AM
To: Koss, Laura; Kim, Reenah
Cc: (b)(6)
Subject: Re: Letter to Facebook, June 4, 2015

Dear Laura and Reenah:

I wanted to send you a quick note to let you know that Joe and I (and our teams) met last week to pull together a plan for reviewing our materials and responding to your letter. I'll be in touch and please don't hesitate to contact me if you have any questions.

Best,
EP

From: e p <(b)(6)>
Date: Thursday, June 4, 2015 at 8:26 PM
To: "LKOSS@ftc.gov" <LKOSS@ftc.gov>
Cc: "Kim, Reenah" <rkim1@ftc.gov>, (b)(6)
Subject: Re: Letter to Facebook, June 4, 2015

Thank you. We will review with PwC.

On Jun 4, 2015, at 4:45 PM, (b)(6) wrote:

Laura,

Please note that Joe DiVito (not me), copied above, is the PwC Partner on the Facebook FTC Assessment.

Thank you.

Carolyn

Carolyn C. Holcomb

PwC | Partner

(b)(6)

PricewaterhouseCoopers LLP
1075 Peachtree Street, Atlanta, Georgia 30309
<http://www.pwc.com/us>

From: "Koss, Laura" <LKOSS@ftc.gov>
To: Edward Palmieri (b)(6)
Cc: Carolyn C. Holcomb/US/ABAS/PwC@Americas-US, "Kim, Reenah" <rkim1@ftc.gov>
Date: 06/04/2015 04:34 PM
Subject: Letter to Facebook, June 4, 2015

Dear Ed,

Please see the enclosed letter. Please contact us with any questions.

Regards,

Laura

Laura Koss
Senior Attorney
Federal Trade Commission | Division of Enforcement
600 Pennsylvania Ave., N.W. | Mail Drop CC-9528 | Washington DC 20580
t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov

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<Ltr to FB re Assessment (4june2015).pdf>

From: Edward Palmieri
Sent: 9 Jul 2015 16:01:22 +0000
To: Kim, Reenah; Koss, Laura
Cc: (b)(6)
Subject: Re: Letter to Facebook, June 4, 2015

Reenah,

Thank you very much for your patience.

We have been working with PwC to determine the most appropriate format for the response, which we expect will encompass separate letters coming from both PwC and Facebook. We will send you the response very soon.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)

From: <Kim>, Reenah <rkim1@ftc.gov>
Date: Wednesday, July 8, 2015 at 1:43 PM
To: e p (b)(6) "Koss, Laura" <LKOSS@ftc.gov>
Cc: (b)(6)
Subject: RE: Letter to Facebook, June 4, 2015

Ed – Just following up. When can we expect to see a response to our June 4 letter?

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Monday, June 15, 2015 9:46 AM
To: Koss, Laura; Kim, Reenah
Cc: (b)(6)
Subject: Re: Letter to Facebook, June 4, 2015

Dear Laura and Reenah:

I wanted to send you a quick note to let you know that Joe and I (and our teams) met last week to pull together a plan for reviewing our materials and responding to your letter. I'll be in touch and please don't hesitate to contact me if you have any questions.

Best,
EP

From: e p (b)(6)
Date: Thursday, June 4, 2015 at 8:26 PM
To: "LKOSS@ftc.gov" <LKOSS@ftc.gov>
Cc: "Kim, Reenah" <rkim1@ftc.gov>, (b)(6)
Subject: Re: Letter to Facebook, June 4, 2015

Thank you. We will review with PwC.

On Jun 4, 2015, at 4:45 PM, (b)(6) wrote:

Laura,

Please note that Joe DiVito (not me), copied above, is the PwC Partner on the Facebook FTC Assessment.

Thank you.

Carolyn

Carolyn C. Holcomb

PwC | Partner

(b)(6)
PricewaterhouseCoopers LLP
1075 Peachtree Street, Atlanta, Georgia 30309
<http://www.pwc.com/us>

From: "Koss, Laura" <LKOSS@ftc.gov>
To: Edward Palmieri (b)(6)
Cc: Carolyn C. Holcomb (b)(6); Kim, Reenah" <rkim1@ftc.gov>
Date: 06/04/2015 04:34 PM
Subject: Letter to Facebook, June 4, 2015

Dear Ed,

Please see the enclosed letter. Please contact us with any questions.

Regards,

Laura

Laura Koss
Senior Attorney
Federal Trade Commission | Division of Enforcement
600 Pennsylvania Ave., N.W. | Mail Drop CC-9528 | Washington DC 20580
t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov

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<Ltr to FB re Assessment (4june2015).pdf>

From: Edward Palmieri
Sent: 14 Jul 2015 19:20:19 +0000
To: Koss, Laura; Kim, Reenah
Cc: (b)(6)
Subject: Re: Letter to Facebook, June 4, 2015
Attachments: FB Letter plus PwC to FTC 07142015.pdf

CONFIDENTIAL

Dear Laura and Reenah:

Please see our response letter (which includes PwC's reply).

Please let us know if you have any questions.

Best,
Edward

edward palmieri | director, associate general counsel – privacy & regulatory | facebook legal (b)(6)

From: <Koss>, Laura <LKOSS@ftc.gov>
Date: Thursday, June 4, 2015 at 4:34 PM
To: e p (b)(6)
Cc: (b)(6) "Kim, Reenah"
<rkim1@ftc.gov>
Subject: Letter to Facebook, June 4, 2015

Dear Ed,

Please see the enclosed letter. Please contact us with any questions.

Regards,

Laura

Laura Koss
Senior Attorney
Federal Trade Commission | Division of Enforcement
600 Pennsylvania Ave., N.W. | Mail Drop CC-9528 | Washington DC 20580
t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov

From: Jack Yang
Sent: 24 Jul 2017 19:45:52 +0000
To: Kim, Reenah
Cc: Rob Sherman;Edward Palmieri
Subject: Re: FTC - 2017 Assessment by PwC

Reenah:

Thanks for reaching out. Coordinating reviews with PwC have taken a little longer than expected. We should be getting you a response by the end of this week. If there's anything which impacts that timing, I'll let you know ASAP.

Jack Yang
AGC & Head of Privacy
Facebook

(b)(6)

From: "Kim, Reenah" <rkim1@ftc.gov>
Date: Monday, July 24, 2017 at 1:51 PM
To: Jack Yang (b)(6)
Cc: Rob Sherman (b)(6) Edward Palmieri (b)(6)
Subject: FTC - 2017 Assessment by PwC

Jack – Following up on Ed's email last month (below), when can we expect to receive a written response to our letter regarding the 2017 assessment by PwC? Please give me an update when you can.

Thanks,
-Reenah

Reenah L. Kim
Federal Trade Commission
Bureau of Consumer Protection | Division of Enforcement
600 Pennsylvania Avenue NW | Mailstop CC-9528 | Washington, DC 20580
t:202.326.2272 | f:202.326.3197 | rkim1@ftc.gov

From: Edward Palmieri
Sent: Thursday, June 15, 2017 12:33 PM
To: Kim, Reenah; Berger, Laura
Cc: Rob Sherman; Jack Yang
Subject: Confidential Facebook Update

CONFIDENTIAL

Dear Laura and Reenah:

Rob and I wanted to see if you are free to meet sometime on June 29th or 30th. We would like to discuss a few updates and also introduce you to Jack Yang (cc-ed here). Jack just joined us and will be based in our Menlo Park office. Jack is taking over for me (on the legal side; Rob will continue to represent the Policy team) as I am transitioning to a new role at FB (more to come on that in our meeting). We can also provide an update on the letter we are preparing in response to your inquiry regarding our 2017 Assessment by PwC.

As always, thank you for your time and just let us know what works for you.

Best,
Edward

edward palmieri | director and associate general counsel, privacy | facebook legal (b)(6)

From: Edward Palmieri
Sent: 26 Jul 2013 22:02:53 +0000
To: Koss, Laura; Kim, Reenah
Cc: Daniel Li
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365
Attachments: FB FTC Assessment Letter + Exhibits.pdf

Dear Laura and Reenah:

As discussed, we have prepared some additional information and materials to assist in your review of our Assessment.

Please do not hesitate to contact me should you have any questions.

Regards,
Edward Palmieri

edward palmieri | associate general counsel, privacy | facebook legal (b)(6)

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From: Jack Yang
Sent: 28 Jul 2017 18:53:48 +0000
To: Kim, Reenah
Cc: Joe DiVito
Subject: Response FTC-Facebook - Letter re: 2017 Assessment
Attachments: 2459_001.pdf, Facebook - PwC Response to FTC Inquiry Letter FINAL July 28 2017.pdf

Reenah:

As we discussed, please find attached Facebook's written response to your letter dated June 1, 2017 regarding Facebook's April 2017 assessment. We have further attached a supporting letter prepared by PwC on this matter.

Please feel free to contact me if you have any questions regarding the foregoing.

Thank you very much.

Jack Yang
AGC & Head of Privacy
Facebook
(650) 304-7526

(b)(6)

DEbrief

From: Jenny Hall (b)(6)
Sent: Thursday, July 31, 2014 8:32 PM
To: DEbrief
Cc: Edward Palmieri; Megan Alvarez
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Oculus VR, Inc. and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for Oculus is 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

Regards,

Jenny Hall | Privacy Counsel | Facebook Legal

(b)(6)

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DEbrief

From: Gabe Ledeen (b)(6)
Sent: Tuesday, August 01, 2017 2:59 AM
To: DEbrief
Cc: Jack Yang; Ly Tran
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Fayteq AG, and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. Correspondence for Fayteq AG sent by mail may be directed to 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Gabe Ledeen | Privacy Counsel | Facebook Legal

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DEbrief

From: Gabe Ledeen (b)(6)
Sent: Monday, August 21, 2017 7:39 PM
To: DEbrief
Cc: Jack Yang; Ly Tran
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Jack Mobile, Inc., and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. Correspondence for Jack Mobile, Inc. sent by mail may be directed to 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Gabe Ledeen | Privacy Counsel | Facebook Legal

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DEbrief

From: Megan Alvarez (b)(6)
Sent: Thursday, August 28, 2014 4:18 PM
To: DEbrief
Cc: Edward Palmieri; Jenny Hall
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired LiveRail, Inc. and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for LiveRail, Inc. is 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Megan Alvarez | Privacy Counsel | Facebook Legal

(b)(6)

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Kim, Reenah

From: Koss, Laura
Sent: Monday, September 09, 2013 8:47 AM
To: Kim, Reenah
Subject: FW: Facebook Compliance

Laura Koss
Senior Attorney
Federal Trade Commission | Division of Enforcement
600 Pennsylvania Ave., N.W. | Mail Drop M-8102B | Washington DC 20580
t: 202.326.2890 | f: 202.326.2558 | lkoss@ftc.gov

From: Beringer, S. Ashlie [<mailto:ABeringer@gibsondunn.com>]
Sent: Friday, September 06, 2013 2:20 PM
To: Kohm, James A.
Cc: Koss, Laura
Subject: RE: Facebook Compliance

Jim-

I had planned to write to Laura today following her voicemail to me to confirm that Facebook does not object to staff contacting Facebook directly regarding the consent order, but requests that I be copied on all communications.

With respect to your questions, I would like to set up time early next week to discuss these issues and to ensure that staff has complete and accurate information on these points. Please note that Facebook is not rolling out the new policy today, as you suggested.

I am available to speak on Tuesday between 1-4 ET, so let me know if there is some time in that window that works for you.

Best regards,
Ashlie
Ashlie Beringer

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
1881 Page Mill Road, Palo Alto, CA 94304-1211
Tel +1 650.849.5219 • Fax +1 650.849.5019
ABeringer@gibsondunn.com • www.gibsondunn.com

From: Kohm, James A. [<mailto:JKOHM@ftc.gov>]
Sent: Friday, September 06, 2013 6:11 AM
To: Beringer, S. Ashlie
Cc: Koss, Laura
Subject: Facebook Compliance

Pursuant to the Facebook Order please provide the following information.

1. Under the old Data Use Policy Statement (as of September 5, 2013) Facebook users can use a setting that allows them to "pair social actions with ads" for "No one" or "Only my friends." If a user has chosen the "No one" setting, will the user have to do anything to maintain this setting after the changes to the Data Use Policy Statement and the Statement of Rights and Responsibilities go into effect? (b)(5)

2. Under the proposed changes, will users be required to reset any privacy settings to ensure that settings they selected for sharing of their name/profile picture/and other user content information is not shared beyond their current settings? (b)(5)

3. The old Data Use Policy Statement, Facebook states "We do not share any of your information with advertisers (unless, of course, you give us permission). As described in this policy, we may share your information **when we have removed from it anything that personally identifies you** or combined it with other information so that it no longer personally identifies you. The proposed policy states (b)(4); (b)(3):6(f)

(b)(4); (b)(3):6(f); (b)(5)

The highlighted portion of the proposed policy appears to be a change on its face. In other words, Facebook

(b)(4); (b)(3):6(f); (b)(5); Duplicate

(b)(4); If so, the change appears to implicate Paragraph II of the Order. If you contend that the change does not implicate the Order please explain why. (b)(5)

If you would prefer that we communicate directly with Facebook, please let us know in writing. It appears that Facebook intends to roll out the new policy today, thus it is imperative that we clarify the answer to question 3 immediately or your client may be in violation of the order.

James Kohm
Associate Director Enforcement
Federal Trade Commission

(b)(5)

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

DEbrief

From: Megan Alvarez (b)(6)
Sent: Monday, October 07, 2013 8:09 PM
To: DEbrief
Cc: Edward Palmieri; Daniel Li
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Mobile Technologies, Inc., and will continue to operate Mobile Technologies Inc. as a wholly-owned subsidiary of Facebook, Inc. The corporate address for Mobile Technologies Inc. is 2595 Interstate Drive, Suite 103, Harrisburg, County of Dauphin, PA 17110.

Regards,

Megan Alvarez | Privacy Counsel | Facebook Legal

(b)(6)

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DEbrief

From: Megan Alvarez (b)(6)
Sent: Wednesday, October 12, 2016 12:26 PM
To: DEbrief
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired mLed, Ltd. and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. Correspondence for mLed, Ltd. may be directed to 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Megan Alvarez | Associate General Counsel, Privacy | Facebook Legal

(b)(6)

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DEbrief

From: Megan Alvarez <(b)(6)>
Sent: Wednesday, October 12, 2016 12:26 PM
To: DEbrief
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Nascent Objects and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. Correspondence for Nascent Objects may be directed to 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Megan Alvarez | Associate General Counsel, Privacy | Facebook Legal

(b)(6)

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DEbrief

From: Megan Alvarez (b)(6)
Sent: Monday, October 20, 2014 9:10 AM
To: DEbrief
Cc: Edward Palmieri; Jenny Hall
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired WhatsApp Inc. and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for WhatsApp Inc. is 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Megan Alvarez | Privacy Counsel | Facebook Legal

(b)(6)

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From: Beringer, Ashlie
Sent: 2 Nov 2011 23:50:32 +0000
To: Berger, Laura
Cc: Han, Cora Tung; Mohapatra, Manas; Li, Daniel Y.
Subject: Signature pages
Attachments: [Untitled].pdf

Hi Laura –

I'm forwarding Facebook's signatures on the final consent order, and I will forward the original signatures to you by mail once I have them. As we discussed, I would be grateful if someone could notify us once the Commission has approved the order and before this becomes part of the public record.

Thanks again for your patience and professionalism throughout this process. We are pleased that we were able to conclude an agreement with Staff and look forward to a productive relationship in the years ahead.

Best,
Ashlie

Ashlie Beringer

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
1881 Page Mill Road, Palo Alto, CA 94304-1211
Tel +1 650.849.5219 • Fax +1 650.849.5019
ABeringer@gibsondunn.com • www.gibsondunn.com

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UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of

**FACEBOOK, INC.,
a corporation.**

FILE NO:

**AGREEMENT CONTAINING
CONSENT ORDER**

The Federal Trade Commission has conducted an investigation of certain acts and practices of Facebook, Inc. ("Facebook"). Proposed Respondent, having been represented by counsel, is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

IT IS HEREBY AGREED by and between Facebook, its duly authorized officers, and counsel for the Federal Trade Commission that:

1. Proposed Respondent is a Delaware corporation with its principal office or place of business at 1601 S. California Avenue, Palo Alto, California, 94304.
2. Proposed Respondent admits all the jurisdictional facts set forth in the draft complaint.
4. Proposed Respondent waives:
 - A. any further procedural steps;
 - B. the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and
 - C. all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.
5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of thirty (30) days and information about it publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed Respondent that the law has been violated as alleged in the draft complaint, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true. Proposed Respondent expressly denies the allegations set forth in the complaint, except for the jurisdictional facts.
7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed Respondent, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed Respondent's address as stated in this agreement by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed Respondent waives any right it may have to any other means of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.
8. Proposed Respondent has read the draft complaint and consent order. Proposed Respondent understands that it may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, "Respondent" shall mean Facebook, its successors and assigns. For purposes of Parts I, II, and III of this order, "Respondent" shall also mean Facebook acting directly, or through any corporation, subsidiary, division, website, or other device.
2. "Commerce" shall be defined as it is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
3. "Clear(ly) and prominent(ly)" shall mean:
 - A. in textual communications (e.g., printed publications or words displayed on the screen of a computer or mobile device), the required disclosures are of a type, size, and location sufficiently noticeable for an ordinary consumer to read and

comprehend them, in print that contrasts highly with the background on which they appear;

- B. in communications disseminated orally or through audible means (*e.g.*, radio or streaming audio), the required disclosures are delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend them;
 - C. in communications disseminated through video means (*e.g.*, television or streaming video), the required disclosures are in writing in a form consistent with subpart (A) of this definition and shall appear on the screen for a duration sufficient for an ordinary consumer to read and comprehend them, and in the same language as the predominant language that is used in the communication; and
 - D. in all instances, the required disclosures: (1) are presented in an understandable language and syntax; and (2) include nothing contrary to, inconsistent with, or in mitigation of any statement contained within the disclosure or within any document linked to or referenced therein.
- 4. "Covered information" shall mean information from or about an individual consumer including, but not limited to: (a) a first or last name; (b) a home or other physical address, including street name and name of city or town; (c) an email address or other online contact information, such as an instant messaging user identifier or a screen name; (d) a mobile or other telephone number; (e) photos and videos; (f) Internet Protocol ("IP") address, User ID or other persistent identifier; (g) physical location; or (h) any information combined with any of (a) through (g) above.
 - 5. "Nonpublic user information" shall mean covered information that is restricted by one or more privacy setting(s).
 - 6. "Privacy setting" shall include any control or setting provided by Respondent that allows a user to restrict which individuals or entities can access or view covered information.
 - 7. "Representatives" shall mean Respondent's officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.
 - 8. "Third party" shall mean any individual or entity that uses or receives covered information obtained by or on behalf of Respondent, other than: (1) a service provider of Respondent that (i) uses the covered information for and at the direction of Respondent and no other individual or entity and for no other purpose; and (ii) does not disclose the covered information, or any individually identifiable information derived from such covered information, except for, and at the direction of, Respondent, for the purpose of providing services requested by a user and for no other purpose; or (2) any entity that uses the covered information only as reasonably necessary: (i) to comply with applicable law, regulation, or legal process, (ii) to enforce Respondent's terms of use, or (iii) to

detect, prevent, or mitigate fraud or security vulnerabilities.

9. "User" shall mean an identified individual from whom Respondent has obtained information for the purpose of providing access to Respondent's products and services.

I.

IT IS ORDERED that Respondent and its representatives, in connection with any product or service, in or affecting commerce, shall not misrepresent in any manner, expressly or by implication, the extent to which it maintains the privacy or security of covered information, including, but not limited to:

- A. its collection or disclosure of any covered information;
- B. the extent to which a consumer can control the privacy of any covered information maintained by Respondent and the steps a consumer must take to implement such controls;
- C. the extent to which Respondent makes or has made covered information accessible to third parties;
- D. the steps Respondent takes or has taken to verify the privacy or security protections that any third party provides;
- E. the extent to which Respondent makes or has made covered information accessible to any third party following deletion or termination of a user's account with Respondent or during such time as a user's account is deactivated or suspended; and
- F. the extent to which Respondent is a member of, adheres to, complies with, is certified by, is endorsed by, or otherwise participates in any privacy, security, or any other compliance program sponsored by the government or any third party, including, but not limited to, the U.S.-EU Safe Harbor Framework.

II.

IT IS FURTHER ORDERED that Respondent and its representatives, in connection with any product or service, in or affecting commerce, prior to any sharing of a user's nonpublic user information by Respondent with any third party, which materially exceeds the restrictions imposed by a user's privacy setting(s), shall:

- A. clearly and prominently disclose to the user, separate and apart from any "privacy policy," "data use policy," "statement of rights and responsibilities" page, or other similar document: (1) the categories of nonpublic user information that will be disclosed to such third parties, (2) the identity or specific categories of such third parties, and (3) that such sharing exceeds the restrictions imposed by the privacy

setting(s) in effect for the user; and

- B. obtain the user's affirmative express consent.

Nothing in Part II will (1) limit the applicability of Part I of this order; or (2) require Respondent to obtain affirmative express consent for sharing of a user's nonpublic user information initiated by another user authorized to access such information, provided that such sharing does not materially exceed the restrictions imposed by a user's privacy setting(s). Respondent may seek modification of this Part pursuant to 15 U.S.C. §45(b) and 16 C.F.R. 2.51(b) to address relevant developments that affect compliance with this Part, including, but not limited to, technological changes and changes in methods of obtaining affirmative express consent.

III.

IT IS FURTHER ORDERED that Respondent and its representatives, in connection with any product or service, in or affecting commerce, shall, no later than sixty (60) days after the date of service of this order, implement procedures reasonably designed to ensure that covered information cannot be accessed by any third party from servers under Respondent's control after a reasonable period of time, not to exceed thirty (30) days, from the time that the user has deleted such information or deleted or terminated his or her account, except as required by law or where necessary to protect the Facebook website or its users from fraud or illegal activity. Nothing in this paragraph shall be construed to require Respondent to restrict access to any copy of a user's covered information that has been posted to Respondent's websites or services by a user other than the user who deleted such information or deleted or terminated such account.

IV.

IT IS FURTHER ORDERED that Respondent shall, no later than the date of service of this order, establish and implement, and thereafter maintain, a comprehensive privacy program that is reasonably designed to (1) address privacy risks related to the development and management of new and existing products and services for consumers, and (2) protect the privacy and confidentiality of covered information. Such program, the content and implementation of which must be documented in writing, shall contain controls and procedures appropriate to Respondent's size and complexity, the nature and scope of Respondent's activities, and the sensitivity of the covered information, including:

- A. the designation of an employee or employees to coordinate and be responsible for the privacy program.
- B. the identification of reasonably foreseeable, material risks, both internal and external, that could result in Respondent's unauthorized collection, use, or disclosure of covered information and an assessment of the sufficiency of any safeguards in place to control these risks. At a minimum, this privacy risk assessment should include consideration of risks in each area of relevant operation, including, but not limited to: (1) employee training and management,

including training on the requirements of this order, and (2) product design, development, and research.

- C. the design and implementation of reasonable controls and procedures to address the risks identified through the privacy risk assessment, and regular testing or monitoring of the effectiveness of those controls and procedures.
- D. the development and use of reasonable steps to select and retain service providers capable of appropriately protecting the privacy of covered information they receive from Respondent and requiring service providers, by contract, to implement and maintain appropriate privacy protections for such covered information.
- E. the evaluation and adjustment of Respondent's privacy program in light of the results of the testing and monitoring required by subpart C, any material changes to Respondent's operations or business arrangements, or any other circumstances that Respondent knows or has reason to know may have a material impact on the effectiveness of its privacy program.

V.

IT IS FURTHER ORDERED that, in connection with its compliance with Part IV of this order, Respondent shall obtain initial and biennial assessments and reports ("Assessments") from a qualified, objective, independent third-party professional, who uses procedures and standards generally accepted in the profession. A person qualified to prepare such Assessments shall have a minimum of three (3) years of experience in the field of privacy and data protection. All persons selected to conduct such Assessments and prepare such reports shall be approved by the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, in his or her sole discretion. Any decision not to approve a person selected to conduct such Assessments shall be accompanied by a writing setting forth in detail the reasons for denying such approval. The reporting period for the Assessments shall cover: (1) the first one hundred and eighty (180) days after service of the order for the initial Assessment, and (2) each two (2) year period thereafter for twenty (20) years after service of the order for the biennial Assessments. Each Assessment shall:

- A. set forth the specific privacy controls that Respondent has implemented and maintained during the reporting period;
- B. explain how such privacy controls are appropriate to Respondent's size and complexity, the nature and scope of Respondent's activities, and the sensitivity of the covered information;
- C. explain how the privacy controls that have been implemented meet or exceed the protections required by Part IV of this order; and
- D. certify that the privacy controls are operating with sufficient effectiveness to

provide reasonable assurance to protect the privacy of covered information and that the controls have so operated throughout the reporting period.

Each Assessment shall be prepared and completed within sixty (60) days after the end of the reporting period to which the Assessment applies. Respondent shall provide the initial Assessment to the Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, within ten (10) days after the Assessment has been prepared. All subsequent biennial Assessments shall be retained by Respondent until the order is terminated and provided to the Associate Director of Enforcement within ten (10) days of request.

VI.

IT IS FURTHER ORDERED that Respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying, a print or electronic copy of:

- A. for a period of three (3) years from the date of preparation or dissemination, whichever is later, all widely disseminated statements by Respondent or its representatives that describe the extent to which Respondent maintains and protects the privacy, security, and confidentiality of any covered information, including, but not limited to, any statement related to a change in any website or service controlled by Respondent that relates to the privacy of such information, along with all materials relied upon in making such statements, and a copy of each materially different privacy setting made available to users;
- B. for a period of six (6) months from the date received, all consumer complaints directed at Respondent or forwarded to Respondent by a third party, that relate to the conduct prohibited by this order and any responses to such complaints;
- C. for a period of five (5) years from the date received, any documents, prepared by or on behalf of Respondent, that contradict, qualify, or call into question Respondent's compliance with this order;
- D. for a period of three (3) years from the date of preparation or dissemination, whichever is later, each materially different document relating to Respondent's attempt to obtain the consent of users referred to in Part II above, along with documents and information sufficient to show each user's consent; and documents sufficient to demonstrate, on an aggregate basis, the number of users for whom each such privacy setting was in effect at any time Respondent has attempted to obtain and/or been required to obtain such consent; and
- E. for a period of three (3) years after the date of preparation of each Assessment required under Part V of this order, all materials relied upon to prepare the Assessment, whether prepared by or on behalf of Respondent, including but not limited to all plans, reports, studies, reviews, audits, audit trails, policies, training

materials, and assessments, for the compliance period covered by such Assessment.

VII.

IT IS FURTHER ORDERED that Respondent shall deliver a copy of this order to (1) all current and future principals, officers, directors, and managers; (2) all current and future employees, agents, and representatives having supervisory responsibilities relating to the subject matter of this order, and (3) any business entity resulting from any change in structure set forth in Part VIII. Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities. For any business entity resulting from any change in structure set forth in Part VIII, delivery shall be at least ten (10) days prior to the change in structure.

VIII.

IT IS FURTHER ORDERED that Respondent shall notify the Commission within fourteen (14) days of any change in Respondent that may affect compliance obligations arising under this order, including, but not limited to, a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in either corporate name or address. Unless otherwise directed by a representative of the Commission, all notices required by this Part shall be sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, D.C. 20580, with the subject line *In the Matter of Facebook, Inc.*, FTC File No.[]. *Provided, however*, that in lieu of overnight courier, notices may be sent by first-class mail, but only if an electronic version of any such notice is contemporaneously sent to the Commission at Debrief@ftc.gov.

IX.

IT IS FURTHER ORDERED that Respondent, within ninety (90) days after the date of service of this order, shall file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of their own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, Respondent shall submit additional true and accurate written reports.

X.

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

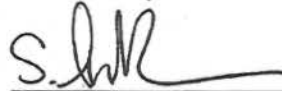
- A. any Part of this order that terminates in fewer than twenty (20) years; and
- B. this order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that Respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that this order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.


Signed this _____ day of _____, 2011.

FACEBOOK, INC.

By:



S. ASHLIE BERINGER
Gibson, Dunn & Crutcher LLP
Counsel for Facebook, Inc.



THEODORE W. ULLYOT
General Counsel
Facebook, Inc.



M. SEAN ROYALL
Gibson, Dunn & Crutcher LLP
Counsel for Facebook, Inc.

FEDERAL TRADE COMMISSION

LAURA D. BERGER
Counsel for the Federal Trade Commission

CORA TUNG HAN
Counsel for the Federal Trade Commission

MANAS MOHAPATRA
Counsel for the Federal Trade Commission

APPROVED:

MANEESHA MITHAL
Associate Director
Division of Privacy and Identity Protection

CHRISTOPHER N. OLSEN
Assistant Director
Division of Privacy and Identity Protection

DAVID C. VLADECK
Director
Bureau of Consumer Protection

DEbrief

From: Megan Alvarez (b)(6)
Sent: Friday, November 08, 2013 6:13 PM
To: DEbrief
Cc: Edward Palmieri; Daniel Li
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Onavo Mobile Ltd., and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for Onavo Mobile Ltd. is Abba Hillel Silver 16, Ramat Gan, 52506, Israel.

Regards,

Megan Alvarez | Privacy Counsel | Facebook Legal

(b)(6)

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From: Charles Proctor
Sent: 8 Nov 2017 14:02:00 -0800
To: DEbrief
Cc: Jack Yang;Gabe Ledeen;Ly Tran
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Five Industries, Inc., and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. Correspondence for Five Industries, Inc. sent by mail may be directed to 1601 Willow Road, Menlo Park, CA 94025.

Regards,
Charles

Charles Proctor | Privacy Counsel | **Facebook**

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DEbrief

From: Charles Proctor (b)(6)
Sent: Wednesday, November 08, 2017 5:02 PM
To: DEbrief
Cc: Jack Yang; Gabe Ledeen; Ly Tran
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Five Industries, Inc., and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. Correspondence for Five Industries, Inc. sent by mail may be directed to 1601 Willow Road, Menlo Park, CA 94025.

Regards,
Charles

Charles Proctor | Privacy Counsel | Facebook

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DEbrief

From: Jenny Hall (b)(6)
Sent: Wednesday, December 07, 2016 2:39 PM
To: DEbrief
Cc: Edward Palmieri
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired Faciometrics LLC. and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for Faciometrics LLC is 1601 Willow Road, Menlo Park, CA 94025.

Regards,

Jenny Hall | facebook | Associate General Counsel, Privacy

(b)(6)

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DEbrief

From: Megan Alvarez (b)(6)
Sent: Tuesday, December 27, 2016 1:12 PM
To: DEbrief
Cc: Edward Palmieri
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired The Eye Tribe ApS and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for The Eye Tribe ApS is Amagerfaelledvej 56, 34, 2300 Kobenhavn S, Denmark.

Regards,

Megan Alvarez | Associate General Counsel, Privacy | Facebook Legal

(b)(6)

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DEbrief

From: Megan Alvarez (b)(6)
Sent: Tuesday, December 27, 2016 1:12 PM
To: DEbrief
Cc: Edward Palmieri
Subject: In the Matter of Facebook, Inc., FTC Docket No. C-4365

To the Associate Director of Enforcement:

Pursuant to Part VIII of the Decision and Order, served on August 15, 2012, Facebook, Inc. hereby notifies the Commission that it has acquired The Eye Tribe ApS and will continue to operate it as a wholly-owned subsidiary of Facebook, Inc. The corporate address for The Eye Tribe ApS is Amagerfaelledvej 56, 34, 2300 Kobenhavn S, Denmark.

Regards,

Megan Alvarez | Associate General Counsel, Privacy | Facebook Legal

(b)(6)

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Choose Your Privacy Settings

Basic Directory Information

To help real world friends find you, some basic information is open to everyone. We also suggest setting basics like hometown and interests to everyone so friends can use those to connect with you. [View settings](#)

Sharing on Facebook

	Everyone	Friends of Friends	Friends Only
Everyone			
Friends of Friends			
Friends Only			
Recommended ✓			
My status, photos, and posts	*		
Bio and favorite quotations	*		
Family and relationships	*		
Photos and videos I'm tagged in		*	
Religious and political views		*	
Birthday		*	
Can comment on posts			*
Email addresses and IM			*
Phone numbers and address			*
Why are these settings recommended?			
Customize settings		* This is your current setting.	

Applications and Websites

Edit your settings for using applications, games and websites.

Block Lists

Edit your lists of blocked people and applications.

Controlling How You Share


Learn more about your privacy on Facebook.

Choose Your Privacy Settings Basic Directory Information


[Back to Privacy](#)

[Preview My Profile](#)

Your name, profile picture, gender and networks are always open to everyone (learn why). We suggest leaving the other basic settings below open to everyone to make it easier for real world friends to find and connect with you.

-  **Search for me on Facebook**


This lets friends find you on Facebook. If you're visible to fewer people, it may prevent you from connecting with your real world friends.

Everyone
-  **Send me friend requests**

This lets real world friends send you friend requests. If not set to everyone, it could prevent you from connecting with your friends.

Everyone
-  **Send me messages**


This lets friends you haven't connected with yet send you a message before adding you as a friend.

Everyone
-  **See my friend list**


This helps real world friends identify you by friends you have in common. Your friend list is always available to applications and your connections to friends may be visible elsewhere.

Everyone
-  **See my education and work**

This helps classmates and coworkers find you.

Everyone
-  **See my current city and hometown**

This helps friends you grew up with and friends near you confirm it's really you.

Everyone
-  **See my interests and other Pages**

This lets you connect with people with common interests based on things you like on and off Facebook.

Everyone

Choose Your Privacy Settings - Customize settings

[Back to Privacy](#)

[Preview My Profile](#)

Customize who can see and comment on things you share, things on your Wall and things you're tagged in.

Things I share	Posts by me <small>Default setting for posts, including status updates and photos</small>	Everyone
	Family	Everyone
	Relationships	Everyone
	Interested in and looking for	Everyone
	Bio and favorite quotations	Everyone
	Website	Everyone
	Religious and political views	Friends of Friends
	Birthday	Friends of Friends
<small>Edit album privacy for existing photos.</small>		
Things others share	Photos and videos I'm tagged in	Friends of Friends
	Can comment on posts <small>Includes status updates, friends' Wall posts, and photos</small>	Friends Only
	Friends can post on my Wall	<input checked="" type="checkbox"/> Enable
	Can see Wall posts by friends	Friends of Friends
Contact information	Mobile phone	Friends Only
	Other phone	Friends Only
	Address	Friends Only
	IM screen name	Friends Only
	jj9128@hotmail.com	Friends Only

Chat (0)

Chat (0)

Choose Your Privacy Settings Applications, Games and Websites

[Back to Privacy](#)

What you're using

You're using 5 applications, games and websites:



- Remove unwanted or spammy applications.
- Turn off all platform applications.

Game and application activity

Who can see your recent activity on their games and applications dashboards.

Friends Only

Info accessible through your friends

Control what information is available to applications and websites when your friends use them.

Edit Settings

Instant personalization

Lets you see relevant information about your friends the moment you arrive on select partner websites.

Edit Settings

Public search

Show a preview of your Facebook profile when people look for you using a search engine.

Edit Settings

Choose Your Privacy Settings Applications, Games and Websites

[Back to Privacy](#)

What you're using

Game and application activity

Info accessible through friends

Instant personalization

Public search

Info accessible through your friends

Use the settings below to control which of your information is available to applications, games and websites when your friends use them. The more info you share, the more social the experience.

<input checked="" type="checkbox"/> Bio	<input checked="" type="checkbox"/> My status updates
<input checked="" type="checkbox"/> Birthday	<input checked="" type="checkbox"/> My photos
<input checked="" type="checkbox"/> Family and relationships	<input checked="" type="checkbox"/> My videos
<input type="checkbox"/> Interested in and looking for	<input checked="" type="checkbox"/> My links
<input type="checkbox"/> Religious and political views	<input checked="" type="checkbox"/> My notes
<input checked="" type="checkbox"/> My website	<input checked="" type="checkbox"/> Photos and videos I'm tagged in
<input checked="" type="checkbox"/> If I'm online	

Note: your name, profile picture, gender, network and user ID (along with any other information you've set to everyone) is available to friends' applications unless you turn off platform applications and websites.

[Save Changes](#) [Cancel](#)

Show a preview of your Facebook profile when people look for you using a search engine.

[Edit Settings](#)

Choose Your Privacy Settings **Instant Personalization**

[← Back to Applications](#)

Instant Personalization

Our goal is to give you a great social and personalized experience with every application and website you use. We've worked with a select set of partners to personalize your experience as soon as you arrive on their sites.

These partner sites (currently limited to Docs, Pandora, and Yelp) can only access the information and content you've already made available to everyone. All our partners are required to respect your information and we've worked closely with them to make sure they do.

When you arrive at one of these sites, a blue notification bar will appear at the top of the page. Click "No Thanks" if you don't want to have a personalized experience on that site.



Instant personalization is different from social plugins. Social plugin content comes directly from Facebook and no information is shared with the websites themselves.

To turn off instant personalization on all partner sites, uncheck the box below. This will prevent these partners from receiving any of your information through instant personalization, even content you have made available to everyone.

Enable instant personalization on partner websites.

Choose Your Privacy Settings Public Search

Back to Applications

Public search

Public search controls whether things you've specifically chosen to share with everyone show up in searches on and off Facebook. It also controls whether people who enter your name in a search engine will see a preview of your Facebook profile. See [preview](#)

Enable public search

Choose Your Privacy Settings Applications, Games and Websites

Back to Privacy

What you're using

Game and application activity

Info accessible through friends

Instant personalization

Public search

Remove Selected Applications and Websites

Select the platform applications and websites you want to remove. Once removed, information and settings you've saved may be permanently deleted and friends won't be able to interact with you using those applications and websites.

- The Washington Post
- Pandora
- userdata
- Daily Horoscope
- Unnamed App

Select all

Remove Selected Cancel

Choose Your Privacy Settings Applications, Games and Websites

Back to Privacy

What you're using

Game and application activity

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Turn Off Platform Applications and Websites

If you turn off platform, you'll be disconnected from all applications and websites. That means friends won't be able to use them to interact with you, and information and settings you've saved may be permanently deleted. To disable all applications at once, click "Select all."

- The Washington Post
- Pandora
- userdata
- Daily Horoscope
- Unnamed App

Select all

Privacy Photos

Control who sees each of your photo albums.



Profile Pictures
Everyone



sking
Everyone

Controlling How You Share



Facebook is all about you. So you have control over the people who can see what you share with your friends, family, and others. You can also control what you share with everyone on Facebook. See what's new. Read our privacy policy.

Privacy Controls

100% user privacy control

This setting lets you choose which people and apps can see your information. You can share your information with friends, family, and others, and we'll help you do that. Or, if you prefer, you can sometimes share with everyone.



Sharing on Facebook

This section controls who can see all the content you post on a day-to-day basis (such as status updates, photos and videos). It also includes some things you share about yourself (birth date and contact information) and control others share about you (comments on your posts and photos and videos you've been tagged in). For those who wish our help, and your settings will apply to all the day-to-day content you post in the future. "Customize settings" displays a list for you to customize the privacy level for each setting.

Basic Directory Information

Certain information is visible to everyone because it's essential to helping people find and connect with you on Facebook.

Applications and Websites

This section controls what information is shared with various applications, including search engines, applications and websites you and your friends use already have access to your name, profile picture, gender, network, friend list, user ID, and any other information you share with everyone. You can view your applications, remove any you don't want to use, or turn off them completely. Turning off platform means you can't be able to use any platform applications or websites and we won't share your information with them.

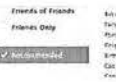
Block Lists

This section lets you block people from interacting with you or seeing your information on Facebook. You can also specify the days and times you want to ignore application notices from, and see a list of the specific applications that you've blocked from accessing your information and contacting you.

Additional Controls

Recommended settings

We offer a group of recommended settings as a default. You can choose "Everyone," "Friends of Friends" and "Friends Only" as your basic privacy settings. If you choose "Everyone," your information is shared with anyone on Facebook. "Friends of Friends" restricts photos and videos of you, which are often shared with friends of our friends. "Friends Only" restricts all of your content information and things that are not relevant to people you interact with directly.



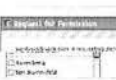
Control each time you post

You can control who sees each and every post. Before you post a status update, post or anything else, click the lock icon to choose who can see it. What you select will override your "Privacy" setting, which acts as the default.



Control with applications

Applications can only see information you've already made visible to everyone. To access more, applications must be able to permission for its pieces of information, and it can only be information that's needed for them to work from operating on your profile.



Additional Information

Advertisers

We never share your personal information with our advertisers. Facebook is not targeting ads on your behalf. If advertisers select demographic targeting for their ads, Facebook automatically matches those ads to the appropriate audience. Advertisers only receive anonymous data reports.

Information available to everyone

Information you've shared with everyone - as well as your name, profile picture, gender and network - could be seen by anyone on the internet. Please be aware that it will be visible to anyone viewing your profile, and applications and websites you and your friends use will be able to access it.

Social plugins

Buttons and boxes containing Facebook content may appear on other websites to create more social experiences for you. The sites you're visiting receive more of your information. The content in these social boxes comes directly from Facebook. If you click "Like" or make a comment using a social plugin, your activity will be collected on Facebook and shown to your Facebook friends who use a plugin on the same site. The things you like may also appear on your profile (you can control this in Basic Settings on Facebook).

Instant personalization

Some select partner sites may access your information to personalize your experience as soon as you arrive, but only information that's already visible to everyone. You can turn off instant personalization for specific sites or you can turn it off completely from the Applications and Websites page. This will prevent these partners from receiving your information through related connections, including what's visible to everyone.

Search

"Public search" on the Applications and Websites page controls whether people who enter your name in a search engine will see a preview of your Facebook profile. It also controls whether the page you've specifically chosen to share with everyone shows up in search engines on and off Facebook.

Protecting minors

We are committed to protecting minors who use Facebook. Until their eighteenth birthday, users don't have public search engines visible to them, and the visibility of their information is limited to Friends of Friends or restricted to even if they've chosen to make it available to everyone. This does not apply to name, profile picture, gender and network, which are visible to everyone on Facebook's network regardless of their age.

Additional Privacy Resources

Privacy Policy
Privacy FAQ
Privacy Information and Updates

Privacy Settings
Security Page
Safety Center

Chat (1)

Chat (1)

Chat (1)

Chat (1)

Choose Your Privacy Settings

Basic Directory Information

To help real world friends find you, some basic information is open to everyone. We also suggest setting basics like hometown and interests to everyone so friends can use those to connect with you. [View settings](#)

Sharing on Facebook

	Everyone	Friends of Friends	Friends Only
Everyone ✓			
Friends of Friends			
Friends Only			
Recommended			
	My status, photos, and posts	*	
	Bio and favorite quotations	*	
	Family and relationships	*	
	Photos and videos I'm tagged in	*	
	Religious and political views	*	
	Birthday	*	
	Can comment on posts	*	
	Email addresses and IM	*	
	Phone numbers and address	*	
Customize settings		* This is your current setting.	

Applications and Websites

Edit your settings for using applications, games and websites.

Block Lists

Edit your lists of blocked people and applications.

Controlling How You Share

Learn more about your privacy on Facebook.

Choose Your Privacy Settings

Basic Directory Information

To help real-world friends find you, some basic information is open to everyone. We also suggest setting basics like hometown and interests to everyone so friends can use those to connect with you. [View settings](#)

Sharing on Facebook

	Everyone	Friends of Friends	Friends Only
Everyone			
Friends of Friends ✓		*	
Friends Only			*
Recommended			
My status, photos, and posts		*	
Bio and favorite quotations		*	
Family and relationships		*	
Photos and videos I'm tagged in		*	
Religious and political views			*
Birthday			*
Can comment on posts			*
Email addresses and IM			*
Phone numbers and address			*
Customize settings			This is your current setting.

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Sharing on Facebook

	Everyone	Friends of Friends	Friends Only
Everyone			
Friends of Friends			
Friends Only ✓			
Recommended			
My status, photos, and posts			*
Bio and favorite quotations			*
Family and relationships			*
Photos and videos I'm tagged in			*
Religious and political views			*
Birthday			*
Can comment on posts			*
Email addresses and IM			*
Phone numbers and address			*
<input checked="" type="checkbox"/> Let friends of people tagged in my photos and posts see them.			
Customize settings	This is your current setting.		

Applications and Websites

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Controlling How You Share

Learn more about your privacy on Facebook.

Application Settings - Recently Used

Displaying 10 applications you have used in the past month. Show Recently Used

Events		
Gifts		
Groups		
Links		
Notes		
Pandora		X
Photos		
userdata	Edit Settings	Profile X
Video	Edit Settings	Profile
Yelp	Edit Settings	Profile X

Edit Events Settings

Profile Bookmark Additional Permissions

Box: Available (add)

Tab: Available (add)

Privacy: **Everyone**

This setting controls the visibility of Events's Box or Tab on your Profile.

Okay