

December 28, 2011

RE: "Proposed Consent Agreement In the Matter of Facebook, Inc., FTC File No. 0923184"

Dear Federal Trade Commission:

Any legitimate settlement in the matter of Facebook, Inc. must require of Facebook the delivery and support of efficient and reliable methods for consumers and application developers to automatically apply visibility setting changes to, or simply to delete, user content. Absent such a requirement, any ruling benefitting the consumer may inadvertently fail to provide any practical benefit to the consumer. This is especially true for typical active users who have many thousands of individual elements of content they may need to change or delete.

I am the author of a mobile software application, called Exfoliate, that assists Facebook users in automatically deleting old posts, comments, and photos, from their account. As the author of this application, I have observed many issues with Facebook and the Facebook API that make it extremely difficult or impractical for users and application developers to locate, and change or delete, user content. I believe these issues must be addressed in any effective settlement.

Facebook does not currently provide users with reasonable or practical methods for removing, hiding, or applying privacy settings to, their old content and activity. The only method provided by Facebook to users requires of a user multiple manual steps for every single item they wish to change or delete. For active users, the time required to accomplish this is comparable to the amount of time the user spent creating all of their content in the first place. In contrast, virtually all other electronic communication applications support bulk, or automatic, archiving or deleting of past content or communication.

Further, Facebook does not provide adequate programmable methods for the purpose of changing or deleting users' past content. During development and maintenance of Exfoliate, I have observed many issues that make programmed content management on behalf of users impractical or nearly impossible. Again, when viewed in relation to virtually all other communication applications, the gap here is egregious. Here are some of the issues I've observed in the currently available Facebook API that make it difficult, or nearly impossible, to programmatically manage user content:

1. Facebook throttles, or severely limits, the rate at which a Facebook application can either access or delete user content.
2. The Facebook API does not support or allow the deletion of certain types of content.
3. The Facebook API does not allow an application to delete certain content unless that specific application created the content.
4. The Facebook API fails to consistently provide a user with access to all of their content. Further, when the API fails to provide such access, the API response provides no hint as to whether the content is temporarily inaccessible, non-existent, or whether there is an error.
5. The Facebook API error codes and error messages are undocumented and subject to arbitrary changes, making it extremely difficult to handle errors that occur.

6. Content elements deleted through the Facebook API or through the Facebook mobile website may remain visible through other Facebook interfaces, such as the timeline, for consequentially long periods of time.

Please consider revising the agreement to require that Facebook provide both users and application developers with reasonable, practical, ways to manage content.

Also, please feel free to contact me at any time for further information.

Sincerely,

Michael B. Devine

CC: Congressman Bill McDermott

CC: Electronic Privacy Information Center (EPIC)