



United States of America
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580

Samuel Levine
Acting Director
Bureau of Consumer Protection

August 5, 2021

VIA ELECTRONIC MAIL

Mark Zuckerberg
Chief Executive Officer
Facebook, Inc.

Re: Misleading Claims Regarding FTC Consent Decree

Dear Mr. Zuckerberg:

I write concerning Facebook's recent insinuation that its actions against an academic research project conducted by NYU's Ad Observatory were required by the company's consent decree with the Federal Trade Commission. As the company has since acknowledged, this is inaccurate. The FTC is committed to protecting the privacy of *people*, and efforts to shield targeted advertising practices from scrutiny run counter to that mission.

While I appreciate that Facebook has now corrected the record, I am disappointed by how your company has conducted itself in this matter. Only last week, Facebook's General Counsel, Jennifer Newstead, committed the company to "timely, transparent communication to BCP staff about significant developments." Yet the FTC received no notice that Facebook would be publicly invoking our consent decree to justify terminating academic research earlier this week.

Had you honored your commitment to contact us in advance, we would have pointed out that the consent decree does not bar Facebook from creating exceptions for good-faith research in the public interest. Indeed, the FTC supports efforts to shed light on opaque business practices, especially around surveillance-based advertising. While it is not our role to resolve individual disputes between Facebook and third parties, we hope that the company is not invoking privacy – much less the FTC consent order – as a pretext to advance other aims.

Sincerely,

/s/ Samuel Levine

Acting Director
Bureau of Consumer Protection