

Congress of the United States
Washington, DC 20515

December 8, 2011

Mr. Mark Zuckerberg
Founder & Chief Executive Officer
Facebook
1601 S. California Avenue
Palo Alto, CA 93404

Dear Mr. Zuckerberg:

The Federal Trade Commission and Facebook recently announced a settlement regarding practices that the Commission deemed deceptive to consumers.¹ The Commission outlined a number of incidents since 2009 that it claims misled consumers about the treatment of their personal information. These practices included, among others, making certain information public despite privacy settings, allowing third party applications broad access to user information, sharing user information with advertisers, permitting access to user information after such account was deactivated or deleted, and changing default privacy settings without first providing notice to consumers. Many of these actions have long since been rectified by Facebook in response to user concerns, but both the practices and user information collected by those practices give rise to questions nonetheless.

Additionally, recent news accounts have raised concerns regarding certain Facebook business practices affecting consumer's privacy. These include the revelation that one user received from Facebook over a thousand pages of account information, some of which the user previously deleted, that the company maintained without the user's knowledge.² Additional news reports revealed that Facebook tracks both users who have logged out of Facebook as well as non-users across other websites that feature the Facebook "Like" button or other Facebook plug-in.³

With great opportunity comes great responsibility, and with more than 800 million active users and an untold number of nonusers visiting Facebook or partnering websites every day, your company has the opportunity to collect vast amounts of data about an enormous number of people. As we examine online privacy issues, we are interested in learning about the privacy principles by which your company abides. We therefore request that you provide the answers to the following questions:

1. Please explain Facebook's browsing or tracking information collection practices.

¹ See Federal Trade Commission, *Facebook Settles FTC Charges That It Deceived Consumers By Failing To Keep Privacy Promises* [Press release] (Nov. 29, 2011) <<http://ftc.gov/opa/2011/11/privacysettlement.shtm>>. See also Mark Zuckerberg, *Our Commitment to the Facebook Community* (last modified Nov. 29, 2011) <<http://blog.facebook.com/blog.php?post=10150378701937131>>.

² Associated Press, *Austrian Law Student Takes on Facebook over Possible Data Privacy Violations in Europe*, Wash. Post (Oct. 26, 2011) <http://www.washingtonpost.com/business/austrian-law-student-takes-on-facebook-over-possible-data-privacy-violations-in-europe/2011/10/26/gIQAqJD1IM_story.html>.

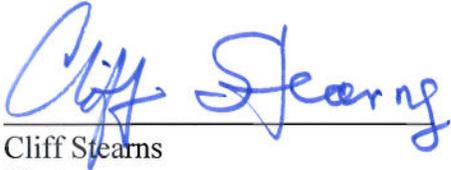
³ Nik Cubrilovic, *Logging out of Facebook is Not Enough*, Sept. 25, 2011, <http://nikcub.appspot.com/logging-out-of-facebook-is-not-enough>.

- a. What browsing or tracking information does Facebook collect for both users and non-users? Does this information collection include any information that can be used to identify an individual?
 - b. How does Facebook inform users and non-users of any data collection?
 - c. Can users or non-users opt-out of this information collection? If so, how?
 - d. Does Facebook collect any information about a user's activity after a user or non-user opts-out?
2. Does Facebook offer its users a way to opt-out of all information collection (other than information the user specifically provides to Facebook)? If so, how is Facebook making it easier for users to understand their ability to opt-out? If not, please explain why Facebook does not offer such an opt-out.
 3. Please explain Facebook's practices regarding the archiving of user information. How does Facebook treat a deceased user's account and personal information?
 4. News reports indicate that when Facebook launches the "Timeline" site-wide, users will have 5 days to emphasize or hide aspects of their profiles.
 - a. How did you arrive at the time frame of 5 days?
 - b. How do you respond to concerns that it will be onerous for users to carefully review each prior post and photo in just 5 days, particularly for long-time or highly active users?
 - c. Do you have any analysis indicating how many users will dedicate the time to do this?
 5. The *New York Times* recently reported that Facebook's privacy policy has grown in length by a factor of nearly six in as many years. The current privacy policy is 5,830 words in length, up from 1,004 in 2005.⁴ Facebook's 2010 privacy policy was longer than that of all other social networks and exceeded in length the United States Constitution, without Amendments. As you may know, we strongly support greater transparency to empower consumers with the information they need to make informed choices. We are concerned, however, that long, complex privacy policy statements make it difficult for consumers to understand how their information is being used. Do you believe the average Facebook user would read such a lengthy document in order to understand what personal information Facebook collects, uses, or shares? Please provide all data indicating the percentage of Facebook users who read the full policy.

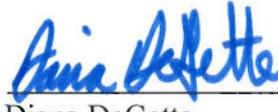
⁴ *Facebook Privacy: A Bewildering Tangle of Options*, N.Y. TIMES, May 12, 2010, <http://www.nytimes.com/interactive/2010/05/12/business/facebook-privacy.html>.

We request your responses to the above questions no later than January 3, 2012. If you have any questions regarding this request, please contact Brooke Ericson with Rep. Stearns at (202) 225-5744.

Sincerely,



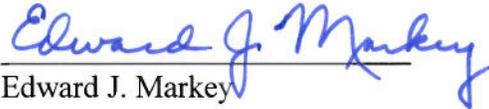
Cliff Stearns
Chairman
Subcommittee on Oversight & Investigations



Diana DeGette
Ranking Member
Subcommittee on Oversight & Investigations



Joe Barton
Co-Chairman
Congressional Bipartisan Privacy Caucus



Edward J. Markey
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