

July 13, 2018

Joseph J. Simons, Chairman
Maureen K. Ohlhausen, Commissioner
Noah Joshua Phillips, Commissioner
Rohit Chopra, Commissioner
Rebecca Kelly Slaughter, Commissioner
Federal Trade Commission, Commissioner
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear FTC Chairman Simons and Commissioners:

We write to ask you to stop the transfer of user data from Facebook to Social Science One, pending a determination as to whether the transfer is permitted under the 2011 Consent Order. EPIC has sent detailed letter (enclosed) to the co-chairs of Social Science One explaining why the proposed study of Facebook users should be suspended as it violates both the Consent Order and the GDPR.

The Consent Order is clear: Facebook must obtain affirmative express consent before disclosing personal data to third parties.¹ As the FTC explained, Facebook must “obtain consumers’ affirmative express consent before enacting changes that override their privacy preferences.”² By transferring personal information to third-party researchers without (1) providing clear and prominent notice and (2) obtaining the affirmative express consent of users, Facebook will violate the 2011 Consent Order with the FTC. There is no exception for third-party research.

Facebook users have expressed great concern about third-party access to their data following the Cambridge Analytica scandal. This week the UK Information Commission Office issued an extensive report, fined Facebook, and warned specifically about the use of personal data “for purposes it was not intended for or that data subjects would not have reasonably expected.”

We urge the FTC to advise Social Science One and Facebook that the data transfer may not occur until the Commission has completed its review regarding compliance with the Consent Order.

Respectfully,

/s/ Marc Rotenberg
Marc Rotenberg
EPIC President

/s/ Christine Bannan
Christine Bannan
EPIC Administrative Law and Policy Fellow

¹ Fed. Trade Comm’n., *In re Facebook*, Decision and Order, FTC File No. 092 3184 (Jul. 27, 2012), <https://www.ftc.gov/sites/default/files/documents/cases/2012/08/120810facebookdo.pdf>.

² Fed. Trade Comm’n., *Facebook Settles FTC Charges That It Deceived Consumers By Failing To Keep Privacy Promises*, Press Release (Nov. 29, 2011), <https://www.ftc.gov/news-events/press-releases/2011/11/facebook-settles-ftc-charges-it-deceived-consumers-failing-keep>.