

## Kim, Reenah

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**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](mailto:rkim1@ftc.gov)

## Kim, Reenah

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**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.

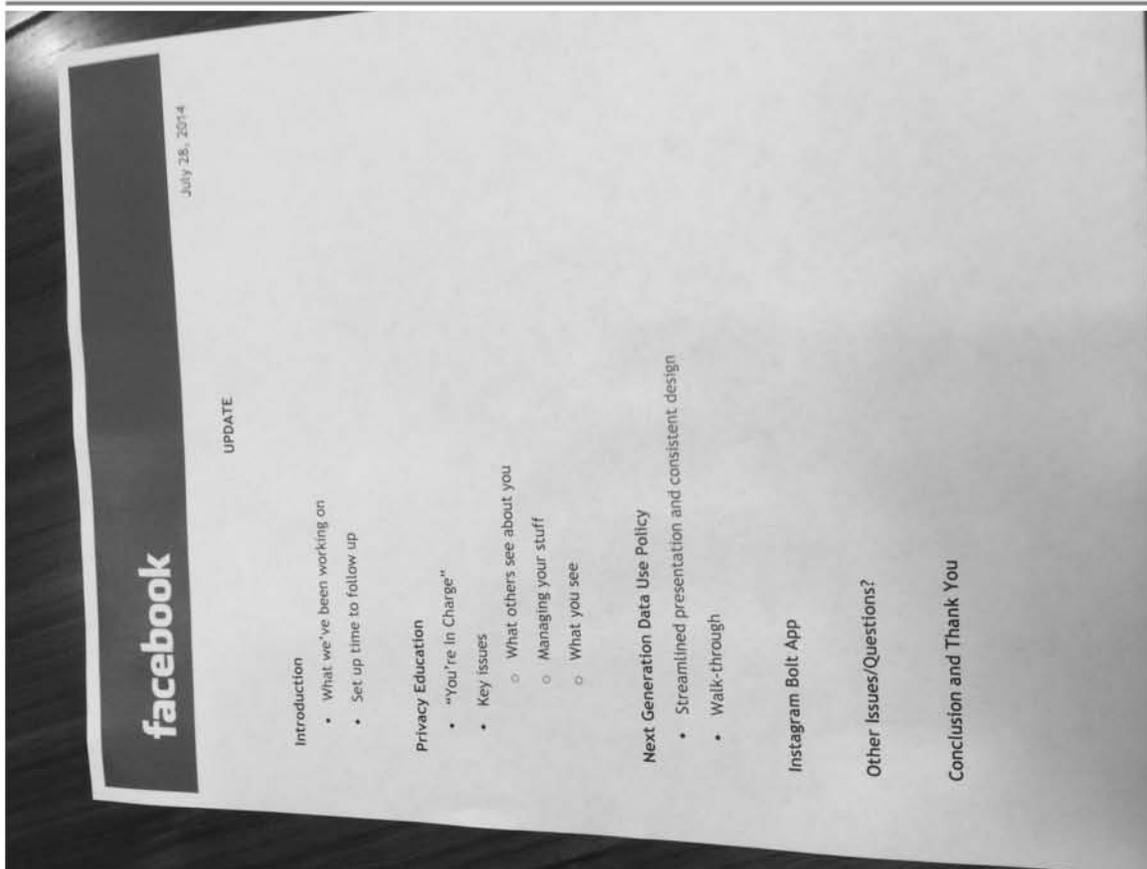
No personal data was shared or released to the public and the published study refers only to the aggregate results of the review. No one saw a story that they could not have seen already and Facebook did not add or delete anything to/from the content people saw. The researchers also did not review the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

One tap takes and  
sends a photo



Hold for video and  
let go to send



Reply with text,  
photos or videos



Swipe photos away  
and they're gone



Sent from my iPhone

**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  
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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)

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**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  
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Friday (Aug 15): 1:00-3:30p ET

Thanks,  
-Reenah

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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

**Kim, Reenah**

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**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)

**Kim, Reenah**

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**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](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](mailto:rkim1@ftc.gov)

**Kim, Reenah**

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**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)

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**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

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