

September 25, 2020

Via Electronic Mail

Alan Butler
Interim Executive Director
and General Counsel

John Davisson
Senior Counsel

Caitriona Fitzgerald
Interim Associate Director
and Policy Director

Epic.org
Epic Privacy Information Center
1519 New Hampshire Center NW
Washington DC 20036

Re: Your Letter of September 18, 2020 to Dorian Daley, Oracle Corporation

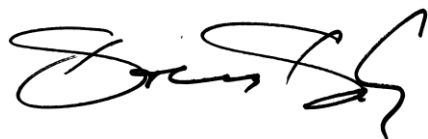
Messrs. Butler and Davisson and Ms. Fitzgerald,

I duly note your letter to Oracle, dated September 18, 2020, but confess it reads to us more like a press release, and note that there is no discernable basis for your claim that “Oracle’s proposal” regarding Tik Tok poses a risk to Tik Tok users. While we of course all agree broadly that user data should be protected, your letter is rife with speculation, hyperbole and innuendo, which does little to support your very theoretical claims. You cite no fewer than 11 media reports, which themselves contain a fair amount of speculation and innuendo and should not be confused with evidence. Your reference to the Privacy International and class action suits in Europe brought by organizations like yours likewise only serves to recount allegations that have not been substantiated and cannot support your claim of a “long history of privacy violations.” Your recitation of the substance of the President’s August 6th Executive Order, the District of Columbia Consumer Protection Procedures Act and jurisdiction of the Federal Trade Commission and States Attorneys General over certain privacy related issues is information already well known to us. And your many inaccurate references to Oracle business and business practices demonstrate that you fail to understand Oracle’s core business of the past 40+ years. In particular, the statement that “Oracle’s business model rests on the exploitation of personal data” suggests that you have Oracle confused with large consumer-facing tech platforms that make their billions on advertising by exploiting the personal data of their users. Oracle is a technology licensing and services company, focused on infrastructure and data security.

We appreciate that many parties have intense interest in the fate of Tik Tok and its users, not just the parties involved in the potential transaction. As is accurately reported, Oracle proposes to take a minority stake in a proposed new Tik Tok corporate structure. As accurately reported, Oracle proposes to take a minority stake in a proposed corporate structure, which involves no management or policy making authority – such authority naturally would be reserved for the management team and board of the new entity. Government reviews and approvals are required for any proposed transaction. If initial approvals are secured, definitive deal documents would then need to be negotiated and agreed upon to provide much more detail, and *of course* privacy and security considerations will be paramount. The negotiation process can take some time, and further approval of definitive documents may be required. TikTok has filed its own litigation, which also could have some impact. My point is that there are many contingencies here, which you do seem to acknowledge with the many “ifs”, “woulds” and “would likely” that preface your purported future claims, including the very substantial “if” there is a privacy-based regulatory violation.

Oracle will continue to focus its efforts to assist the stakeholders involved in our current discussions to find an acceptable path forward. We remain prepared to provide a safe, secure and scalable infrastructure and management of the platform in compliance with regulatory obligations, as we are doing with thousands of customers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dorian Daley', with a stylized flourish at the end.

Dorian Daley
Executive Vice President and General Counsel
Oracle Corporation

DD:lcs