



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

March 27, 2018

Mark Zuckerberg
Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Mr. Zuckerberg,

As Arizona's chief law enforcement officer, I have an obligation to ensure that the privacy of the people of Arizona is respected and preserved. Arizona is among a handful of states that provide explicit state constitutional protection of a person's privacy or "private affairs." I have raised concerns over the past several years about the amount of personal data that is collected and stored online without meaningfully informed consumer consent. While this issue pervades the technology sector as a whole, recent revelations of Facebook's past user privacy practices prove the validity of my concerns.

It is my understanding that, at least prior to 2014, Facebook allowed third-party application developers not only to access personal data about Facebook users who used those applications, but to also acquire comprehensive data about the friends of those Facebook users. While I understand that this specific practice may have changed a few years ago, my concerns about online data privacy extend even to the company's current practices.

In my view, privacy protections at Facebook and in the technology sector as a whole are illusory at best. A recent CNET article exposed that, even under today's Facebook privacy policies, a user would need to slog through a maze of more than 20 clicks in order to opt out of third party information sharing. The privacy concerns abounding in this difficult and problematic "opt out" process are further aggravated by the inadequacy of typical online privacy notice, which is usually a barely comprehensible collection of "fine print" that runs several thousand words.

The time for a change has come, and I write in part to request that you personally lead a transformation in the online privacy perspective for all companies who deal in the collection and distribution of personal information. The new model should begin with a presumption of

privacy. Transparent disclosure of, and clear consent to, the collection and sharing of personal data should be the rule, rather than the exception. Why not offer an “opt in” system of sharing instead?

In addition, in order to better understand how Arizona consumers may have been impacted by Facebook’s policies and practices, I am hopeful that Facebook will voluntarily provide some additional information to my office:

- 1) What is Facebook’s current policy regarding third party acquisition of information about app users and their Facebook friends?
- 2) How and when has that policy changed over the years?
- 3) Prior to Facebook’s circa 2014 policy change, were users notified that third party applications could collect the user’s personal data through a Facebook friend’s use of the third party’s application? If so, how were users notified?
- 4) During the period of 2004 through 2013, how many third parties were permitted, through the use of their application, to collect data on “friends” of the application’s user?
- 5) In what respect, if any, are Facebook’s privacy notifications and policies different for Facebook users under the age of 18 than for adults?

Please provide a written response to the above questions within the next 45 days. I appreciate your attention on these issues.

Sincerely,

A handwritten signature in black ink that reads "Mark Brnovich". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Mark Brnovich
Arizona Attorney General