

United States Senate
WASHINGTON, DC 20510

August 6, 2021

Dear Mr. Zuckerberg,

As you know, we are committed to protecting privacy for all Americans while eliminating the scourge that is disinformation and misinformation, particularly with regard to elections and the COVID-19 pandemic.

We were surprised to learn that Facebook has terminated access to its platform for researchers connected with the NYU Ad Observatory project. The opaque and unregulated online advertising platforms that social media companies maintain have allowed a hotbed of disinformation and consumer scams to proliferate, and we need to find solutions to those problems. The Ad Observatory project describes itself as “nonpartisan [and] independent... focused on improving the transparency of online political advertising.” Research efforts studying online advertising have helped inform consumers and policymakers about the extent to which your ad platform has been a vector for consumer scams and frauds¹, enabled hiring discrimination² and discriminatory ads for financial services³, and circumvented accessibility laws⁴. Such work to improve the integrity of online advertising is critical to strengthening American democracy.

We appreciate Facebook’s ongoing efforts to address misinformation and disinformation on its platforms. But there is much more to do, and independent researchers are a critical part of the solution. While we agree that Facebook must safeguard user privacy, it is similarly imperative that Facebook allow credible academic researchers and journalists like those involved in the Ad Observatory project to conduct independent research that will help illuminate how the company can better tackle misinformation, disinformation, and other harmful activity that is proliferating on its platforms.

We therefore ask that you provide written answers to the following questions by August 20, 2021:

1. How many accounts of researchers and journalists were terminated or otherwise disabled during 2021, including but not limited to researchers from the NYU Ad Observatory?
2. Please explain why you terminated those accounts referenced in question 1. If you believe that the researchers violated Facebook’s terms of service, please describe how, in detail.

¹ <https://qz.com/1751030/facebook-ads-lured-seniors-into-giving-savings-to-metals-com/> and <https://www.propublica.org/article/trumpcare-does-not-exist-nevertheless-facebook-and-google-cash-in-on-misleading-ads-for-garbage-health-insurance>

² <https://themarkup.org/ask-the-markup/2020/08/25/does-facebook-still-sell-discriminatory-ads>

³ <https://qz.com/1733345/the-fight-against-discriminatory-financial-ads-on-facebook/>

⁴ <https://qz.com/1800064/for-blind-facebook-users-ads-havent-been-labeled-as-ads/>

3. If the researchers' access violated Facebook's terms of service, what steps are you taking to revise these terms to better accommodate research that improves the security and integrity of your platform?
4. Facebook's public statement about its decision to terminate the Ad Observatory researchers' access said that research should not "compromis[e] people's privacy." Please explain how the researchers' work compromised privacy of end-users.
5. The Ad Observatory project asked Facebook users to voluntarily install a browser extension that would provide information available to that user about the ads that the user was shown. Facebook's public statement says that the extension "collected data about Facebook users who did not install it or consent to the collection."⁵ Were these non-consenting "users" advertisers whose advertising information was being collected and analyzed, other individual Facebook users, or both?
6. Facebook has suggested that the NYU researchers potentially violated user privacy because the browser extension could have exposed the identity of users who liked or commented on an advertisement. However, both researchers at NYU and other independent researchers have confirmed that the extension did not collect information beyond the frame of the ad, and that the program could not collect personal posts.⁶⁷ Given these technical constraints, what evidence does Facebook have to suggest that this research exposed personal information of non-consenting individuals?
7. Facebook's public statement explaining its decision to revoke access for the NYU researchers states that Facebook made this decision "in line with our privacy program under the FTC Order."⁸ FTC Acting Bureau Director Samuel Levine sent you a letter dated August 5, 2021 in which he noted that "Had you honored your commitment to contact us in advance, we would have pointed out that the consent decree does not bar Facebook from creating exceptions for good-faith research in the public interest. Indeed, the FTC supports efforts to shed light on opaque business practices."⁹
 - a) Why didn't Facebook contact the FTC about its plans to disable researchers' accounts?
 - b) Does Facebook maintain that the FTC consent decree or other orders required it to disable access for the Ad Observatory researchers? If so, please explain with specificity which sections of which decree(s) compel that response.
 - c) Are there measures Facebook could take to authorize the Ad Observatory research while remaining in compliance with FTC requirements?
 - d) In light of Mr. Levine's statement that the FTC Order does not require Facebook to disable the access of the Ad Observatory researchers, does Facebook intend to restore the Ad Observatory researchers' access?

⁵ <https://about.fb.com/news/2021/08/research-cannot-be-the-justification-for-compromising-peoples-privacy/>

⁶ <https://www.wired.com/story/facebooks-reason-banning-researchers-doesnt-hold-up/>

⁷ <https://blog.mozilla.org/en/mozilla/news/why-facebooks-claims-about-the-ad-observer-are-wrong/>

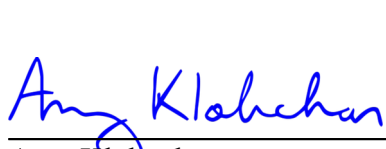
⁸ <https://about.fb.com/news/2021/08/research-cannot-be-the-justification-for-compromising-peoples-privacy/>

⁹ <https://www.ftc.gov/news-events/blogs/consumer-blog/2021/08/letter-acting-director-bureau-consumer-protection-samuel>

8. In its public statement, Facebook highlighted tools that it offers to the academic community, including its Facebook Open Research and Transparency (FORT) initiative. However, public reporting suggests that tool only includes data from the three month period before the November 2020 election, and further that it does not include ads seen by fewer than 100 people.¹⁰
- a) Why does Facebook limit this data set to the three months prior to the November 2020 election?
 - b) Why does Facebook limit this data set to ads seen by more than 100 people?
 - c) What percentage of unique ads on Facebook are seen by more than 100 people?

We look forward to your prompt responses.

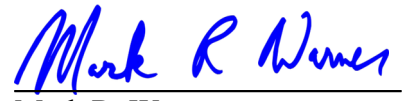
Sincerely,



Amy Klobuchar
United States Senator



Christopher A. Coons
United States Senator



Mark R. Warner
United States Senator

¹⁰ <https://www.wired.com/story/facebooks-reason-banning-researchers-doesnt-hold-up/>