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United States Senate

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The Honorable Edith Ramirez
Chairwoman
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington, DC 20001

Dear Chairwoman Ramirez:

On August 30, Facebook proposed a number of changes to its Data Use Policy and Statement of Rights and Responsibilities. The proposed changes indicate that while the previous policy language offers Facebook users the explicit right to control how their names, faces, and other information are used for advertising and commercial purposes, that through the new policy consumers would automatically cede to Facebook the right to use their information unless they expressly revoke permission. This troubling shift in policy raises a number of questions about whether Facebook is improperly altering its privacy policy without proper user consent and, if the changes go into effect, the degree to which Facebook users will lose control over their personal information.

Facebook's proposed privacy changes come less than two years after the company reached a settlement agreement with the Federal Trade Commission (FTC). Prior to the settlement, the FTC had alleged that Facebook deceived users by informing them they could keep their information on Facebook private but then repeatedly allowed the information to be shared and made public. The settlement requires Facebook to "clearly and prominently" provide consumers notice and obtain consumers' "affirmative express consent" before their information is shared beyond previously established privacy settings as well as initiates regular, independent privacy audits of the company for the next 20 years.¹

I also am particularly concerned about how the proposed changes could impact teenage users of Facebook. While Facebook's new policy states that if a user is under the age of 18, 'you represent that at least one of your parents or legal guardians has also agreed to the terms of this section (and the use of your name, profile picture, content, and information) on your behalf'.² Teens, often impressionable and still developing and learning safe online habits, are especially vulnerable. Accordingly, the FTC should pay close attention to any change that could harm our nation's young people.

¹ <http://ftc.gov/opa/2011/11/privacysettlement.shtm>

² https://fbcdn-dragon-a.akamaihd.net/hphotos-ak-prn1/851575_209563965879553_209116475_n.pdf

In an effort to protect consumers and teens, I would like to know whether the FTC views Facebook's plans to be a violation of the settlement agreement and what actions the Commission has taken or plans to take to investigate whether Facebook's proposed changes to its privacy policy violate the agreement.

Thank you for your attention to this important matter. If you have any questions, please have a member of your staff contact Joseph Wender at 202-224-2742.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Markey". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Edward J. Markey