June 25, 2012

The Honorable Joe Barton
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515-6155

The Honorable Edward J. Markey
U.S. House of Representatives
2108 Rayburn House Office Building
Washington, DC 20515-6155

Dear Congressmen Barton and Markey:

Thank you for your June 4, 2012 letter, which inquired about the possibility of Facebook offering service to children under 13 that would have to comply with the special protections set forth in the Children's Online Privacy Protection Act ("COPPA"). We welcome the opportunity to discuss this important issue and our comprehensive approach to promoting safety and privacy of minors on Facebook.

Facebook Is Committed to Protecting Young People Online

Facebook started in 2004 as a social networking site for college and university students. Over time, our users grew to include teens and adults. We recognize that special privacy and safety controls are needed to protect young people, and we are committed to preventing the exploitation of youths online. To this end, we have developed a comprehensive approach for promoting the safety and privacy of minors on the Internet.

In enacting COPPA, Congress sought to promote the privacy and safety of children under 13 online. It obligates websites directed to children under 13 or websites that have actual knowledge they are collecting personal information from children under 13 to obtain verifiable parental consent before collecting, using, or disclosing a child's personal information. Facebook has not developed a service that is directed to children under 13 and our policies prohibit children under the age of 13 from joining Facebook. People who sign up for a Facebook account are required to type in their age on the very first screen. When a person enters a birth date that indicates his or her age is younger than 13, we take steps to help prevent the child from attempting to circumvent the age screen by providing a different birth date.

We recognize, of course, that the age gate we use (like age gates used by other companies) does not always prevent children from registering. Facebook's protections and additional enforcement combine technical checks at signup, social verifications, and reports from our community to help identify child accounts. These are robust mechanisms that help us identify accounts of children under 13 and disable them. We also ask people to notify us if they

believe we might have received information from a child under 13, and we have a dedicated compliance channel for these reports and delete the accounts of children under 13 as soon as we become aware of them.

Despite our policies prohibiting children under 13 from using Facebook, as well as our industry-leading efforts to help ensure they are not on the site, recent reports have highlighted just how difficult it is to enforce age restrictions on the Internet, especially when parents want their children to access online content and services. For example, a study by noted social media scholar danah boyd found that 55 percent of parents with a 12-year-old reported their child has a Facebook account, and that of these parents, 82 percent knew when their child signed up and 76 percent helped their child create his or her account.[1] These reports highlight the challenge faced by Facebook and other online services that are not designed for children under 13 and therefore do not include tools for parents of this sensitive audience group. We appreciate the attention that reports like these are giving to child safety and believe they provide important opportunities for everyone – industry, government, parents, and advocates – to continue their dialogue on these issues with the ultimate goal of providing better, safer experiences for children online.

We are continuing to evaluate the implications of this research and how we can best promote the safety of minors on Facebook. At this point, we have made no final decision whether to change our current approach of prohibiting children under 13 from joining Facebook. We certainly appreciate the important privacy and safety considerations raised in your letter, and we look forward to continuing the dialogue with you and other stakeholders about these issues. If we decide to add tools to our service specifically for parents of kids under 13, we would welcome the opportunity to discuss our plans with you and your staff. However we ultimately proceed, we will continue to comply with our legal obligations, including those set forth in COPPA. In the interim, we would like to take the opportunity to share our comprehensive approach to promoting the privacy and safety of minors on Facebook.

Facebook Has Adopted Robust Measures To Protect Minors

We have put a lot of thought and effort into making our site a safe and positive place for all of our users, especially minors between the ages of 13 and 17. One of Facebook's most important safeguards is our promotion of a real-name culture online. We always have believed that people online are more likely to adhere to community rules and less likely to engage in negative, dangerous, or criminal behavior when their real-world friends and families surround them. A culture of authentic identity also makes our service less attractive to predators and other bad actors that rarely use their real names and email addresses when engaging in nefarious activity. To protect this real-name culture, we have made creating an account using a fake name a violation of our policies and grounds for closing an account. In addition, we have tools to detect fake accounts, and we block the registration of accounts under common fake names.

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[1] danah boyd et al., *Why parents help their children lie to Facebook about age: Unintended consequences of the 'Children's Online Privacy Protection Act'*. FIRST MONDAY, Volume 16, Number 11 (Nov. 7, 2011). http://www.uic.edu/htbin/cgiwrap/bin/ojs/index.php/fm/article/viewArticle/3850/3075

We also leverage the collective experience of the more than 900 million people on Facebook to keep an eye out for offensive or potentially dangerous content. We make it easy to report offensive or harassing content with "report" links on nearly every page on Facebook, and we have systems to prioritize the most serious reports. A trained team of reviewers responds to reports and escalates them to law enforcement as needed.

We offer a number of additional tools to ensure that individuals have a positive experience when using our site, including:

- Inline privacy settings. According to a recent Yahoo! study, 81 percent of teens use privacy controls when setting up an online profile.[2] Many portions of the Facebook service now include inline privacy settings, which means that the settings can be adjusted at the point where the user decides to share a particular piece of information, like when they are posting to their timeline. We made the icons for each of the different privacy settings prominent and easy to identify, so that users can easily understand whom they are sharing with at that moment.

- Age-appropriate sharing and visibility settings. Facebook's privacy and visibility settings take into account the unique needs of people between the ages of 13 and 17, and are more restrictive than the settings for adults in nearly all cases. For example, a minor's sharing is automatically restricted to no more than the minor's friends and friends of those friends, or their networks, which are typically associated with their schools.[3]

- Safeguards to avoid inappropriate contact between adults and minors. Facebook employs tools to protect minors from unwanted contact and solicitation. For example, if you are not a friend or a friend of a friend of a minor, you cannot send them direct messages. Additionally, when a minor who is new to our service receives a friend request, we might warn the minor to only accept friend requests from people he or she really knows before the minor can confirm that he or she wants to accept the friend request. We also use innovative technical mechanisms to flag suspicious adult behavior. For instance, if an adult sends an unusual number of friend requests to minors that are ignored or rejected, our warning systems might be triggered, which initiates a Facebook inquiry so that remedial action can be taken, if necessary.

- Ongoing authentication checks. We perform technical and community verification of users' accounts. Although we do not generally discuss the details publicly in order to limit attempts to compromise or circumvent the safeguards, we can share the fact that we look for anomalous behavior in the aggregate data produced by the Facebook

[2] *See* Yahoo! Strategic Insights & Research, *Yahoo! 2011 Online Safety Survey* (Oct. 2011, http://epsolution.zenfs.com/wpprod/14/2011/10/Yahoo-2011-Online-Safety-Report_short-version.pdf.

[3] The label for this sharing may be "Public" but for minors this has been defined to include only "Friends" and "Friends of Friends."

community and employ automated systems to block inappropriate conduct, warn the user, or, when necessary, disable the offending account.

- Social Reporting and Blocking. Facebook believes in offering teens many options to manage their reputations, and to seek help and protection should they ever encounter abuse on the site. A new tool we have pioneered called "Social Reporting" allows minors to directly notify others of content they want removed from Facebook, such as an unflattering or embarrassing photo posted by a friend. In cases where teens may feel threatened by posted content, the Social Reporting feature gives them the option to report the content to Facebook, to send a copy of the content to a trusted adult, or to block the person who posted it. Blocking helps someone limit contact from another user who may be engaging in bullying, harassing, or otherwise inappropriate behavior. Appendix A illustrates the many choices that users have when they encounter harassing or abusive content. By giving teens more options to address unwanted behavior, we have allowed them to resolve issues more efficiently than was previously possible.

- Blocking registered sex offenders. We work proactively to identify and prohibit access by registered sex offenders. We also have been involved in efforts to establish a national database of registered sex offenders that enables real-time checks and includes important electronic information like email addresses and IM handles. We praise Congress for enacting the KIDS Act of 2008, which tasks the Justice Department to establish and maintain a system that allows social networking websites to compare Internet identifiers of its users with those provided to the National Sex Offender Registry. Unfortunately, Facebook and other social networking sites are still waiting for this system to be made available for use and, in the meantime, are forced to collect the data directly from State registries, which costs precious time and resources.

- Preventing child exploitation. We have a zero-tolerance policy regarding child exploitative material on our platform and employ innovative and industry-leading measures to prevent its dissemination. We have complex technical systems that either block the uploading of this content, including in private groups, or flag it for immediate review by our safety team. In collaboration with Microsoft and the National Center for Missing and Exploited Children (NCMEC), we also utilize a technology called PhotoDNA to scan every photo uploaded to Facebook. PhotoDNA allows us to instantaneously identify, remove, and report known abusive images to NCMEC, which coordinates with law enforcement authorities around the world for potential prosecution. PhotoDNA is a game-changing technology that helps protect online experiences from these abusive materials.

Along with these tools, we have taken additional measures to enhance the privacy and safety of our teen users:

- Encouraging parent-child conversations. Communication between parents, teachers, and children about safe use of the Internet is vital. Just as parents must teach their children how to cross the road safely, parents must recognize that they should talk to

their children about safe online practices. A recent study from the Pew Research Center found that 93 percent of parents of online teenagers have talked with their children about ways to use the Internet and cell phones safely.[4] Our Family Safety Center provides detailed and helpful advice to help support parents and teachers in these conversations.[5]

- Combating bullying and online harassment. Our Statement of Rights and Responsibilities,[6] the governing document for our site, prohibits the posting of content that bullies or harasses. As explained above, we empower users to serve as "community policemen" in reporting offensive content, and our dedicated team of professionals reviews, prioritizes, and acts upon these reports. We also provide educational materials through our Family Safety Center and blog that specifically address bullying prevention, and we have partnered with other organizations to educate young people about the responsibilities of digital citizenship and the dangers of abuse online. For example, we are currently promoting the Stop Bullying: Speak Up campaign with Time Warner. We have mobilized over a million people to stand up to bullying on Facebook's own site, and have bolstered that message via Time Warner properties like CNN, Cartoon Network, and Sports Illustrated.[7]

- Data and account deletion. We respect people's ability to request removal of information they have posted on Facebook and to request removal of their account in its entirety. When users, including minors, ask us to remove information that they have posted, we act quickly to make that information inaccessible on Facebook and take steps to delete the information from all of our systems. We also offer users a simple means by which users can delete all of the information in their accounts. And if a parent reports that someone under 13 is using our service, we automatically delete all data that the child posted.

- Facebook Safety Page. Over 825,000 people have "Liked" our Safety Page,[8] which allows them to receive the latest in safety education directly in their Facebook News Feeds. We regularly post information, tips, articles, features, and dialogues about digital citizenship, as well as links to useful content from third-party experts.

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[4] Pew Research Center, *Teens, Kindness and Cruelty on Social Network Sites* 67-68 (Nov. 9, 2011), http://pewinternet.org/Reports/2011/Teens-and-social-media.aspx.

[5] Facebook, Family Safety Center, http://www.facebook.com/safety (last visited Jun. 12, 2011).

[6] Facebook, Statement of Rights and Responsibilities, http://www.facebook.com/legal/terms (last visited Jun. 12, 2011).

[7] *See, e.g.*, Facebook, Stop Bullying: Speak Up, http://www.facebook.com/stopbullyingspeakup (last visited Jun. 12, 2011); CNN, Stop Bullying: Speak Up, http://www.cnn.com/SPECIALS/2011/bullying/ (last visited Jun. 12, 2011); Cartoon Network, Stop Bullying: Speak Up, http://www.cartoonnetwork.com/promos/stopbullying/index.html (last visited Jun. 12, 2011); Michael Rosenberg, *Time to Stand Up*, Sports Illustrated, Oct. 10, 2011, http://sportsillustrated.cnn.com/vault/article/magazine/MAG1191014/index.htm.

[8] Facebook, Facebook Safety, http://www.facebook.com/fbsafety (last visited Jun. 12, 2011).

- Digital Citizenship Research Grants. Our new Digital Citizenship Research Grants program is an effort to support world-class research that improves understanding of the challenges and opportunities associated with how teens are growing up in a world of digital media and technology. As part of this initiative, Facebook is investing $200,000 to support research that highlights trends associated with digital citizenship, with an initial focus on bullying prevention. This research program has been open to academic and nonprofit institutions.

- Community outreach. Facebook regularly engages directly with parents, teachers, and teens around the country. We have developed a program to do live safety demonstrations for these audiences, as well as members of government, on a regular basis in both English and Spanish.

- Safety Advisory Board. We have proactively convened a global Safety Advisory Board, currently comprised of five leading experts in family safety (Childnet International, ConnectSafely.org, the Family Online Safety Institute, the National Network to End Domestic Violence, and WiredSafety), who advise us on best practices related to online safety. We routinely reach out to our Safety Advisory Board for independent feedback on ways in which we can best protect our users, especially minors, online. We recognize that the safety of our users is the best way to build a successful long-term business online and the Safety Advisory Board plays a critical role in our effort to promote a safer environment on Facebook.

- Other partnerships to protect online safety. We believe online safety is a shared responsibility, which is why we partner with organizations globally to create the most robust and effective safety environment possible. Both to share our insights and to stay fully informed, Facebook has participated in many online safety initiatives around the world. We are proud of our work with government officials and other experts – including the U.S. State Attorneys General, the Internet Safety Technical Task Force, the EU Safer Internet initiative, the National Suicide Prevention Lifeline, and the National Cyber Security Alliance, as well as many others – to promote safety and privacy online.

Many of the tools we have adopted and measures we have taken are unprecedented in the industry, and we believe that these safety, security, and privacy efforts advance the cause of online safety for minors.

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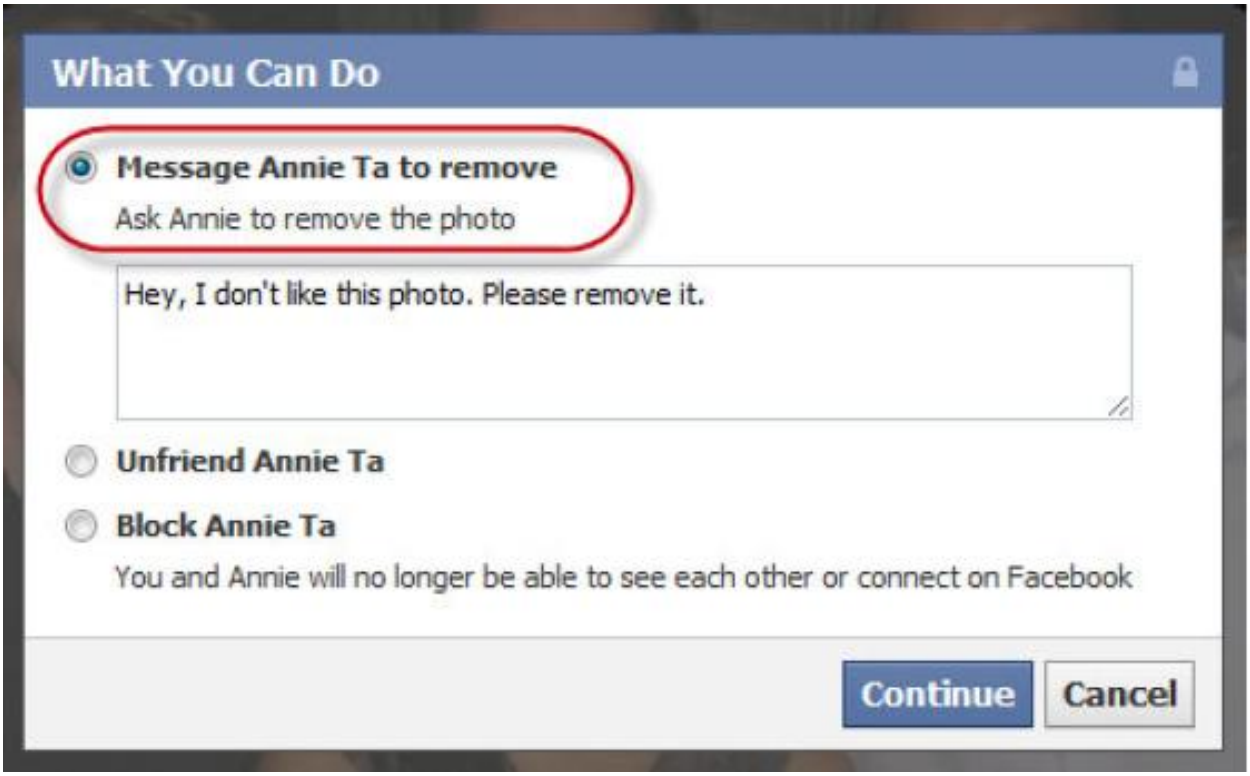
Thank you for your letter. If we can provide any additional information, please do not hesitate to contact us.

Sincerely,

Erin M. Egan
Chief Privacy Officer, Policy
Facebook

<u>Appendix A</u>: Examples of Social Reporting

1. People on Facebook can indicate that they want content removed.

2. **A private message can be sent to the person who posted the content asking that it be removed. Because this action takes place in private, teens are more likely to use it.**