

Congress of the United States
Washington, DC 20515

June 4, 2012

Mr. Mark Zuckerberg
Founder & Chief Executive Officer
Facebook
1601 S. California Avenue
Palo Alto, CA 94304

Dear Mr. Zuckerberg:

According to a June 3, 2012, Wall Street Journal article (“Facebook Explores Giving Kids Access”), Facebook is developing technology to permit children ages 12 and younger to use the social-networking website. The news story explains that the company is now testing mechanisms that would connect “children’s accounts to their parents’ and controls that would allow parents to decide whom their kids can ‘friend’ and what applications they can use.” This potential change would subject the company to the Children’s Online Privacy Protection Act (COPPA), a law that protects this vulnerable age group by providing parents with tools to control the information web sites collect about their children and block access to such information.

Permitting children under 13 to use the social networking site raises a number of important questions about how Facebook would comply with COPPA. The law applies to operators of websites directed to children age 12 and younger that collect, use, or disclose personal information from children or operators of general audience websites with actual knowledge they collect, use, or disclose personal information from children under 13. Among many requirements, COPPA requires these operators to notify parents and obtain consent from them before collecting personal information from children. Operators also are prohibited from disclosing this information to third parties.

The potential changes being discussed by Facebook come just weeks after Facebook’s initial public offering. The Journal article reports that “Concerns have been growing over Facebook’s ability to sustain the 88% revenue growth it achieved last year via advertising.” The article reports that permitting this age group to use Facebook would allow the company to “tap a new pool of users for revenue”; “target a fast-growing market for children’s games”; and “enable Facebook and its partners to charge parents for games and other entertainment access by their children.”

We acknowledge that more and more children under the age of 13 are using Facebook and this is a problem that needs to be addressed. While Facebook provides important communication and entertainment opportunities, we strongly believe that children and their personal information should not be viewed as a source of revenue.

Facebook's efforts to expand its reach to children 12 years old and younger come only months after the company reached a settlement agreement with the Federal Trade Commission (FTC). 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 provide consumers clear and prominent notice and obtain consumers' 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

Accordingly, as co-Chairmen of the Congressional Bi-Partisan Privacy Caucus, we are deeply concerned that the changes discussed by Facebook could potentially have a harmful impact on our children. We request responses to the following questions:

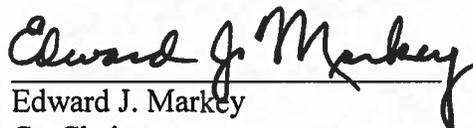
1. What options is Facebook exploring to allow children age 12 and younger to use the social networking site? Please explain all options, including whether the company has considered allowing kids ages 12 and younger to use the current site, with modifications, or to establish an entirely separate website for that age group.
2. Is Facebook planning to mandate consent from a child or their parent before the company collects, uses, or discloses personal information about kids ages 12 and younger? How does Facebook plan to obtain this consent? How will Facebook verify that a user is indeed a parent?
3. What specific information does Facebook contemplate collecting about children age 12 and younger?
4. How does Facebook plan to use information the company collects about children in this age group? Does Facebook plan to disclose or sell that information to its partners and other third parties?
5. Does Facebook plan to target advertisements at children age 12 and younger? What marketing safeguards does Facebook plan to put in place for this age group?
6. Does Facebook plan to provide an "eraser button" to allow kids under 13 or their parents to erase information they no longer want to be posted online?
7. How does Facebook plan to ensure compliance with COPPA?
8. What additional privacy controls will be added to protect children 12 and under? Does Facebook plan to set the user controls to the highest setting by default? If not, why not?
9. As Facebook develops new technologies to allow children 12 and under to utilize the site, has any consideration been made to incorporate "Do-Not-Track"?

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

10. What type of controls will be given to a parent to monitor the activity of their children while on Facebook?
11. Who will Facebook consider as the primary user: the parent or the child? If not the parent, why not?
12. How is Facebook planning to conduct the transition of a child's profile when he/she reaches the age of 13? Will the parent be notified of any changes and given any authorities?
13. Does Facebook plan to create a family account? If so, would there be any limits as to how many children, in one family, under the age of 13 could join?
14. With an increase in cell phone usage, how does Facebook plan to give parents control across multiple platforms?

Thank you for your attention to this important matter. Please provide a response no later than June 25, 2012. If you have any questions, please have a member of your staff contact Joseph Wender in Congressman Markey's office (202-225-2836) or Emmanuel Guillory in Congressman Barton's office (202-225-2002).

Sincerely,


Edward J. Markey
Co-Chairman
Congressional Bi-Partisan Privacy Caucus


Joe Barton
Co-Chairman
Congressional Bi-Partisan Privacy Caucus