

29 juni 2017

Dear ... ,

Below the answers to your questions.

Kind regards,

...

1. No additional questions.

2. In relation to your answer to this question we wonder if Facebook users are notified with which companies Facebook has an agreement. In relation to the companies I mentioned in my letter I cannot verify whether or not they have consent from Facebook. We will ask these companies themselves, but were wondering if Facebook discloses the names of the companies it gives consent and if not how users can verify if a company has consent from Facebook or not. I also ask you this because we are investigating different other companies.

*People are aware of the third-party apps that have access to their information because they authorized the app to access that information. People can manage these apps at any time and revoke access by visiting <https://www.facebook.com/settings>. In other cases, people may voluntarily share information with an app or company (for example by having a Messenger conversation with the business) or share information publicly, which can be accessed by anyone on and off of Facebook (as we indicate when people select a "public" audience for a post or other type of content).*

3. I presume that if Facebook has an agreement with these companies rules and regulation in relation to the data from Facebook users is part of that agreement or is the use as I described it to you by these companies (resell data to other companies or state institutions) in general forbidden?

*All app developers and other businesses who use our services must agree to our Statement of Rights and Responsibilities and related policies. These policies explicitly prohibit selling data they receive from us. We also prohibit anyone from accessing Facebook using automated means. If an app accesses information from us in a permissible manner (i.e., via our API), our policies prohibit them from offering any type of surveillance tool.*

4. Some of these companies have been storing data on their own servers since 2007. This data is also shared with law enforcement agencies. If Facebook prohibits this behavior what are the steps the company will take against these practices? In relation to this and also in general what are the steps Facebook will take and which complaints procedures are there for Facebook users.

*Can you please share examples of this? If we can verify this activity, we would take all steps necessary to ensure they delete this information.*

5. No additional questions.

6. We will ask these companies their opinion on the matter and also law enforcement agencies and the Ministry for Security and Justice. Are you going to inform the public, us or other institutions about your steps?

*We are committed to bringing any company that we find that violates our terms into compliance. We appreciate your willingness to communicate with us and we'd like to continue the conversation. In addition, each company has confirmed their commitment to reviewing their services and the clients who use them, and taking any steps necessary to ensure compliance with our terms. They have also given us permission to share their contact information with you.*

7. What I described is the practice to circumvent the privacy settings of a Facebook user who prevents external people see its information but shares that with an acquaintance who has not closed its Facebook page for external viewing. In this way 'private' information of someone can be viewed. We assumed that Facebook forbids this practice. We share with you a quote from a report on the functionality of these companies in their work for law enforcement agencies. The quote and other information we have suggests that the companies use tactics to circumvent privacy settings. The quote is in Dutch: "De gegenereerde resultaten van OBI4wan zijn niet zo volledig als bij de andere gebruikte online media monitor op het RTIC (Coosto). Vooral bij de bronnen Facebook, YouTube en Instagram zijn de resultaten bij het gebruik van dezelfde zoekopdrachten van Coosto vollediger." TRANSLATED IN ENGLISH BY EDO: The generated results of OBI4wan aren't as complete as with the other online media monitor instruments that we've used on the Real Time Intelligence Center of the Police (Coosto). Especially with sources like Facebook, YouTube and Instagram the results of the same queries are much more complete with Coosto.

*Me and my colleagues still do not really understand the question. Friends cannot 'overrule' privacy settings of someone else. The first person decides who he wants to share something with himself, just friends or publicly. An exception we could think of is when you post on another person's timeline. Then the owner of the timeline controls the setting. But this is just how the product works and not circumventing.*

8. No additional questions.

We hope you can provide us with some additional information. We also would like to know if your answers also refer to Instagram and WhatsApp, both part of Facebook Inc. If not we will contact these companies as well.

*WhatsApp does not offer APIs for developers at this time. To Instagram all answers do apply as well.*