

ONE HUNDRED SEVENTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

February 9, 2021

Tim Cook  
Chief Executive Officer  
Apple, Inc.  
One Apple Park Way  
Cupertino, CA 95014

Dear Mr. Cook,

We write to inquire about the accuracy of Apple's new App Privacy labels in light of recent reports suggesting that several of these disclosures contain misleading and false information.

In December, Apple launched its App Privacy labels, which purportedly help “users better understand an app’s privacy practices before they download the app on any Apple platform.”<sup>1</sup> The privacy labels are simplified boxes on each app’s product page succinctly summarizing the app’s data collection and use practices.<sup>2</sup> The labels use four categories to provide information to consumers: data used to track you, data linked to you, data not linked to you, and data not collected.<sup>3</sup> Each label lists the specific types of data—including search history, location, purchases, and identifiers—used by the app.<sup>4</sup> Apps that do not collect any data receive a blue checkmark.<sup>5</sup>

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<sup>1</sup> Apple, App Privacy Labels Now Live on the App Store (developer.apple.com/news/?id=3wann9gh).

<sup>2</sup> Apple, App Privacy Details on the App Store (developer.apple.com/app-store/app-privacy-details/) (accessed Feb. 2, 2021).

<sup>3</sup> *Is that App Spying on You? Here’s How to Read iPhone Privacy Labels*, Washington Post (Jan. 29, 2021).

<sup>4</sup> See note 2

<sup>5</sup> *I Checked Apple’s New Privacy ‘Nutrition Labels.’ Many Were False.*, Washington Post (Jan. 29, 2021)

Apple requires developers to provide information about an app's privacy practices upon submitting new apps and app updates to the App Store.<sup>6</sup> Apple uses this information to assign privacy labels, but does not independently verify the accuracy of the information provided by the developers.<sup>7</sup>

According to recent reports, App Privacy labels can be highly misleading or blatantly false.<sup>8</sup> Using software that logs data transmitted to trackers, a reporter discovered that approximately one third of evaluated apps that said they did not collect data had inaccurate labels.<sup>9</sup> For example, a travel app labeled as collecting no data was sending identifiers and other data to a massive search engine and social media company, an app-analytics company, and even a Russian Internet company.<sup>10</sup> A 'slime simulator' rated for ages 4 and older had a 'Data Not Collected' label, even though the app shares identifying information with major tech companies and shared data about the phone's battery level, storage, general location, and volume level with a video game software development company.<sup>11</sup>

Simplifying and enhancing privacy disclosures is a laudable goal, but consumer trust in privacy labeling approaches may be undermined if Apple's App Privacy labels disseminate false and misleading information. Without meaningful, accurate information, Apple's tool of illumination and transparency may become a source of consumer confusion and harm. False and misleading privacy labels can dupe privacy-conscious consumers into downloading data-intensive apps, ultimately eroding the credibility and integrity of the labels. A privacy label without credibility and integrity also may dull the competitive forces encouraging app developers to improve their data practices.

A privacy label is no protection if it is false. We urge Apple to improve the validity of its App Privacy labels to ensure consumers are provided meaningful information about their apps' data practices and that consumers are not harmed by these potentially deceptive practices.

To better understand Apple's practices with respect to the privacy labels, we request that you provide written response to the following questions by February 23, 2021:

1. Apple has stated that it conducts routine and ongoing audits of the information provided by developers and works with developers to correct any inaccuracies.<sup>12</sup>

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<sup>6</sup> See note 2.

<sup>7</sup> See note 5.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

- a. Please detail the process by which Apple audits the privacy information provided by app developers. Please explain how frequently audits are conducted, the criteria by which Apple selects which apps to audit, and the methods for verifying the accuracy of the privacy information provided by apps.
  - b. How many apps have been audited since the implementation of the App Privacy label? Of those, how many were found to have provided inaccurate or misleading information?
2. Does Apple ensure that App Privacy labels are corrected upon the discovery of inaccuracies or misleading information? If not, why not? For each app that has been found to have provided inaccurate or misleading information, how quickly was that label corrected?
  3. Please detail Apple's enforcement policies when an app fails to provide accurate privacy information for the App Privacy label.
  4. Does Apple require more in-depth privacy disclosures and conduct more stringent oversight of apps targeted to children under the age of 13? If not, why not? If so, please describe the additional disclosures required and the oversight actions employed for these apps.
  5. Providing clear and easily comprehensible privacy information at the point of sale is certainly valuable, but privacy policies are not static. Does Apple notify users when one of their app's privacy labels has materially changed? If not, why not. If so, how are users notified of such changes.

We thank you for your attention to this important matter. If you have any questions about our request, please contact Daniel Greene with the Majority Committee staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.  
Chairman



Jan Schakowsky  
Chair  
Subcommittee on Consumer Protection  
and Commerce