

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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October 30, 2020

Mr. Mark Zuckerberg
CEO
Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

We are writing to raise concerns regarding recent reports of Facebook's attempts to potentially undermine New York University researchers' efforts to provide transparency and accountability in political advertising. The researchers created a tool called the NYU Ad Observer. Volunteers give the Ad Observer access to the political advertisements they see on Facebook, including information about why such ads were targeted to these individuals.

This data is used by researchers and journalists to investigate who is targeted by political advertisements in order to hold advertisers and Facebook accountable. We are disappointed that despite your staff reportedly having engaged in multiple discussions with these researchers about their project, Facebook could not find a way to work with them to improve transparency around political ads on Facebook while protecting consumer privacy.

The unfortunate timing of a letter from Facebook to the NYU Ad Observatory, which runs the Ad Observer tool, just weeks before the 2020 presidential election, raises concerns about Facebook's commitment to election integrity. The letter reportedly demands that the researchers cease collecting data on political advertisements and delete all data already collected, asserting that these actions are necessary to protect consumer privacy.

Although we understand that you have given the researchers until the end of November to comply with your demands, the timing of this letter puts at risk ongoing transparency efforts related to the upcoming election currently being undertaken by partners of the NYU Ad Observatory.

These efforts include post-election analysis of Facebook's ability to enforce its own political advertising policies, such as banning new political ads in the week leading up to the election and all political ads temporarily after voting ends,¹ and the consequences of Facebook's policies.

In light of Facebook's past privacy failures—most notably, the 2016 exposure of private user data to Cambridge Analytica—we recognize the need for Facebook to protect consumer privacy and take efforts to prevent third parties from surreptitiously accessing and collecting consumer data. In this case, however, it appears Facebook is using the guise of protecting user privacy to suppress efforts to hold the company accountable for its failures.

Reports indicate that the NYU Ad Observatory collects data only with the explicit permission of its volunteers, and the data collected does not include data that is linked or linkable to any particular individual.² The NYU Ad Observatory, therefore, has taken significant steps to protect consumer privacy. The data made public by the NYU Ad Observatory fulfills a critical unmet need by providing researchers and the public with timely, vital transparency into how political ads are being targeted at American consumers.

In just the past two weeks, journalists have used NYU Ad Observatory data in at least nine separate reports. This data is crucial for holding both advertisers and Facebook accountable. It has been used to reveal gaps in the enforcement of Facebook's advertising policies. For example, despite requiring political, elections, and social issues advertisers to register and make certain disclosures about their ads, Facebook has allowed certain political and election ads that fail to disclose who paid for them on their platform and has not included those ads in Facebook's own supposed ad transparency tool, the Ad Library.³ Such political ads are almost invisible to transparency researchers and the American public without tools like the Ad Observatory.

Facebook is notorious for its repeated and willful failures to be transparent and lack of interest in working with outside researchers. Instead of finding a way to work with the NYU researchers to improve transparency and consumer trust, Facebook seeks to stop their important work.

¹ *Facebook Ban on New Political Ads Starts Off with Major Hiccups*, Washington Post (Oct. 27, 2020) (www.washingtonpost.com/technology/2020/10/27/facebook-ban-new-political-ads/).

² *Facebook Seeks Shutdown of NYU Research Project into Political Ad Targeting*, Wall Street Journal (Oct. 23, 2020) (www.wsj.com/articles/facebook-seeks-shutdown-of-nyu-research-project-into-political-ad-targeting-11603488533).

³ *Facebook Promised to Label Political Ads, But Ads for Biden, The Daily Wire, And Interest Groups Are Slipping Through*, BuzzFeed News (Oct. 22, 2020) (www.buzzfeednews.com/article/craigsilverman/facebook-biden-election-ads).

Mr. Mark Zuckerberg
October 30, 2020
Page 3

We urge you to work collaboratively with the NYU Ad Observatory to achieve the goals of increased transparency and accountability in political advertising while protecting consumer privacy. Greater transparency is needed on the Facebook platform into how individuals are being targeted by political advertisements. Only then can Facebook regain the trust of the American people.

Sincerely,



Frank Pallone, Jr.
Chairman



Mike Doyle
Chairman
Subcommittee on Communications
and Technology



Jan Schakowsky
Chair
Subcommittee on Consumer Protection
and Commerce