

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

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

February 19, 2019

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

Dear Mr. Zuckerberg,

We are writing regarding concerning reports that Facebook has been misleading its users regarding the private or anonymous nature of closed Facebook groups.¹ In particular, these reports note that health information of certain Facebook users may have been exposed, leading to countless unauthorized disclosures of personal health information, harassment and a risk of discrimination.

According to a consumer complaint filed with the Federal Trade Commission (FTC), Facebook's algorithms used personal information it collected from Facebook users to suggest and even solicit members of online support groups for a variety of medical conditions.² These groups were called closed groups and often had the word "anonymous" in their name, suggesting that information shared within the group and even membership in the group would be private.³ According to the complaint, users of these groups shared deeply personal health information, such as information about substance use disorders, about the challenges of parenting transgender children, HIV status, and past history of sexual assault.⁴

Despite the indications that the groups were private and anonymous, people and companies who should not have been admitted to these groups gained access to them and to lists of group members. People used the member lists and other information from these groups to

¹ *Patients Say Facebook Exposed Health Information*, Politico (Feb. 18, 2019).

² Complaint of Fred Trotter and David Harlow to the Federal Trade Commission, Multiple Ongoing Patient Privacy Breaches in the Facebook PHR (Groups Product) (Dec. 14, 2018).

³ *Id.*

⁴ *Id.*

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target and harass members of the groups. Insurance companies may have used information from these private groups to make decisions about insurance offerings for group members.

This consumer complaint raises a number of concerns about Facebook's privacy policies and practices. Facebook's systems lack transparency as to how they are able to gather personal information and synthesize that information into suggestions of relevant medical condition support groups. Labeling these groups as closed or anonymous potentially misled Facebook users into joining these groups and revealing more personal information than they otherwise would have. And Facebook may have failed to properly notify group members that their personal health information may have been accessed by health insurance companies and online bullies, among others.

In light of the Committee's continuing commitment to protect the privacy of the American people, we request a staff briefing on the issues raised by the complaint no later than March 1, 2019, so we can better understand Facebook's practices with respect to so-called closed and anonymous groups.

Thank you for your attention to this serious matter. If you have any questions, please contact Lisa Goldman of the Majority Staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.
Chairman



Jan Schakowsky
Chair
Subcommittee on Consumer
Protection and Commerce