

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of)
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TWITTER, INC.,)
a corporation.)
_____)

DOCKET NO. C-4316

COMPLAINT

The Federal Trade Commission, having reason to believe that Twitter Inc. ("Twitter" or "respondent"), a corporation, has violated the Federal Trade Commission Act ("FTC Act"), and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Twitter is a privately-owned, Delaware corporation with its principal office or place of business at 795 Folsom St., 6400, San Francisco, CA 94103.
2. The acts and practices of respondent as alleged in this complaint have been or affecting commerce, as "commerce" is defined in Section 4 of the FTC Act.

RESPONDENT'S BUSINESS PRACTICES

3. Since approximately July 2006, Twitter has operated www.twitter.com, a social networking website that enables users to send "tweets" – brief updates of 140 characters or less – to their "followers" (i.e., users who sign up to receive such updates) via email and phone text. Consumers who use Twitter are followed by other individuals, as well as commercial, media, governmental, or nonprofit entities. Using Twitter, consumers may receive discount offers from companies, breaking news from media outlets, and public safety and emergency updates from federal and municipal authorities. In many instances, tweets invite users to click on links to other websites, including websites that consumers may use to obtain commercial products or services.
4. Twitter collects certain information from each user and makes it part of the user's public profile. Such information includes: a username and profile image, lists of the other Twitter users whom the user follows and is followed by and, at the user's option, a website address, location, time zone, and one-line narrative description or "bio." In addition, tweets appear in the user's profile page.

carrier or mobile telephone number (for users who receive updates by phone), and the username for any Twitter account that a user has chosen to “block” from exchanging tweets with the user. This nonpublic information (collectively, “nonpublic user information”) cannot be viewed by other users or any other third parties, but – with the exception of IP addresses – can be viewed by the user who operates the account.

6. Twitter offers privacy settings through which a user may choose to designate tweets as nonpublic. For example, Twitter offers users the ability to send “direct messages” to a specified follower and states that “only author and recipient can view such messages. Twitter also allows users to click a button labeled “Protect my tweets.” If a user chooses this option, Twitter states that the user’s tweets can be viewed only by the user’s approved followers. Unless deleted, direct messages and protected tweets (collectively, “nonpublic tweets”) are stored in the recipient’s Twitter account.
7. From approximately July 2006 until July 2009, Twitter granted almost all of its employees the ability to exercise administrative control of the Twitter system, including the ability to: reset a user’s account password, view a user’s nonpublic tweets and other nonpublic user information, and send tweets on behalf of a user. Such employees have accessed these administrative controls using administrative credentials, composed of a user name and administrative password.
8. From approximately July 2006 until January 2009, Twitter’s employees entered their administrative credentials into the same webpage where users logged into www.twitter.com (hereinafter, “public login webpage”).
9. From approximately July 2006 until July 2008, Twitter did not provide a company email account. Instead, it instructed each employee to use a personal email account of the employee’s choice for company business. During this time, company-related emails from Twitter employees in many instances displayed the employee’s personal email address in the email header.

RESPONDENT’S STATEMENTS

10. Respondent has disseminated false and misleading statements to consumers on its website regarding its operation and control of the Twitter system, including, but not limited to:
 - a. from approximately May 2007 until November 2009, the following statement in Twitter’s privacy policy regarding Twitter’s protection of nonpublic user information:

Twitter is very concerned about safeguarding the confidentiality of your personally identifiable information. We employ administrative, physical, and electronic measures designed to protect your information from unauthorized access. (See Exhibit 1).

- b. since approximately November 17, 2008, the following statements on its website regarding the privacy of direct messages that users send via Twitter:

Help Resources/Getting Started/What is a direct message?
What is a direct message? (DM)

Private Twitter Message

a. establish or enforce po

