

Analysis of Proposed Consent Order to Aid Public Comment
In the Matter of Facebook, Inc., File No. 0923184

The Federal Trade Commission has accepted, subject to final approval, a consent agreement from Facebook, Inc. (“Facebook”).

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement’s proposed order.

Since at least 2004, Facebook has operated www.facebook.com, a social networking website that enables a consumer who uses the site (“user”) to create an online profile and communicate with other users. Among other things, a user’s online profile can include information such as the user’s name, a “profile picture,” interest groups they join, a “Friend List” of other users who are the user’s “Fr

- ! **Facebook’s Deception Regarding its Verified Apps Program:** Facebook had a “Verified Apps” program through which it represented that it had certified the security of certain Apps when, in fact, it had not.
- ! **Facebook’s Deception Regarding Photo and Video Deletion:** Facebook stated to users that, when they deactivate or delete their accounts, their photos and videos would be inaccessible. In fact, Facebook continued to allow access to this content even after a user deactivated or deleted his or her account.
- ! **Safe Harbor:** Facebook deceptively stated that it complied with the U.S.-EU Safe Harbor Framework, a mechanism by which U.S. companies may transfer data from the European Union to the United States consistent with European law.

The proposed order contains provisions designed to prevent Facebook from engaging in practices in the future that are the same or similar to those alleged in the complaint.

Part I of the proposed order prohibits Facebook from misrepresenting the privacy or security of “covered information,” as well as the company’s compliance with any privacy, security, or other compliance program, including but not limited to the U.S.-EU Safe Harbor Framework. “Covered information” is defined broadly as “information from or about an individual consumer, including but not limited to: (a) a first or last name; (b) a home or other physical address, including street name and name of city or town; (c) an email address or other online contact information, such as an instant messaging user identifier or a screen name; (d) a mobile or other telephone number; (e) photos and videos; (f) Internet Protocol (“IP”) address, User ID, or other persistent identifier; (g) physical location; or (h) any information combined with any of (a) through (g) above.”

Part II of the proposed order requires Facebook to give its users a clear and prominent notice and obtain their affirmative express consent before sharing their previously-collected information with third parties in any way that materially exceeds the restrictions imposed by their privacy policy. 1.00000 0.00000 50400 36.281.0400 TD(their 00 0.00000 1.00000 0.0000 0.0000 cm0.0n 626.040

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