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Privacy Commissioner  
of Canada

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DEC - 7 2009

Mr. Michael Richter  
Deputy General Counsel  
Facebook  
1601 S California Avenue  
Palo Alto, California  
USA 94304

Dear Mr. Richter:

Thank you for your letter of November 25, 2009 outlining Facebook's planned privacy tool and tour as well as the insights provided in our teleconference call of December 1, 2009. I also acknowledge receipt of the additional screen shots that you sent on December 4, 2009. This letter is further to my comments during our teleconference call.

Changes in privacy controls of site

I recognize that Facebook has made many of its proposed additions to highlight the privacy controls found on the site. The Privacy Tour provides a good overview of how privacy works on Facebook, with the inclusion of a tool that allows you to view how others see your profile. As well, I appreciate the fact that all current users will be required to review their privacy settings through the privacy tool. This is an especially important step given the fact that Facebook is making significant changes to its default privacy settings and designating some categories of information as "publicly available" thereby opening up many categories of information in a much broader way.

Implications of preselection to Everyone

In my letter of finding of July 15, 2009, I approached the question of settings from the perspective of the average Facebook user and what his/her reasonable expectations might be. I accepted that *certain settings that Facebook preselects would be acceptable as long as they met the user's reasonable expectations.*

In the changes that are about to be implemented, for new users and those current users who have never changed their settings, you are preselecting *Everyone* for categories of information such as About Me, Family & Relationships, Work & Education Information, Website as well as every post created such as status updates and photo albums. With respect to current users, as I understand it, Facebook

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reasons that since users may have been comfortable with sharing their information with what was previously, in some cases, fairly large networks, they would now be comfortable with sharing that information with everyone on the internet. It is unclear what you are basing that reasoning on especially since many of those categories of information can be considered sensitive.

#### Increased accessibility by developers

With these changes (especially the *Everyone* setting), I believe that Facebook has changed the site in a material way. It is a different site than the site we investigated earlier this year. In going forward, I suggest that Facebook keep in mind how we considered the question of settings in our findings, especially since the information set to *Everyone* can be freely accessed by application developers when an individual (or his/her friend) adds an application. It does not appear that there will be any granular control over that information.

In addition to information set to *Everyone*, information defined as "publicly available information" is available to third party websites and application developers. Publicly available information includes: the user's name, profile photo (if added), list of friends, fan pages, gender, networks, geographic location. This information, as a whole, will automatically be accessible to those third parties when an application is added. In our findings, we recommended that Facebook limit the application developers' access to user information not required to run a specific application. As a response, Facebook proposed a permissions model.

#### Your commitment to the Office of the Privacy Commissioner of Canada

Granularity and user control that the permissions model provides were key to the basis upon which we reached resolution. In your letter of commitment to us, dated August 17, 2009, you stated, with respect to the new permissions model, that:

*...when a user decides to add an application, she would be presented with a dialog box that explains to the user that the application wishes to access specific categories of information. The specific categories of data the application is requesting would be listed in the dialog box, and the user would be given granular control over what categories of information the application will be granted permission to access. In addition, the dialog box would include an easy-to-link to a clear, plain-language statement by the application developer explaining how it will use the information that it accesses.*

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This suggests that the user has control over all of his/her data. I do not glean from this any suggestion that certain information (designated as publicly available) could *not* be controlled by the user. In the public commentary that followed the investigation, users seemed to expect that Facebook will ensure that there will be limits to the disclosure of personal information to third-party application developers through the permissions model.

Restricting information sharing

I am concerned about what I see as a potential lack of control for users who cannot limit the sharing of their information (publicly available information) when they (or a friend) add an application. The permissions model, which is very much connected to settings, appears to be limited in its application. In other words, even for people who otherwise restrict the sharing of their personal information, a certain portion of their information, the publicly available portion, may be disclosed to the third-party application developer.

I am pleased that there is time to address these issues before the permissions model is developed. I would note, however, that our Office is receiving numerous media requests for comment on our follow up with Facebook. For the sake of transparency, we will have to say more about our concerns in the very near future.

I would suggest that Facebook keep my comments and the analysis we used in the findings in mind as it develops the permissions model and further refines its privacy settings.

Thank you again for your continued cooperation.

Sincerely,

Elizabeth Denham  
Assistant Privacy Commissioner

c.c.: Jennifer Stoddart, Privacy Commissioner of Canada

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