

From: COLLINS, Damian
Sent: 25 November 2018 18:53
To: Richard Allan
Cc: Culture, Media & Sport Committee
Subject: Re: Facebook correspondence

Dear Richard

Thank you for your email.

My understanding is that an order by the court to seal documents in a case like this is not common practice in the USA. However, that is a matter for the court in California, and not my committee. As you know, as a member of parliament yourself, the House of Commons has the power to order the production of documents within the UK jurisdiction, and a committee of the House can publish such documents if it chooses to, with the protection of parliamentary privilege.

The Committee's interest in the documents we have requested relates to their relevance to our ongoing inquiry into disinformation and fake news. As you know, we have asked many questions of Facebook about its policies on sharing user data with developers, how these have been enforced, and how the company identifies activity by bad actors. We believe that the documents we have ordered from Six4Three could contain important information about this which is of a high level of public interest. We are also interested to know whether the policies of Facebook, as expressed within these documents, are consistent with the public statements the company has made on the same issues.

The Committee does not hold a position regarding the case that Six4Three has made against Facebook and, by ordering these documents, we are not in any way seeking to support their claim. I note, however, that Facebook allowed the 'Pikinis' App to run on its platform, which it did successfully without restriction until the wider changes in policy in 2014/15.

You mention the changes in Facebook policy to restrict access to data by apps in 2014/2015, and, in particular, the access rights of third-party developers to users' friend data, and whether we no longer support this change. As you know, the committee has expressed its concerns about the access to data that was allowed without users' knowledge or consent prior to 2014. However, our interest here is in how Facebook restricts developer access to data under these new rules, whether the restrictions are uniformly enforced, and what consent users have about this. I believe that these documents may contain important information for the Committee on all of these points.

Finally, you raise the issue of the sub judice rules. As you know, this is not a matter before courts in the UK, and the sub judice rules are applied very differently in the USA, where the First Amendment rights of free speech allow much more open discussion of cases.

I look forward to seeing you again on Tuesday.

Kind regards

Damian

Damian Collins
MP for Folkestone and Hythe
Chair of the Digital, Culture, Media and Sport Select Committee

From: Richard Allan
Date: Sunday, 25 November 2018 at 15:45
To: Damian Collins
Subject: Facebook correspondence

Dear Damian,

I am writing to you concerning the documents that you have obtained from the company Six4Three.

As you know, these documents date from 2013-14 and were disclosed as part of a proceeding brought by Six4Three against Facebook, and are under seal by Court order (as is common practice in US proceedings of this nature). The court that sealed the documents is due to consider these latest developments as early as tomorrow. It will be helpful for all of us to see Six4Three's explanation and any directions given by the judge in this case as we consider their legal status.

This case has become a matter of public debate and it is important that participants in this debate understand its context.

The app that had been developed by Six4Three was designed to surface images of women in bikinis that had been shared by friends. It received some press attention (New 'Pikinis' App Helps Creeps Find Your Bikini Pics With Ease (<https://jezebel.com/new-pikinis-app-helps-creeps-find-your-bikini-pics-with-479775602>)) when it was launched. We understand that around 4,500 people installed the app.

Since then, the company has filed multiple complaints against Facebook. We consider these to be entirely without merit and that the repeated filings demonstrate that this is more about attacking our company than it is about a credible legal claim. While plaintiffs are free to file any complaint they wish to, however far-fetched, it is important not to take claims made in commercial cases like these at face value.

Most importantly, we hope you will want to reflect on the core issue behind the complaint being brought by Six4Three. The case being brought by Six4Three is a challenge against our efforts to restrict access to data by apps in 2014/2015. We are contesting this challenge in the litigation.

We have faced extensive criticism over the last few months for the fact that the app ThisIsYourDigitalLife, which your committee has looked at extensively, was able to access data shared with an installer of the app by their friends. We explained that we moved to restrict such access to friend data when we updated the API used by 3rd party developers over the period 2014 to 2015. This change was a significant one affecting thousands of applications and was communicated to them clearly and in advance. On earlier occasions, your Committee appeared to endorse this more restrictive approach. If this has now changed, it would be useful to understand why.

Finally, I am conscious of your committee's hearing on Tuesday where I am due to appear. I understand that Parliamentary privilege protects participants for anything said during a hearing of your committee. However, I am also mindful that this matter is sub judice before a court in California. It may be helpful for us to discuss this matter again after we have further guidance from the court.

Yours sincerely,

Richard Allan.