



October 10, 2016

Facebook, Inc.  
1 Hacker Way  
Menlo Park, CA 94025

Instagram, LLC  
1 Hacker Way  
Menlo Park, CA 94025

Dear Facebook and Instagram,

We recently learned about the access to both Facebook and Instagram data by Geofeedia, a developer of a social media monitoring product, that has been marketed to law enforcement agencies in California to monitor activists and protesters.<sup>i</sup>

In the digital age, social media has become a powerful platform to expose human rights abuses and connect across issue and geography. However, these data deals enable dangerous police surveillance that weakens this platform's power, chills free speech, and threatens democratic rights.

We are very pleased that after the ACLU of California raised concerns, Facebook and Instagram ended their data relationships with Geofeedia. We all write today to highlight the following additional concrete steps that Facebook and Instagram both need to take to adequately protect users going forward.

- **No Data Access for Developers of Surveillance Tools.** Facebook and Instagram should not provide user data access to developers who have law enforcement clients and allow their product to be used for surveillance, including the monitoring of information about the political, religious, social views, racial background, locations, associations or activities of any individual or group of individuals.
- **Clear & Transparent Public Policies.** Facebook and Instagram should adopt clear and transparent public policies that prohibit developers from using Facebook and Instagram data to facilitate surveillance and publicly explain these policies, how they will be enforced, and the consequences of such violations. These policies should also appear prominently in specific materials and agreements with developers.
- **Robust Oversight of Developers.** Facebook and Instagram should institute both human and technical auditing mechanisms designed to effectively identify potential violations of company policies, both by developers and their end users, and take swift action for violations.

Social media monitoring is one of the most visible examples of surveillance that disproportionately impacts communities of color and low-income areas. In places like Oakland<sup>iii</sup> and Baltimore<sup>iii</sup>, police have used Geofeedia to monitor peaceful protests. The company's marketing materials refer to unions and activist groups as "overt threats" and explain the product's usefulness for monitoring activists and allies protesting police violence.<sup>iv</sup>

We know that Facebook and Instagram have strong commitments to supporting activists and people of color and making sure that the platforms can be used safely by all people to connect and communicate about important social and political issues. Facebook CEO Mark Zuckerberg has voiced support for Black Lives Matter and he expressed public sympathy after the police killing of Philando Castile and highlighted Facebook's role in making sure that the public learned about the circumstances of his death.<sup>v</sup>

We are confident that Facebook and Instagram will want to build on its decision to sever the data relationships with Geofeedia. By taking the additional concrete steps outlined in this letter, Facebook and Instagram can seek to better ensure its platforms are not used by any developer to target and surveil activists of color. We look forward to Facebook and Instagram's commitment to these changes.

We will be highlighting the findings from the ACLU of California's public records act requests, Facebook and Instagram's action last month to sever the data relationship with Geofeedia, and our recommendations for concrete changes in a public blog post tomorrow. Please let us know if you have any questions.

Sincerely,

Nicole A. Ozer, Technology & Civil Liberties Policy Director  
Peter Bibring, Policy Practices Director  
ACLU of California

Malkia Cyril, Executive Director  
The Center for Media Justice

Brandi Collins, Campaign Director, Media and Economic Justice  
Color of Change

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<sup>i</sup> Nicole Ozer, *Police use of social media surveillance software is escalating, and activists are in the digital crosshairs*, ACLU of California blog, Sept. 22, 2016. See also Press Release, *ACLU Seeks Info into Denver Police Use of Social Media Surveillance*, ACLU of Colorado, Oct. 6, 2016; Sadie Gurman, *Police tracking social media during protests stirs concerns*, Washington Post, Oct. 6, 2016.

<sup>ii</sup> Ali Winston, *Oakland Cops Quietly Acquired Social Media Surveillance Tool*, East Bay Express, Apr. 13, 2016 (noting the "Oakland Police Department acquired... Geofeedia in 2014 and has used it to conduct surveillance on large public gatherings, possibly including political protests.")

<sup>iii</sup> Alison Knezevich, *Police in Baltimore, surrounding communities using Geofeedia to monitor social media posts*, Baltimore Sun, Sept. 5, 2016 ("Police have used [Geofeedia] to monitor protests, Fourth of July events, marathons and the St. Patrick's Day Parade.")

<sup>iv</sup> Nicole Ozer, *Police use of social media surveillance software is escalating, and activists are in the digital crosshairs*, ACLU of California blog, Sept. 22, 2016.

<sup>v</sup> Jessica Guynn, *Zuckerberg reprimands Facebook staff defacing 'Black Lives Matter'*, USA Today, Feb. 26, 2016; Post by Mark Zuckerberg, July 7, 2016, <https://www.facebook.com/zuck/posts/10102948714100101>.