October 10, 2016

Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, CA 94103

Dear Twitter,

We recently learned about your company's data agreement with Geofeedia, a developer of a social media monitoring product used by law enforcement agencies in California and other states.[i] Our records show that as recently as this July, Geofeedia has marketed its product as a tool to monitor protests.[ii]

While we know Twitter is aware of some of these issues, additional steps are needed to bring Twitter's business practices into line with its policies[iii] prohibiting surveillance of users and the company's expressed support for civil rights and free speech.[iv] In the digital age, social media has become a powerful platform to expose human rights abuses and connect across issue and geography. However, this data deal enables dangerous police surveillance that weakens this platform's power, chills free speech, and threatens democratic rights.

We all write today to urge you to join other social media companies in severing Geofeedia's access to user data and taking needed additional concrete steps to adequately protect users going forward.

- **No Data Access for Developers of Surveillance Tools.** Twitter 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, Public & Transparent Policies:** Twitter should adopt clear and transparent public policies that prohibit developers from using Twitter 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.

- **Oversight of Developers**. Twitter should institute both human and technical auditing mechanisms designed to effectively identify potential violations of company policies, both by the 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[v] and Baltimore,[vi] 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.[vii]

We know that Twitter has strong commitments to supporting activists and people of color and making sure that the platform can be used safely by all people to connect and communicate about important social and political issues. Twitter and its CEO Jack Dorsey have publicly expressed support for Black Lives Matter and have hosted events to promote diversity in the tech industry.[viii] Twitter also has a longstanding policy prohibiting the

sale of user data for surveillance and a developer policy that specifically bans the use of Twitter data "to investigate, track or surveil Twitter users."[ix]

We are confident that Twitter will want to take the concrete steps outlined in this letter to make sure that its platform is not used by any developer to target and surveil activists of color. We look forward to Twitter's commitment to these changes.

We plan to highlight the findings from the ACLU of California's public records requests and these 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

[i] 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.

[ii] Email from Geofeedia representative to Sacramento District Attorney's Office, July 11, 2016.

[iii] Twitter's developer policy already prohibits developers with access to user data from knowingly making it available for others "to investigate, track or surveil Twitter users." Twitter Developer Agreement, https://dev.twitter.com/overview/terms/agreement. Separately, Twitter notes a "longstanding policy Twitter policy" of prohibiting "any third party to sell data to a government or intelligence agency for surveillance purposes." Brian Barrett, *Twitter May Have Cut Spy Agencies Off From Its Flood of Data*, Wired.com, May 9, 2016.

[iv] Josh Halliday, *Twitter's Tony Wang: 'We are the free speech wing of the free speech party'*, Mar. 22, 2012, The Guardian.

[v] 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.")

[vi] 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.").

[vii] 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.

[viii] Laura Mandaro, *Twitter paints #BlackLivesMatter on office wall,* USAToday, Dec. 5, 2014.

[ix] Twitter Developer Policy (last visited Oct. 10, 2016); Brain Barrett, *Twitter May Have Cut Spy Agencies Off From Its Flood of Data*, Wired.com, May 9, 2016.