

Congress of the United States

Washington, DC 20515

June 24, 2022

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Khan:

We write to request that the Federal Trade Commission (FTC) investigate Apple and Google for engaging in unfair and deceptive practices by enabling the collection and sale of hundreds of millions of mobile phone users' personal data. These two companies knowingly facilitated these harmful practices by building advertising-specific tracking IDs into their mobile operating systems.

Apple and Google both designed their mobile operating systems, iOS and Android, to include unique tracking identifiers which they have specifically marketed for advertising purposes. These identifiers have fueled the unregulated data broker market by creating a single piece of information linked to a device that data brokers and their customers can use to link to other data about consumers. This data is bought or acquired from app developers and online advertisers, and can include consumers' movements and web browsing activity.

While purportedly anonymous, these advertising identifiers are easily linkable back to individual users. This is because some data brokers sell databases that explicitly link these advertising identifiers to consumers' names, email addresses, and telephone numbers. But even without buying this additional data, it is often possible to easily identify a particular consumer in a dataset of "anonymous" location records by looking to see where they sleep at night.

Both Apple and Google now allow consumers to opt-out of this tracking. Until recently, however, Apple enabled this tracking ID by default and required consumers to dig through confusing phone settings to turn it off. Google still enables this tracking identifier by default, and until recently did not even provide consumers with an opt-out. By failing to warn consumers about the predictable harms that would result by using their phones with the default settings that these companies chose, Apple and Google enabled governments and private actors to exploit advertising tracking systems for their own surveillance and exposed hundreds of millions of Americans to serious privacy harms.

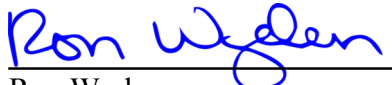
With the Supreme Court likely to overturn *Roe v. Wade*, individuals seeking abortions and other reproductive healthcare will become particularly vulnerable to privacy harms, including through the collection and sharing of their location data. Data brokers are already selling, licensing, and sharing the location information of people that visit abortion providers to anyone with a credit card. Prosecutors in states where abortion becomes illegal will soon be able to obtain warrants for location information about anyone who has visited an abortion provider. Private actors will

also be incentivized by state bounty laws to hunt down women who have obtained or are seeking an abortion by accessing location information through shady data brokers.


The FTC should investigate Apple and Google's role in transforming online advertising into an intense system of surveillance that incentivizes and facilitates the unrestrained collection and constant sale of Americans' personal data. These companies have failed to inform consumers of the privacy and security dangers involved in using those products. It is beyond time to bring an end to the privacy harms forced on consumers by these companies.

Thank you for your attention to this serious matter.


Sincerely,



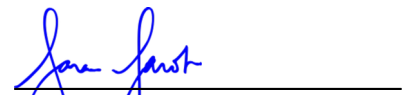
Ron Wyden
United States Senator



Elizabeth Warren
United States Senator



Cory A. Booker
United States Senator



Sara Jacobs
Member of Congress