Senator Tillis Questions for the Record – Big Data, Big Questions: Implications for Competition and Consumers

Steve Satterfield, Vice President, Privacy and Public Policy, Facebook

1. The term “data” can have multiple meanings, which can sometimes generate confusion in policy discussions. How would you define “data” and “big data”, as used in your written testimony?
   1. How would you define consumer and user data, specifically what would be included and excluded from these definitions?
   2. Would this include user uploaded videos, images, and text?
   3. Would such content be considered part of the “user” data, even if it includes content that originates from other sources?
   4. Does it include data in which intellectual property rights, including copyright, trade secret, trademark, or design rights, may subsist?
2. Ad-revenue used to support online piracy is a longstanding problem. Criminals profit by receiving advertising dollars in exchange for giving users free access to stolen movies, music, books, software, and other materials—stealing money from hardworking creators, including many small businesses and individual artists. A recent report found that over *a billion dollars a year* in advertising goes to supporting online pirated content.[[1]](#footnote-1) Both the US and EU have been working on voluntary “follow the money” initiatives for several years with various actors, including Facebook, to stop funding theft. Yet the same report found that Facebook was a top ad spender, accounting for 27% of major brand advertising appearing on piracy apps.[[2]](#footnote-2) This is particularly alarming given that other digital advertisers “almost never appear on piracy apps.”[[3]](#footnote-3)
   1. What steps does Facebook take, both in the United States and worldwide, to prohibit advertising on piracy websites and applications?
   2. Why was Facebook identified as the top major brands involved in placing advertising on applications? What measures is Facebook taking to change this?
   3. Does Facebook agree that supporting commercial-scale pirate websites and apps through advertising dollars is wrong?
   4. Does Facebook, or its agents or subsidiaries, identify websites or apps that pose a risk of distributing or displaying copyright protected content without authorization?
   5. Does Facebook, or its agents or subsidiaries, restrict the display of its advertisements on websites that infringe copyright, or pose a high risk of engaging in copyright infringement?
   6. Does Facebook, or its agents or subsidiaries, block payment for ad impressions on pirated content?
   7. Does Facebook, or its agents or subsidiaries, conduct independent audits to ensure that any policies are being implemented effectively? How frequently are policies reviewed?
   8. Does Facebook collect data over its own ad placements that would allow it to prevent placement on websites or apps that pose a high risk for distributing illegal content, including pirated content?
   9. What steps is Facebook taking to enhance transparency of its activities on its advertising networks?
3. Your written testimony states that there are “always risks when people transfer data online.” Please elaborate on the nature and scope of these risks, and the people and entities who are implicated by these risks.
   1. What steps does Facebook take to inform others of these risks?
   2. How does the Data Transfer Project address these risks?
4. Ms. Slaiman advocates for “a digital regulator to comprehensively the policy questions surrounding digital platforms.”
   1. Do you agree that this is necessary?
   2. Given the many issues beyond privacy and competition that address and implicate digital policy—including cybersecurity, national security, consumer rights, free speech, and intellectual property concerns—what existing agency would be the best situated, in your view, to carry out this role?
   3. Is it important to you that the regulator should be politically accountable?

1. Digital Citizens Alliance and White Bullet, *Breaking (B)ads: How Advertiser-Supported Piracy Helps Fuel A Booming Multi-Billion Dollar Illegal Market* (July 2021), https://www.digitalcitizensalliance.org/clientuploads/directory/Reports/Breaking-Bads-Report.pdf. [↑](#footnote-ref-1)
2. *Id.,* pg. 17. [↑](#footnote-ref-2)
3. *Id.*, pg. 17. [↑](#footnote-ref-3)