

RICHARD BLUMENTHAL
CONNECTICUT

COMMITTEES:

AGING

ARMED SERVICES

COMMERCE, SCIENCE, AND TRANSPORTATION

JUDICIARY

VETERANS' AFFAIRS

United States Senate
WASHINGTON, DC 20510

706 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2823
FAX: (202) 224-9673

90 STATE HOUSE SQUARE, TENTH FLOOR
HARTFORD, CT 06103
(860) 258-6940
FAX: (860) 258-6958

915 LAFAYETTE BOULEVARD, SUITE 304
BRIDGEPORT, CT 06604
(203) 330-0598
FAX: (203) 330-0608
<http://blumenthal.senate.gov>

September 10, 2020

Satya Nadella
Chief Executive Officer
Microsoft Corporation
One Microsoft Way
Redmond, Washington 98052

Dear Mr. Nadella,

In recent weeks, several companies have announced, or have been reported to have, an interest in acquiring the social media app TikTok, including Microsoft. It's time for TikTok to make a fresh start – an opportunity to promise tens of millions of TikTok fans that their personal data is being held safe and secure. Whoever acquires TikTok will not start with a blank slate; it must put to rest concerns about backdoors, data misuse, and censorship. As TikTok users worry about future of their beloved app, I write to urge Microsoft to turn a new page, and commit to rigorous review and reform to protect its users' safety and security in any potential acquisition.

In recent months, national security experts and public officials have raised alarming concerns over threats posed by TikTok to our cyber security, privacy, and freedom of expression, particularly from its relationship with its Beijing-based parent company, ByteDance. Chinese tech firms are notoriously bound to draconian intelligence laws, media regulations, and extrajudicial pressure that compels them to censor and spy for China's state security services. Despite repeated promises of transparency and multiple inquiries from Congress, TikTok has failed to answer even basic questions about these concerns, including about its history of suppressing content critical of China,¹ connections to the Chinese app Douyin, and who has access to users' personal data.

¹ "Inside TikTok: A culture clash where U.S. views about censorship often were overridden by the Chinese bosses," Washington Post (November 5, 2019). <https://www.washingtonpost.com/technology/2019/11/05/inside-tiktok-culture-clash-where-us-views-about-censorship-often-were-overridden-by-chinese-bosses/>

TikTok's record on privacy and trust only heightens these concerns. In February 2019, TikTok (previously Musical.ly) paid a then-record \$5.7 million fine for violating the Children's Online Privacy Protection Act (COPPA) for collecting personal information from children under thirteen. This May, children's advocates, privacy experts, and consumer groups raised alarm that TikTok is failing to comply with the Federal Trade Commission's consent decree negotiated in that settlement, and is continuing to collect information from children.² According to the New York Times, TikTok itself has found that more than a third of its 18 million daily users in the United States are 14 years old or younger, and that many of those users are preteens.³ Moreover, researchers have raised concerns over the amount of data that the app secretly collects about its users.⁴ Children's advocates have called for any company that acquires TikTok to ensure the app complies with COPPA and provides a safe environment for its young users – a call that should be taken seriously.⁵

TikTok has become embedded in our nation's social and cultural life – an influential forum for expression and entertainment for tens of millions of American teens and young adults. Regrettably, TikTok has not lived up to this profound responsibility. Should Microsoft acquire TikTok, I strongly urge you to take comprehensive steps to clean up TikTok's legacy and restore trust, including:

- 1.) Conducting a full audit of TikTok's source code, infrastructure, and operations to ensure that the application and user data is secure, free of backdoors and vulnerabilities;
- 2.) Reviewing TikTok's management and handling of personal data during its ownership by ByteDance to identify and publicly disclose any instances of data misuse or other breaches of trust;
- 3.) Requiring the full structural separation of TikTok from ByteDance, prohibiting ByteDance from accessing personal data from American users, and ensuring that remaining user data held by ByteDance is deleted;

² Complaint and Request for Investigation of TikTok for Violations of the Children's Online Privacy Protection Act and Implementing Rule, Submitted to the Federal Trade Commission by Campaign for a Commercial-Free Childhood et al. (May 14, 2020).

https://commercialfreechildhood.org/wpcontent/uploads/2020/05/tik_tok_complaint.pdf

³ "A Third of TikTok's U.S. Users May Be 14 or Under, Raising Safety Questions," New York Times (August 14, 2020). <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>

⁴ "TikTok's Huge Data Harvesting Prompts U.S. Security Concerns," Bloomberg (July 14, 2020).

<https://www.bloomberg.com/news/articles/2020-07-14/tiktok-s-massive-data-harvesting-prompts-u-s-security-concerns>

⁵ Letter to Walmart from Center for Digital Democracy and Campaign for a Commercial-Free Childhood (September 3, 2020). https://www.democraticmedia.org/sites/default/files/field/public-files/2020/tiktok_purchaser_letter_ccfc_cdd_walmartfin.pdf

- 4.) Ensuring that TikTok protects children's privacy through full compliance with the terms of its FTC consent decree and COPPA; and
- 5.) Reviewing TikTok's content moderation practices and policies to ensure that the social media platform promotes freedom of expression, while protecting its young users against abuse and exploitation.

I appreciate your consideration of this letter.

Sincerely,

A handwritten signature in blue ink, reading "Richard Blumenthal". The signature is fluid and cursive, with the first name "Richard" and last name "Blumenthal" clearly legible.

Richard Blumenthal
United States Senate