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May 25, 2011

Mr. Steve Jobs, CEO
Apple Inc.
1 Infinite Loop
Cupertino, CA 95014

Mr. Larry Page, CEO
Google Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Jobs and Mr. Page,

Thank you for sending your representatives, Dr. Bud Tribble and Mr. Alan Davidson, to testify at my recent hearing on Protecting Mobile Privacy. At the hearing, I asked Dr. Tribble and Mr. Davidson whether Apple and Google would commit to requiring that all applications in the Apple App Store and the Android App Market have clear and understandable privacy policies. I am writing today to renew this request, and ask if each of your companies would be willing to adopt this simple first step towards further protecting your users' privacy.

The Apple App Store and the Android App Market are the two biggest app stores in the world. Recent industry reports suggest that they each have more applications than the next five largest app stores combined. *See* Distimo Market Report, April 2011 *available at* www.distimo.com. This places your companies in a unique position to influence the market for apps and protect users' privacy within that market.

Unfortunately, neither of your companies requires that apps on your stores have a privacy policy. As a result, a significant portion and potentially a majority of apps on your stores lack privacy policies. A recent study by TRUSTe and Harris Interactive found that only 19 percent of the top 340 free apps had a link to a privacy policy. *See* Mark Hachman, Most Mobile Apps Lack Privacy Policies: Study, *PCWorld*, April 27, 2011. A separate survey by the *Wall Street Journal* found that 45 of 101 top apps for iPhone and Android OS devices lacked privacy policies. *See* Amir Efrati, Scott Thurm and Dionne Searcey, Mobile-App Makers Face U.S. Privacy Investigation, *The Wall Street Journal*, April 5, 2011. And yet consumers say they want more privacy. *See* TRUSTe, Most Consumers Say Privacy – Over Security – is Biggest Concern When Using Mobile Applications on Smartphones, April 27, 2011. They want more transparency and control about who is getting their information, how it is being used, and who it is being shared with.

Requiring that each app in your stores have a clear, understandable privacy policy would not resolve most of the privacy concerns in the mobile market. But it would be a simple first step that would provide users, privacy advocates, and federal consumer protection authorities a

minimum of information about what information an app will access and how that app will share that information with third parties.

Although I believe there is a greater need for transparency and disclosure for the collection and sharing of *all* personal information, at a minimum, I ask that you require all location-aware applications in your app stores to provide privacy policies that clearly specify what kind of location information is gathered from users, how that information is used, and how it is shared with third parties. These apps constitute only a subset of all of the apps available on your stores.

Apple and Google have each said time and again that they are committed to protecting users' privacy. This is an easy opportunity for your companies to put that commitment into action.

Thank you for considering this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Al Franken", with a horizontal line underneath it.

Al Franken
Chairman, Subcommittee on Privacy,
Technology and the Law