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December 14, 2011

VIA HAND DELIVERY

Honorable Al Franken
Chairman, Subcommittee on Privacy, Technology, and the Law
United States Senate Committee on the Judiciary
Washington, DC 20510-6275

Re: Carrier IQ

Dear Senator Franken:

This letter responds to your letter of December 1, 2011, regarding Samsung Electronics Co., Ltd.'s ("Samsung") affiliation with a company named "Carrier IQ" (sometimes referred to as "CIQ") and that company's mobile phone diagnostics software.¹

By way of background, Samsung is the manufacturer of cell phones and tablets ("devices") and STA sells the devices to cellular telephone carriers (e.g., AT&T, Sprint and T-Mobile) or to distributors (including retailers and other agents who are authorized by the carriers to sell devices configured for use on their network). The carriers and distributors, in turn, resell the devices to consumers, who then operate those devices on the carriers' cellular networks. Pursuant to the carriers' agreements with STA, some of those cellular carriers required Samsung to pre-install Carrier IQ software on some of the devices prior to the sale of those devices to the carrier (and before the sale of the devices to the consumer by the distributor, carrier or its agent). Samsung installs Carrier IQ software only at the instruction of cellular carriers,² and does so in the exact manner and in the configuration required by the carrier and Carrier IQ. The carrier is exclusively responsible for selecting the types of information transmitted by the Carrier IQ software to the

¹ Samsung Telecommunications America, LLC ("STA") is the exclusive importer and supplier of Samsung cell phones and carrier-connected tablets in the United States, and is the exclusive Samsung entity responsible for providing the devices at issue to U.S. carriers and ensuring compliance with carrier specifications. Accordingly, STA hereby responds on behalf of itself and Samsung Electronics Co., Ltd.

² Carrier IQ software is preloaded on selected Samsung devices at the request of carriers and to each carrier's specifications. In addition, due to Samsung's use of certain common software platforms on some of its mobile devices, some inoperable, non-functioning components of the Carrier IQ software may be found on other Samsung devices. As a result of the presence of these partial, non-enabled CIQ software elements in a portion of the common software platform, CIQ detector applications found on the Google Market, such as VooDoo, may show that there are "elements" of the software present but that the software is "dormant." Because the CIQ agent and other required CIQ software components are not installed, however, these vestigial elements do not and will not function on these devices, and therefore, the devices do not transmit (and have never transmitted) any user data using any CIQ software functionality. Accordingly, in these responses, "Carrier IQ software" or "CIQ software" does not refer to these isolated non-functional elements, and Samsung devices containing these inoperable software elements are excluded from the functional CIQ-installed statistics and model designations found herein.

carrier on the carrier's network without intervention by Samsung. Samsung does not receive data generated by the Carrier IQ software.

Samsung is and has always been committed to consumer privacy. Samsung's privacy policy may be found at www.samsung.com/us/common/privacy.html. Samsung believes its actions with respect to carrier customers who have requested installation of the Carrier IQ software are fully consistent with that privacy policy.

As noted below in response to your specific questions, Samsung does not receive any data that may be collected by Carrier IQ software or Carrier IQ. Samsung installs the Carrier IQ software only as specified by the carrier and does not select or determine the configuration of the Carrier IQ software, and it is Samsung's understanding that there is no information collected by the software that is inconsistent with what is disclosed by the carriers to their customers in their respective Terms of Service and/or Privacy Policies. Furthermore, Samsung devices undergo extensive testing by the carriers to ensure that the devices meet all of the carriers' specifications and requirements, including Carrier IQ specifications.

The answers to the specific questions posed in your letter are as follows:

(1) On what devices does your company use or install Carrier IQ software?

Samsung has installed Carrier IQ software on the following cell phones:

SPH-Z400, SPH-M800, SPH-M220, SPH-M540, SPH-M630, SPH-M320, SPH-M810, SPH-M550, SPH-M240, SPH-M560, SPH-M330, SPH-M850, SPH-I350, SPH-M900, SPH-M350, SPH-M360, SPH-M570, SPH-D700, SPH-M910, SPH-M920, SPH-P100, SPH-M260, SPH-M380, SPH-M820, SPH-M580, SPH-D600, SPH-M930, SPH-D710	Sprint
T989, T679	T-Mobile
SCH-R500, SCH-R631, SCH-R261, SCH-R380	Cricket
SGH-i727	AT&T

(2) As of what date has your company used or installed this software on these devices?

November 2007.

(3) To the best of your knowledge, how many American consumers use these devices?

STA has sold to carriers (and their distributors and agents) serving the U.S. market approximately 25 million total cell phones that were pre-installed with Carrier IQ software. As the manufacturer of the

devices and not the party responsible for connecting the devices to a cellular network, Samsung is not aware of how many American consumers actually use Samsung devices containing Carrier IQ software.

(4) Does your company receive customer location data collected by Carrier IQ software or by Carrier IQ?

No, Samsung does not receive any data, including any customer location data, which may be collected by Carrier IQ software or by Carrier IQ.

(5) What other data does your company receive that has been collected by Carrier IQ software or by Carrier IQ?

- a. ***The telephone numbers users dial?***
- b. ***The telephone numbers of individuals calling a user?***
- c. ***The contents of the text messages users receive?***
- d. ***The contents of the text messages users send?***
- e. ***The contents of the emails they receive?***
- f. ***The contents of the emails users send?***
- g. ***The URLs of the websites that users visit?***
- h. ***The contents of users' online search queries?***
- i. ***The names or contact information from users' address books?***
- j. ***Any other keystroke data?***

See response to (4). Samsung does not receive any data that may be collected by Carrier IQ software or Carrier IQ.

(6) If your company receives this data, does it subsequently share it with third parties? With whom does it share this data? What data is shared?

Not applicable. Samsung does not receive any data that may be collected by Carrier IQ software or Carrier IQ.

(7) Has your company disclosed this data to federal or state law enforcement?

Not applicable. Samsung does not receive any data that may be collected by Carrier IQ software or Carrier IQ.

(8) How long does your company store this data?

Not applicable. Samsung does not receive any data that may be collected by Carrier IQ software or Carrier IQ.

(9) How does your company protect this data against hackers and other security threats?

Not applicable. Samsung does not receive any data that may be collected by Carrier IQ software or Carrier IQ.

(10) Does your company believe that its actions comply with the Electronic Communications Privacy Act, including the pen register statute (18 USC § 3121 et seq.), the federal wiretap statute (18 U.S.C. § 2511 et seq.), and the Stored Communications Act (18 U.S.C. § 2701 et seq.)?

Yes, Samsung believes its actions comply with the Electronic Communications Privacy Act, the pen register statute, the federal wiretap statute, and the Stored Communications Act.

Samsung does not receive any data that may be collected by Carrier IQ software or Carrier IQ. Samsung installs Carrier IQ software only at the request of cellular carriers, and does so in the exact manner and in the configuration required by the carrier and Carrier IQ. The carrier is exclusively responsible for selecting the types of information transmitted by the Carrier IQ software to the carrier. Samsung installs the Carrier IQ software only on devices provided to carriers, and Samsung does not sell relevant devices directly to consumers. Samsung does not receive data generated by the Carrier IQ software.

Samsung has never received any consumer data whatsoever (including but not limited to the information referred to in Questions 4 and 5(a-j)) from Carrier IQ software or Carrier IQ. As a result, Samsung has never *intercepted, accessed or stored* any consumer data from Carrier IQ software or Carrier IQ.

(11) Does your company believe that its actions comply with the Computer Fraud and Abuse Act (18 U.S.C. § 1030)?

Yes, Samsung believes its actions comply with the Computer Fraud and Abuse Act. Samsung does not *transmit* any data to any consumer's device using the Carrier IQ software, nor does it *access* or *damage* any consumer's device using the Carrier IQ software.

Moreover, Samsung installs Carrier IQ software only at the request of cellular carriers, and does so in the exact manner and in the configuration required by the carrier and Carrier IQ. The carrier is exclusively responsible for selecting the types of information transmitted by the Carrier IQ software to the carrier. Samsung installs the Carrier IQ software only on devices provided to carriers, and Samsung does not sell relevant devices directly to consumers. Samsung has never received data generated by the Carrier IQ software.

(12) Does your company believe that its actions comply with your privacy policy?

Yes, Samsung believes its actions comply with its privacy policy. As set forth above, Samsung does not receive any data that may be collected by Carrier IQ software or Carrier IQ, and it has, thus, never disclosed any such data to any third party.

(13) Does it believe that consumers are aware that this activity is actually occurring on their devices?

Because Samsung does not sell any relevant devices directly to consumers, Samsung is not in a position to determine the extent of consumer awareness regarding the nature of the relationship between the carrier and the consumer, including the carriers' inclusion of Carrier IQ on devices operating on their networks. Samsung understands that the carriers have Terms of Service and/or Privacy Policy agreements that discuss the collection and usage of consumer data, and that those agreements may govern the carriers' relationships with the consumers.

Sincerely,



Dale Sohn
President and Chief Executive Officer
Samsung Telecommunications America, LLC