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ONE HUNDRED SIXTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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May 21, 2020

Yiming Zhang
Founder and CEO
ByteDance
10100 Venice Boulevard
Culver City, CA 90232

Mr. Zhang:

We are living through an unprecedented time due to the ongoing COVID-19 crisis. As a result of this pandemic, millions of our citizens, through no fault of their own, have no choice but to stay home. In doing so, they rely on the Internet to connect them to families, friends, and vital services. As a result, mobile application downloads have increased dramatically, especially TikTok. In fact, there has been a spike in both unique users and time spent on TikTok in recent months.¹ Congress has significant concerns over TikTok's data practices, including whether TikTok continues to violate the Children's Online Privacy Protection Act (COPPA) and whether TikTok shares American user's information with the Chinese Communist Party.

First, issues regarding TikTok's compliance with COPPA are not new. On February 27, 2019, TikTok agreed to pay \$5.7 million to settle with the Federal Trade Commission (FTC) for violations of COPPA.² Specifically, TikTok failed to notify parents about the collection and use of personal information from users under 13, obtain parental consent before such collection and use, and delete personal information as requested by parents.³ Last week, a group of child privacy advocates filed a complaint with the Federal Trade Commission claiming TikTok is violating its COPPA order with the FTC.⁴ Among other issues, the groups claim that TikTok has not removed videos previously uploaded by children under 13 and that TikTok has no means for obtaining verifiable parental consent.⁵ We share similar concerns.

¹ <https://www.emarketer.com/content/us-consumers-are-flocking-to-tiktok>

² <https://www.ftc.gov/news-events/press-releases/2019/02/video-social-networking-app-musically-agrees-settle-ftc>

³ *Id.*

⁴ <https://www.theverge.com/2020/5/14/21258502/tiktok-complaint-child-privacy-ftc>

⁵ https://commercialfreechildhood.org/wp-content/uploads/2020/05/tik_tok_complaint.pdf

Second, ByteDance's rumored close ties to the Chinese Communist Party raise serious concerns about whether information collected by TikTok on American users is being shared with the Chinese government. Previous reports suggest that ByteDance, TikTok's parent company, coordinates with the Chinese government to facilitate human rights abuses against Uighur Muslims and to spread the communist party's propaganda.⁶ Further, TikTok has been accused of pressuring U.S.-based employees to censor videos that the Chinese government finds objectionable and culturally problematic.⁷ Moreover, TikTok reportedly censors sensitive political content and videos critical of the communist party.⁸ TikTok's seemingly close ties to the Chinese government raise serious concerns about your data practices, including what information your company collects on Americans and what you do with it.

Accordingly, please provide written answers and any related documentation to the following questions no later than June 5, 2020:

Questions Related to COPPA Compliance:

1. Pursuant to the February 27, 2019, FTC order, for users of accounts existing at the time of the order who identified as under age 13, has TikTok destroyed such users' personal information?
 - a. If yes, please provide documentary evidence to support your answer. If no, please explain why.
2. Please explain how TikTok ensures a parent of a user under age 13 receives direct notice of TikTok's data practices, including how information on the user is collected, why such information is collected, and if such information is shared or otherwise disclosed with third parties.
3. Please explain when and how a parent receives a request for consent to collect and use personal information of a user under age 13.
4. Please explain how TikTok obtains verifiable parental consent, including in the event of any material change to how TikTok collects, uses, or discloses information about a user to which a parent has previously consented.
5. Please explain how TikTok verifies a parent is who they claim to be when making requests on behalf of a user under age 13.
6. Please explain how TikTok fulfills verifiable parental requests for a description of the specific types or categories of personal information collected from a user under age 13.
7. Please explain how TikTok fulfills verifiable parental requests to refuse to allow TikTok to further use or collect personal information from a user under age 13.

⁶ <https://www.businessinsider.com/tiktok-parent-company-bytedance-spreads-chinese-propaganda-report-2019-11>

⁷ <https://www.businessinsider.com/tiktok-china-censorship-employees-restrict-content-dancing-vaping-2019-11>

⁸ <https://www.businessinsider.com/tiktok-apology-china-muslims-viral-video-feroza-aziz-suspend-politics-2019-11>

8. Please explain how TikTok fulfills verifiable parental requests to delete the personal information of a user under age 13.
9. Please explain TikTok's retention policy for information collected and used about a user under age 13, including why retaining such information is reasonably necessary to fulfill the purpose for which the information was collected.
10. Please explain what additional safety and privacy protections are included and implemented on *TikTok for Younger Users* and how you monitor such application to ensure compliance with COPPA.
11. Please explain what steps TikTok takes to ensure a user on *TikTok for Younger Users* does not also have an account on TikTok.
12. Please explain what steps TikTok takes to ensure personal information collected on *TikTok for Younger Users* is not comingled or otherwise used in conjunction with personal information collected on TikTok.

Questions Related to TikTok's Data Practices:

13. Please explain how TikTok collects information on Americans and what specific categories of information are collected.
14. Please explain why TikTok collects the specific categories of information it collects on Americans and for what purposes such information is collected.
15. Please identify the categories of third parties TikTok shares information it collects on Americans and explain for what purpose such information is shared to those third parties.
16. For any information TikTok collects on Americans, please answer the following:
 - a. Does TikTok share such information with the Chinese Communist Party? If yes, please explain what information is shared, why such information is shared, and under what circumstances such information is shared.
 - b. Does the Chinese Communist Party have access, either directly or indirectly, to such information? If yes, please explain.
 - c. Does TikTok share such information with any Chinese state-owned entity? If yes, please identify the categories of such entities.
 - d. Do any Chinese state-owned entities have access, either directly or indirectly, to such information?
 - e. Does TikTok maintain and store such information in China?

17. Does TikTok have a data sharing agreement with the Chinese Communist Party or any Chinese state-owned entity? If yes, please explain what the agreement covers and why.
18. Please identify each country TikTok sends, maintains, or stores information collected on Americans.
 - a. For each country, please identify whether the government or an entity on behalf of such government has access to such information.

Questions Related to Corporate Governance:

19. News organizations have previously reported that Chinese Communist Party committees exist within Chinese technology companies. Can you assure us that no presence exists within your corporate architecture?
20. News reports indicate that ByteDance will have a new Corporate Operating Officer (COO), who will also serve as Chief Executive Officer (CEO) of TikTok.
 - a. If the individual is both CEO of TikTok and COO of ByteDance, what power will this person have over the privacy policy of the two companies?
 - b. Will this individual have the power to prevent the sharing of Americans' information with Chinese Authorities?
 - c. Will this individual have the power to prevent the censorship of political content on TikTok?
 - d. Will this individual have the power to prevent Chinese Communist Party propaganda on TikTok?
 - e. Will this individual have the power to prevent the use of TikTok to surveil minorities, such as Uighur Muslims, and political dissidents on behalf of the Chinese Communist Party?

Questions Related to COVID-19 crisis:

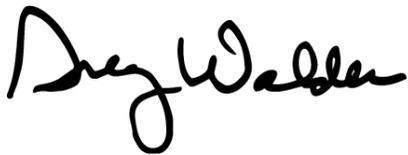
21. In light of the ongoing COVID-19 crisis, please answer the following:
 - a. Due to the increase in users and user traffic in recent months, has TikTok implemented any additional safeguards to protect information it collects on American users? If yes, please explain.
 - b. Due to the increase in users and user traffic in recent months, has TikTok changed how it processes information collected on American users, including any changes

to where such information is transferred and stored? If yes, please explain what changes have been made and why.

- c. Does TikTok collect any health information about American users? If yes, please explain why and for what purposes.
22. Has ByteDance and/or TikTok received any requests to alter, delete, or block content that runs counter to the official line of the Chinese government in response to its handling of the COVID-19 crisis?

If you have any questions, please contact Tim Kurth and Bijan Koohmaraie at (202) 225-3641. Thank you for your prompt attention to this request.

Sincerely,



Greg Walden
Republican Leader



Cathy McMorris Rodgers
Republican Leader
Subcommittee on Consumer Protection
and Commerce