

# Congress of the United States

Washington, DC 20515

November 22, 2022

Mr. Shou Zi Chew  
Chief Executive Officer  
TikTok  
5800 Bristol Parkway, Suite 100  
Culver City, CA 90230

Dear Mr. Chew:

On July 14, 2022, we wrote to you requesting documents and information regarding TikTok's organizational structure and its data sharing and privacy practices relating to China.<sup>1</sup> On July 28, 2022, you responded and on September 7, 2022, your staff provided a bipartisan briefing.<sup>2</sup> However, we still have unanswered questions and you failed to provide responsive documents requested by the Committee. Additionally, some of the information TikTok provided during the staff briefing appears to be untrue or misleading, including that TikTok does not track U.S. user locations. As such, we renew our request for documents and information.

The information being withheld is especially relevant considering recent *New York Times* reporting suggesting TikTok and the Biden Administration may be close to an agreement to allow TikTok to remain operational in the U.S. without any major changes to its corporate structure.<sup>3</sup> Additionally, according to *The Wall Street Journal*, any deal between the Biden Administration and TikTok may be subject to Chinese Communist Party (CCP) opposition and veto.<sup>4</sup> It is troubling that the Administration may be considering an agreement with any private company that is subject to approval by the CCP.

According to reports, over the course of the past year, the Biden Administration and TikTok have been negotiating a deal to allow TikTok to remain in operation in the U.S.<sup>5</sup> The two sides reportedly came to terms on the foundation of an agreement that includes changes to TikTok's data security and governance without requiring China-based ByteDance to relinquish its authority over the social media app.<sup>6</sup>

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<sup>1</sup> Letter from Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform, & Hon. Cathy McMorris Rodgers, Ranking Member, H. Comm. on Energy & Commerce, to Shou Zi Chew, Chief Exec. Officer, TikTok (July 14, 2022).

<sup>2</sup> Letter from Shou Zi Chew, Chief Exec. Officer, TikTok, to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform, & Hon. Cathy McMorris Rodgers, Ranking Member, H. Comm. on Energy & Commerce (July 28, 2022).

<sup>3</sup> Lauren Hirsch, et. al., *TikTok Seen Moving Toward U.S. Security Deal, but Hurdles Remain*, N.Y. TIMES (Sept. 26, 2022).

<sup>4</sup> John D. Mckinnon, et. al., *TikTok Security-Deal Talks Pose Liability for Biden*, WALL ST. J. (Oct. 3, 2022).

<sup>5</sup> Hirsch, *supra* note 3.

<sup>6</sup> *Id.*

It now also appears that during the September 7, 2022, briefing by TikTok, the company shared potentially false or misleading information with bipartisan Committee staff. During the briefing, TikTok told staff that: (1) TikTok does not track users' internet data while not using the application; and (2) that China-based employees do not have access to U.S. users' location specific data. Both claims appear to be misleading at best, and at worst, false.

First, according to *Consumer Reports*, TikTok embeds TikTok trackers called "pixels" across the internet to then gather and access internet browsing and search data from Americans, including those that do not even have TikTok downloaded on their device.<sup>7</sup> This includes tracking data from websites ending with ".org", ".edu", and ".gov."<sup>8</sup> This implies TikTok is clandestinely gathering some of Americans' most sensitive internet history, regardless of whether they use the application or not.

Second, according to *Forbes*, a team of China-based ByteDance employees planned to use TikTok to track and monitor specific location data of Americans.<sup>9</sup> It is unclear if this plan included tracking U.S. government officials, journalists, or other public figures.<sup>10</sup> It is also unclear if this plan included tracking CCP dissidents based in the U.S. According to employees responsible for TikTok's data, "it is impossible to keep data that should not be stored in [China] from being retained in [China]-based servers..."<sup>11</sup> If true, these reports are deeply concerning and provide significant evidence that TikTok may have made misleading statements during its briefing with bipartisan Committee staff.

To assist the Committee in conducting oversight over any potential agreement between the Biden Administration and TikTok, especially its potentially negative consequences to U.S. national security, in addition to all previous requests, we also request the following as soon as possible but no later than December 6, 2022:

1. All drafts and iterations of any preliminary agreement, contract, memorandum of understand, or other instrument being negotiated with the Biden Administration and its relevant departments and agencies, including the White House, to allow TikTok to continue U.S. operations.
2. All documents and communications regarding the use and implementation of "pixels" used to track internet search and browsing data, including but not limited to a list of websites where TikTok employs "pixels."
3. All documents and communications regarding ByteDance's Internal Audit and Risk Control Department's plan to monitor specific location data of American citizens.

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<sup>7</sup> Thomas Germain, *How TikTok Tracks You Across the Web, Even if You Don't Use the App*, CONSUMER REPORTS (Sept. 29, 2022).

<sup>8</sup> *Id.*

<sup>9</sup> Emily Baker-White, *TikTok Parent ByteDance planned To Use TikTok To Monitor The Physical Location of Specific American Citizens*, FORBES (Oct. 20, 2022).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

For your ready reference, the Committee's July 14, 2022, requests were the following:

1. All documents, including charters, contracts, and agreements, outlining the corporate relationship between TikTok and ByteDance Ltd. Including, but not limited to documents that show "ByteDance Ltd. Beijing Douyin Information Service Limited does not have any direct or indirect ownership in or control over any TikTok entity" and "employees of Beijing Douyin Information Service Limited are restricted from U.S. user database access."
2. All documents and communications between or amongst TikTok and ByteDance Ltd. regarding data sharing and storing practices, policies, and procedures either in the U.S. or abroad including but not limited to, TikTok's "robust cybersecurity controls and authorization approval protocols."
3. All documents and communications between or amongst TikTok and ByteDance Ltd. employees regarding tools for data visualization, content modernization, and monetization either in the U.S. or abroad.
4. All documents and communication between or amongst TikTok and ByteDance Ltd. employees regarding algorithms that use in whole or in part U.S. users' data.
5. All documents and communications regarding Project Texas.
6. All documents and communications between or amongst TikTok and ByteDance Ltd. employees regarding Executive Orders 13942 and 14034.

Further, to allow a full and complete record of these documents to be produced to the Committee at a later date, please:

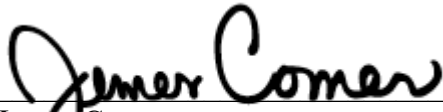
1. Preserve all e-mail, electronic documents, and data ("electronic records") responsive to the above requests. For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records as well as negligent or intentional handling in a manner that would make such records incomplete or inaccessible;
2. Exercise reasonable efforts to identify and notify former employees and contractors, including subcontractors and consultants who may have access to such electronic records in an effort to ensure these records are to be preserved; and,
3. If it is the routine practice of any employee or contractor to destroy or otherwise alter such documents or electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

Mr. Shou Zi Chew  
November 22, 2022  
Page 4

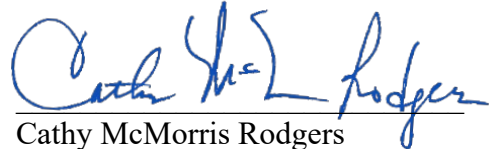
To ask any follow-up or related questions, please contact the Committee on Oversight and Reform staff at 202-225-5074 and the Committee on Energy and Commerce staff at 202-225-3641.

Thank you for your attention to this very important matter.

Sincerely,



James Comer  
Ranking Member  
Committee on Oversight and Reform



Cathy McMorris Rodgers  
Ranking Member  
Committee on Energy and Commerce

cc: The Honorable Carolyn Maloney, Chairwoman  
Committee on Oversight and Reform

The Honorable Frank Pallone, Chairman  
Committee on Energy and Commerce