Responses to Written Questions Submitted by Honorable Jerry Moran to Damien Kieran

Question 1. Efforts to draft meaningful federal legislation on consumer data privacy will heavily rely upon determinations of what types of personally identifiable data are classified as "sensitive" and what are not. While some have suggested that expanded FTC rulemaking authority is necessary to flexibly account for new types of data sets coming from innovative technologies, I have concerns that excessive rulemaking authority could lead to frequent reclassifications of the types of data with ensuing liability adjustments. Do you have suggestions on how to best identify "sensitive" personally identifiable information?

Response. Twitter believes it is important to strive for global consistency in the definition of these important terms to the extent possible. To that end, the European General Data Protection Regulation (GDPR) offers definitions for personal data and sensitive personal data that we believe are good starting points for defining these terms in the United States. GDPR defines personal data as any information that relates to an identified or identifiable living individual. Different pieces of information, which collected together can lead to the identification of a particular person, also constitute personal data. The GDPR indicates "sensitive" personal data includes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data, biometric data processed solely to identify a human being, health-related data, and data concerning a person's sex life or sexual orientation. Importantly, different information could be considered sensitive in different circumstances, and regulations should have the flexibility to consider context.

Question 2. NTIA issued a request for comment on ways to advance consumer privacy without harming prosperity and innovation. I commend the administration for their attention to this important issue. The "High Level Goals for Federal Action" that NTIA is seeking comments for includes inter-operability and the development of a regulatory landscape that is consistent with the international norms and frameworks in which the U.S. participates. How do you foresee federal legislation affecting cross-border data flows?

Response. Twitter's services are primarily designed to help people share information around the world instantly. We have offices, partners, and service providers around the world that help to deliver our services.

User information, which we receive when an individual uses our services, may be transferred to and stored in the United States and other countries where we operate, including through our offices, partners, and service providers.. We rely on various legal mechanisms to lawfully transfer personal data around the world.

To effectively provide our services to people around the world, it is vital that Twitter be able to transfer data across borders. Thus, Twitter agrees with NTIA's assertion that the growth and advancement of the Internet-enabled economy depends on personal information moving seamlessly across borders. It is therefore critical that any federal legislation be consistent with international norms and frameworks in which the U.S. participates.

Question 3. Also included in NTIA's request for comments, how should the U.S. government encourage more research and development of products and services that improve privacy protection?

Response. Twitter agrees with NTIA's recommendation that the U.S. Government should encourage more research into, and development of, products and services that improve privacy protections. Areas that should be considered for research and development of products and services that improve privacy protection potentially include processes and mechanisms for obtaining informed consent, mechanisms to improve the utility of privacy policies, studies on the efficacy of privacy policies, tools to enable the portability and interoperability of data, strong encryption, and effective anonymization techniques. Twitter believes that fostering research and development in these areas can be achieved if an overarching, industry-neutral federal privacy legislation is created. Properly structured privacy legislation has the potential to incentivize healthy data protection practices over time, which in turn will result in investments in these areas to both reduce risk and maintain user trust.

Question 4. As GDPR includes requirements like the "right to portability" and the "right to be forgotten," it is clear that these provisions aim to promote the consumer's ownership of their data by requiring companies to abide by their requests to permanently delete or transport their personal data to another company. However, how are these concepts enforced when the consumer's data is submitted as an input to one or multiple proprietary algorithms employed by the company?

Response. It is too early to understand the full impact of the right to be forgotten with respect to data ingested by algorithms and how regulators may interpret this language in the GDPR. At Twitter we believe individuals should have meaningful control over their data. We provide individuals with a variety of meaningful controls over they data we receive about them. For example, they can access or rectify their personal data at any time and can also deactivate their account. Where applicable we also provide users with tools to object, restrict, or withdraw consent. Lastly, we make the data individuals share through our services portable.

Question 5. Are the outputs of the company's algorithm decidedly the consumer's personal information and required to be deleted or transported at the request of the consumer? If so, do these requirements remain the same if the data outputs are anonymized?

Response. Please see above in response to Question 4. With respect to ownerships of outputs of algorithms, it will depend on the circumstances and the type of information that has been created.

Question 6. Since companies often use aggregated data outputs to study and improve their existing algorithms, services, and products, what impacts do you expect these vague GDPR requirements to have on companies' abilities to innovate?

Response. Twitter is still working to assess the impacts of GDPR implementation on our business and practices. We do believe, however, that care should be taken in crafting legislation to guard against language that overly restricts the ability of companies to utilize non-personalized, aggregated data for things like improving services for customers.

Responses to Written Questions Submitted by Honorable Shelley Moore Capito to Damien Kieran

Question 1. According to a study by Pew Research, only 38% of consumers know how to limit what information they give online. Consider me among those consumers who do not know what is being collected and how to keep my information to myself. Even with privacy settings and assurances that my data is not being collected and used without my consent, I still have concerns.

I believe the root of this issue is transparency and consumer confidence. What are your companies doing to increase the transparency when it comes to the type of data you collect?

Response. Twitter designs its products to be as intuitive as possible for users to understand what data is being collected, how it is used, and when it is shared. To create a Twitter account, individuals need not provide their real names, phone number, or primary email address. Most users come to Twitter with the intention and expectation that their profiles, Tweets, and engagements will be public and shared to a global audience. In addition, to address the details of how our service works, we have an easily accessible privacy policy, which has been designed to explain what data we collect, how it is used, and when it is shared. Earlier this year we undertook a thorough revision of our Privacy Policy in an effort to make it easier to understand for consumers. It is a single document, not spread out over multiple web pages. It contains animations, graphics, and innovative uses of technology in an effort to transparently explain what data we collect, how it is used, and when it is shared. We plan to keep improving how we convey this information.

In addition, when individuals on Twitter log into their accounts, they have immediate access to a range of tools and account settings to access, correct, limit, delete or modify the personal data provided to Twitter and associated with the account, including public or private settings, marketing preferences, and applications that can access their accounts. These data settings can be used to better personalize the individual's use of Twitter and allow him or her the opportunity to make informed choices about whether Twitter collects certain data, how it is used, and how it is shared. For example, individuals can change the personalization and data settings for their Twitter account, including:

● Whether interest-based advertisements are shown to an individual on and off the Twitter platform;

● How Twitter personalizes an individual's experience across devices;

● Whether Twitter collects and uses an individual's precise location;

● Whether Twitter personalizes their experience based on places they have been; and

● Whether Twitter keeps track of the websites where an individual sees Twitter content.

An individual on Twitter can disable all personalization and data setting features with a single master setting prominently located at the top of the screen. Twitter also provides a toolset called Your Twitter Data. Your Twitter Data tools provide individuals accessible insights into the type of data stored by Twitter, such as username, email address, and phone numbers associated with

the account and account creation details. The birthdays and locations of individuals are also shown in the tool if they have previously been provided to Twitter.

Individuals using the Your Twitter Data tool can also see and modify certain information that Twitter has inferred about the account and device such as gender, age range, languages, and interests. People on Twitter can review inference information, advertisers who have included them in tailored audiences, and demographic and interest data from external advertising partners. The Your Twitter Data tool also allows people with a Twitter account to download a copy of their relevant data from Twitter. We recently updated the download feature of the Your Twitter Data tool to include additional information. Since that update on May 25, 2018, we have seen approximately 85,4587 people around the world use the tool to download 909.9 terabytes of data.

There is a version of this tool available to individuals who do not have a Twitter account, or for those logged out of their account.

Question 2. What difficulties have your companies faced when developing more transparent privacy policies?

Response. Privacy policies must convey complicated legal and technical constructs in as simple a format as possible. Developing a privacy policy that is equally and easily digestible for a wide and global user base is challenging. One way we work to overcome this challenge is to work with people who are not experts or lawyers to review drafts of our privacy policy and identify areas that were complicated for them to understand. With that in mind, we reworked drafts of our policy to account for these concerns and used user-friendly graphics and intelligent uses of technology to make the latest version of our Privacy Policy more relatable and understandable. The result is a single document that is not spread out over multiple web pages and that includes call outs, graphics, and animations. We believe, however, that it is important to learn from the people who use our services to keep our Privacy Policy as transparent and easy to understand as possible. Thus, our work on transparency will continue and evolve as we learn.

Question 3. West Virginia has a high elderly population that is rapidly increasing as baby boomers retire. I am positive that a lot of my elderly constituents are among those individuals who do not know how to limit their online information.

What are some of the measures your companies are doing to teach consumers – and specifically older consumers – about what data they share on your platforms?

Response. Please see responses to Questions 1 and 2. We crafted our Privacy Policy to be understood by our broad user base. It contains animations, graphics, and innovative uses of technology in an effort to transparently explain what data we collect, how it is used, and when it is shared. We plan to keep improving how we convey this information, and we will always lead with transparency and openness.

Question 4. I know advertising through data collection has a monetary value, and appreciate the business model, however, I find it hard to know what is being collected and how I can keep my information to myself. Even with privacy settings and assurances my data is not being used without my consent, I still have concerns.

Please explain how your business model allows both data to be used to make suggested recommended purchases on your site? As well as how you use that data to target ads to consumers? And how do you do that while protecting personal data?

Response. Twitter doesn't directly sell any goods or services on our platform. Twitter's mission is to serve the public conversation. To enable that mission, we enable people to see the most relevant content to them, whether organic content or advertising content. Ensuring that people see the most relevant content for them is an important feature of our service. Thus, the information we rely on to power our advertising experience is generally the same as the information we rely on to enable people to see the most relevant content for them.

Advertising revenue allows us to support and improve our services. We use the information described in our Privacy Policy to help make our advertising more relevant to our users, to measure its effectiveness, and to help recognize devices for those individuals on our platform to serve ads on and off of Twitter.

In addition, Twitter adheres to the Digital Advertising Alliance (DAA) Self-Regulatory Principles for Online Behavioral Advertising (also referred to as "interest-based advertising") and respects the DAA's consumer choice tool for you to opt out of interest-based advertising. If an individual does not want Twitter to show interest-based ads on and off of Twitter, there are ways to turn off this feature. In addition, our ads policies prohibit advertisers from targeting ads based on categories that we consider sensitive or are prohibited by law, such as race, religion, politics, sex life, or health.

Question 5. How can Congress ensure that data collected is used responsibly without shutting down the collection of data completely?

Response. We believe that the time is right for industry, civil society, and government to work together to develop a robust privacy framework that protects individuals' rights by ensuring transparency and accountability while preserving the freedom to innovate. We provide meaningful data protection policies for consumers and respect our users' data. We also believe that our accountability measures, including appointment of a Data Protection Officer to assess compliance and performing data protection impact assessments to ensure collection and processing is consistent with user expectations, are all ways to help ensure responsible handling of data collection and use.

Responses to Written Questions Submitted by Honorable Todd Young to Damien Kieran

Question 1. GDPR establishes a right of data portability, which some believe is key to driving new innovation and competition within the emerging data ecosystem. Others are concerned that data portability rights, depending on how crafted, could further entrench incumbent companies.

What questions should policymakers be asking in developing data portability rights?

Response. At Twitter, we feel strongly that portability and interoperability are central to innovation on the Internet. We believe that more frictionless, individually-driven forms of data transfer between online platforms and services will result in an innovative, creative, and people-first online experience for all. Making it easier for users to choose among services also facilitates competition, empowering everyone to try new services and choose the offering that best suits their individual needs. This facilitative and collaborative spirit of openness is the principled bedrock of our free and open internet. It is a principle we at Twitter are dedicated to furthering. That is why Twitter, alongside Google, Microsoft, and Facebook, is leading the Data Transfer Project, an open source initiative aiming to empower any company to create tools that enable people to freely move their information across the web without barriers. For more information, a white paper we co-authored with our Data Transfer Project partners may be found here: https://datatransferproject.dev/dtp-overview.pdf

Question 2. What improvements would you make, if any, to Art. 20 of GDPR, which addresses the right to data portability?

Response. Twitter believes that Article 20 provides a good starting point to ensure that data is freely and easily accessible by people.

Question 3. How best can data portability rights be crafted to create new competition, but not further entrench incumbent companies?

Response. In a white paper we co-authored with our Data Transfer Project partners (available at: https://datatransferproject.dev/dtp-overview.pdf), we articulate a series of principles around interoperability and portability of data that could promote user choice and encourage responsible product development in order to maximize the benefits to users and mitigate the potential drawbacks.