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Chairman Joseph J. Simons (@JoeSimonsFTC), Noah Joshua Phillips (@FTCPhillips), Rohit Chopra (@chopraftc), Rebecca Kelly Slaughter (@RKSlaughterFTC), and Christine S. Wilson (@CSWilsonFTC)
Federal Trade Commission (@FTC)
Washington, DC

Dear Chairman Simons and Members of the FTC,

We write to you to urge you to open an investigation of Zoom's (@zoom_us) business practices and to issue, as soon as practicable, Best Practices for Online Conferencing Services.

As you are no doubt aware, the country is now dependent on Zoom for work, family, and personal communications. Precisely because millions of Americans are now working from home, following CDC recommendations for social distancing, and state guidance that restricts group meetings, we have few choices if we wish to maintain contact among our friends, coworkers, and family members.

Last year, Electronic Privacy Information Center (EPIC) filed a detailed complaint with the Federal Trade Commission about the security flaws with Zoom.[1] We warned you that Zoom had "placed at risk the privacy and security of the users of its services."[2] EPIC also explained that Zoom had "exposed users to the risk of remote surveillance, unwanted videocalls, and denial-of-service attacks."[3]

EPIC urged you to act. We asked you to open an investigation, to compel Zoom to fix the security flaws with its conferencing services, and to investigate the other companies engaged in similar practices. We anticipated that the FTC, with a staff of more than a 1,000 (EPIC has about a dozen people), would find many problems we missed. That would lead to a change in business practices, a consent order, and 20 years of agency oversight.

As you know, EPIC has had success in the past when we brought similar complaints to the FTC concerning Facebook and Google.[4] In those matters, the FTC opened investigations and put in

[1] EPIC, *Complaint, Request for Investigation, Injunction, and Other Relief* (July 11, 2019), https://epic.org/privacy/zoom/EPIC-FTC-Complaint-In-re-Zoom-7-19.pdf; *See also* EPIC, *In re Zoom: Concerning Zoom's ability to bypass browser security settings and remotely enable a user's web camera without the knowledge or consent of the user,* https://epic.org/privacy/ftc/zoom/
[2] *Id.* at 1.
[3] *Id.*
[4] Press Release, *Federal Trade Comm'n, FTC Charges Deceptive Privacy Practices in Google's Rollout of Its Buzz Social Network* (Mar. 30, 2011), http://ftc.gov/opa/2011/03/google.shtm ("Google's data practices in connection with its launch of Google Buzz were the subject of a complaint filed with the FTC by the

place historic consent orders that are still in effect. In fact our work with our consumer groups in the Google matter produced a historic fine not long after we sued the agency for failing to act.[5]

But the FTC never acted on the flaws we identified with Zoom, and the problems have only become worse. On Monday, Vice reported that "Zoom is leaking personal information of at least thousands of users, including their email address and photo, and giving strangers the ability to attempt to start a video call with them through Zoom."[6]

Each day that passes presents a new report of a previously undisclosed problem with Zoom.

- Last Thursday, the *New York Times* reported "data-mining feature on Zoom allowed some participants to surreptitiously have access to LinkedIn profile data about other users — without Zoom asking for their permission during the meeting or even notifying them that someone else was snooping on them."[7]

- Last Friday, the *Washington Post* reported "Thousands of personal Zoom videos have been left viewable on the open Web, highlighting the privacy risks to millions of Americans as they shift many of their personal interactions to video calls in an age of social distancing."[8]

- Last Friday, CitizenLab also reported that "the mainline Zoom app appears to be developed by three companies in China." There is a long and unfortunate history of US tech firms diminishing privacy safeguards in response to the Chinese government.[9]

Electronic Privacy Information Center shortly after the service was launched."). The Commission found that Google "used deceptive tactics and violated its own privacy promises to consumers when it launched [Buzz]."

[5] Press Release, Federal Trade Comm'n, *Google Will Pay $22.5 Million to Settle FTC Charges it Misrepresented Privacy Assurances to Users of Apple's Safari Internet Browser,* (Aug. 9, 2012), https://www.ftc.gov/news-events/press-releases/2012/08/google- will-pay-225-million-settle-ftc-charges-it-misrepresented.

[6] Joseph Cox, *Zoom is Leaking Peoples' Email Addresses and Photos to Strangers,* Vice (Apr. 1, 2020) ("For at least a few thousand people, Zoom has treated their personal email addresses as if they all belong to the same company, letting them video call each other."), https://www.vice.com/en_us/article/k7e95m/zoom-leaking-email-addresses-photos

[7] Natasha Singer, *A Feature on Zoom Secretly Displayed Data From People's LinkedIn Profiles,* N.Y. Times (Apr. 2, 2020), ("After an inquiry from Times reporters, Zoom said it would disable a data-mining feature that could be used to snoop on participants during meetings without their knowledge."), https://www.nytimes.com/2020/04/02/technology/zoom-linkedin-data.html

[8] Drew Harwell, *Thousands of Zoom video calls left exposed on open Web,* Washington Post (Apr. 3, 2020) ("Many of the videos include personally identifiable information and deeply intimate conversations, recorded in people's homes."), https://www.washingtonpost.com/technology/2020/04/03/thousands-zoom-video-calls-left-exposed-open-web/

[9] Bill Marczak and John Scott-Railton, *Move Fast & Roll Your Own Crypto: A Quick Look at the Confidentiality of Zoom Meetings, CitizenLab* (Apr. 3, 2020), https://citizenlab.ca/2020/04/move-fast-roll-your-own-crypto-a-quick-look-at-the-confidentiality-of-zoom-meetings/; See also Schneier on Security, *Security and Privacy Implications of Zoom* (Apr. 3, 2020) ("In general, Zoom's problems fall into three broad buckets: (1) bad privacy practices, (2) bad security practices, and (3) bad user configurations."), https://www.schneier.com/blog/archives/2020/04/security_and_pr_1.html

We recognize that Zoom has taken some steps in respond to public criticism. In fact, Zoom responded to one of the problems identified in the original EPIC complaint to your agency. But this haphazard approach to consumer privacy does little to assure consumers that Zoom is a reliable service.

The need for strong safeguards is far greater today than when EPIC filed the original Zoom complaint last year. Workers now participate in online communications that permit their employers to record conversation and access chat messages. Until late last week, employers could even track whether people were opening other applications during a Zoom conference.

Millions of children across the country now use Zoom to participate in remote learning after Zoom promoted its videoconferencing service for K-12 schools.[10] But many school districts, including New York City's, now ban the use of Zoom because of privacy and security concerns.[11]

Many people are also now having difficult conversations with their doctors and their family members. They cannot meet in person. So, they must say things online that might otherwise wait. The idea that a company could observe or record these moments is truly unsettling.

The FTC should make clear its commitment to consumer privacy precisely because we are all more dependent on online services today than we were just a few weeks ago. The agency should open the investigation that EPIC proposed last summer. The agency should publish Best Practices for Online Conferencing.

Now more than ever, the Federal Trade Commission has a responsibility to safeguard American consumers. We urge you to act.

Sincerely,

/s/ *Marc Rotenberg*
Marc Rotenberg
EPIC President

/s/ *Caitriona Fitzgerald*
Caitriona Fitzgerald
EPIC Policy Director

Attachment:
EPIC, *Complaint, Request for Investigation, Injunction, and Other Relief* (July 11, 2019), https://www.epic.org/privacy/ftc/zoom/EPIC-FTC-Complaint-In-re-Zoom-7-19.pdf

Cc: Members of the Senate Commerce Committee
Members of the House Commerce Committee

[10] Alex Konrad, *Exclusive: Zoom CEO Eric Yuan Is Giving K-12 Schools His Videoconferencing Tools For Free*, Forbes (Mar. 13, 2020), https://www.forbes.com/sites/alexkonrad/2020/03/13/zoom-video-coronavirus-eric-yuan-schools/.
[11] Valerie Strauss, *School districts, including New York City's, start banning Zoom because of online security issues*, Wash. Post (Apr. 4, 2020), https://www.washingtonpost.com/education/2020/04/04/school-districts-including-new-york-citys-start-banning-zoom-because-online-security-issues/.