State of Connecticut

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ATTORNEY GENERAL

Hartford

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Via First-Class Mail and Via Email (katherinetassi@fb.com and ts@fb.com)

Tim Sparapani	Katherine Tassi
Director of Public Policy	Product and Regulatory Counsel
Facebook	Facebook
156 University Avenue	156 University Avenue
Palo Alto, CA 94301	Palo Alto, CA 94301

Dear Mr. Sparapani and Ms. Tassi:

I am writing to express my deep concerns about Facebook's newly announced "Tag Suggestions" feature. In Facebook's desire to promote photo sharing and tagging among its users, it appears to have overlooked a critical component of consumer privacy protection -- an *opt-in* requiring users to affirmatively consent before Facebook can automatically prompt other users to identify them through facial recognition software and share their images through tagging. The lack of an opt-in process for Facebook users is troubling because unknowing consumers may have their photos tagged and matched using facial recognition software without their express consent, potentially exposing them to unwelcome attention and loss of privacy.

This new feature of Facebook differs from the previous manual tagging process in significant respects. There does not appear to be any notification sent to a user indicating that his or her photo was tagged using "Tag Suggestions." Without this type of notification, a user cannot know that his or her face has now been attached to a name by facial recognition software and this information stored in Facebook's database.

Even under manual tagging, as I understand it, users may request that their "tag" be removed from a photo on another user's page only after it has been tagged and shared. By the time they receive notice, the tagged photo –potentially with embarrassing or sensitive content - may have been viewed by many other users. Any system that automatically prompts tagging

without such prior notice or consent threatens to expose many more individuals to unwelcome and unwitting disclosures of their images.

While Facebook may have had a database of photos and tags as a result of manual tagging, it has never before, to my knowledge, expressly linked faces with names through facial recognition software or other means. There is, therefore, a substantial new pool of information being added to the vast amount of information Facebook already possesses about its users. Consumers must be made aware that the digital images of their faces are being coupled by Facebook technology to the personal information in their Facebook profiles.

The potential uses of facial recognition on this scale remain unclear but concerning. Will facial recognition be used for commercial or marketing purposes? Will private individuals be able to use "Tag Suggestions" to identify and gather information about others, perhaps putting that information to misuse? It also remains unclear to me whether Facebook utilizes its facial recognition software when photos are manually tagged. If so, privacy concerns with photo-tagging increase exponentially.

This important privacy issue needs to be addressed promptly. There may be some fairly simple changes that can be implemented to make certain that consumers are fully aware of the implications of "Tag Suggestions," including an opt-in process and a notification to users that a photo was tagged using "Tag Suggestions" (as opposed to the more generic tag notification for manual tags).

I ask that you contact Assistant Attorney General Matthew Fitzsimmons in order to schedule a meeting as soon as possible. My hope is for this meeting to provide an opportunity to discuss the issues I presently see in Facebook's "Tag Suggestions" feature and what can be done to protect the privacy of consumers using the site. You may reach AAG Fitzsimmons at (860) 808-5400 or Matthew.Fitzsimmons@ct.gov.

I look forward to working with you to address these important privacy concerns.

Very truly yours,

GEORGE JEPSEN