

United States Senate
WASHINGTON, DC 20510

September 24, 2024

Mr. Mark Zuckerberg
Chairman and CEO
Meta Platforms, Inc.
One Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg,

I write today with concerns following recent reporting by the *New York Post* that Cox Media Group has admitted to investors that it deploys “active listening” software, which uses artificial intelligence to “capture real-time intent data by listening to [users] phone conversations.”¹

The reporting claims that Meta is a client of Cox Media Group. Given Meta’s history of disregard for user privacy, it concerns me that your platform is working with a company alleged to have used the phone conversations of consumers for marketing purposes. A Meta spokesperson told the *New York Post*, “Meta does not use your phone’s microphone for ads, and we’ve been public about this for years.”² This statement does not do enough to dispel long held suspicions by many consumers that Meta aggressively collects user data without explicit user consent.

In 2019, the FTC imposed a \$5 billion penalty on Facebook for violating consumers’ privacy. Then-FTC Chairman Joe Simons said of Facebook, “despite repeated promises to its billions of users worldwide that they could control how their personal information is shared, Facebook undermined consumers’ choices.”³ This long demonstrated pattern of public reassurances by Meta directly contradicts the company’s record of flagrant disregard for user privacy.

I am seeking answers about Meta’s relationship with Cox Media Group, the extent to which, if at all, “active listening” tools were deployed on users, the steps Meta is taking to investigate the products and services from Cox Media Group used on Facebook and the extent to which those products may have violated users privacy. In light of these concerns, I request a response to the following questions by October 8, 2024:

1. Did Meta know that Cox Media Group was deploying “active listening” software before the *New York Post* reporting on September 3, 2024?
2. Were “active listening” tools deployed to users on any Meta platforms?

¹ Ariel Zibler, *Marketing firm admits using your own phone to listen in on your conversations*, *New York Post* (September 6, 2024), <https://nypost.com/2024/09/03/business/marketing-firm-spies-on-you-through-your-phones-microphone-report/>.

² Ariel Zibler, *Marketing firm admits using your own phone to listen in on your conversations*, *New York Post* (September 6, 2024), <https://nypost.com/2024/09/03/business/marketing-firm-spies-on-you-through-your-phones-microphone-report/>.

³ <https://www.ftc.gov/news-events/news/press-releases/2019/07/ftc-imposes-5-billion-penalty-sweeping-new-privacy-restrictions-facebook>

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- a. If yes, how many users did Meta expose to these tools?
- b. Were the users notified that they would be subjected to “active listening” tools? If no, why not?
- c. How is the data collected through active listening software used and shared?
3. As a part of your services, do you more generally deploy software that listens to and/or collects data from the phone conversations of users (i.e., other than the active listening software reported in the New York Post article)?
 - a. Do you notify consumers of this? If no, why not?
 - b. Can consumers opt-in or out of this feature? If no, why not?
 - c. To how many of your clients do you provide “active listening” software?
 - d. How is the data you collect through this type of software used and shared?
4. Explain the products and services Meta purchases from Cox Media Group.
5. What steps is Meta taking to ensure outside entities that perform services for Meta are compliant with applicable privacy policies and user agreements?
6. Does Meta plan to end its contracts and agreements with Cox Media Group? If not, what safeguards do Meta and Cox Media Group intend to put into place to ensure user data is not compromised?

Thank you for your attention to this important issue.

Sincerely,



Marsha Blackburn
United States Senator