

THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

In the Matter of:)
) File No. SF-04223-A
FACEBOOK, INC.) CONFIDENTIAL

WITNESS: Mark Elliot Zuckerberg

PAGES: 1 through 204

PLACE: Securities and Exchange Commission
44 Montgomery Street, Suite 2800
San Francisco, California

DATE: Tuesday, February 19, 2019

The above entitled matter came on for hearing,
pursuant to notice, at 10:07 a.m.

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Securities and Exchange Commission:</p> <p>4 MATTHEW G. MEYERHOFER, ESQ.</p> <p>5 ROBERT L. TASHJIAN, ESQ.</p> <p>6 TRACY L. DAVIS, ESQ.</p> <p>7 Securities and Exchange Commission</p> <p>8 Division of Enforcement</p> <p>9 44 Montgomery Street, Suite 2800</p> <p>10 San Francisco, California 94104</p> <p>11 (415) 705-2500</p> <p>12 meyerhofer@sec.gov</p> <p>13 tashjianr@sec.gov</p> <p>14 davist@sec.gov</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 C O N T E N T S</p> <p>2</p> <p>3 WITNESS: EXAMINATION</p> <p>4 Mark Elliot Zuckerberg 5</p> <p>5</p> <p>6 EXHIBITS: DESCRIPTION IDENTIFIED</p> <p>7 224 Subpoena 8</p> <p>8 225 Thomson Reuter Street Events, 26</p> <p>9 Edited Transcript, FBQ3 2012</p> <p>10 Facebook Earnings Conference Call</p> <p>11 226 Mark Zuckerberg statement posted 59</p> <p>12 on Facebook dated March 21, 2018</p> <p>13 227 Email and attachment 86</p> <p>14 Bates FB CA SEC 00029071 to 092</p> <p>15 228 One-page screen shot from 119</p> <p>16 Techmeme dated December 11, 2015</p> <p>17 229 Recode article dated July 18, 2018 153</p> <p>18 230 Email produced from Facebook 178</p> <p>19 Bates FB CA SEC 00250627 to 676</p> <p>20 231 Google alert dated March 30, 2017 182</p> <p>21 Bates FB CA SEC 00233811</p> <p>22 232 Email string September 20th, 2017 185</p> <p>23 Bates FB CA SECA 00235345 to 362</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (CONT.)</p> <p>2</p> <p>3 On behalf of Facebook, Inc.:</p> <p>4 BENJAMIN NEADERLAND, ESQ.</p> <p>5 WILLIAM MCLUCAS, ESQ.</p> <p>6 ELIZABETH D'AUNNO, ESQ.</p> <p>7 Wilmer Cutler Pickering Hale and Dorr,</p> <p>8 1875 Pennsylvania Avenue, NW</p> <p>9 Washington, D.C. 20006</p> <p>10 (202) 663-6340</p> <p>11 benjamin.neaderland@wilmerhale.com</p> <p>12 william.mclucas@wilmerhale.com</p> <p>13 elizabeth.d'aunno@wilmerhale.com</p> <p>14</p> <p>15 On behalf of the Witness:</p> <p>16 MARK H. KIM, Attorney at Law</p> <p>17 Munger Tolles & Olson, LLP</p> <p>18 350 South Grand Avenue, 50th Floor</p> <p>19 Los Angeles, California 90071</p> <p>20 (213) 683-9100</p> <p>21 mark.kim@mto.com</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 P R O C E E D I N G S</p> <p>2 VIDEO OPERATOR: We're now on the record.</p> <p>3 Today's date is February 19th, and the time is</p> <p>4 10:07 a.m.</p> <p>5 This is the testimony of Mark Zuckerberg</p> <p>6 taken in the matter of Facebook Incorporated for the</p> <p>7 U.S. Securities and Exchange Commission, Division of</p> <p>8 Security. Case number SF-4223.</p> <p>9 We are at 44 Montgomery Street, Suite</p> <p>10 2800, in San Francisco, California. My name is</p> <p>11 (b)(6); (b)(7)(C) and the court reporter today is (b)(6);</p> <p>12 (b)(7)(C). We're both appearing on behalf of Aptus Court</p> <p>13 Reporting located at One Embarcadero, Suite 1060 in</p> <p>14 San Francisco, California.</p> <p>15 You may proceed.</p> <p>16 MR. TASHJIAN: I'll reiterate that we're</p> <p>17 on the record at the time indicated above on</p> <p>18 February 19th, 2019.</p> <p>19 Mr. Zuckerberg, if you could raise your</p> <p>20 right hand, I'm going to swear you in.</p> <p>21 Whereupon,</p> <p>22 MARK ELLIOT ZUCKERBERG</p> <p>23 was called as a witness and, having been first duly</p> <p>24 sworn, was examined and testified as follows:</p> <p>25 EXAMINATION</p>

1 BY MR. TASHJIAN:

2 Q If you could state your full name and
3 spell it for the record.

4 A Mark Elliot Zuckerberg, M-A-R-K,
5 E-L-L-I-O-T -- T, Z-U-C-K-E-R-B-E-R-G.

6 Q We're off to a good start.

7 A Not a good start when you forgot how to
8 spell your middle name. Don't use that very much.

9 Q Mr. Zuckerberg, we met briefly before we
10 went on the record. My name is Robert Tashjian. I'm
11 an attorney here in the Division of Enforcement,
12 Securities and Exchange Commission. Joined by my
13 colleagues Matt Meyerhofer and Tracy Davis. For
14 purposes of today's proceeding, we're officers of
15 the commission.

16 This is an investigation by the United
17 States Securities and Exchange Commission in the
18 matter of Facebook to determine whether there have
19 been violations of certain provisions of the federal
20 securities laws.

21 Mr. Zuckerberg, you should know that the
22 facts developed in this investigation, however,
23 might constitute violations of other federal or
24 state, civil or criminal laws.

25 Prior to the opening of the record this

1 MR. McLUCAS: Bill McLucas, Ben Neaderland
2 and Elizabeth D'Aunno with Wilmer Hale.

3 MR. KIM: Mark Kim with Munger Tolles.

4 MR. TASHJIAN: Counsel, could you please
5 state in what capacity you are representing the
6 witness today.

7 MR. McLUCAS: We represent Mr. Zuckerberg
8 personally.

9 MR. KIM: I represent him personally.

10 MR. TASHJIAN: And, counsel, do you
11 represent any other witnesses or entities in this
12 matter?

13 MR. McLUCAS: We represent both Facebook,
14 and we have represented a number of other
15 individuals in connection with this inquiry.

16 (SEC Exhibit No. 224 was marked
17 for identification.)

18 BY MR. TASHJIAN:

19 Q Mr. Zuckerberg, we've marked a copy of the
20 subpoena pursuant to which you are appearing today
21 as Exhibit 224 in this matter.

22 Would you confirm that that's the subpoena
23 that requires your presence here today?

24 A It looks like it.

25 Q Are you taking any drugs or any other

1 morning, you were provided with a copy of the Formal
2 Order of Investigation. It will be available for
3 your examination during the course of this
4 proceeding.

5 Mr. Zuckerberg, would you confirm that
6 you've had an opportunity to review the formal
7 order? And I'll ask you if you have any questions
8 about it.

9 A Yes, I've had an opportunity to look at
10 it.

11 Q Also prior to the opening of the record
12 you were provided with a copy of the Commission
13 Supplemental Information Form known as Form 1662.
14 It's been previously marked as Exhibit 1 in this
15 matter.

16 Have you had an opportunity to review
17 Exhibit Number 1?

18 A Yes.

19 Q Do you have any questions about it?

20 A No.

21 Q Mr. Zuckerberg, are you represented by
22 counsel today.

23 A I am.

24 MR. TASHJIAN: Counsel, would you identify
25 yourselves for the record.

1 medication that you believe could affect your memory
2 or your ability to testify here truthfully today?

3 A No.

4 Q Have you testified in court or in
5 deposition before?

6 A Yes.

7 Q When was the last time?

8 A There have been a number of times. I
9 think the last time in court was in a lawsuit around
10 Oculus in Texas. So that was probably 2017. I
11 don't remember the last time I did a deposition. I
12 think I did one last year.

13 Q In court, what did that matter concern?

14 A It was around Oculus and intellectual
15 property.

16 Q I see. And then in deposition, how many
17 times have you been deposed to the best of your
18 estimate?

19 A On the order of ten. Maybe more.

20 Q So you are familiar with the process?

21 A Yes.

22 Q Have you been interviewed by the SEC or
23 submitted to sworn testimony before?

24 A From the SEC?

25 Q That's right.

1 A I don't believe so.
 2 Q So it sounds like you're familiar with
 3 sort of the rules of the game, at least in a
 4 deposition or in court. Try not to talk over each
 5 other. There's a court reporter here.
 6 You understand that?
 7 A Yes.
 8 Q We'll need you to answer verbally yes or
 9 no and not uh-huh or huh-uh.
 10 Do you understand?
 11 A Yes.
 12 Q You should know that in our investigation
 13 our basic charge is to investigate the facts. We
 14 are trying to do that to the best of our ability. We
 15 would ask you to give your best recollection of
 16 events that have happened in the past.
 17 Would you agree to do that?
 18 A Yes.
 19 Q And if you have a memory, no matter how
 20 vague that memory is, we would ask you to at least
 21 to state that, the extent of your memory, if you
 22 don't precisely remember something.
 23 Would you agree to do that?
 24 A Yes.
 25 Q There are times when my questions might be

1 Q When did you start Facebook?
 2 A We launched it in February of 2004. And I
 3 started writing it I think it was in January of
 4 2004.
 5 Q When did you leave Harvard?
 6 A Well, my last semester studying there was
 7 the spring of 2004, and then I went on leave for a
 8 while.
 9 Q I see. So approximately, what, April or
 10 May you left Harvard?
 11 A After the semester was done. So I think
 12 it was the end of May.
 13 Q And I understand that you moved to
 14 California at some point; is that right?
 15 A Yes.
 16 Q When did you move to California?
 17 A Well, originally I went out to California
 18 for the summer of 2004 with the intention to go back
 19 to school. And then the work with Facebook was just
 20 a lot to do while also doing school. So my
 21 co-founders and I decided to take a term off from
 22 Harvard, and then we took another term off from
 23 Harvard. And we were just kind of out here. So I'm
 24 just giving that context because you asked when I
 25 moved out. And I guess technically it was the

1 unclear or you may not understand them or you may
 2 disagree with the premise of the question. If that
 3 happens, would you tell us and we can either try to
 4 explore the degree to which you disagree with the
 5 premise or restate the question so you understand
 6 it.
 7 Would you agree to do that?
 8 A Yes.
 9 Q If you do answer a question, we'll assume
 10 that you understood the question.
 11 Is that fair?
 12 A Yes.
 13 Q Do you have any questions about the
 14 proceeding before we go?
 15 A No.
 16 Q All right. So, Mr. Zuckerberg, I
 17 understand that you attended Harvard College; is
 18 that right?
 19 A Yes.
 20 Q What did you study while you were there?
 21 A Computer science and psychology.
 22 Q I've also been led to believe that you
 23 started Facebook while you were at Harvard; is that
 24 right?
 25 A Yes.

1 summer of 2004, but the intention then wasn't -- you
 2 know, we weren't -- we didn't come out here to move
 3 out here.
 4 Q Got it. Have you ever moved back to the
 5 East Coast?
 6 A Not to live.
 7 Q So fast forwarding a little bit. I
 8 understand at some point you hired a person named
 9 (b)(6); (b)(7)(C) is that correct?
 10 A Yes.
 11 Q Why did you hire (b)(6); (b)(7)(C)
 12 A (b)(6); (b)(7)(C)
 13 Q Could you -- and was that -- what year was
 14 that approximately?
 15 A I believe that was 2008.
 16 Q (b)(6); (b)(7)(C) has been at Facebook since
 17 the duration, since 2008, until today; is that
 18 correct?
 19 A Yes.
 20 Q Could you give us a sense of sort of the
 21 broad division of labor between you and (b)(6); (b)(7)(C)
 22 in running Facebook?
 23 A Sure. (b)(6); (b)(7)(C)
 24 (b)(6); (b)(7)(C)

1 The product development and engineering parts of the
 2 company as well as finance, which I think is
 3 important, that report directly to me don't report
 4 through her. (b)(6); (b)(7)(C)
 5 (b)(6); (b)(7)(C)

8 Q Okay. So your sort of -- just broadly
 9 speaking, your sort of areas of responsibility at
 10 Facebook are engineering, product did you say?

11 A Uh-huh.

12 Q And is that a yes?

13 A Yes.

14 Q And finance?

15 A Yes. Although I'd say (b)(6); also reports
 16 to me, so I'm responsible for all the work that she
 17 does as well. But the things that -- she runs the
 18 (b)(6); (b)(7)(C)

19 Q And how long has that sort of broad
 20 division been in place at Facebook? Essentially
 21 since 2008 or did that evolve over time?

22 A Yeah, more or less from the beginning.

23 Q So that was true -- that sort of broad
 24 division was true in the period between 2015 and
 25 2017?

1 A Again, I'm trying to make sure I'm clear
 2 on her responsibility versus a division, because I
 3 do view myself as responsibility for all the work
 4 across the whole company including the work that she
 5 does.

6 But, yes, in terms of how I've always
 7 tried to run the company, I focus on product
 8 development and the services that we're building for
 9 people and for the community, and that's a big --
 10 that's the main responsibility. So even before
 11 (b)(6); was at the company, I tried to have a
 12 (b)(6); (b)(7)(C)

13 Q Got it. Are you familiar with two
 14 Facebook employees, the first named (b)(6); (b)(7)(C)
 15 and the second named (b)(6); (b)(7)(C)

16 A Yes.

17 Q Start with (b)(6); Who is (b)(6);
 18 (b)(6); and what does he do at Facebook?

19 A Well, (b)(6); for a long time ran all of
 20 our (b)(6); (b)(7)(C) He's
 21 recently stepped into a role leading some special
 22 projects around -- (b)(6); (b)(7)(C)

23 (b)(6); (b)(7)(C)

1 (b)(6); joined -- (b)(6); currently runs our
 2 (b)(6); (b)(7)(C)
 3 (b)(6); (b)(7)(C) who is now (b)(6); but was
 4 (b)(6); (b)(7)(C) for a while. And (b)(6); joined I think running
 5 (b)(6); (b)(7)(C)

7 Q At what point did (b)(6); (b)(7)(C) sort of
 8 start doing these special projects?

9 A Within the last year.

10 Q And when did (b)(6); assume his role,
 11 (b)(6); (b)(7)(C) former role?

12 A When he was hired. I don't remember the
 13 exact date, but it was within the last six months.

14 Q Second half of 2018; does that sound
 15 right?

16 A Yes.

17 Q How often do you -- let's start with (b)(6);
 18 (b)(6); (b)(7)(C) How often do you speak with (b)(6); (b)(7)(C)
 19 regarding Facebook?

20 A In his new role or his old role?

21 Q In his old role. And let's talk about
 22 sort of the period between 2015 and 2017.

23 A Okay. It depends -- it depended on what
 24 was going on. So there are periods where I spend a
 25 lot of time very internally focused on product

1 development. But then when there are big events
 2 going on or if I'm going to be out communicating
 3 publicly, then I'll talk to him a lot more. But I
 4 think on average I would probably speak to him at
 5 least once a week, if not more.

6 Q Does (b)(6); (b)(7)(C) participate in any
 7 regularly scheduled meetings that you hold as CEO of
 8 Facebook?

9 A I try to not have too many regularly
 10 scheduled meetings. So he certainly is a part of
 11 the management team. So when we have those
 12 meetings, then he's a part of that.

13 Q What is a management meeting?

14 A We have a few. So there's one that I do
 15 mostly with product leads. There's one that (b)(6);
 16 (b)(6); (b)(7)(C) So he
 17 would definitely be in that. And then periodically
 18 we get the whole management team together to discuss
 19 broad issues.

20 Q And then how often do you speak with (b)(6);
 21 (b)(6); I guess, again, focusing on the period
 22 between 2017 -- 2015 and 2017.

23 A That would depend on what issues we were
 24 dealing with at the time. So, I mean, definitely at
 25 least a few times a month. Probably a little less

1 frequently than [b](6);
 2 [b](6);
 3 Q Was there a project that [b](6); (b)(7)(C) was
 4 involved in concerning some Facebook issue in India
 5 in the late part of 2015?

6 A Yes.

7 Q Did you speak to him about that?

8 A I imagine I would have. I don't have any
 9 specific memory of that, but he certainly would have
 been involved in those discussions.

10 Q Got it. And did he keep you abreast of
 11 what was going with respect to that project?

12 A Yes. Although I think it's worth noting
 13 that -- so you're referring to -- there was a debate
 14 around internet.org and net neutrality in India, and
 15 the free basic service that we were providing there.

16 A lot of that communication I think
 17 happened over email and not in person because I was
 18 on [b](6); (b)(7)(C) My [b](6); (b)(7)(C)
 19 had just been [b](6); (b)(7)(C)

20 Q [b](6);

21 A Yes.

22 Q All right. I want to turn to the subject
 23 of app developers. Just so we have a sort of a
 24 baseline understanding, could you explain what app
 25 developers are and how they relate to Facebook.

1 A Yes. So there are lots of different kinds
 2 of development platforms. It's everything from
 3 Windows to the iPhone. And the basic idea is when
 4 you are building a technology system, a lot of the
 5 time, you know, a single company can't build all of
 6 the things that people are going to find useful, and
 7 people want more choices of what they can use.

8 So a common strategy to best serve a
 9 community is to open up a development platform and
 10 allow people to either install third-party apps that
 11 developers make, or bring information that they have
 12 to -- to third parties in order to be able to
 13 augment whatever functionality they have in your
 14 service.

15 So we did that. We launched our first
 16 platform in 2007. The idea at the time was that we
 17 felt like we could focus on providing some of the
 18 most important functionality to help people connect
 19 with their friends and the people they care about.
 20 And there's no way that any company could do all of
 21 that.

22 And people had a desire to be able to
 23 bring their information with them to other places.
 24 There's the idea of data portability, which is -- I
 25 think it's quite important that people can bring

1 their data to other places where they want to use it
 2 in different ways.

3 So we opened this app development platform
 4 to allow developers to build different experiences
 5 for people.

6 Q When you say people, you just talked about
 7 the concept of data portability produced for in a
 8 sense people. Were you referring to Facebook users
 9 would want to take their data and use it in
 10 connection with an app?

11 A Yes.

12 Q Did you have a name for that first
 13 platform that you refer to in 2007?

14 A Yes. We called the Facebook platform.

15 Q I see.

16 A Very creative.

17 Q And as I understand it, Facebook filed for
 18 an initial public offering and went public in, what,
 19 May of 2012; is that right?

20 A Yes.

21 Q Around that time, in the 2012 time period,
 22 would you say that Facebook had a goal of making it
 23 easy for developers or app developers to build their
 24 the apps?

25 A At that time specifically?

1 Q Around the time of the IPO.

2 A [b](4)

3 since 2007.

4 Q I didn't mean to suggest it changed since
 5 2007, but that was I guess the goal in 2007 and
 6 continued through 2012; is that -- is that fair to
 7 say?

8 A For the platform specifically.

9 Q Yes.

10 A Yes. Well, we'd undergone a number of
 11 changes to the platform by that point. I think by
 12 2012, most people were using our services had
 13 through mobile and not desktop. So we were mostly
 14 helping to serve developers who were building mobile
 15 apps rather than websites. So a bunch of things had
 16 changed.

17 [b](4)

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25

Q And did Facebook have a goal of making
 that easy for developers to build their products to
 bring to the Facebook platform?

A Yes. In the sense that we -- you know,

1 anyone who we're trying to serve. For instance,
 2 people who use our services or developers or
 3 advertisers, of course, we want to make it as easy
 4 as possible for them to do what they are trying to
 5 with our services.

6 **Q Could you talk about some of the things**
 7 **that Facebook did to help encourage developers build**
 8 **apps for the Facebook platform?**

9 A Sure. So we had a team that specifically
 10 tasked with working with developers to help answer
 11 their questions and help them build. We held a
 12 series of conferences where we educated developers
 13 on the direction that we wanted to take the
 14 platform, and what they might be able to build with
 15 it, and broadly how we were thinking about things
 16 evolving over the coming period.

17 We also tried to make the platform
 18 self-service. So that way you don't have to know
 19 someone at Facebook in order to start developing. We
 20 figured that in order for it to be an open platform,
 21 any developer around the world should be able to
 22 come and start building something.

23 **Q Was working with these app developers a**
 24 **way -- part of a strategy for Facebook to grow**
 25 **revenue for the company?**

1 (b)(4)

18 **Q Okay. And so how did Facebook create**

19 (b)(4)

1 A So my philosophy on how we built the
 2 company is if we build valuable services for people,
 3 then eventually they will want to use our services
 4 more. And we will be able to make money after that
 5 and figure out how to make money downstream.

6 So, you know, when you ask about our
 7 strategy, I typically don't start from if we build
 8 this, then we can make more money. It's more if we
 9 build this and we help people connect in a way that
 10 they want that we're not currently serving, then if
 11 we're creating value for people, of course,
 12 downstream we'll find a way to -- to benefit from
 13 some portion of the value we're creating.

14 **Q I want to show you --**

15 MS. DAVIS: Ask a question while you're
 16 doing that.

17 **Q Mr. Zuckerberg, earlier you said that one**
 18 **of the things that Facebook did was to make the**
 19 **platform self-service for app developers.**

20 **Do you recall that?**

21 A Yes.

22 **Q Can you describe what you mean by that,**
 23 **and how it was a self-service platform for app**
 24 **developers.**

25 A Yes. So in my mind there's a distinction

1 in 2007 was very similar to the interaction for a
 2 person signing up for Facebook, or self-service
 3 advertiser when we launched that system. You had a
 4 terms of service. So people had to read that and
 5 confirm that they -- they understood we're going to
 6 comply with the rules of the system.

7 But in general, just like for a person to
 8 sign up for Facebook, you don't need to talk to
 9 someone at the company. That was true for
 10 developers as well. It's worth noting, of course,
 11 we've changed this. At the time that we were doing
 12 this in 2007, the biggest platforms in the world
 13 were things like Microsoft Windows and the web which
 14 are open platforms and where you don't really
 15 require permission to build something.

16 Now today and really ever since the iPhone
 17 took off, that model has really shifted. And closed
 18 platforms where there's just much more significant
 19 vetting by the platform provider have I think become
 20 the norm. And I think most people want to be in an
 21 environment where more of the development is being
 22 vetted.

23 **Q Just based on what you just said, is that**
 24 **true for Facebook where Facebook has been doing more**
 25 **vetting of the -- of app developers for the**

1 platform?

2 A Yes. I think around the time that
3 we're -- the time frame that's most relevant we're
4 talking about, we made a series of platform changes.

5 (b)(4)

6 But I think around that time another set
7 of changes that we made was when an app developer,
8 in order to request access to data, they needed to
9 go through some certification process at Facebook
10 where they said, okay, here's the data that I need.

11 Q Just one last question. In the time
12 period you are talking about right now you just
13 described, what time period was that when you moved
14 to that?

15 A I don't remember the exact dates on this,
16 and we made a number of changes over a number of
17 years, but I'd say this was roughly in the 2012 to
18 2014, 2015 period.

19 Q Okay. Thank you.

20 (SEC Exhibit No. 225 was marked
21 for identification.)

22 BY MR. TASHJIAN:

23 Q Mr. Zuckerberg, I'm handing you what

1 what's been marked as Exhibit 225. The headline on
2 the caption of the first page of Exhibit 225 says:
3 "Thomson Reuter Street Events, Edited Transcript,
4 FBQ3 2012 Facebook Earnings Conference Call." It
5 continues on for a number of pages.

6 Mr. Zuckerberg, after Facebook went public
7 in May of 2012, did you participate in a series of
8 what are called earnings calls with Wall Street
9 analysts?

10 A Yes. I've typically participated in the
11 quarterly earnings calls since we've gone public.

12 Q What do you do to prepare for those
13 earnings calls?

14 A The reason I'm pausing is because the

15 (b)(4)

16 Q There's a filing with the SEC; is that
17 right?

18 A Yes.

19 Q And you just described sort of a process

1 by which you meet with other folks at Facebook about
2 what to disclose and about those filings; is that
3 right?

4 A Yes.

5 Q And then in terms of the call itself, is
6 there a script that -- that you and (b)(6); (b)(7)(C) and
7 the (b)(6), read at sort of the top of the call?

8 A Yes.

9 Q What do you do to help prepare that
10 script? Is that written for you or do you help in
11 writing it?

12 A Yes. It depends on -- some quarters are
13 relatively simple and not much has changed in the
14 business, and then it's just giving an update and
15 that can be written fairly quickly. (b)(4)

16 (b)(4)

17 Q The financial metrics and things like
18 that; is that right?

1 A Yes.

2 Q If you could turn to page 3 and I have
3 questions about just a brief part of what's on page
4. You'll see your name sort of on the top half of
5 page 3 where you start out by saying: "Thanks,
6 everyone, for joining us."

7 Do you see that?

8 A Yes.

9 Q Feel free to read -- read it all, but I'm
10 just wondering if this is what we see here on page 3
11 and continuing on page 4 and 5 before it says (b)(6);
12 (b)(6); (b)(7)(C) is essentially the script that is prepared
13 for you or you had input in before the call?

14 A I have to read the whole thing to confirm
15 that, but just scanning it briefly it looks like it
16 would have been a statement that I would have
17 written.

18 Q So let me -- and feel free to, again, take
19 a look at anything, but I do want to point out a
20 specific part on page 4. There's a paragraph that's
21 one, two, three, four, five down. It says: "Next I
22 want to talk about platform."

23 A Okay.

24 Q And then three paragraphs below that I'll
25 just read this into the record. You are quoted as

1 saying: "One question I often get is what's our
 2 business here? As these apps get built and
 3 industries get transformed, why is this good for
 4 Facebook? We believe that over time the more value
 5 we provide, the more revenue we'll be in a position
 6 to get back, whether it's through developers buying
 7 ads, running our ads, through our network, using our
 8 payment service or other possible ways. We're
 9 committed to building a sustainable and profitable
 10 platform."

11 **Do you see that?**

12 A Yes.

13 **Q Do you think that's something you said**
 14 **circa October 2012?**

15 A Yes. I don't remember that specifically,
 16 but this definitely sounds like something I would
 17 say.

18 **Q That phrase that you said in there, "the**
 19 **more value we provide, the more revenue we'll be in**
 20 **a position to get back," can you explain from**
 21 **today's perspective what you meant by that?**

22 A Yes. I had said something to this effect
 23 earlier in our -- in the testimony earlier as well.
 24 But I think this might be related to the nature of
 25 our business, which is that we don't charge people

1 pretty similar here, which is the more value we can
 2 deliver for people, whether that's through the first
 3 party work that we do or enabling a developer
 4 platform that enables broader functionality, that
 5 will create opportunities in a number of ways for us
 6 to be in positioned to grow our business over time.

7 **Q Got it. You can set the exhibit aside.**

8 And you may have referred to this earlier,
 9 but as part of Facebook's strategy of encouraging
 10 developers to build apps for the platform, did
 11 Facebook share user data with those developers?

12 A Well, I think it's important to be clear.
 13 What we enabled is people to share their data and
 14 the data that their friends have shared with them
 15 with developers. So we don't think about this as
 16 Facebook somehow granting developers access to
 17 people's information as much as giving people ways
 18 to bring their information or the information
 19 they've seen to have different experiences with
 20 third parties.

21 **Q How does that relate to what you were**
 22 **referring to earlier the phrase data portability?**

23 A Well, philosophically it's very connected.
 24 I mean, I tend to believe that people should be able
 25 to take their data and use it in different

1 directly for what we do. We build services. We
 2 want everyone to be able to use them.

3 So there's almost two different parts of
 4 what we do where one is just focused on delivering
 5 as much value as possible for people. And then
 6 there's another part that's focused on business,
 7 which is trying to help advertisers or other
 8 businesses interact with people and drive their
 9 business.

10 And the amount of business that we can
 11 drive is directly -- it's going to be proportional
 12 to how much value people are getting out of the
 13 consumer services. So billions of people who use
 14 the services that we build, so that creates an
 15 opportunity to build a business platform on top of
 16 that.

17 But both from a mission perspective of
 18 what we're trying to do in the world and a long-term
 19 business strategy, I've always believed that it's
 20 the right thing to first focus on the consumer
 21 services and just deliver as much value as you can
 22 through that. And then that creates the opportunity
 23 that we have to build a business platform on top of
 24 it.

25 So I think I'm probably saying something

1 experiences if they want.

2 **Q And that includes sharing it with app**
 3 **developers through the Facebook platform; is that**
 4 **what you are saying?**

5 A Yes. Facebook platform is the practical
 6 way today that most people are able to bring some of
 7 the information that they -- that they have, they
 8 put on Facebook to other -- other app developers.

9 **Q So it sounds like the -- maybe the slight**
 10 **disagreement, sort of maybe the premise of my**
 11 **question that you just articulated, was you don't**
 12 **see it as Facebook sharing user data with app**
 13 **developers. In your words you would allow users to**
 14 **share their data with app developers.**

15 A Yeah. That's the -- that's the intent,
 16 sure.

17 **Q And can you just describe on a general**
 18 **level how that technically works?**

19 MR. NEADERLAND: Is the question, Rob,
 20 today or historically?

21 MR. TASHJIAN: Fair enough.

22 **Q Prior to -- we're going to talk in a few**
 23 **minutes about something called Graph API Version 2,**
 24 **and the company's shift to the next iteration of the**
 25 **Graph API. So I'm wondering before Graph API**

1 **Version 2, how -- if you could give just sort of a
2 technical overview of how Facebook allowed users to
3 share their data with app developers.**

4 A Okay. I want to make sure I'm answering
5 the part of the question that you're asking about.
6 So the basic flow is a person shows up at an app
7 website or mobile app that they want to interact
8 with, and they log in. There's some button to
9 authenticate and then they tap on that. They get
10 some kind of dialogue that says here's the kind of
11 information that that app developer is requesting.

12 Over the years we've made those controls
13 more granular. So in the early iterations of the
14 platform a developer could just ask for a lot of
15 permissions that once without -- with a basic
16 summary. Over time we moved to separate out the
17 permissions for an app developer to be able to
18 access information versus also post or write
19 information back to your account on Facebook.

20 We made it more granular for -- so that
21 way if an app developer wants to access different
22 types of data, they have to ask for each
23 specifically, and that gets called out to the person
24 before they confirm they want to use the app.

25 Then once a person is given permission,

1 And the idea that any information that either you
2 would put it into Facebook or that you could see on
3 Facebook because a friend shared with you, you
4 should be able to transfer to a developer so that
5 they can help provide an experience.

6 And some of the rationale there was, you
7 know, if you wanted your calendar, for example, to
8 show what your friends' birthdays and their photos
9 and names on it, then you would potentially want to
10 be able grant access to your calendar, but also be
11 able to make it so a developer could see the
12 birthdays that your friends put in and shared with
13 you on their profiles that they'd given you
14 permission to be able to see.

15 So that was a pretty broad set of
16 permissions. Over time we narrowed that. We saw
17 that there were a lot of developers who were asking
18 for data that it didn't necessarily seem like they
19 needed, that the uses for people being able to pass
20 along their friend's data in addition to their own,
21 generally there weren't as many good uses as we
22 hoped upfront.

23 So we narrowed it over time so that way
24 people can still generally bring their data to app
25 developers, but have to in a more granular way say I

1 the developer can make API calls technically on the
2 back end. And we, based on the permission that has
3 been granted to that app developer, if -- if the
4 person has said that they want to be able to share
5 that data with the app developer, when we receive an
6 API request from a developer, we'll pass the data
7 along on behalf of the person. If they haven't
8 granted the request, then we won't.

9 **Q You just described what -- you used the
10 term "permission." Can you describe what permission
11 is?**

12 A Yes. It's when a person goes to log in to
13 an app, the developer asks them for permission to be
14 able to access specific types of data. And the
15 person has to give permission and say, yes, I want
16 the developer to be able to have this data.

17 **Q So was there -- was there a fence in some
18 way around sort of the outer limits of what
19 permissions could be granted to an app developer
20 prior to API version 2? Or alternatively could a
21 user in theory grant any kind of permission to
22 access the platform?**

23 A So this evolved over time to be more
24 granular. The earliest versions of the platform had
25 a very broad view of data portability and openness.

1 want to share my photos or I want to share this
2 personal information, not just here. You can have
3 access to my information. But in a more granular
4 way you can access -- you can give it developer
5 access to your information, and we've narrowed the
6 scope on what developers can access from other
7 people.

8 **Q So this narrowing process, was part of
9 that narrowing process the change over to Graph API
10 Version 2?**

11 A I believe so, although I don't remember
12 that specific name. I'm aware of the Graph API. I
13 don't know what was in version 2 versus version 3
14 and version 1 exactly. This was the general trend
15 as we've gone in this direction.

16 **Q Okay. So let me come back to that, to the
17 reasons why Facebook narrowed the number of
18 permissions and gave users more granularity over the
19 kind of permission that could be granted. Box that
20 up and we'll come back to it in a minute.**

21 **But just in general prior to, say, 2014,
22 could you describe the kinds of data that a user, a
23 Facebook user, could grant permission to just about
24 the user him or herself? For example, first name,
25 last name, birthday, things like that.**

<p style="text-align: right;">Page 38</p> <p>1 A Yes. So I believe the intent, and I think 2 this is mostly how it worked, was almost anything 3 that was on your profile you would be able to give a 4 developer permission to access.</p> <p>5 Q And profile would include the things I 6 just listed -- first name, last name, your gender, 7 birthday, things like that; is that right?</p> <p>8 A Yes. In addition to things like photos or 9 links you've shared or status updates or things like 10 that.</p> <p>11 Q And what about the user's location?</p> <p>12 A So the reason why I'm pausing is I think 13 that there's two parts to location. There's 14 locations that you put on your profile, which, if 15 it's part of your profile, then I think in general 16 we likely had a permission that a person could grant 17 the information to be used with a developer.</p> <p>18 But then there's other location controls 19 like on a phone, an app can request permission to 20 have your -- to access your location to deliver 21 local services. The Facebook app does this, but it 22 doesn't put that information on your consumer 23 Facebook profile. So I don't think we would have 24 had an API for that type of location, if that makes 25 sense.</p>	<p style="text-align: right;">Page 40</p> <p>1 different order or different design would require 2 you to be able to bring that context. 3 Over time what we found was there actually 4 weren't that many uses for that that people really 5 liked, but there were a lot of apps that were 6 requesting access to that information in ways that 7 seemed like it wasn't that useful, and that it would 8 have potentially created a liability for people to 9 have that information. So we moved to the direction 10 of restricting that over time.</p> <p>11 I think around the time you are asking 12 with the Graph API Version 2, although I don't know 13 if it was that specifically, but I think it was 14 around the general time that we're talking about. We 15 made a big change to make it so that -- so that you 16 could no longer as a developer request access to 17 friend's information. You could only request access 18 to a person's information specifically.</p> <p>19 Q So with the kind of information just -- I 20 think these are fairly straightforward questions. 21 The kind of information that a user could share 22 about his or her friend would include the friend's 23 first and last name; is that fair?</p> <p>24 A Yes.</p> <p>25 Q Friend's location that the friends had</p>
<p style="text-align: right;">Page 39</p> <p>1 Q Yes. And I think I'm referring to just 2 the first kind of location, the kind that a user 3 would upload on to his or her profile.</p> <p>4 A Yeah. So checking in at a place, for 5 example, I would imagine that we would have had an 6 API for that.</p> <p>7 Q Or just hometown or where the person 8 resides?</p> <p>9 A Yes, that definitely.</p> <p>10 Q And then what kind of permissions related 11 that -- could a user give permission to an app 12 developer concerning the user's friends?</p> <p>13 A This was an area that shifted a lot, and 14 that we've generally closed down over time. But in 15 the earlier versions of platform, the idea was that 16 anything that a friend had shared with you, you 17 should be able to bring that context to another app.</p> <p>18 So you can imagine when I gave the example 19 a second ago about making your calendar more social, 20 your friends' birthdays and pictures on it, that 21 would require bringing some of your friends' 22 information. If you wanted an app that had an 23 alternate news feed, being able to bring all the 24 content that would be in your news feed to another 25 app so that that app could present a news feed in a</p>	<p style="text-align: right;">Page 41</p> <p>1 uploaded, whether that's residence or check-in or 2 something like that?</p> <p>3 A At the time before the changes that we're 4 talking about?</p> <p>5 Q That's right.</p> <p>6 A I believe so, yeah.</p> <p>7 Q Friend's birthday?</p> <p>8 A I believe so.</p> <p>9 Q And then I want to ask you about likes. 10 Could a user share his or her page likes with the 11 app developer?</p> <p>12 A Their own?</p> <p>13 Q Yes.</p> <p>14 A Yes.</p> <p>15 Q And what about their friends?</p> <p>16 A I believe that was probably the case 17 before we made these changes.</p> <p>18 Q And then there's something called a 19 Facebook user ID. Can you tell us what that is?</p> <p>20 A Yes. So in our system every account has 21 an ID number. So that's -- we call that the 22 Facebook user ID.</p> <p>23 BY MS. DAVIS:</p> <p>24 Q Ask a followup question. 25 Just a minute ago you were talking about</p>

1 anything that a friend shared with you -- this is
 2 prior to the switch over to Graph API. Anything a
 3 friend shared with you, you could share with an app
 4 developer.

5 **What do you mean by anything a friend**
 6 **shared with you? Is that just going on to the**
 7 **Facebook platform and you're friends with someone**
 8 **and it becomes accessible? Or does someone actually**
 9 **have to say my friends have the ability to share my**
 10 **information? What does that mean?**

11 A Well, it's a little bit of both. So if
 12 I'm sharing a photo and it can go in my friend's
 13 news feeds that's colloquially what I'm referring to
 14 as sharing with your friends. But I believe we've
 15 also had a control so that way in the -- in people's
 16 privacy settings, they could turn off the ability
 17 for information that they shared with their friends
 18 to be used in other developer's apps.

19 Q Okay. So, for example, some of the
 20 categories we've just talked about -- location,
 21 birthday, user likes -- does a person share that
 22 information just by virtue of being friends with
 23 someone? Or do you actually have to say "I'm
 24 friends with you and I'm sharing my birthday with
 25 you"? What's the distinction?

1 A Well, by putting something on your profile
 2 there are generally privacy controls that people see
 3 and know about who they are sharing that context
 4 with. So if something is going to be public on your
 5 profile, then feel like you are basically sharing
 6 that. You're putting that out for the world. If
 7 you are sharing something with your friends, then
 8 you are saying your friends have the ability to see
 9 this context.

10 Q So it's the ability of a Facebook friend
 11 to see that information that prior to Graph API 2
 12 really meant they were sharing it with their friend
 13 who could then share it with app developers; is that
 14 right?

15 A Yeah. Although, I believe there was a
 16 separate control that also governed whether --
 17 whether the information could be used with platform
 18 developers. I don't know exactly when we introduced
 19 that, but at a certain point you had the ability to
 20 share something on Facebook, but not have anyone
 21 share it with an app developer.

22 BY MR. TASHJIAN:

23 Q Real briefly, and then we're going to turn
 24 to the line of what we've been referring to as Graph
 25 API Version 2. Can you tell us what extended

1 permissions are?

2 A I remember that term, but I'm not a
 3 hundred percent sure what it refers to. I think my
 4 guess is that there's a set of basic information on
 5 your profile. And if an app developer wanted access
 6 to anything that was more sensitive, they had to go
 7 through a separate dialogue and get permission
 8 separately.

9 Q Is there something called ReadStream or
 10 Read Mailbox? Are you familiar with those
 11 permissions?

12 A Not the names, but, I mean, just by
 13 hearing them I can guess as to what they refer to.

14 Q You have quite a bit of experience at
 15 Facebook so can you tell us what they are?

16 A Yeah. My guess from this is that you have
 17 the ability to give a developer the access to read
 18 your news feed or access your messages so that way
 19 you can send and receive messages from another app.

20 Q So the -- it sounds like this is maybe
 21 perhaps not as memorable to you as maybe I make it
 22 out to be, but as I understand it there was an
 23 announcement of the change to what we're calling
 24 Graphic API Version 2 at the F8 Conference in April
 25 of 2014.

1 Does that sound right to you?

2 A Yes.

3 Q Can you tell us what the F8 conference is,
 4 first of all?

5 A Yes. F8 is our developer conference. It's
 6 generally annual, although we haven't had it every
 7 single year.

8 Q There's a video of you giving the keynote
 9 speech at the F8 on April 30th, 2014. What can you
 10 just -- if you don't recall that particular keynote,
 11 can you just tell us what you do to prepare to give
 12 a keynote address at a conference like the F8?

13 A Yes. So typically I'll kick off the
 14 conference by sharing a high level overview of the
 15 direction that I think our services should go in,
 16 and what that means for developers who are thinking
 17 about building things over the coming years.

18 Typically leading up to this I'll sit down
 19 with a lot of the product leaders of the company,
 20 and we'll go through what we think are the most
 21 important things to communicate and what products
 22 might be ready to announce or talk about soon. And
 23 then I will typically have a pretty active role in
 24 writing what I'm saying.

25 Q All right. At the F8 on April 30th, 2014,

1 you said, among other things, quote: "We've also
 2 heard that sometimes you can be surprised when one
 3 of your friends shares some of your data with an
 4 app."

5 **Do you recall saying that?**

6 A Sorry. Can you say that again?

7 Q "We've also heard that sometimes you can
 8 be surprised when one of your friends shares some of
 9 your data with an app."

10 A And your question was do I remember saying
 11 that?

12 Q Yes.

13 A Not that specific sentence, but it sounds
 14 like the type of thing that we were talking about at
 15 the time.

16 Q So in the context of rolling out Graph API
 17 Version 2, as I understand it, you can put it in
 18 your own words, you were limiting the amount of
 19 friend data that an app developer could seek
 20 permission to obtain; is that generally correct?

21 A That's my understanding.

22 Q And what I'm asking about is it sounds to
 23 me like there was some -- that Facebook solicited
 24 some feedback from users about the kinds of
 25 permissions that app developers were seeking. Does

1 that sound right to you?

2 A We typically do a lot of research. Right?
 3 So we'll talk to people. We'll run surveys, try to
 4 get quantitative data as well, so yes.

5 Q What kind of feedback did Facebook get
 6 from users about the permissions being granted to
 7 app developers?

8 A I don't remember specifically, but for any
 9 important product change that we're going to make,
 10 we generally try to talk to people in person and get
 11 real feedback, but then also get some sense of
 12 quantitatively over a larger portion of the
 13 community how people feel about which things are
 14 most important and try to measure the sentiment on
 15 what people want as well.

16 Q In this kind of feedback that concerns --
 17 that touches on user's concerns or feedback about
 18 the kinds of permissions, who would have been in
 19 charge of obtaining that kind of feedback in 2014?

20 A I don't remember exactly how this was

21 (b)(4)

22

23

24

25

1 (b)(4)

2 Q Can you put some names on -- on who was in
 3 charge of obtaining feedback?

4 MR. NEADERLAND: You're asking in 2014?

5 MR. TASHJIAN: Yes. In the period that
 6 led up to Mr. Zuckerberg's announcement at the F8
 7 that year.

8 THE WITNESS: I think (b)(6); (b)(7)(C) was
 9 running the platform teams at the time from a
 10 product and engineering perspective. I don't know
 11 who was running research, if the same woman who's
 12 running it now was running it then.

13 BY MR. TASHJIAN:

14 Q Who is the person who is running it now?

15 A (b)(6);
 16 (b)(7)(C)

17 Q (b)(6); (b)(7)(C)

18 A (b)(6); (b)(7)(C) is her first name. I cannot
 19 pronounce her last.

20 Q Fair enough.

21 MR. MEYERHOFER: Can you spell her first
 22 name just so the record has it?

23 THE WITNESS: (b)(6); (b)(7)(C)

24 BY MR. TASHJIAN:

25 Q Just generally it sounds like Facebook is
 a data driven company. And you are seeking user

1 feedback particularly around -- in this case around
 2 permissions granted to app developers. Can you give
 3 us some color on why it would have been important
 4 for Facebook to obtain that kind of feedback around
 5 user concerns, about sharing information with app
 6 developers?

7 A Yes. So when we originally launched the
 8 platform in 2007 with the idea that there were all
 9 these experiences that people might want that we
 10 weren't going to be able deliver ourselves, but that
 11 developers could help deliver for people, a lot of
 12 what developers built was very different from the
 13 types of stuff that we expected.

14 So, for example, some of the examples I
 15 mentioned today like the calendar app or different
 16 alternatives to news feed weren't really the things
 17 that primarily took off. A lot of it were games and
 18 different types of entertainment apps and not
 19 utilities. And games are great and that's a big
 20 thing that people wanted.

21 (b)(4)

22

23

24

25

(b)(4) So this enabled -- part of that is why you
 build a platform is because you don't expect you are

1 going to be able to build everything yourself so --
 2 or even know what everyone is going to want. So
 3 some of that was good.

4 But then we also got feedback that some
 5 ways that developers were interacting with the
 6 platform weren't good or that people didn't like
 7 them. Probably the biggest example of this was that
 8 by having a single permission for developers to be
 9 able to access both information and to be able to
 10 write or post to your profile, it put people in this
 11 position where they felt like, okay, if I want to
 12 access this game, I have to grant permission for
 13 this app to write on my profile. And then the app
 14 might write something to their profile that they
 15 wouldn't like or would be embarrassed about and they
 16 would end up feeling bad. And that would decrease
 17 trust in the overall platform.

18 We obviously have a strong interest in
 19 making sure that people trust the platform and know
 20 that if they interact with a developer that we're
 21 going to -- that's going to work in a positive
 22 way. (b)(4)

23 (b)(4)
 24
 25

1 data than they needed.

2 (b)(4)

3 (b)(4) So that way people, when
 4 they're choosing to log into apps, have the minimal
 5 cost of using the app. Right? They should be able
 6 to sign into an app and not feel like they have to
 7 grant access to more data or permissions the app
 8 might need just because they want to use the app and
 9 that's the only choice they have. (b)(4)

10 (b)(4)

11 Q I see. There was an FAQ, a frequently
 12 asked questions, that was posted for developers
 13 around the time of this change in late April 2014 to
 14 version 2 of the Graph API. And the FAQ says that
 15 Facebook users -- that some Facebook users were,
 16 quote, "uncomfortable knowing that their friends
 17 could share their information with an app."

18 Is that -- can you give us any more color
 19 or detail about what you know about that?

20 A That was the general sense that I had, but
 21 I don't know of any specific research or any
 22 more color on that.

23 Q And, again, either the research team or

1 they might have not wanted the developers to have.

2 MR. NEADERLAND: I think the specific
 3 question was with regard to this change that ended
 4 up happening and permissions, why the company was
 5 seeking user feedback in advance of that. Is that a
 6 fair?

7 MR. TASHJIAN: That's fair enough.

8 THE WITNESS: Did I not answer that?

9 BY MR. TASHJIAN:

10 Q I think you did. Everyone has their own
 11 perspective. In particular, though, I'm wondering
 12 if you can tell us what kind of feedback Facebook
 13 got about this surprise you referred to about
 14 sharing information about their friends or concerns
 15 that users had about privacy in connection with
 16 these permissions that were granted to app
 17 developers.

18 A I don't remember the specific feedback,
 19 but I just remember that there was a general sense
 20 and concern that the way that developers could ask
 21 for permissions in one block summary rather than
 22 granularly, one at a time having to spell out
 23 exactly what they wanted, was creating this dynamic
 24 where there wasn't that much of a cost for
 25 developers to ask for more -- for permission to more

1 the product team would have been in charge of
 2 getting that feedback?

3 A I assume so, yes.

4 Q And was that feedback important to you to
 5 shift to the Version 2 of the Graph API?

6 A I don't remember exactly, but it certainly
 7 seems like the kind of thing I would have cared
 8 about.

9 Q Just one more quote from you. You gave an
 10 interview to Wired Magazine following your -- I
 11 think around the time of the 2015 F8. And you said
 12 that some Facebook users were, quote, "not happy
 13 with what apps ask for in terms of permissions."

14 Does that sound right to you, something
 15 you would have said based on information that was
 16 given to you?

17 A Yes. I think that that's pretty in line
 18 with what -- the summary I just gave of the feedback
 19 we had at the time.

20 Q We've been going for about an hour. Would
 21 you like to take a break?

22 A Sure.

23 Q Why don't we go off the record?

24 VIDEO OPERATOR: Going off the record. The
 25 time is 11:06 a.m.

<p style="text-align: right;">Page 54</p> <p>1 (A brief recess was taken.) 2 VIDEO OPERATOR: We are back on the record 3 at 11:17 a.m. 4 BY MR. TASHJIAN: 5 Q Mr. Zuckerberg, could you just confirm for 6 the record that during the short break you didn't 7 have any conversations about the substance of your 8 testimony with the staff of the SEC? 9 A Yes. 10 Q So I've been referring to something called 11 the changeover to Graph API Version 2. It doesn't 12 sound like that has as momentous an occasion, at 13 least in your mind. But you have talked about how 14 you narrowed, or Facebook narrowed, the amount of 15 information that app developers could request over 16 time. 17 Can you give us a sense of how that 18 addressed the user feedback that you are aware of 19 that the company was getting? 20 A Yes. And my point around not knowing 21 every specific Graph API Version 2 is that just we 22 rolled out several important changes over a number 23 of iterations. So the basic thing that we were 24 going for was making it so that a person could sign 25 into an app and not have to -- not feel like in</p>	<p style="text-align: right;">Page 56</p> <p>1 quite open, and over time have added more process on 2 it to -- and responded to the feedback we've gotten. 3 Q Did those iterations include a limitation 4 on the kinds of permission that were granted to app 5 developers about a user's friends? 6 A Yes. 7 Q So I just want to ask you sort of a basic 8 question about Facebook's business. I think you 9 referred to the, what is it, 2 billion users that 10 are on Facebook today; is that right? 11 A Yes. 12 Q Is that the approximate number? 13 A It's a little more. 14 Q Little north of 2 billion. If Facebook -- 15 just a basic question. If Facebook were to lose 16 users, what would be the effect on Facebook's sort 17 of financial results or its business? 18 A That would likely be negative for the 19 business. 20 Q As I understand it Facebook tracks 21 something called user engagement. Can you explain 22 what that is? 23 A Well, I'm not sure specifically what you 24 are referring to, but engagement overall might refer 25 to how people are using a service that's secure</p>
<p style="text-align: right;">Page 55</p> <p>1 order to use an app they had to grant permissions 2 for things that they didn't really want the app 3 developer to have, but might have felt like if 4 that's their choice, they either have to use the app 5 or -- they either are going to use the app or not 6 going to be able to, then they would have to grant 7 these permissions that they don't want. 8 So there were a number of changes like 9 that that we made over time. One that I think we 10 talked about earlier, which is not necessarily about 11 information, it was just about separating out the 12 read and write permissions, that was a really big 13 deal for people. People did not want to have to 14 grant an app developer permission to write 15 information to their profile or publish it into 16 their friend's news feed in order to be able to use 17 an app or play a game. 18 And then we've also taken additional steps 19 over time to make it so the permissions on the read 20 side were more granular as well. I guess the reason 21 I don't remember exactly what was in the specific 22 iteration, even though I think this was mostly about 23 making the read changes more granular, is because 24 this has been the general direction we've gone in 25 over time. We started with the platform as being</p>	<p style="text-align: right;">Page 57</p> <p>1 counting people, on the one hand. And the other 2 thing that really matters is what are people 3 actually doing. Is a person just using the service 4 once a month, which would probably show that they 5 are getting relatively little value from it. 6 Or is it something where they are 7 connecting with a number of people and having 8 meaningful interactions on a daily basis, which 9 would generally mean that we feel like we're doing a 10 better job of fulfilling what we're supposed to be 11 doing. 12 Q How does Facebook track user engagement 13 the way you just described? 14 A There are a number of measures. So 15 whether people use the services on a daily basis, 16 how many interactions they are having with people, 17 whether those interactions are meaningful. There 18 are a lot of metrics that we'll look at just to both 19 inform what the product development direction should 20 be to make sure that we're serving people the way 21 that we want and to just have a sense how the system 22 is working. 23 Q Sort of a basic question about Facebook. 24 If users became less engaged according to the 25 metrics that Facebook tracks, can you tell us what</p>

1 the likely outcome would be on Facebook's financial
 2 results?
 3 A Yes. In general if people are not getting
 4 as much value from the service and they're using
 5 them less, then that is likely to hurt the business
 6 downstream.
 7 Q Can you tell us in a general level how
 8 user concerns about privacy and sharing information
 9 affect Facebook's business?
 10 A Sure. So if people don't feel comfortable
 11 using the services because they think that if they
 12 share something, it's going to be shared with people
 13 that they didn't want, for example, then that could
 14 certainly prevent people from using the services,
 15 getting the value that they want from the services.
 16 And I suppose downstream that that would -- that
 17 that could potentially hurt our business as well.
 18 Q So I want to ask you about a statement
 19 that you made on -- that you posted to Facebook on
 20 March 21st, 2018. It's in the aftermath of a report
 21 that came out in the New York Times and the Guardian
 22 that concerns Cambridge Analytica. I'm sure we're
 23 going to be turning to that at some point today. But
 24 I just want to ask you about a statement you made in
 25 your post.

1 Have this marked as the next exhibit in
 2 order.
 3 (SEC Exhibit No. 226 was marked
 4 for identification.)
 5 MR. NEADERLAND: What's the number?
 6 MR. TASHJIAN: 226.
 7 Q So in your statement -- first of all, does
 8 Exhibit 226 appear to you to be a statement that you
 9 posted on or about March 21st of 2018?
 10 A It looks like it.
 11 Q I want to ask you about a couple of
 12 things. I'm sure we're going to be coming back to
 13 this later today. The fifth paragraph down follows
 14 a couple paragraphs that start with dates.
 15 And the fifth paragraph you write: "In
 16 2014, to prevent abusive apps, we announced that we
 17 are changing the entire platform to dramatically
 18 limit the data apps could access."
 19 Do you see that?
 20 A Yes.
 21 Q And then four paragraphs below that in the
 22 ninth paragraph you wrote: "In this case we already
 23 took the most important steps a few years ago in
 24 2014 to prevent bad actors from accessing people's
 25 information in this way."

1 Do you see that?
 2 A Yes.
 3 Q Can you tell us what you were referring to
 4 in your statement? What happened in 2014?
 5 A So my understanding from this and all
 6 these events is that it's the change that we've been
 7 talking about today of changing the platform to make
 8 it so that, first, people couldn't -- could no
 9 longer go to an app and grant access to their
 10 friends' information. And, second, moving to more
 11 granular permissions on their own information.
 12 Q So -- and you may have referred to this a
 13 little bit in your earlier testimony, but you use a
 14 couple of words here that I want to ask you about.
 15 You said "abusive apps" in the exhibit. And then
 16 you talked about "bad actors."
 17 What were you referring to?
 18 A Sure. So an abusive app -- I think that
 19 if a developer is asking for more information than
 20 they are actually going to use to deliver their
 21 services, that is a developer being abusive.
 22 It doesn't necessarily refer to any
 23 specific harm or thing that they were doing with
 24 that data. I just think that even asking for more
 25 data than you are actually going to make use of can

1 be a form of abuse. So that is I believe what I was
 2 referring to here.
 3 Q So I -- I guess I'd like to know if you
 4 had discussed publicly this concept of abusive apps
 5 or bad actors in the app developer community prior
 6 to your statement that we're looking at in Exhibit
 7 226.
 8 A I don't know. I imagine that -- that we
 9 had. We were talking about the F8 speech a few
 10 minutes ago where we started describing the
 11 direction that the platform was going in. I think
 12 as part of that part of the rationale that we talked
 13 about was that developers were asking in some cases
 14 for more data than they needed. So whether or not I
 15 used the term "abusive" or not, I think the broad
 16 phenomenon that we were trying to move away from was
 17 something that I believe we had been discussing.
 18 Q Understood. I guess I'm wondering if you
 19 can think of a particular instance in which you or
 20 somebody else from Facebook talked publicly about
 21 abusive apps or bad actors within the app developer
 22 community.
 23 A I don't remember.
 24 Q And I'm asking because the questions I was
 25 asking about earlier seemed to be the way that

1 Facebook and yourself at the F8 Conference seemed to
 2 frame it was around user feedback, where users were
 3 surprised or uncomfortable and less in terms of
 4 abusive apps or bad actors.

5 So I guess that's what I'm trying to get
 6 at is whether you can think of a way that had been
 7 framed publicly before where the focus was really on
 8 app developers that were abusing the platform.

9 A I don't remember. I think after the
 10 elections in 2016, there was a lot more focus on bad
 11 actors abusing Facebook and our services overall. So
 12 I think more of how we discussed the directions that
 13 we were going in was framed in terms of preventing
 14 abusive or bad actors. But my understanding from
 15 what we've talked about and the F8 speech is that
 16 it's substantively the same type of content, just
 17 framed in terms of how people were thinking about
 18 things at the time.

19 Q You just referred to the 2016 election.
 20 Would that be the 2016 general election?

21 A Yes.

22 Q And after -- after the 2016 general
 23 election, can you think of a point when Facebook or
 24 yourself framed this issue about -- in terms of bad
 25 actors on the platforms or abusive apps?

1 A Well, not necessarily about apps, but
 2 there were -- there's been a lot of dialogue around
 3 different abusive actors, whether they are nation
 4 states or troll farms or different folks trying to
 5 misuse different parts of our services. So that's
 6 certainly been a much more prominent part of the
 7 dialogue for the last several years, has been around
 8 all of the steps that we're taking to prevent
 9 abusive services in different ways.

10 Q So one of the -- one of the controversies
 11 that came up after the election was around fake
 12 news. Is that one of the things you are referring
 13 to?

14 A Yes.

15 Q And then the Internet research agency in
 16 St. Petersburg, is that another one of the things
 17 you were referring to, the Russian bad actors?

18 A Yes.

19 Q But in terms of apps and app developers
 20 themselves, can you think of anything where the
 21 company framed it -- framed the issue in terms of
 22 bad actors or app developers taking too much
 23 information, more than was required are?

24 A Well, I think that the major flashpoint
 25 around which that dialogue has been organized was

1 Cambridge Analytica. So this would be the main
 2 place where we probably discussed app developers in
 3 terms of that. But, again, my own sense is that the
 4 steps that we've been taking, and what I tried to
 5 outline here, in terms of if you are looking at this
 6 in 2018 and saying "how do we prevent a situation
 7 like what happened with Cambridge Analytica from
 8 happening again going forward?" the most important
 9 step would be the one outlined in 2015 and then
 10 executed over the next year or so in terms of making
 11 it so that people couldn't give access to their
 12 friends' information to app developers. So, yeah, I
 13 mean, I think this is probably the main conversation
 14 around that.

15 Q And when you -- just for the record when
 16 you are referring to "this," you are referring to
 17 the statement that you've made --

18 A Sorry.

19 Q -- marked as Exhibit 226?

20 A I should have been more -- more precise. I
 21 think that there's been a lot of discussion around
 22 Cambridge Analytica, not primarily this post. This
 23 is one of the communications and times this has come
 24 up. Did the congressional testimony. I've done
 25 interviews. Been a lot written about this outside

1 the statements that the company and I have made. So
 2 the sum of that.

3 Q Just one last question on this and we
 4 can -- we can move on. So prior to the New York
 5 Times story and the Guardian story that were
 6 published and Facebook's own posts that were
 7 published around March 16th and 17th, 2018, can you
 8 think of any time when you or Facebook framed the
 9 issue around app developers being abusive or being
 10 bad actors on the platform prior to that date?

11 A Sitting here now I don't have any specific
 12 memory of anything like that. But, again, what I'm
 13 trying to communicate is that we -- I think the
 14 basic idea of what we're talking about there were
 15 developers who were potentially trying to access
 16 more information than they needed. I do think it's
 17 something we communicated around the time of this in
 18 2014.

19 And, also, I do think that there are parts
 20 of the company that focus on communicating about
 21 security and the integrity of the services even if
 22 that wasn't kind of a primary thing that was part of
 23 the global discussion around the company leading up
 24 to 2016. So I don't necessarily know about those
 25 specific things, but I imagine that this was a thing

1 we've been talking about for a while.

2 **Q Even if you can't recall a specific
3 instance today; do I have that right?**

4 A Yes, because I probably wasn't the person
5 talking about that.

6 **Q While we're on the subject of abusive apps
7 or abuse on the platform, I just want to touch
8 quickly on the issue of scraping. I believe this
9 came up in your senate testimony. Can you just
10 describe for the record what scraping is?**

11 A Sure. So scraping is when a developer, or
12 they don't have to be a formal developer on the
13 platform, but it's a technical thing so usually
14 they're an engineer or developer, writes a program
15 that basically tries to access different web pages
16 or APIs repeatedly and pulls off whatever
17 information they can access.

18 It's against our policies to do that. We
19 don't want people who are not logged in or who are
20 not using our services to try to get around our
21 systems to be able to accumulate a large amount of
22 information even if that information is public. So
23 we deploy a number of measures to try to block that.
24 But it's somewhat of arms race, whereas you have
25 folks around the world who are always building more

1 sophisticated ways to -- to try to access this
2 content.

3 **Q Can you explain just generally why
4 Facebook tries to discourage or prevent scraping
5 even if the information is public?**

6 A Yes. So in general we want people to use
7 things in a way to help people connect and the way
8 that the services are designed. So, you know, just
9 to give an example of this we have a search feature
10 where before you log in or register for Facebook,
11 you can do a single search. Or you can do a search
12 and see if your friends are on the service.

13 For some people especially in the early
14 days knowing that the people that they wanted to
15 connect with were on the service was a valuable --
16 was a valuable thing to understand before making the
17 decision to sign up or use the service.

18 Now, someone who is a bad actor could
19 abuse that to write a program or script that maybe
20 looks like a person accessing search, but then doing
21 it hundreds of thousands or millions of times and
22 storing the results of those searches. And that's
23 just not what that was intended to be built for.

24 I don't think it's necessarily a good use
25 for a developer or someone who is not a part of the

1 community, hasn't signed up for the terms of
2 searches and how the data should be used to be able
3 to access all that information, even if it's public.
4 Even if people have said that they are okay we
5 people accessing it publicly, that's not what it was
6 built for. So we try to prevent that activity.

7 **Q What's the harm to Facebook?**

8 A To Facebook?

9 **Q Yeah. I mean, why do you try to combat
10 that?**

11 A I just think that people don't want large
12 amounts of information or for their information to
13 be included in that without them knowing what it's
14 going to be used for.

15 **Q So it's a matter of user trust with
16 Facebook, then, I take it.**

17 A It's a general security issue.

18 **Q Have you heard of a company called
19 Bridgetree?**

20 A I don't believe so.

21 **Q You referred earlier to sort of the rules
22 of the road or rules that app developers would sign
23 up to and agree to. As I understand it, it was
24 called the Facebook platform policy; is that right?**

25 A What developers sign up for?

1 **Q Yes.**

2 A I believe so.

3 **Q Can you just give us a basic understanding
4 why does Facebook have a platform policy for app
5 developers?**

6 A Well, we want developers to sign up for
7 that they are going to develop on the platform in a
8 way that's respectful of people, that's going to
9 protect people's privacy, and that's generally going
10 to just operate in an ethical way.

11 **Q Does that policy, as you understand it,
12 prohibit an app developer from selling or
13 transferring Facebook user data that they may have
14 had permission to obtain?**

15 A Yes. But I'll also amend my last answer
16 that I think an important part of these policies is
17 also the developer giving us a license to operate
18 and to basically show their content. So we probably
19 need some -- some license there as well.

20 Sorry. So what was -- what was your
21 question after?

22 **Q Sure. As you understood it, does a
23 platform policy prohibit an app developer from
24 selling or transferring Facebook user data that it
25 obtains through the permissions that a user is**

1 **granted?**
 2 A Yes, I believe so.
 3 **Q And why is that?**
 4 A Because if a person gives information to a
 5 developer, they have a reasonable expectation that
 6 that developer will use it in the way that they have
 7 granted permission for it to be used.
 8 **Q Has that prohibition against selling or**
 9 **transferring Facebook user data been in place since**
 10 **the beginning of the platform in 2007?**
 11 A I don't remember when it was added, but
 12 it's been there for as long as I can remember.
 13 **Q Safe to say it was in the platform policy**
 14 **in 2015?**
 15 A I believe so.
 16 **Q What -- can you tell us who was**
 17 **responsible for enforcing the platform policy at**
 18 **Facebook?**
 19 A Yes. We have a developer operations team.
 20 **Q Is that sometimes referred to as dev ops?**
 21 A Yes.
 22 **Q And who does that group report up to?**
 23 A I believe it's part of the overall --
 24 well, I think this has changed over time. Today
 25 we've pulled out operations from underneath

1 partnerships I think in a number of cases. But I
 2 think at the time that we're talking about here,
 3 this I believe reported into the partnerships
 4 organization run by Dan Rose.
 5 **Q And who did (b)(6); (b)(7)(C) report up to?**
 6 A (b)(6); (b)(7)(C)
 7 **Q**
 8 A Yes.
 9 **Q And when you say this time period, are we**
 10 **talking about the time period between, say, 2015 and**
 11 **2017?**
 12 A Yes.
 13 **Q As the CEO of Facebook what did you do, if**
 14 **anything, to assure yourself that Facebook was doing**
 15 **an adequate job in enforcing its platform policies,**
 16 **in particular, this policy against app developers**
 17 **selling or transferring user data?**
 18 A Well, a few things. So one is I just
 19 spent a lot of time trying to understand what people
 20 are worried about and their feedback of our services
 21 overall. So that -- for the time period that we
 22 were talking about when -- when those were common
 23 themes that people would talk about developers
 24 having access to more information, the way
 25 permissions are worked, that was something I was

1 quite focused on.
 2 I think after we put in place those
 3 policies and started limiting the ways that
 4 developers could ask people for information, I think
 5 a lot of those concerns generally subsided and
 6 weren't the biggest things people were talking
 7 about.

(b)(4)

8
 9
 10
 11
 12
 13
 14 **Q So when you say Facebook put in place**
 15 **those policies, is that the change that we've**
 16 **been -- I've been referring to as the changeover to**
 17 **Graph API Version 2?**

18 A Yes.

19 **Q And you said that the concerns after that**
 20 **point subsided at least from your perspective. Did**
 21 **I understand you correctly?**

22 A Yes.

23 MR. NEADERLAND: Just us to make sure you
 24 are answering the question that was posed, Rob,
 25 your question was about developers accessing more

1 data than they needed or developers misusing the
 2 data that they obtained?

3 MR. TASHJIAN: Well, the original question
 4 was sort of framed around this prohibition against
 5 app developers selling or transferring Facebook user
 6 data.

7 THE WITNESS: So that's a good
 8 clarification because that wasn't really a point of
 9 feedback directly that we were getting from people.
 10 But -- so the general feedback that I'm conveying
 11 was around people's discomfort and desire to not
 12 have to give apps right permissions, give apps broad
 13 permission to access data in the way that wasn't
 14 granular, developers asking for more information
 15 than it seemed like they needed in general, but not
 16 specifically around an app developer doing anything
 17 harmful with that. It was the broad sense of I
 18 shouldn't have to give the app developers all these
 19 permissions to use the service.

20 BY MR. TASHJIAN:

21 **Q Can you think -- prior to the Cambridge**
 22 **Analytica matter that came up in March of 2018, can**
 23 **you think of any times when you were notified that**
 24 **app developers had sold or transferred Facebook user**
 25 **data to someone else?**

1 A I don't remember.
 2 Q Nothing's coming to mind in particular?
 3 A No.
 4 MS. DAVIS: Is that the type of
 5 information that would come to your attention if app
 6 developers were selling or transferring Facebook
 7 data?
 8 A Probably.
 9 Q In what sense when you say "probably"?
 10 A If someone was selling data at any scale,
 11 I imagine that someone would raise that.
 12 Q It's an important issue to Facebook; is
 13 that right?
 14 A Yes. Especially if it's in a large scale.
 15 BY MR. TASHJIAN:
 16 Q So prior to 2018, can you tell us what
 17 Facebook did to assure itself that developers
 18 weren't selling or transferring user data?
 19 A Sorry. Say that again.
 20 Q Prior to 2018, can you tell us what
 21 Facebook was doing to assure itself that app
 22 developers weren't selling or transferring user
 23 data?
 24 A Sure. So when people sign up for the
 25 service and developers start building, they have to

1 (b)(4)
 2
 3
 4
 5
 6 Q Going in where?
 7 (b)(4)
 8
 9
 10
 11 Q What does that mean, (b)(4)
 12 (b)(4) Can you describe what that would entail?
 13 A You are running up the against the edge of
 14 (b)(4)
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25 Q Would that entail -- from your

1 basically certify and say that they are going to
 2 abide by the terms that we -- that we have in place.
 3 And if we got -- if we got feedback or complaints
 4 from people, then we'd look into the activity of
 5 specific developers.
 6 Q And was that investigation, this looking
 7 into specific developers, was that done by the dev
 8 ops group that you referred to earlier or by
 9 somebody else within Facebook?
 10 A (b)(4)
 11 (b)(4)
 12
 13 Q What do you mean by the word "audit"?
 14 A Looking into developer activity.
 15 Q How did Facebook conduct these audits?
 16 A I don't know off the top of my head.
 17 Q Were there systems within the developer
 18 operations unit that could monitor the amount of
 19 data that an app developers was pulling from the
 20 Facebook system?
 21 (b)(4)

1 understanding would that entail taking -- doing a
 2 spot check on those developer's servers?
 3 A It might. Although, again, I don't know
 4 all the details of this.
 5 Q Right. I understand you probably weren't
 6 involved in the day-to-day activity of doing these
 7 kinds of audits, but just from your understanding,
 8 did it involve going in and taking a look at the app
 9 developer's servers?
 10 (b)(4)
 11
 12 Q It sounds like you're thinking of maybe a
 13 couple or a few different specific instances. Can
 14 you tell us what those were prior to 2018?
 15 A I'm actually not. I don't have a specific
 16 instance in mind that I'm thinking of. I roughly
 17 (b)(4)
 18
 19
 20 Q Is it fair to say that your general
 21 understanding was that part of -- those were among
 22 the tools in the dev op's toolkit for tracking down
 23 abusive app developers?
 24 A Yes.
 25 BY MR. MEYERHOFER:

1 Q When you mentioned, if I took down your
 2 words right, being aware of or thinking there were,
 3 (b)(4)

5 you thinking of that -- when you -- when you said
 6 that?
 7 (b)(4)

17 Q And I don't want you to reveal anything
 18 that's based on legal advice you got from Facebook
 19 lawyers, but with that sort of caveat, what can you
 20 tell us about what you learned about what sort of in
 21 what sorts of circumstances the company had
 22 previously gone in and done some sort of audit?

23 A Yeah. I don't remember if those
 24 conversations were with lawyers, but I'm generally
 25 conveying the full extent of what I remember here.

1 Q So can you give us any more detail under
 2 what sorts of circumstances would the company want
 3 to take the step of going in and doing some kind of
 4 audit?

5 A I don't have any more details on that.

6 BY MR. TASHJIAN:

7 Q Were you familiar with a company called
 8 (b)(4)

9 A I've heard of it.

10 Q Were you aware that -- whether or not
 11 Facebook conducted an audit of sort of a third
 12 party, either (b)(4) or another party that was
 13 related, whether Facebook conducted an audit of
 14 those servers in connection with (b)(4)

15 A I don't remember specifically. I remember
 16 that there was an issue with what they were doing,
 17 but I don't remember what the issue was or what the
 18 investigation or recourse were.

19 Q What about a company called (b)(4) Might be
 20 reaching back a bit.

21 A No, that I don't remember.

22 Q So after this change we've been talking
 23 about to Graph API Version 2 and narrowing the kinds
 24 of permissions that were granted to app developers,
 25 app developers were still able to collect some

1 information about the users who signed up for their
 2 app; is that right?

3 A Sorry. To clarify, collect? People were
 4 able to grant access on a more granular basis to the
 5 information on their profiles to developers.

6 Q Fair enough. I wasn't putting it the same
 7 way that you had put it. So I'll try to use it the
 8 way that you're saying it. So users could still --
 9 after this change to Graph API Version 2, users
 10 could still grant permission to information about
 11 themselves to the app developer; is that fair to
 12 say?

13 A Yes, I think that's right.

14 Q So if, for example, an app developer had
 15 270,000 users, they could -- they would have
 16 permission to take information about those 270,000
 17 users; is that -- is that fair to say?

18 A Well, it depends on what the people gave
 19 them permission to do. But in general if you sign
 20 into an app, you are giving the app developer
 21 permission to at least know what your name is, some
 22 basic public information, what your profile picture
 23 is. But everything else you -- anything that's kind
 24 of more specific information than that, I believe
 25 you had to specifically grant permission for

1 developer to access.

2 Q This changeover where app users were no --
 3 could no longer give permission to a developer to
 4 obtain information or see information about a user's
 5 friends, that general process was called deprecating
 6 the friend's permission. Does that sound right to
 7 you?

8 A It sounds like the kind of thing it would
 9 be called, although I --

10 Q I've struggled with it.

11 A Deprecating?

12 Q Yes.

13 A Deprecating in general is, yes, when --
 14 when some piece of functionality gets phased out
 15 over time. That's -- that's a technical word that
 16 we use for sure.

17 Q All right. There was a -- as I understand
 18 it (b)(4)
 19 have a different phrase for it, between April 30th,
 20 2014 and April 30th, 2015, during which time app
 21 developers who had a pre-existing app could still
 22 have permission to collect or see information about
 23 a user's friends.

24 Does that sound right to you?

25 A Yes. In general when we are making major

1 changes that will break apps unless the developer
 2 takes an action, in order to provide a stable
 3 platform so that the apps that people are using
 4 don't break and developers have some time to
 5 transition to the new rules, you give a period of
 6 transition from when you announce when a change is
 7 going to be to when the developers have to have
 8 implemented it.

9 **Q I was going to ask you why Facebook would
 10 give a transition time. Is that the reason?**

11 A Yes.

12 **Q Essentially a business reason to help some
 13 continuity for the app developers; is that right?**

14 A Yes. But probably even more important
 15 than the developers, the people using the app. It
 16 would be a pretty bad experience if all of a sudden
 17 you woke up and some apps that you relied on broke
 18 because the underlying platform changed the rules of
 19 how that app could work.

20 **Q All right. I got it.**

21 A But for developer stability too.

22 **Q So for -- do I have that right that
 23 generally apps that were in existence prior to April
 24 30th, 2015, when you announced at the F8 Conference
 25 that rollout of API Version 2, those apps had a**

1 **one-year transition period during which they could
 2 continue to collect or have access to friend data;
 3 is that correct?**

4 A Yes, that's my understanding.

5 **Q All right. So after that one-year period
 6 was over -- or strike that.**

7 **When that one-year period was over, did --
 8 did Facebook require app developers to delete any
 9 friend data that they had obtained prior to the
 10 transition to Graph API Version 2?**

11 A I don't know.

12 **Q Do you recall making any kind of
 13 announcement or roll out a policy that would require
 14 app developers to delete the friend data?**

15 A I don't remember.

16 **Q Nothing's standing out in your mind?**

17 A No.

18 **Q Did Facebook continue to allow app
 19 developers permission to friend data under any
 20 circumstances after the full rollout of Graph API
 21 Version 2?**

22 A Yes. Under -- so the question is: What
 23 do you call a developer? There's a developer of
 24 the -- on the Facebook platform using our
 25 public-facing API. And there are also partnerships

1 that we make. We talked earlier about how I wanted
 2 to make sure that the platform itself was open so
 3 that way everyone could access, and you didn't have
 4 to know someone at the company.

5 But at the same time there were also more
 6 specific partnerships that we can enable with
 7 companies where we do trust them and do have
 8 relationships with them. And some of these
 9 relationships are things like -- it's kind of hard
 10 to remember this before modern smartphones, but, you
 11 know, back on -- when a lot of people were using
 12 Blackberry or Windows phone or different things, you
 13 worked specifically with some of the manufacturers
 14 of those devices to build out functionality.

15 I think even the first version of iPhone
 16 had a YouTube app that Apple built. So if we wanted
 17 to have there be a Facebook experience on some of
 18 these devices, we'd work -- we'd make a partnership
 19 specifically with -- with those companies.

20 And in those cases in order to make it so
 21 the Facebook app could be fully functioning and have
 22 things like a news feed where you could access your
 23 friend's information, we had technical interfaces
 24 and APIs that were not necessarily going to be part
 25 of the public-facing Facebook platform, but that

1 (b)(4)

2

3 **Q So you mentioned some of these trusted
 4 partners such as (b)(4)**

5 A Yes.

6 **Q What other kinds of companies or partners
 7 had access to friend permissions after the rollout
 8 of Graph API Version 2?**

9 A My understanding is that (b)(4)
 10 integrated APIs were probably the biggest category,
 11 but I think we may have had some partnerships with
 12 companies that were well-established that we felt
 13 like we knew well and trusted to deliver those kind
 14 of custom experiences as well.

15 And I think that it's important to draw
 16 the distinction between these, because partnerships
 17 I think are a different category of thing than an
 18 open developer platform. So the open developer
 19 platform, we announced the direction that it was
 20 going to go in. We did that transition. And then
 21 there's a relatively smaller, enumerable set of
 22 companies that we trusted that we continued doing
 23 partnerships with to build good experiences for
 24 people.

25 **Q Are these companies like Spotify?**

1 A Yeah, that would be an example.
 2 Q Can you give us a ballpark number of how
 3 many of these trusted partners there were that
 4 continued to have access to friend permissions after
 5 the rollout of Graph API Version 2?
 6 A I don't know the exact number off the top
 7 of my head, but I would imagine it would be tens,
 8 definitely not thousands.
 9 Q Okay. So tens. More than a hundred?
 10 A It's -- I'd say probably on the order of
 11 tens, maybe somewhat more than a hundred. But I
 12 would doubt it would be in the high hundreds, and
 13 relatively confident it would not be in the
 14 thousands.
 15 Q I have an email and an attachment that was
 16 provided to us by Facebook. It's Bates-labeled FB
 17 CA SEC 00029071 through 092. The one-page email on
 18 the top page -- on the first page is dated January
 19 27, 2014.
 20 (SEC Exhibit No. 227 was marked
 21 for identification.)
 22 BY MR. TASHJIAN:
 23 Q Mr. Zuckerberg, I've handed you what's
 24 been marked as Exhibit 227. I should note that
 25 there are two different attachments that are listed

1 on the front page. The exhibit just contains one of
 2 them. The second one is a -- was a native file of
 3 an Excel spreadsheet, which isn't included here.
 4 Just in general can you -- do you
 5 recognize the email and attachments that's been
 6 marked as Exhibit 227?
 7 A It looks like an email from (b)(6); (b)(7)(C)
 8 who was one of the product managers on platform.
 9 Q To you; is that right?
 10 A Yes.
 11 Q And then also one of the cc lines is (b)(6);
 12 (b)(6); (b)(7)(C) I think you mentioned his name earlier; is
 13 that right?
 14 A Yes.
 15 Q Remind me who he was.
 16 A I believe he was the (b)(6); (b)(7)(C)
 17 (b)(6); (b)(7)(C)
 18 Q And the subject is platform model changes.
 19 Do you see that?
 20 A Yes.
 21 Q So this email is dated a few months before
 22 the rollout of Graph API Version 2, at least the
 23 announcement at the F8 Conference. I just wanted to
 24 orient you in time.
 25 Does that sound right to you?

1 A That sounds like, yeah, in line with the
 2 date.
 3 Q It sounds like this was something that
 4 was -- well, let me just read part of the email into
 5 the record, and I'm going to ask you about parts of
 6 it.
 7 First of all, if you could tell me who (b)(6);
 8 (b)(6); (b)(7)(C) was.
 9 A (b)(6); (b)(7)(C) is one of the (b)(6); (b)(7)(C)
 10 (b)(6); (b)(7)(C)
 11 Q Got it. He wrote: "Hi, Mark. Attached
 12 are the slides we reviewed (b)(4)
 13 (b)(4)
 14
 15 Are you following?
 16 A Yes.
 17 Q The next paragraph reads: (b)(4)
 18 (b)(4)
 19
 20
 21
 22
 23
 24
 25 Do you see that?

1 A Yes.
 2 Q Can you tell us what you believe (b)(6);
 3 (b)(6); (b)(7)(C) meant by -- when he said (b)(4)
 4 (b)(4)
 5
 6 A Well, it's somewhat hard for me to speak
 7 to what -- what exactly (b)(6); was referring to, but
 8 I think it's pretty aligned with most of the
 9 questions that we've -- and answers that I've given
 10 so far today about how there's the sentiment that
 11 people were not as happy as we felt like they could
 12 be if they -- if we made it so they didn't have to
 13 grant so many permissions to developers at once.
 14 And from a developer perspective it might
 15 be easier for them to have to only ask permission
 16 once for the full set of things that they wanted to
 17 access, or to be able to ask for a broader set of
 18 information.
 19 But in terms of what value is actually
 20 being produced for people and what the sense was of
 21 what -- how it seemed like people wanted to use
 22 apps, it seemed like it was the right thing to both
 23 restrict the amount information that developers
 24 could ask for and make it more granular in terms of
 25 how they had to ask for that. So that's a change

1 that is clearly -- it goes towards what people want,
 2 but it might make developer's lives a little bit
 3 harder.

4 So I think that that's probably what he
 5 was referring to in a lot of the conversations that
 6 we had internally. But at the end of the day, we
 7 make all these decisions to prioritize serving
 8 people. And while stability of the platform is
 9 important in terms of making sure that the other
 10 parts of the ecosystem can continue to invest and
 11 serving people, at the end of the day we make all
 12 these decisions with what's going to be best for the
 13 people we're serving.

14 **Q Am I reading this email correctly? Is**
 15 **this in connection with the rollout of Graph API**
 16 **Version 2 and narrowing of permissions granted to**
 17 **app developers?**

18 A Let me read it first.

19 Q Of course.

20 A Okay. I'll read the appendix if I need to
 21 for your question, but what was the --

22 Q I actually don't recall.

23 MR. NEADERLAND: Whether this refers to
 24 the API Version 2?

25 MR. TASHJIAN: If only we had somebody who

1 in April 2014, I believe in your keynote you also
 2 made a reference to a new rollout of -- a new
 3 version of the login.

4 **Does that sound right to you?**

5 A I don't remember that specifically, but I
 6 think changing the API and changing login are quite
 7 connected. So I wouldn't be surprised if that were
 8 the case.

9 **Q Just turning briefly to the attachment, I**
 10 **don't have a lot of questions about the attachment.**
 11 **I just want to make sure I understand what we are**
 12 **talking about when we look at the attachment. On**
 13 **the third page of the attachment, the one**
 14 **Bates-labeled 074 in small numbers on the side, it**
 15 **says (b)(4)**

16 **Can you tell us what that means?**

17 A Well, I'll just read what's here. I mean,

18 (b)(4)

22 Q Are these the kinds of trusted partners
 23 that you were referring to a few minutes ago?

1 could tell me my question back. If the reporter
 2 could read my question back.

3 (Record read as follows: Q. Am I reading
 4 this email correctly? Is this in
 5 connection with the rollout of Graph API
 6 Version 2 and narrowing of permissions
 7 granted to app developers?)

8 BY MR. TASHJIAN:

9 Q Almost a complete sentence.

10 So I think my question really was -- (b)(6);
 11 (b)(7)(C) interjection was helpful. My question
 12 really was: Am I reading Exhibit 227 correctly? Is
 13 (b)(6); (b)(7)(C) sending you this information in
 14 connection with the rollout of the changeover to
 15 Graph API Version 2.

16 A Well, it's labeled login V4. So -- and
 17 just scanning through this briefly, I actually don't
 18 know if I saw any reference to Graph API Version 2.
 19 So that may just contribute to the general confusion
 20 about which changes were included and exactly what
 21 they were labeled. But overall, yes, I think that
 22 the things that are talked about in here fit the
 23 general direction that we've been talking about that
 24 we've taken the platform around that time.

25 Q To be clear, your announcement at the F8

1 A I think so.

2 Q What does the term "white list" mean?

3 A The term refers to -- it's a question of
 4 how open a system is. So you can either operate a
 5 white list or a blacklist, where a blacklist would
 6 generally be anyone is allowed unless you say that
 7 they are not allowed. And a white list is you --
 8 people are not allowed unless they are on a list of
 9 people who are allowed.

10 Q So trusted partners who are on the white
 11 list would have access under this proposal we're
 12 looking at to news feed, timeline feed, inbox
 13 messaging, notification requests and friend
 14 management, list management; is that how you read
 15 this?

16 A That's what's in this email, yes.

17 Q But that's a correct interpretation of --
 18 as far as you understand it, of this slide and this
 19 presentation we're looking at?

20 A Yes.

21 Q And it sounds like at least some version
 22 of that was implemented.

23 Do I have that right?

24 A Yes. We generally moved in this
 25 direction. I want to be careful to not assume for

1 the record that what was in an email from (b)(6);
 2 (b)(7)(C) as a proposal is the exact thing we did. So I can
 3 testify that we generally went in the direction of
 4 moving towards this more closed model, and generally
 5 made it so that people could not grant access to
 6 their friends' data. But in terms of each of the
 7 specific APIs, we may have handled them differently
 8 than was -- or with more nuance than is said here.

9 **Q Got it. On the next page is a slide**
 10 **that's labeled (b)(4)**

11 **Do you see that?**

12 A Yes.

13 (b)(4)

14 **Do you see that?**

15 A Yes.

16 **Q Can you tell us what that means?**

17 A My understanding from this is that we

18 (b)(4)

19 **Q Consistent in the way we have been talking**
 20 **about -- generally about the changeover, the**
 21 **implementation Graph API Version 2?**

22 A Yes.

1 **Q Is that fair to say?**

2 A Yes.

3 **Q So while there might not be a specific**
 4 **reference to Graph API Version 2, is it fair to say**
 5 **that this proposal that (b)(6); (b)(7)(C) emailed you in**
 6 **January 2014, concerned not just the login, but also**
 7 **the change or the implementation of the second**
 8 **version of the Graph API?**

9 A Sorry. Say that again.

10 **Q Sure. I'm just reiterating a question we**
 11 **got hung up on a little bit earlier. When I asked**
 12 **you earlier you had said there was a reference to**
 13 **the login, but you didn't see anything in particular**
 14 **in the attachment to a changeover to Graph API**
 15 **Version 2, correct?**

16 A Yes. Just scanning through this quickly,
 17 I didn't see any reference says Graph API 2.

18 **Q Although the API deprecations were part**
 19 **of, particularly around friend data were around --**
 20 **were implemented in the changeover to Graph API**
 21 **Version 2?**

22 A Yes. I mean, once again, I think we --
 23 I'm speaking to the general direction that we went
 24 in. The specific code names that were used for the
 25 projects, it's hard to remember everything over the

1 last, you know, decade of all of the different code
 2 names or exact version numbers of everything we've
 3 done in the company, but I think the general
 4 direction that we went in is in line with what
 5 you're saying.

6 **Q Fair enough.**

7 **Why don't we take a quick break and see**
 8 **where we are? Go off the record.**

9 VIDEO OPERATOR: Going off the record. The
 10 time is 12:14 p.m.

11 (A brief recess was taken.)

12 VIDEO OPERATOR: We're back on the record
 13 at 12:25 p.m.

14 BY MR. TASHJIAN:

15 **Q Mr. Zuckerberg, during the short break can**
 16 **you confirm that you didn't have any conversations**
 17 **with the staff of the SEC about the substance of**
 18 **your testimony?**

19 A Yes.

20 **Q I think you touched on this briefly**
 21 **earlier, but I just want to ask you about your role**
 22 **in connection with Facebook's filings with the**
 23 **Securities and Exchange Commission.**

24 **Can you describe what that role is?**

25 A (b)(4)

1 (b)(4)

2 (b)(4) And then

3 at the end, I'll sign the certification.

4 **Q So I was just going to ask you about the**
 5 **signing part. I believe you sign the Forms 10Q and**
 6 **the annual reports on Forms 10K; is that correct?**

7 A Yes.

8 **Q Separately you also sign, or have signed**
 9 **for you, the certifications that the filings are**
 10 **accurate to the best of your knowledge; is that**
 11 **right?**

1 A Yes.
 2 Q Can you just describe what -- I don't know
 3 if it's a different process or maybe the same
 4 process. What do you do to assure yourself that the
 5 filings are accurate when you sign the
 6 certifications?

7 A Well, it's a couple of things. (b)(4)

8 (b)(4)

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1 (b)(4)
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15 Q Do (b)(6); (b)(7)(C) participate
 16 in the latter kind of meeting that you just
 17 described around the earnings call scripts?

18 A Well, communications participates. (b)(6);
 19 (b)(7)(C)
 20 would be involved when (b)(6); (b)(7)(C)
 21 (b)(6); (b)(7)(C)
 22 He's no longer in that role. Now (b)(6);
 23 (b)(6); (b)(7)(C)
 24 (b)(6); (b)(7)(C)
 25

1 Q You referred to (b)(6); (b)(7)(C) He's the --
 2 A (b)(6); (b)(7)(C)
 3 Q (b)(6); (b)(7)(C) of Facebook, correct?
 4 A Yes.
 5 Q Who else -- and I don't want to go into
 6 the substance of any communications you had with
 7 Facebook lawyers, but if you can just generally tell
 8 me who else participates in those quarterly
 9 meetings. Sounds like (b)(6); (b)(7)(C)s there.

10 A Yes.

11 Q Does (b)(6); (b)(7)(C) participate in the
 12 meetings with you?

13 A Yes.

14 Q Anyone else?

15 (b)(4)

16
 17
 18 Q Do you participate in one of these
 19 quarterly meetings with (b)(6); (b)(7)(C)

20 A No.

21 Q What about anyone on her team, say (b)(6);
 22 (b)(7)(C)

23 A Well, I want to differentiate between two

24 (b)(4)

25

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Q Is there a point in either -- in these
 meetings you've been describing where you discuss
 with legal or other folks at Facebook about issues
 that should be disclosed about the company's
 business, either in the filings or on the earnings
 call or analysts meetings that you have afterwards?

(b)(4)

Q Prior to 2018, without going into the

1 details of it, I'm asking about the subject, did you
 2 have any conversations with anyone at Facebook about
 3 whether the company should disclose publicly any
 4 instances where developers had misused Facebook user
 5 data?

6 A I don't remember that specifically.

7 Q In the filings there's a section called
 8 risk factors or risk disclosures. Are you familiar
 9 with those in the Q's and the K's?

10 A Yes.

11 Q I don't want to ask your -- your legal
 12 opinion on -- on what the purpose of those are, but
 13 as the CEO of a company, do you have an
 14 understanding as to why those -- why the filings
 15 have a risk factor section? I guess I'm asking for
 16 your interpretation or how you view that section.

17 A Yeah. I think about the whole set of
 18 communications as what do investors need to know
 19 about what are the important trends or factors in
 20 the business and its outlook.

21 Q And without -- again, without going into
 22 the substance of your communications with Facebook
 23 lawyers in connection with this process, do you
 24 review the risk factors in the 10Qs and 10Ks?

25 A Yes.

1 MR. TASHJIAN: Counsel, I believe there's
 2 a clarification you'd like to have.

3 MR. NEADERLAND: That's right.

4 So, Mr. Zuckerberg, earlier in the -- in
 5 your testimony Mr. Tashjian asked you what your
 6 knowledge was of the steps that the company
 7 historically might take to look at an allegation or
 8 concern that an app developer might be breaking
 9 platform policy, violating platform policy.

10 Do you remember those questions?

11 THE WITNESS: Yes.

12 MR. NEADERLAND: In response to those
 13 questions I believe that you indicated that one of
 14 the tools available to the company would be to audit
 15 the platform app developer.

16 Do you recall that?

17 THE WITNESS: Yes.

18 MR. NEADERLAND: Would you be able to
 19 share what you meant by the term "audit"? Did you
 20 mean a third-party forensic review of the servers of
 21 the app developer, or what did you mean?

22 THE WITNESS: A general investigation into
 23 what the app developer was doing. So it could
 24 include looking at our own server logs to look at
 25 the APIs that they pulled. It could include talking

1 Q And are those subjects from time to time,
 2 do they come up in any of the disclosure meetings as
 3 part of your quarterly or annual process?

4 (b)(4)

5 Q I think this might be a good time to take
 6 a half-hour lunch break.

7 A Okay.

8 MR. TASHJIAN: Let's go off the record.

9 VIDEO OPERATOR: Going off the record. The
 10 time is 12:34 p.m.

11 (Whereupon, at 12:34 p.m., a luncheon
 12 recess was taken.)

13 A F T E R N O O N S E S S I O N

14 VIDEO OPERATOR: We are back on the record
 15 at 1:08 p.m.

16 BY MR. TASHJIAN:

17 Q During the lunch break, Mr. Zuckerberg,
 18 could you confirm that you didn't have any
 19 conversations with the SEC staff about the substance
 20 of your testimony here today?

21 A Yes.

1 to the developer's team. It could include looking
 2 at their code, but not necessarily bringing in a
 3 third party as might be the classic definition of an
 4 audit.

5 MR. NEADERLAND: Thank you.

6 BY MR. TASHJIAN:

7 Q How did you get that understanding, Mr.
 8 Zuckerberg? From whom did you get it?

9 A Which -- which part?

10 Q Your general understanding of how Facebook
 11 would audit or investigate possible misuse of user
 12 data by app developers.

13 A From talking to our team.

14 Q Anyone in particular?

15 A I don't remember, but I imagine it would

16 (b)(4)

17 Q Was there anyone in (b)(4) in particular
 18 that you remember talking to about this issue?

19 A Not specifically. I mean, I've talked to
 20 a lot of the folks who -- who are in that org over
 21 the years about a lot of different things.

22 Q Anyone in particular in (b)(4) who you
 23 spoke with that you can recall about app developer
 24 misuse?

25 A Well, the main person who I probably talk

1 (b)(6); (b)(7)(C) would be (b)(6);
 2 (b)(6); (b)(7)(C)
 3

4 Q I want to turn to the subject of Cambridge
 5 Analytica we've touched on. That name has come up
 6 earlier today. I want to just start at the
 7 beginning.

8 How did you first learn about Cambridge
 9 Analytica in any particular instance or just as a
 10 company?

11 A Well, they were in the news a lot for
 12 their work on the 2016 US general election, and this
 13 was before any specific connection to Facebook or
 14 using -- their using data there. I think there was
 15 a lot of discussion around what they might be doing
 16 to help support the Trump campaign.

17 And I think within the context of that,
 18 after reading a number of the stories or seeing
 19 them, I reached out to some folks internally to try
 20 to get more of an understanding of how they were
 21 using the platform and what was going on there.

22 Q Is there any particular news event that
 23 you can recall that -- where you first learned about
 24 Cambridge Analytica?

25 A I don't remember sitting here now when,

1 that were just talking about Cambridge Analytica
 2 using -- building these psychometric profiles to try
 3 to -- to try to help the campaign of Trump. And
 4 then there were some that suggested that they were
 5 either using Facebook for -- as an advertising
 6 platform or were using data. And that -- those were
 7 the questions that I was more curious to understand.

8 Q So you have a recollection of in the news
 9 stories reading something about what you called
 10 psychometric profiles. Did understand what that was
 11 at the time?

12 A No. And part of what I'm trying to convey
 13 is it actually wasn't clear to me whether they were
 14 referring to anything in particular, or just kind of
 15 using puffed up rhetoric to discuss what would
 16 really amount to a relatively standard use of a
 17 modern ad system.

18 Q So if I can just repeat back to you, it
 19 sounds to me like what your testimony is that the
 20 first you can recall hearing about or learning about
 21 Cambridge Analytica was something in connection with
 22 the 2016 general election claims that Cambridge
 23 Analytica was making about its services, and the use
 24 of either psychometric profiles or some system that
 25 they were using to advertise perhaps through

1 like, a specific moment of this was the first time I
 2 heard about them. I just remember broadly there was
 3 a lot of discussion around the election, that's
 4 clearly a big topic, and the work that they were
 5 doing. And I remember seeing some discussion -- I
 6 don't remember the specific news article about this,
 7 I think there were a number to this effect, where
 8 the folks involved with Cambridge Analytica were
 9 making quite large claims about what they might be
 10 able to do.

11 And I kind of remember having this
 12 reaction to this, which is if they are using our
 13 systems for advertising, then I'm curious to
 14 understand if they are actually doing anything novel
 15 that matches the rhetoric that they have, or if
 16 they're just kind of puffing up rhetoric around what
 17 would be a relatively standard use of our ad
 18 systems.

19 Q These stories that you heard about in the
 20 news, did they concern Cambridge Analytica using
 21 Facebook in some way? Was there a connection with
 22 Facebook?

23 A I think a lot of the -- I don't remember
 24 the exact stories that I read, but I think there
 25 were some that were and some that weren't. Some

1 Facebook?

2 A Yeah, that's what I believe.

3 BY MS. DAVIS:

4 Q What was your understanding at the time
 5 what psychometric profiling meant.

6 A I'm not sure I had any. I was -- I
 7 remember reaching out to some folks on our ads team
 8 who I assumed would have a greater understanding of
 9 this or what they were using our systems for so they
 10 could explain to me. Like, are these folks actually
 11 doing anything novel? Or are they just talking
 12 about data in a puffed up way but using the ad
 13 system in what would amount to a relatively normal
 14 use?

15 My understanding from those conversations
 16 is that, to summarize it very quickly, it was much
 17 closer to the latter in that they kind of had
 18 big -- a lot of rhetoric around what they were
 19 doing, but a lot of their use, at least on the ad
 20 side of what we were doing, amounted to relatively
 21 standard advertising.

22 Q Who did you reach out to the ad team? Who
 23 did you talk to?

24 A I think just folks who ran -- who run the
 25 engineering teams and probably the sales and partner

1 management teams. This would probably be (b)(6);
 2 (b)(6); I think was running the ads team at the
 3 time. Probably (b)(6); (b)(7)(C)
 4 (b)(6); (b)(7)(C) I imagine I would have included (b)(6);
 5 (b)(6); (b)(7)(C) But this
 6 was over email, so I also think there should be a
 7 record of this.

8 Q Okay. Thank you.

9 BY MR. TASHJIAN:

10 Q I think we'll be turning to an email and
 11 you can tell us about it in a bit whether it's the
 12 email that you are referring to where you reached
 13 out to folks on your team.

14 I want to turn to Aleksandr Kogan. Do you
 15 understand who Dr. Kogan is?

16 A Today I do.

17 Q How did you first learn about Dr. Kogan?

18 A So after the March 2018 articles that came
 19 out about Cambridge Analytica, I got more fully up
 20 to speed on this whole episode. And that this
 21 developer, Aleksandr Kogan, who I guess had been
 22 affiliated with Cambridge University, and had built
 23 an app that was a quiz app, and that people gave
 24 access to some information in order to use this quiz
 25 app before some of the platform changes that we

1 talked about earlier that would have prevented that,
 2 this app developer got access to some of this
 3 information. And then turned around and sold the
 4 data to Cambridge Analytica in violation of the
 5 policies.

6 So we had, at that time when that
 7 happened, basically kicked him off the platform as a
 8 developer, and went to both him and Cambridge
 9 Analytica and asked that they certify that they
 10 didn't have any of the data and were deleting it.

11 And my understanding after these articles
 12 came out in March of 2018, was that there was new
 13 allegation that they actually hadn't deleted the
 14 data when they certified to us that they had. So
 15 that kicked off another round of investigations in
 16 making sure that we went out and looked into any
 17 other similar type of apps on the platform.

18 Q So you said a lot there. I want to go
 19 back and touch on some of it. I think you said that
 20 after the articles came out in March of 2018, you
 21 wanted to get more fully up to speed on Dr. Kogan.
 22 Had you heard of him before the New York Times and
 23 the Guardian newspaper contacted Facebook in March
 24 2018?

25 A I don't remember. I don't remember

1 hearing about him before that.

2 Q What about this incident in which he was
 3 able to access user data? Had you heard of that
 4 incident prior to March of 2018?

5 A I don't remember. It's possible that I
 6 did, but I don't -- I don't remember sitting here
 7 today knowing of Dr. Kogan before March of 2018.

8 Q Okay. So putting it in more general
 9 terms, had you heard or learned at anytime prior to
 10 March of 2018, that an app developer associated with
 11 Cambridge University had sold user data to Cambridge
 12 Analytica?

13 A Before March of 2018?

14 Q Yes.

15 A No, I don't believe that I knew that.

16 Q I'm just exploring sort of the contours of
 17 what your testimony is about your memory. What
 18 about just an app developer associated with
 19 Cambridge Analytica using or obtaining user data and
 20 selling it to somebody else? Had you heard of that
 21 allegation before?

22 A No. I don't believe that I had been
 23 looped in or knew about that whole general incident
 24 before March of 2018.

25 Q So if I understand your testimony, the

1 first time you can recall hearing about this
 2 incident of Dr. Kogan selling or transferring
 3 Facebook user data to Cambridge Analytica was in
 4 connection with the New York Times and Guardian
 5 stories that came out in connection -- in March of
 6 2018?

7 A Yes, that's what I believe.

8 Q You said a little bit about how Facebook
 9 had asked Cambridge Analytica and Dr. Kogan to
 10 delete the data. How did you learn that?

11 A After March -- the March 2018 article, I
 12 talked to our team and got up to speed on more of
 13 the history that had -- that had transpired there.

14 Q So was it at that point in March of 2018,
 15 that you learned that Facebook had asked Dr. Kogan
 16 and Cambridge Analytica to delete the data they had
 17 obtained?

18 A I believe so.

19 Q You hadn't heard about it before?

20 A I don't think so.

21 Q You also mentioned this certification.

22 First of all, what did you mean by certification?

23 A So my understanding is that after 2015,
 24 when the organization first became aware of an
 25 allegation that Kogan had sold data, we terminated

1 Kogan's access as a developer. We reached out to
 2 both Kogan and Cambridge Analytica to get them to
 3 confirm in writing that they did not have and were
 4 not using any of the data that they shouldn't have
 5 access to, and that Cambridge Analytica certified to
 6 us that that was the case. That they didn't have or
 7 had removed and were not using the data.

8 **Q** So you learned about -- if I understand
 9 you correctly, you learned about that certification
 10 process or confirmation in writing through members
 11 of your team sometime in or around March of 2018?

12 A Yes.

13 **Q** And not before?

14 A That's my understanding.

15 **Q** Mr. Zuckerberg, I'm going to show you an
 16 article published in the Guardian newspaper on
 17 December 11, 2015, previously marked as Exhibit 13
 18 in this matter.

19 **Have you seen this article before?**

20 A Yes.

21 **Q** When was the first time you saw it?

22 A I don't know the first time that I saw it,
 23 but my memory of reading this is just in my review
 24 of relevant documents for this testimony.

25 **Q** I don't want to get into conversations you

1 **that we are now looking at as Exhibit 13; is that**
 2 **right?**

3 A Yes.

4 **Q** But you have no recollection of going back
 5 and actually reading that article --

6 A That's correct.

7 **Q** -- in March or April of 2015; is that
 8 right?

9 A Yes.

10 **Q** So I want to ask you sort of generally
 11 how -- if and how you follow the news.

12 A I do that quite a bit.

13 **Q** Do you?

14 A Yes. I mean, I guess -- I guess there's a
 15 few basic sources, right? So I'll follow a number
 16 of folks on social networks and I'll read news
 17 aggregators. And people will also send me things
 18 that they think are interesting and I'll often
 19 checks those out.

20 **Q** Do you subscribe to legacy print media at
 21 home?

22 A Some. When you say "at home," I'm not
 23 sure I'm getting the news delivered, but I have -- I
 24 certainly have paid subscriptions which I primarily
 25 use to access content online.

1 may have had with your attorneys, but you recall
 2 reading it in preparation for today's testimony?

3 A Seeing it.

4 **Q** Seeing it. What about before? And I take
 5 it that that probably took place sometime in the
 6 last couple of weeks?

7 A Yes.

8 **Q** What about anytime before that? Had you
 9 seen Exhibit 13 at any time prior to preparing for
 10 today's testimony?

11 A It's possible, but I don't remember that.

12 I don't have any specific memory of, yeah, I saw
 13 this article then.

14 **Q** Meaning -- and when you say "then," are
 15 you talking about in 2015?

16 A Before the last couple of weeks.

17 **Q** What about in 2018? Did you go back and
 18 take a look at this article after the New York Times
 19 and Guardian wrote more stories about the same
 20 incident?

21 A It's possible. I don't remember that
 22 specifically, but I certainly read a number of
 23 things then. There was a lot written about this.

24 **Q** You understood in or around March or April
 25 of 2018, that the Guardian had published the article

1 **Q** Do you get the dead tree version of the
 2 newspapers delivered at home?

3 A I don't think so.

4 **Q** You mentioned news aggregator. What news
 5 aggregators? First of all, can you describe what
 6 you mean by news aggregator?

7 A Sure, yeah. It's -- I'll use services
 8 like Techmeme for aggregating tech news. I'll use
 9 things like Google News, too, for -- for looking at
 10 world news and things that are going on globally.

11 **Q** How do you access something like Techmeme?

12 A On my phone.

13 **Q** Is it something you pull up or does it
 14 send you alerts about something?

15 A It's a website you pull up.

16 **Q** I see. So you have to sort of surf to it
 17 I guess?

18 A Yes.

19 **Q** In the old lingo. I don't know if people
 20 still surf to websites.

21 BY MS. DAVIS:

22 **Q** Do you go to these news aggregators each
 23 day to review what's there?

24 A In general, yes. Although, of course, it
 25 depends on how busy things are. I mean, if things

1 are really busy or if I'm off the grid for some
 2 reason, then I might just not be paying as much
 3 attention.
 4 One thing that -- I mean, this article was
 5 published a couple of weeks after my first daughter
 6 was born, and I was on paternity leave at the time.
 7 So while there were definitely some urgent
 8 work-related things that I was checking in, I
 9 probably was relatively offline at this time. So
 10 I'm not sure that -- how I would have read the news
 11 here is exactly the same as what I would do on an
 12 ongoing basis when I'm in the office, for example.

13 BY MR. TASHJIAN:

14 Q Got it. I was going to come back to your
 15 parental leave. So without getting -- revealing too
 16 much personal information, when was your daughter
 17 born?

18 A (b)(6); (b)(7)(C)

19 Q And how long were you on parental leave?

20 A It was about two months.

21 Q (b)(6); (b)(7)(C)

22 A I believe so.

23 Q And I think you said earlier that you
 24 access a news aggregator like Techmeme on your

1 Do you see that?

2 A Yes.

3 Q I'll note that the fifth story down on the
 4 page is headlined "Harry Davis/Guardian. Ted Cruz
 5 using UK behavioral targeting firm, Cambridge
 6 Analytica, which harvests psychological profiles of
 7 millions of unwitting US Facebook users."

8 Do you see that?

9 A Yes.

10 Q Did you see this article in Techmeme on or
 11 about December 11, 2015?

12 A I don't remember seeing that.

13 Q So you talked a little bit about what you
 14 learned about how Facebook reacted to the article
 15 that we've looked at in the Guardian. You said a
 16 number of things. You reached out to Dr. -- the
 17 company reached out to Dr. Kogan and Cambridge
 18 Analytica and asked them to destroy -- delete the
 19 data and to certify that it had been deleted.

20 Did Facebook consider informing its users
 21 about what it knew about the Kogan and Cambridge
 22 Analytica allegations following its own internal
 23 investigation into the matter either in December
 24 2015 or January 2016?

25 A I don't know if we considered it then.

1 phone. Is that the primary way you would access
 2 that information?

3 A Yeah, and a computer, but primarily a
 4 phone.

5 Q Do you have a computer at home?

6 A I do.

7 Q And you generally carry with your phone
 8 with you and check it when you feel the need to look
 9 at the news?

10 A Yeah, yes.

11 Q I have a printout of something that's
 12 labeled Techmeme dated December 11, 2015. It's a
 13 one page screen shot. Have this marked as Exhibit
 14 228, please.

15 (SEC Exhibit No. 228 was marked
 16 for identification.)

17 BY MR. TASHJIAN:

18 Q Mr. Zuckerberg, I'll represent to you that
 19 Exhibit 228 is a screen shot of Techmeme. The
 20 website has an ability to go back and see how it's
 21 archived. Pages look -- you see in the upper
 22 right-hand corner it say: "This is a" -- "about
 23 this page. This is a Techmeme archive page." It
 24 shows how the website appeared at 2:35 p.m. Eastern
 25 Time on December 11, 2015.

1 Q Did you have any conversations with anyone
 2 about whether or not Facebook should disclose the
 3 matter to its users?

4 A No, not that I remember. I don't even --
 5 I don't remember having the topic raised to me. So
 6 I certainly don't remember being in conversations
 7 about whether we should communicate about it.

8 Q And I believe that Facebook filed its
 9 annual report on Form 10K sometime later in January
 10 of 2016. In connection with your disclosure
 11 meetings internally at Facebook, did you have any
 12 conversations, without going into the substance of
 13 them, about whether or not Facebook should disclose
 14 what it knew about Dr. Kogan and Cambridge Analytica
 15 in that time period?

16 A I don't believe so.

17 Q And based on what you know from asking
 18 your team following March of 2018, can you tell us
 19 why -- what is your best understanding of why
 20 Facebook didn't consider either informing its users
 21 or the public about what it knew about Dr. Kogan and
 22 Cambridge Analytica?

23 A So my understanding now is that typically
 24 when we disclose something to -- or when we
 25 communicate about something to people, we use the

1 service. It's either because there's an action that
 2 they should take to protect their account, or
 3 something they might want to consider taking, or if
 4 there's an ongoing risk or -- of something that's
 5 going on.

6 And in this case my understanding is that
 7 there was no action necessarily that a person could
 8 or should take, but also that any risk had been
 9 mitigated because the parties involved had certified
 10 to us that they didn't have the data, had deleted it
 11 if they had it, and weren't using it. So there was
 12 no ongoing risk.

13 In retrospect I think given how important
 14 the issue is, we decided after the fact that we
 15 should notify people just because it's a matter of
 16 importance. So even though we didn't feel like
 17 there was an ongoing risk or an action that people
 18 should take, we still thought that was the right
 19 thing to notify people later. But that's my
 20 understanding of the rationale at the time that --
 21 that the team had.

22 **Q And how did you come to that
 23 understanding? Who gave that to you?**

24 MR. NEADERLAND: So the witness should
 25 certainly answer the question. To the extent that

1 of the improperly acquired data. They provided a
 2 certification."

3 **Do you see that?**

4 A Yes.

5 **Q So I guess my question for you is: Did
 6 you -- did you consider or did anyone at Facebook
 7 consider making just simply that disclosure or
 8 informing the public about those basic facts in 2015
 9 or 2016?**

10 A I'm not sure.

11 **Q I take it, it didn't come to your
 12 attention, so you didn't consider it at the time; is
 13 that right?**

14 A That's correct.

15 BY MS. DAVIS:

16 **Q Can I clarify something you testified to
 17 earlier? Earlier you said that you understood that
 18 when Facebook learned that Kogan had sold data in
 19 violation of Facebook policies, I believe you
 20 testified that Facebook kicked him off the platform
 21 or terminated Kogan's access, and made him certify
 22 he had deleted the data; is that correct?**

23 A That's my understanding, yes.

24 **Q Is it your understanding, though, that
 25 they terminated his access to the platform in 2018**

1 the answer includes advice that you received from
 2 either internal or external legal counsel, you
 3 should omit that from your answer.

4 THE WITNESS: Well, I don't remember if it
 5 was -- it's certainly possible that lawyers were
 6 involved in that, but I don't remember who
 7 specifically gave me the advice, although I know
 8 that (b)(6); (b)(7)(C) and folks
 9 were involved in this.

10 BY MR. TASHJIAN:

11 **Q Could I ask you just to turn quickly back
 12 to your public statement that you posted on March
 13 21st. I believe it's Exhibit 226. In your post you
 14 kind of went through a chronology. You talk about
 15 2007, 2013, 2014, and then you say in 2015.**

16 **Are you following me?**

17 A Yes.

18 **Q So -- and you wrote, and I'll quote it
 19 here: "In 2015, we learned from journalists at the
 20 Guardian that Kogan had shared data from his app
 21 with Cambridge Analytica. It's against our policies
 22 for developers to share data without people's
 23 consent. So we immediately banned Kogan's app from
 24 our platform, and demanded that Kogan and Cambridge
 25 Analytica formally certify that they had deleted all**

1 or back in 2015 when Facebook learned of the
 2 conduct, or 2016?

3 A My understanding is 2015.

4 **Q Okay. And the same about Cambridge
 5 Analytica. Did you understand that Facebook had
 6 terminated Cambridge Analytica's access in 2015 or
 7 '16 or in 2018?**

8 A In between. So my understanding is
 9 Cambridge Analytica wasn't actually a developer in
 10 this. Kogan was the developer. So people who were
 11 using the app were using -- were interacting with
 12 Kogan's app and gave that access to the data. And
 13 then Kogan turned around and sold the data to
 14 Cambridge Analytica. So it's certainly a violation
 15 to do that.

16 So we kicked Kogan off the platform, then
 17 went to Kogan and Cambridge Analytica to certify
 18 that they didn't have access to the data, had
 19 deleted anything that they had, weren't using it.
 20 And that process was not overnight, but at some
 21 point in between 2015, and I think certainly before
 22 the articles in 2018, we got those certifications.

23 **Q Okay. But as to Cambridge Analytica, when
 24 were they -- was their access terminated from the
 25 platform?**

1 A So, again, they weren't a developer --
 2 **Q Right.**
 3 A -- in this. So one thing that in
 4 retrospect -- so the policy would have been to
 5 terminate them had they been a developer. They
 6 weren't at the time. So I didn't think there was
 7 anything to do there.
 8 We did make a mistake internally, which is
 9 we didn't connect the dots that Cambridge Analytica
 10 was starting to advertise at the time. And we
 11 should have terminated their access as an
 12 advertiser, but because this was handled within the
 13 developer operations team and there was an oversight
 14 where we just missed making that connection, I don't
 15 believe we terminated their advertiser access at
 16 that time.
 17 **Q But ultimately --**
 18 A We did.
 19 **Q -- you did. And when did Facebook**
 20 **terminate their advertising access?**
 21 A I don't know, but he we can follow up and
 22 get you that.
 23 BY MR. MEYERHOFER:
 24 **Q I want to go back to an answer you gave a**
 25 **couple minutes ago and see if I can get a little**

1 of national importance. It was written about in the
 2 press every day for a long period. People had broad
 3 awareness of it.
 4 And when we are running the company on a
 5 day-to-day basis with billions of people using the
 6 products and a lot of developers and millions of
 7 advertisers, there are always going to be some
 8 violations that are happening and we take action
 9 there.
 10 And as long as we feel like we're doing
 11 the appropriate thing, and there's no ongoing risk
 12 to people, we don't always communicate about
 13 violations that occur. If we did, we'd be flooding
 14 people's inboxes with things on a daily basis, and I
 15 don't think people would appreciate that.
 16 So there's some judgment involved in
 17 whether people have an action that they might want
 18 to take based on the data, or something they should
 19 do to protect their security, which in this case
 20 there was no action there. Whether -- the risk had
 21 basically been mitigated, which in this case because
 22 we got the certifications and we believed them to be
 23 true, we believed internally or the teams involved
 24 believed that there was no ongoing risk to security
 25 or -- or -- or the data use.

1 **more detail. So, as I recall it, you said one of**
 2 **the reasons that, your understanding, now why the**
 3 **Kogan/Cambridge Analytica incident wasn't**
 4 **communicated to users in 2015, was that there was no**
 5 **sort of remedial action that users sort of needed to**
 6 **take or could take in response to that incident**
 7 **occurring.**
 8 First of all, is that a fair
 9 characterization of your answer?
 10 A I think that's one of the reasons, yes.
 11 **Q And then fast forwarding to 2018, I**
 12 **believe you said that, notwithstanding the fact that**
 13 **there still really wasn't remedial action for users**
 14 **to take, the decision was, nonetheless, made to sort**
 15 **of tell users what you knew about this incident**
 16 **because it was an important incident.**
 17 Again, is that a fair characterization of
 18 your testimony?
 19 A Yes.
 20 **Q And so when you say it was important,**
 21 **what -- can you unpack that a little bit and explain**
 22 **sort of why -- in what sense was it important such**
 23 **that you felt it was appropriate for that**
 24 **information to be communicated to users?**
 25 A Yes. I mean, it had just become a matter

1 And because of the -- it was not a matter
 2 that had received a lot of attention to that point.
 3 It didn't necessarily seem like it was particularly
 4 interesting to -- to people broadly. But that
 5 changed when it became a very public matter.
 6 **Q What's your perception of why it became,**
 7 **you know, a matter of some sort of national news**
 8 **import in 2018?**
 9 A Well, I think that there were a few
 10 factors there. One is that it was -- it was in the
 11 context of not just a developer on the platform, but
 12 a highly contentious election, which is very
 13 important. So I think that the connection there
 14 made it much more relevant to a lot of people, and
 15 something that I think gave it -- which made it so
 16 that a lot more people were interested in it and
 17 paid attention to it.
 18 I also think that over time people's
 19 attitudes towards and understanding of privacy on
 20 the Internet has gotten more sophisticated, and
 21 people care more about some of these things now and
 22 are kind of rightfully paying attention to things
 23 that even a few years ago they may have not always
 24 in a lot of cases.
 25 **Q Any other reasons, again, why in your view**

1 **you think this became sort of -- entered the
2 national sort of spotlight, so to speak?**

3 A I think those are probably the main two.

4 **Q Coming back to the decision to, again,
5 make some public disclosures about this matter in
6 March of 2018, was it just the fact that it had
7 become a national news story?**

8 A Well, in general we want to disclose and
9 communicate things that are what people are going to
10 want to care about. And I think that because it had
11 become public -- it's not that it was a news story.
12 It was that connected with that discussion -- in
13 connection with that discussion, I think people were
14 broadly interested in this and now wanted to know,
15 "hey, was" -- "was any of my data connected to this?
16 Maybe I authorized that quiz app to use my data, but
17 I don't remember. You know, maybe I was a friend of
18 someone who -- who had given access to data with
19 this quiz app and I wouldn't have known."

20 And I think people, because it was such a
21 broad discussion, were interested in knowing that.
22 So we decided to -- to make a tool so people could
23 go and see what, if any, of their data could have
24 been accessed by this -- by this app.

25 BY MS. DAVIS:

1 the fact that the team felt like it had been dealt
2 with and that they'd gotten these certifications
3 that the data had been deleted, perhaps coupled with
4 the fact that I was out on paternity leave and not
5 in the office. But, again, that's speculation.

6 **Q Did Facebook have any controls or
7 processes in place to bring platform policy
8 violations like this, selling of Facebook user data,
9 to your attention if it met a certain threshold back
10 in 2015?**

11 A I don't -- I don't know about that
12 specifically. But I think there were -- I believe
13 there have been policies that if we're going to take
14 down a developer of a -- off the platform of a
15 certain scale that that will be raised to my
16 attention. And because this app was in the grand
17 scheme of things not so big, it had hundreds of
18 thousands of people using it, and not millions or
19 tens of millions like the largest apps do, it might
20 have just not met that threshold for something that
21 would need to be raised to my attention.

22 **Q But if there's an article back in 2015
23 that's suggesting this app developer may have
24 accessed and sold millions of Facebook data,
25 millions of Facebook user data, would that not meet**

1 **Q Before lunch there was a discussion about
2 Facebook's platform policies, and that an app
3 developer selling or transferring Facebook data user
4 would violate Facebook's platform policy back in
5 2015.**

6 **Do you recall that?**

7 A Yes.

8 **Q That's an accurate statement; is that
9 right?**

10 A I believe so, yes.

11 **Q And then I think at that time we also
12 talked about whether, if an app developer were
13 selling or transferring Facebook user data,
14 depending on the significance of it, it's something
15 that should come to your attention; is that right?**

16 A Yeah, I believe so, especially if it's an
17 ongoing issue and it hasn't been addressed.

18 **Q Is it that -- okay. So with respect to
19 the Kogan app, is it that you -- do you think that
20 it did come to your attention and you just don't
21 recall? Or do you think that it didn't meet the
22 criteria to come to your attention?**

23 A I don't remember it coming to my
24 attention, and I can speculate as to why that might
25 have been. My guess is it would be a combination of

1 **the threshold?**

2 A I'm not sure.

3 **Q Who would be -- who would be responsible
4 for that kind of policy, whether the scale of
5 someone -- of an app developer selling Facebook user
6 data should come to your attention?**

7 A At what level? It would be some
8 combination of the policy team. I might be involved
9 in a decision like that. The enforcement would
10 probably be done by Justin Ososky's operations
11 team.

12 **Q Okay, thanks.**

13 BY MR. TASHJIAN:

14 **Q In 2018, when you made your post and
15 Facebook responded publicly to the New York Times
16 article, what action could users take? Was there an
17 action for users to take about the Kogan/Cambridge
18 Analytica event that had occurred almost three years
19 earlier?**

20 A Sorry. Can you repeat that?

21 **Q So you said -- let me rephrase just to
22 make sure we're on the same page.**

23 **I think you said that there were sort of
24 three broad reasons why you think that the company
25 didn't say anything publicly in either December 2015**

1 or early in 2016. And as I understood, those three
 2 reasons were essentially there was no action for a
 3 user to take, that the risk had been mitigated
 4 because both Kogan -- Dr. Kogan and Cambridge
 5 Analytica had said they had deleted the data, and
 6 that it didn't seem to be a subject of broad public
 7 interest.

Do I have that right?

8 A Yes. And the third, to clarify, it's more
 9 individual interest. It's because it became a
 10 public discussion or as part of becoming a public
 11 discussion, many individuals I think started to want
 12 to know whether -- whether they had used the app or
 13 whether a friend of theirs had used the app.

14 Q So just on that first point, there's no
 15 action for a user to take in 2015 or 2016. I'm
 16 wondering if that was also true in 2018. And if
 17 wasn't true, if there was some action, what action
 18 could a user take in 2018 that they couldn't have
 19 taken in early 2016?

20 A Sorry. You're asking what action a person
 21 could have taken in 2018?

22 Q Right. Sorry. I think I'm being unclear,
 23 so I'll try to rephrase this.

24 **Of those reasons that you gave, I think**

1 you said one of the reasons -- the first reason why,
 2 at least in your judgment, Facebook didn't say
 3 anything publicly in early 2016, was because there
 4 was no action that an individual could take to deal
 5 with these allegations that Dr. Kogan had sold data
 6 to Cambridge Analytica; is that right?

7 A Yes.

8 Q So I'm wondering when you did disclose it
 9 in 2018, you confirmed that this incident had taken
 10 place and you posted your Facebook post, I'm
 11 wondering what action could a user have taken in
 12 March of 2018 that that user couldn't have taken in
 13 early 2016?

14 A I don't think that there was much. I
 15 mean, if a person had used the app, then they --
 16 there's nothing to un-log into the app. We had
 17 already taken the app down and gotten a
 18 certification that they deleted the data. So I
 19 don't believe that there was an action related to
 20 this.

21 Q Okay. We're going to come back to that
 22 risk mitigation because it's an important point that
 23 you made. I think we're going to explore. Also,
 24 then I'm wondering about the public interest or
 25 individuals were wondering in March of 2018 whether

1 their data had been accessed.

2 As I understand it, the company couldn't
 3 say specifically whether Dr. Kogan had obtained any
 4 particular friends' data. So the company came out
 5 with an estimate of up to 87 million users may be
 6 affected. That was the number the company used in
 7 March of 2018; is that right?

8 A I believe that's correct.

9 Q And as I understand the news, or
 10 Facebook's statements about it, was because the
 11 company couldn't say with any particular granularity
 12 about whether a particular user's data had been
 13 accessed or not; is that right?

14 A I don't remember the exact reason, but
 15 we -- we had a number of logs around what -- who had
 16 used the app and who people's friends were. But I
 17 don't know if we had exact logs on when the API
 18 calls were made, so I'm not sure exactly if you
 19 became friends with a person later, but, like, was
 20 the API called before that such your data may not
 21 have actually been accessed.

22 But in the estimates of how many people's
 23 information may have included and when we did the
 24 disclosure, we erred on the conservative side of
 25 just having the largest number and, if any of your

1 data may have been used or seen, telling you that.

2 Q You just made a reference to logs. Can
 3 you describe what those logs are?

4 A Sure. So in order to provide the service,
 5 when a developer makes an API request, for example,
 6 we'll log that for some period of time. I don't
 7 know if we store that forever, but for some period
 8 of time.

9 So part of the investigation in this case
 10 or in other cases that we're able to do is go back
 11 and look at the patterns of activity or, in some
 12 cases, specific APIs calls that were made to
 13 understand what a developer might have done.

14 Q So if -- and it sounds like Facebook only
 15 keeps those logs for a limited amount of time. It's
 16 not indefinite according to your understanding.

17 A My understanding is that this may vary
 18 from type of activity to type of activity. So I
 19 don't know if there's -- I don't think there's a
 20 single uniform policy across the whole company on
 21 this.

22 Q To the best of your knowledge, did anyone
 23 at the time, in either December 2015 or early 2016,
 24 (b)(4) who Dr.
 25 Kogan's -- or what data Dr. Kogan had obtained so

<p style="text-align: center;">Page 138</p> <p>1 that the company would -- could provide a little bit 2 more specificity in 2015 or 2016 about which users 3 were affected?</p> <p>4 A I'm not sure.</p> <p>5 Q So I want to ask you, my review of public 6 media looks like you gave a number of interviews 7 following your Facebook post on March 21st, 2018; is 8 that right?</p> <p>9 A I remember giving one interview.</p> <p>10 Q I think you gave interviews to the New 11 York Times to Recode and to Wired. Does that sound 12 right?</p> <p>13 A Oh, yeah. Maybe print interviews. And 14 then I think I did one TV interview.</p> <p>15 Q Got it. So in -- in those interviews --</p> <p>16 A Yes. Now that you say that, I think I -- 17 yeah, I remember the Wired one too.</p> <p>18 Q Okay. In those interviews with the New 19 York Times and Recode and Wired, you seem to make a 20 distinction between raw data and derived data in the 21 sense that, to the best of your understanding at the 22 time that, Cambridge Analytica did not obtain any 23 raw data from Dr. Kogan.</p> <p>24 Does that sound right to you?</p> <p>25 A I'm not sure. Do you have the context on</p>	<p style="text-align: center;">Page 140</p> <p>1 University. He built a quiz app that people chose 2 to give information to. And that part of what Kogan 3 was doing was then building models of what people 4 might be interested in or how they -- personality 5 traits based off of the answers they give in the 6 poll.</p> <p>7 What I believe I was referring to in those 8 interviews is the distinction with raw data is that 9 people gave their information and also gave access 10 to some of their friends' information to this app 11 developer.</p> <p>12 Q Kogan.</p> <p>13 A Kogan. And that information is what I 14 would have called the raw, raw information or raw 15 data.</p> <p>16 So I believe we were told by Kogan and 17 Cambridge Analytica was that that specific data, 18 people's data from Facebook, was not passed along to 19 Cambridge Analytica. However, the models that Kogan 20 computed using either the poll data or the survey 21 data and maybe combined with some of the information 22 from -- that people granted access to from Facebook, 23 that -- that those models, then, may have been 24 shared.</p> <p>25 Again, it's worth noting that I'm -- I</p>
<p style="text-align: center;">Page 139</p> <p>1 that?</p> <p>2 Q I do. I'll read you the quotes and I have 3 the articles if you'd like to see them. You told 4 the New York Times: "At the time, they told us" -- 5 meaning Cambridge Analytica -- "that they had never 6 gotten access to raw Facebook data."</p> <p>7 And then to Recode you said: "And at that 8 time, Cambridge Analytica told us that not only do 9 we not have the data and it's deleted, but so we 10 actually never got access to raw Facebook data."</p> <p>11 And then in Wired you are quoted as 12 saying: "Cambridge Analytica had actually told us 13 that they actually hadn't received raw Facebook data 14 at all. It was some kind of derivative data, but 15 they had deleted it and weren't making any use of 16 it."</p> <p>17 Does that refresh your recollection about 18 the distinction you are making between raw Facebook 19 data --</p> <p>20 A Yes.</p> <p>21 Q -- and derived data?</p> <p>22 A Yes.</p> <p>23 Q Can you tell us what you meant by that?</p> <p>24 A So my understanding of this is that Kogan 25 was doing research associated with Cambridge</p>	<p style="text-align: center;">Page 141</p> <p>1 have some level of suspicion of anything that the 2 developer and that Cambridge Analytica have told us 3 in retrospect since they signed certifications for 4 us on things, and then it seemed in retrospect, 5 like, those were not true. So I just think it's 6 worth clarifying here that what I'm saying is 7 echoing what -- what I've heard, and I think what 8 some people on our team believed to be true, but I 9 think it's appropriate to have that caveat on it.</p> <p>10 Q Understood, Mr. Zuckerberg.</p> <p>11 Just to be clear, so a raw Facebook data 12 would include, say, a user's name, friends' name, 13 their location or their birthdate or their page 14 likes; is that fair to say?</p> <p>15 A It could, yes. Information that a person 16 granted access to from their Facebook profile.</p> <p>17 Q And that derived data would be the models 18 that Dr. Kogan allegedly put together involving 19 psychometrics or their personality scores that he 20 transferred to -- he transferred those scores that 21 were derived from Facebook data to Cambridge 22 Analytica.</p> <p>23 Do I have that right?</p> <p>24 A Well, without knowing exactly what Kogan 25 did, I think your distinction is generally right,</p>

<p style="text-align: center;">Page 142</p> <p>1 that it's whatever he did, not the data that came 2 from people's Facebook profiles.</p> <p>3 Q So in the interviews with the news 4 organizations that I mentioned, correct me if I'm 5 wrong, but you seem to be making a distinction sort 6 of about the level of offense. That it would be 7 sort of one thing if Kogan had transferred -- had 8 admitted to Facebook that he had transferred raw 9 Facebook data. And it was a different level of 10 offense, perhaps a lesser one, if he had just 11 transferred the derived personality scores.</p> <p>12 Was that the distinction you were trying 13 to make?</p> <p>14 A I'm not sure. It's -- I'm not sure that 15 that's -- that's a point that I would have been 16 trying to make. I think it might have just been 17 that people were interested in specifically what 18 data had been used for which things. We received a 19 number of questions about that, and I might have 20 just been trying to provide clarity on that.</p> <p>21 Q I see. So you made reference to these 22 certifications. Have you seen the certifications 23 either from Dr. Kogan or Cambridge Analytica before?</p> <p>24 A Myself?</p> <p>25 Q Yes.</p>	<p style="text-align: center;">Page 144</p> <p>1 head of SCL Group, essentially Cambridge Analytica? 2 A Yes.</p> <p>3 Q Have you seen either -- now that I put 4 them front of you, have you seen either one of those 5 two documents before?</p> <p>6 A I don't remember.</p> <p>7 Q You have no recollection of seeing them 8 before?</p> <p>9 A That's right. I think I -- I feel like I 10 may have seen this. I'm not sure I've seen this, 11 but I don't remember the context of seeing this.</p> <p>12 Q Could you say the exhibit numbers? 13 A Yes. I may have seen the Nix 14 certification. I don't have any recollection of 15 seeing the Kogan certification.</p> <p>16 Q Let's turn to Exhibit 123, the Nix 17 certification. So you think you've seen Mr. Nix's 18 certification before. Under what circumstance?</p> <p>19 A I don't remember.</p> <p>20 Q Was it before or after March of 2018? 21 A After, if I had. I remember seeing 22 something like this. I don't -- this is -- I'm just 23 trying to provide as full a context as I can, but 24 it's a vague memory if at all.</p> <p>25 Q So Mr. Nix made reference in his</p>
<p style="text-align: center;">Page 143</p> <p>1 A I'm not sure.</p> <p>2 Q When you made your post or gave interviews 3 to the news organizations in March 2018, had you 4 seen those certifications?</p> <p>5 A If I had, it would have been talking with 6 a lawyer, so I assume that would have been 7 privileged.</p> <p>8 Q So you are putting that in subjunctive? 9 A I don't -- I don't remember, but all my 10 discussions around that were -- and my understanding 11 is that was handled by our legal team. So I'm -- 12 I'm trying to answer both questions.</p> <p>13 Q Whether you had and what you would have 14 done --</p> <p>15 A Yes.</p> <p>16 Q -- if you had seen it?</p> <p>17 All right. I'm going to show you what I 18 believe to be a copy of Dr. Kogan's certification 19 that he provided to Facebook in or around June of 20 2016, previously marked as Exhibit 15. And I'm 21 going to show you what I believe to a copy of 22 Alexander Nix's certification that he provided to 23 Facebook in or around April of 2017. This has been 24 marked as Exhibit 123 previously.</p> <p>25 You understand that Alexander Nix was the</p>	<p style="text-align: center;">Page 145</p> <p>1 certification to Facebook user data and Facebook 2 user friend data and data derived from such Facebook 3 user data and Facebook user friend data. That's in 4 the first paragraph under his certification.</p> <p>5 Do you see that? 6 A Yes.</p> <p>7 Q And you'll see in number 1 and then 8 there's a paragraph below number 1. I'm going to 9 read the last sentence in that paragraph.</p> <p>10 A Should I just read this?</p> <p>11 Q Yes. I'm also going to read it for the 12 record while you're reading.</p> <p>13 A Okay.</p> <p>14 Q The portion I'm interested in says: "After 15 Facebook contacted SCL in December 2015, we deleted 16 all data we received from Dr. Kogan. This includes 17 dropping all database tables and deleting the raw 18 data stored as CSV from our encrypted file server."</p> <p>19 A Okay. What was the question?</p> <p>20 Q My question was, first of all, do you see 21 the portion I just read --</p> <p>22 A Yes.</p> <p>23 Q -- referring to raw data?</p> <p>24 A Yes.</p> <p>25 Q And then that -- the fact that doctor --</p>

1 sorry -- that Mr. Nix was certifying that they had
 2 deleted raw data, can you tell us whether that had
 3 come to your attention before you gave the
 4 interviews to the -- to the news media organizations
 5 on March 21st, 2018?

6 A That they had deleted any data that they
 7 had?

8 Q That they had deleted raw Facebook data
 9 that they had obtained from Dr. Kogan.

10 A I don't remember.

11 Q Is there some point later before today
 12 that you became aware that Dr. Kogan transferred or
 13 sold raw Facebook data to -- to SCL/Cambridge
 14 Analytica?

15 A It's not clear to me from reading this
 16 that the definition of raw data here is the same as
 17 what I used earlier. So I think that's important to
 18 clarify. I think in any context what people refer
 19 to as raw data is the base dataset on top of which
 20 they'll do some computation.

21 So in the case from Kogan's perspective,
 22 the raw data that he might have been perceived was
 23 people's Facebook profiles and he might have
 24 computed a model. But if Kogan then transferred his
 25 model or some computed data to Cambridge Analytica,

1 then in that context they might have referred to
 2 whatever data Kogan transferred as the raw data to
 3 them that was then stored.

4 So, again, without -- it's hard for me to
 5 tell exactly what was going on from -- from this.
 6 But I -- I just think it's a worthwhile
 7 clarification that if they're certifying here that
 8 they deleted raw data that Kogan gave them, that
 9 might not necessarily be the same thing that we were
 10 talking about earlier.

11 BY MR. MEYERHOFER:

12 Q Mr. Zuckerberg, if you look up to the
 13 first paragraph in the certification, maybe this
 14 will help give a little more context. You see that
 15 there's reference: "I, Alexander Nix, on behalf of
 16 SCL Elections certify that all Facebook data
 17 gathered by the digital live Facebook application
 18 received from or on behalf of Global Science
 19 Research or Dr. Kogan" -- that's sort of a lengthy
 20 intro. And then the description appears to be of
 21 that data: "Including, but not limited to, Facebook
 22 user data and Facebook user friend data and data
 23 derived from such Facebook user data."

24 So, again, I just want to point that out
 25 while we're in the context of sort of talking about

1 raw and derived to point out that at least that top
 2 paragraph seems to be fairly clear that they're
 3 talking about both Facebook user data itself as well
 4 as whatever derivation of that data Dr. Kogan put
 5 together.

6 Do you see the distinction that I'm
 7 drawing up there?

8 A Yes, I certainly see that it includes it.
 9 But, I mean, again, I'm not sure, A, that I'm the
 10 person that has the most context on this. But, B,
 11 that that necessarily implies that that data was
 12 transferred. But then, again, you know, in
 13 retrospect I think we think the certification might
 14 have been given falsely. So I'm not actually sure
 15 how much I believe anything that he wrote here.

16 BY MR. TASHJIAN:

17 Q What investigation did Facebook do, to the
 18 best of your knowledge, to figure out whether
 19 Cambridge Analytica had, in fact, received only
 20 derived personality scores or raw Facebook data?

21 A I'm not sure. We -- one of the things we
 22 wanted to do was go in and do an investigation that
 23 included their -- their servers. But we yielded to
 24 the UK ICO who wanted to do their investigation
 25 first. And I'm not sure that we were ever able to

1 go in after that and confirm all the things that we
 2 had wanted to ourselves.

3 Q Other than your attempt to audit the
 4 SCL/Cambridge Analytica servers, was there anything
 5 else that Facebook did to investigate what data had
 6 been given to Cambridge Analytica?

7 A Well, we certainly looked through all of
 8 our own logs that were available to get as much of a
 9 sense as possible of what data this app may have had
 10 access to and whose data might have been used there.

11 Q Anything else?

12 A There may have been. But, I mean, those
 13 are -- those are the main things that come to mind
 14 now.

15 BY MS. DAVIS:

16 Q Can I clarify something you just said? You
 17 mentioned Facebook wanting to I guess do a deeper
 18 audit but yielded in favor of the ICO. That was in
 19 2018, not in 2015, '16; is that right?

20 A That's correct.

21 BY MR. TASHJIAN:

22 Q Can we turn to Dr. Kogan's certification
 23 that's been marked as Exhibit 15. I believe you
 24 said that you can't recall whether you have seen Dr.
 25 Kogan's certification before; is that right?

<p style="text-align: center;">Page 150</p> <p>1 A That's correct.</p> <p>2 Q So being that this is a legal document,</p> <p>3 I'm not going to ask your interpretation of the</p> <p>4 legal parts, but there is a certification attached</p> <p>5 as Exhibit 1A to the legal document. If I could ask</p> <p>6 you to turn to that page. It's Bates-labeled 328 in</p> <p>7 the lower right-hand corner.</p> <p>8 A Okay.</p> <p>9 Q And I'll represent to you that my best</p> <p>10 understanding is this a certification on -- from Dr.</p> <p>11 Kogan on behalf of his company Global Science</p> <p>12 Research, the company that technically I guess owned</p> <p>13 the -- what you've been referring to as the quiz</p> <p>14 app.</p> <p>15 He makes a description there on the first</p> <p>16 indented paragraph under the number one about the</p> <p>17 kind of data that the app collected. It included</p> <p>18 name, gender, location, birthdate, page likes,</p> <p>19 friends' list, each friend's name, each friend's</p> <p>20 gender, each friend's location, and each friend's</p> <p>21 birthdate and each friend's page likes.</p> <p>22 Do you see that?</p> <p>23 A Sorry. Where are you looking?</p> <p>24 Q You see in number one under -- about</p> <p>25 two-thirds of the way up the page.</p>	<p style="text-align: center;">Page 152</p> <p>1 track the document. The following page is blank and</p> <p>2 then the following page after that has a table.</p> <p>3 A Okay, yes.</p> <p>4 Q In the table there's SCL. And you'll see</p> <p>5 Alexander Nix in the contact information, and then</p> <p>6 the third column is number unique Facebook profiles</p> <p>7 involved and specific data points shared.</p> <p>8 Do you see that?</p> <p>9 A I'm reading it.</p> <p>10 Yes.</p> <p>11 Q I take it from your earlier testimony,</p> <p>12 that you haven't seen this table before, or you</p> <p>13 don't recall seeing it before; is that correct?</p> <p>14 A Yes.</p> <p>15 Q So Dr. Kogan provided this certification,</p> <p>16 gave it to Facebook, sometime in June 2016. Is that</p> <p>17 your understanding as well?</p> <p>18 A Sorry. Say that again.</p> <p>19 Q Dr. Kogan provided this certification</p> <p>20 including this table to Facebook in June 2016; is</p> <p>21 that your understanding?</p> <p>22 A I don't remember the exact date.</p> <p>23 Q What about the time period? Did you have</p> <p>24 an understanding that Dr. Kogan provided the</p> <p>25 certification?</p>
<p style="text-align: center;">Page 151</p> <p>1 A Yes.</p> <p>2 Q And then he's describing for purposes of</p> <p>3 the certification to Facebook the kind of data that</p> <p>4 the app collected in the first paragraph.</p> <p>5 A Yes.</p> <p>6 Q Okay. Would you agree that the list that</p> <p>7 I just read to you would fall under your definition</p> <p>8 of raw Facebook data -- the name, the gender, the</p> <p>9 location, friend's page likes and things like that;</p> <p>10 is that fair to say?</p> <p>11 A In this case, yes. Again, I think the --</p> <p>12 I'm not sure how much this distinction matters, but</p> <p>13 I think raw data is always what we refer to as the</p> <p>14 base input. And then if you compute something or do</p> <p>15 something on top, then that's derived data. So</p> <p>16 in this case if this was the data that people were</p> <p>17 giving access to, then you could refer to that as</p> <p>18 that.</p> <p>19 Q And then on the -- you see his</p> <p>20 certification continues on to the next page, several</p> <p>21 more bullets. And then the last bullet on the page</p> <p>22 is marked Bates label 329 is a beginning of a</p> <p>23 description of who he shared or gave access to data</p> <p>24 and a description of that data. If you see number 6</p> <p>25 down at the bottom, I'm just trying to help you</p>	<p style="text-align: center;">Page 153</p> <p>1 A It sounds like around the right time.</p> <p>2 Q Sometime June 2016?</p> <p>3 A I don't really know the specific month. I</p> <p>4 just know that it was after 2015 and before -- well</p> <p>5 before 2018.</p> <p>6 Q Got it.</p> <p>7 All right. If you don't mind let's take a</p> <p>8 short -- a short break for just a few minutes if</p> <p>9 that's all right.</p> <p>10 A Sure.</p> <p>11 Q Why don't we go off the record?</p> <p>12 VIDEO OPERATOR: Going off the record. The</p> <p>13 time is 2:13 p.m.</p> <p>14 (A brief recess was taken.)</p> <p>15 VIDEO OPERATOR: We're back on the record</p> <p>16 at 2:28 p.m.</p> <p>17 (SEC Exhibit No. 229 was marked</p> <p>18 for identification.)</p> <p>19 BY MR. TASHJIAN:</p> <p>20 Q Mr. Zuckerberg, would you confirm for the</p> <p>21 record that during the short break you didn't have</p> <p>22 any conversations with the staff about the substance</p> <p>23 of your testimony?</p> <p>24 A Yes.</p> <p>25 Q I'm going to hand you what's been marked</p>

1 as Exhibit 229, an article dated July 18, 2018 in
 2 the publication Recode. The interviewer was Kara
 3 Swisher.

4 **Do you remember sitting with Ms. Swisher
 5 for this interview?**

6 A Yes.

7 Q I'm going to ask you about a portion of
 8 the interview that touched on Cambridge Analytica
 9 particularly. I think the interview was fairly wide
 10 ranging. Unfortunately the pages aren't numbered,
 11 but if you turn to the page just for orientation
 12 that says "second day was better, yeah," at the top,
 13 about 15 pages in.

14 A Okay.

15 Q Ms. Swisher asks a question down towards
 16 the bottom of that page that touches on Cambridge
 17 Analytica. And she asks: "Why didn't you see it?"
 18 What's the problem in that -- with this data that
 19 you did not see it being misused?" And then you
 20 kind of interject over each other. And then the
 21 next page starts -- she said something to the effect
 22 of "right, data portability."

23 A Okay.

24 Q So I really want to ask you about is some
 25 of the things on that the page that say: "Right,

1 A Yes.

2 Q And then you continue to say: "We do spot
 3 checks where we can audit developer's servers." I
 4 think we've also touched on that. That's where
 5 Facebook would ask to see the code or the servers or
 6 do an inspection of a developer. Is that what you
 7 were referring to?

8 A Yes.

9 Q And then you -- you continue down and you
 10 say something about certification from Dr. Kogan and
 11 Cambridge Analytica and how you had gotten a legal
 12 certification. We talked about that issue, right?

13 A Yes.

14 Q And then sort of the heart my question
 15 really goes to the bottom part of this page. Ms.
 16 Swisher asks something that's not entirely
 17 intelligible about one of your board members and
 18 Steve Bannon. Then she says: "No, but I'm just
 19 saying it creates a what the heck was going on
 20 here?"

21 **Do you see that portion of her question
 22 there?**

23 A Yes.

24 Q And then your answer is: "Yeah, I think
 25 in retrospect, you know, we didn't know what

1 **data portability."**

2 A On this page under "right, data
 3 portability."

4 Q Exactly.

5 A Okay.

6 Q Her next question in the bold says: "But
 7 you have in the past caught people doing this and
 8 been much more rigorous in that."

9 **Do you see that? If you can just read
 10 your answer after that and then down to the end of
 11 the page.**

12 A Okay. Where do you want me to read until?

13 Q Just to the bottom of the page.

14 A Okay.

15 Q All right. So on this page under her
 16 question that says in the past caught people doing
 17 this and been much more rigorous in that, you said:
 18 "So we do a number of things. One is we do ongoing
 19 audits and we've built technical systems to see if a
 20 developer is requesting information in weird ways."

21 I think we've touched on that subject
 22 earlier today about Facebook's internal capabilities
 23 within dev ops to monitor app developers and the
 24 data that they are drawing. Is that -- is that what
 25 you are referring to?

1 Cambridge Analytica was there. It didn't strike us
 2 as a sketchy thing. We just had no history with
 3 them. Knowing what I know now, we obviously would
 4 not have just taken their certification at its word
 5 and gone in and done an audit then."

6 **Do you see that?**

7 A Yes.

8 Q When you said "and done an audit then,"
 9 are you referring to the kind of audit where you ask
 10 to see their servers and inspect their -- the
 11 information that they had obtained from Dr. Kogan?

12 A Potentially or whatever we thought was
 13 necessary to verify what they were certifying.

14 Q And when you say "in retrospect," that's
 15 because at this point in July 2018, you had reason
 16 to believe that Cambridge Analytica hadn't been
 17 truthful in its certification?

18 A As of 2018, that was the new allegation,
 19 yes. That's right.

20 Q So you said: "We didn't know what
 21 Cambridge Analytica was there. Didn't strike us as
 22 a sketchy thing. We just had no history with them."
 23 What were you referring to? What did that mean?

24 A Well, in 2015, I don't know that a lot had
 25 been written or discussed yet about the way that

1 Cambridge Analytica operated and a lot of the
 2 questions. And we talked about this earlier today
 3 about their rhetoric about what they were claiming
 4 to be able to do and not necessarily being fully
 5 truthful in terms of what they were actually doing
 6 or overstating their capability is and some
 7 shadiness in the ways that they operated, that I
 8 think we'd just become more aware of and discussed
 9 more publicly in the intervening period.

10 **Q It sounds like you're saying if you had**
 11 **some history or if you had thought they were quote,**
 12 **unquote, "sketchy" that you would have done more to**
 13 **verify their word at the time of the Guardian**
 14 **article?**

15 A You know, it's always impossible to go
 16 back in retrospect and know what you would have
 17 done, but my understanding is that if our team
 18 believed that someone was not credible that we would
 19 be more skeptical of them providing a certification
 20 and may have demanded a more rigorous audit or
 21 investigation to confirm what they were saying.

22 **Q So are you aware today that there are**
 23 **folks -- Facebook employees on the political**
 24 **advertising team that did, in fact, have some**
 25 **interactions with Cambridge Analytica in 2015 prior**

1 **to the publication of the Guardian article?**
 2 A I am aware today that they were an
 3 advertiser.

4 **Q Are you -- and what does that mean?**
 5 A That they used our ad system. I actually
 6 don't have a lot of detail on whether they were
 7 self-service advertiser or worked through any of
 8 our -- our sales reps.

9 **Q So you're not aware of whether anyone at**
 10 **Facebook, any Facebook employees, had any**
 11 **interactions with Cambridge Analytica prior to the**
 12 **publication in the Guardian article in December**
 13 **2015?**

14 A That's correct. I'm not sure about that.

15 **Q What does the word "sketchy" mean to you?**
 16 **What does that imply to you?**

17 A Not necessarily ethical or honest.

18 **Q I want to show you -- are you familiar**
 19 **with something called "a task" within the Facebook**
 20 **system?**

21 A Yes.

22 **Q I want to show what I believe to be a task**
 23 **that's dated December 22nd, 2015. It's posted by**
 24 **somebody named [b](6); [b](7)(C) It's been previously**
 25 **marked as Exhibit 41. I'm just interested in the**

1 **portion that he posted. There are obviously a lot**
 2 **of comments that go back and forth after [b](6); [b](7)(C)**
 3 **made the posting.**

4 **First of all, do you know who [b](6); [b](7)(C)**
 5 **is?**

6 A No.

7 **Q So just so you're oriented on the page,**
 8 **there's an email at the top of the first page of**
 9 **Exhibit 41 between, I believe, [b](6); [b](7)(C)**
 10 **and somebody else. And then he's forwarding a copy of**
 11 **what's -- what I'm referring to as the task that's**
 12 **dated December 22nd.**

13 **Do you see that in the lower half of the**
 14 **first page?**

15 A Yes.

16 **Q So I'm interested in the portion that [b](6);**
 17 **[b](6); [b](7)(C) it says: "Owner, [b](6); [b](7)(C)**
 18 **Do you know who she is?"**

19 A Yes.

20 **Q She's in platform policy; is that right?**

21 A That's my understanding, yes.

22 **Q And then it says: "Created September**
 23 **22nd, 2015, by [b](6); [b](7)(C)**
 24 **Do you see that?"**

25 A Yes.

1 **Q He says: "Hi, [b](6); Our team has been**
 2 spending a lot of time lately attempting to clarify
 3 to clients in the political space how our policies
 4 apply to pitches coming from vendors regarding the
 5 matching social data with loader file. You'll
 6 recall Trend Poll used scraped engager, IE last
 7 year, to create custom audiences. We suspect many
 8 of these companies are doing similar types of
 9 scraping, the largest and most aggressive on the
 10 conservative side being Cambridge Analytica, a
 11 sketchy, to say the least, data modeling company
 12 that has penetrated our market deeply."

13 **Do you see that?**

14 A Yes.

15 **Q Have you ever seen this before?**

16 A I don't think so.

17 **Q Were you aware that even prior to the**
 18 **Guardian article in December 2015 that members of**
 19 **Facebook's political advertising team had raised**
 20 **concerns about Cambridge Analytica?**

21 A No.

22 **Q Were you aware that members of the**
 23 **political advertising team believed that Cambridge**
 24 **Analytica might be involved in something called**
 25 **scrape?**

1 A That Cambridge Analytica might have?
 2 Q Yes.
 3 A I don't believe so.
 4 Q When you were at Harvard, did you take any
 5 classes from somebody named [b](6); (b)(7)(C)
 6 A Yes.
 7 Q He's a fairly well-renowned professor in
 8 [b](6); (b)(7)(C) at Harvard; is that right?
 9 A Yes.
 10 Q I think he was the dean of students while
 11 you were there?
 12 A I think so, yes.
 13 Q Did you consult with him in any way in
 14 some of your early ideas for developing a social
 15 graph?
 16 A I talked to him about a small project that
 17 I was working on that involved him.
 18 Q Is that an email you sent to him called
 19 Six Degrees to [b](6); (b)(7)(C)
 20 A Yes.
 21 Q And then I understand that [b](6); (b)(7)(C)
 22 [b](6); (b)(7)(C) has an endowed chair at Harvard. Did you
 23 contribute in any way to that endowment?
 24 A I don't know.
 25 Q Who -- who would know?

1 A I think he had an endowed chair before I
 2 was there.
 3 Q Have you contributed any money to that
 4 endowment as far as you know?
 5 A Not that I know.
 6 Q He has a [b](6); (b)(7)(C) who is
 7 I think about your age. Did you know her while you
 8 were at Harvard.
 9 A I don't think so.
 10 Q She's a Facebook employee now.
 11 A Oh, I didn't know that.
 12 Q You anticipated my next question, which
 13 was did you help her get a job in any way at
 14 Facebook?
 15 A I don't believe so.
 16 Q So [b](6); (b)(7)(C) as I understand, worked in
 17 the political advertising team. Were you aware that
 18 she, like [b](6); (b)(7)(C) raised concerns about
 19 Cambridge Analytica prior to the publication of the
 20 article in the Guardian?
 21 A No.
 22 Q You touched on this earlier a little bit,
 23 and I want to ask you, because I think you mentioned
 24 this in your senate testimony. In your senate
 25 testimony you said that there was nothing to ban

1 Cambridge Analytica from doing in 2015 initially,
 2 you said, because they weren't an advertiser. I
 3 think your team corrected you during one of the
 4 breaks.

5 Do you recall that?

6 A I don't remember that specifically, but I
 7 remember that I got a couple of things wrong and had
 8 to correct them.

9 Q Okay. You testified when you came back
 10 with a correction, they caught it in time. You
 11 didn't have to do it after the fact. You said it
 12 during your testimony. You said that they actually
 13 did start as an advertiser later in 2015, so we
 14 could have, in theory, banned them.

15 Can you give us a sense of why -- why
 16 Facebook didn't ban Cambridge Analytica from
 17 advertising on the platform after the Guardian
 18 article came out?

19 A My understanding is that it was a mistake,
 20 and that we didn't connect the dots, that we had a
 21 platform developer operations team that was in
 22 charge of enforcing our developer policies against
 23 developers, and that our teams may just not have
 24 been coordinated. And I think that that was the
 25 internal miss.

1 Q So, I'm sorry, who should have connected
 2 the dots? If you want to talk in function rather
 3 than putting names on it.

4 A Well, it's not clear it's any individual
 5 person. We should have built the systems, which now
 6 I believe we have done more, to understand all of
 7 the interactions that we're having with partners or
 8 different firms across any touch point at Facebook.

9 So whether you're advertising, you have a
 10 page on one of our services, you are a developer,
 11 that way the teams can understand and share signals
 12 as to what they are seeing.

13 Q When you say the dots weren't connected,
 14 which dots are you --

15 A The fact that they were also using --
 16 well, that on the developer side, if they had been a
 17 developer, we almost certainly would have blocked
 18 them, but believed there was not an action to take
 19 there, but didn't connect that they were using
 20 advertising so there actually was an action we could
 21 have, and probably should have, taken then. But
 22 because those were different teams, my understanding
 23 is we -- we missed that connection.

24 Q I see. So if the folks in the advertising
 25 space were aware of the Kogan violation of

1 transferring data to Cambridge Analytica, if the
 2 dots were all sort of self-contained within one
 3 person, sounds like -- let me try to rephrase that.

4 **If somebody in political advertising team**
 5 **did know that Cambridge Analytica had been alleged**
 6 **to have taken this data and certified that it had**
 7 **deleted it, that -- then you are saying that person,**
 8 **that team, should have blocked them?**

9 A Yeah. Whoever made the decision, wherever
 10 that was escalated, after 2015 when we looked into
 11 Kogan's activity then reached out to Cambridge
 12 Analytica to get the certification, my understanding
 13 now in retrospect was that that decision was made in
 14 the context of the developer policies and not about
 15 other touch points and services that those firms may
 16 have used across the company. And I think if we'd
 17 considered that more broadly, we would have
 18 concluded that we should have stopped Cambridge
 19 Analytica from advertising then. But I think we
 20 didn't make that connection then.

21 **Q Does the term "fully managed client" mean**
 22 **anything to you on the advertising side?**

23 A Not really.

24 **Q Okay. I want to come back to something**
 25 **that I think you mentioned earlier. Tell me if I'm**

1 **if I'm remembering correctly, it's one of your first**
 2 **recollections of learning about Cambridge Analytica.**
 3 **Perhaps you had learned about them, but it was maybe**
 4 **the first time you had started taking action**
 5 **concerning Cambridge Analytica.**

6 **Do I -- do I have that right?**

7 A I think that's probably right. My guess
 8 is I heard of them before. And that this was after
 9 seeing a couple of mentions of what they were
 10 claiming to do, I wanted to ask people who I trusted
 11 what their assessment was. This was -- my guess is
 12 this is likely not the first time I'd heard of them,
 13 but early.

14 **Q All right. And you forwarded a copy of**
 15 **this Motherboard or linked to the Motherboard**
 16 **article. Can you tell me who these people are that**
 17 **you sent the email to?**

18 A Yes. (b)(6); (b)(7)(C)

19 (b)(6); (b)(7)(C)

1 **correct. I want to put an email string I think you**
 2 **kicked off on January 30th, 2017, previously marked**
 3 **as Exhibit 104.**

4 Mr. Zuckerberg, feel free to read the
 5 whole thing. I'm going to ask you about the email
 6 that kicked it off, which I believe is on page 6 on
 7 to page 7, from you that's dated January 30th, 2017.
 8 You'll see the very first email on the top of the
 9 first page of Exhibit 104 is from (b)(6); (b)(7)(C)

10 A Okay. Should I read this whole thing?

11 **Q Well, if you could turn to your email, I**
 12 **believe it's something -- if I was interpreting what**
 13 **you said earlier correctly, I think you made a**
 14 **reference to your email, this email, in your earlier**
 15 **testimony.**

16 A That's correct.

17 **Q So you sent an email on January 30th to a**
 18 **number of folks and included a link to an article**
 19 **and something called Motherboard. And you asked at**
 20 **the very end of your email: "Can someone explain to**
 21 **me what they actually did from an analytics and ad**
 22 **perspective and how advanced it actually was?"**

23 **Do you see that?**

24 A Yes.

25 **Q So it sounds like this was one of your --**

1 (b)(6); (b)(7)(C)

2
 3
 4 **Q And why did you send your question to that**
 5 **group of employees?**

6 A Well, I imagine that it was because this
 7 was a question at the intersection of data use and
 8 ads. So I wanted to ask the people who were the

9 (b)(6); (b)(7)(C)

10
 11 **Q You also mentioned (b)(6); (b)(7)(C) I**
 12 **believe earlier we were talking about this?**

13 A Yes.

14 **Q Who is (b)(6); (b)(7)(C)**

15 A (b)(6); (b)(7)(C) He wasn't on
 16 this original email, but was on I guess some of the
 17 followups.

18 **Q Right. You'll see on page 5 at the top**
 19 (b)(6); (b)(7)(C) He says: "Plus
 20 (b)(6); (b)(7)(C) as our political sales team supporting them
 21 might have more insight also."

22 And then (b)(6); (b)(7)(C) looks like, reached
 23 out to (b)(6); (b)(7)(C) who responds to part -- I think
 24 (b)(6); (b)(7)(C) includes part of her email in his
 25 response. In any of this I don't think I see any

1 reference to Aleksandr Kogan or the Guardian
2 December '15 story.

3 **Do you have an explanation as to why --**
4 **why that was?**

5 A Why I didn't ask about that?

6 Q Well, I guess let's start there. Why
7 didn't you ask about it?

8 A I don't think I was aware of that at this
9 time.

10 Q Fair enough.

11 And then can you tell me whether -- why it
12 is you think that no one sort of raised that issue
13 back to you in the context of this -- this email
14 string?

15 A Well, it's hard for me to speculate for
16 them, but my guess, if I have to, is that they were
17 just trying to answer the question that I asked. And
18 it's a sufficiently complex question that there's,
19 you know, a whole long email thread on this, and I
20 think that was just the focus of the thread.

21 Q So ultimately this did end up with (b)(6),
22 (b)(6); and she helps respond to (b)(6); (b)(7)(C). Did
23 you speak with (b)(6); (b)(7)(c) about your question or
24 about anything -- any of the questions that came up
25 in your mind about Cambridge Analytica at the time?

1 A I don't think so.

2 Q So you have no recollection of her
3 mentioning Dr. Kogan to you?

4 A That's correct.

5 Q I'm going to ask you about the article
6 that you forwarded, printout of the article from
7 Motherboard. It's been previously marked as Exhibit
8 102. I just have some broad questions about the
9 article itself. But, first of all, is this the
10 article that you forwarded that you read?

11 A It looks like it, yes.

12 Q There's a long description about someone
13 named Michal Kosinski, and then it sort of
14 transitions into a story about Alexander Nix and
15 Cambridge Analytica and some of the claims they were
16 making about psycho -- psychographics.

17 Does that sort of correspond with your
18 recollection of it?

19 A Sorry. You said --

20 Q Sure. I was just trying to give you a
21 broad overview and see if it corresponds with your
22 recollection of the story.

23 A I don't remember this story that
24 specifically, but it was, yeah, broadly about --
25 about Cambridge Analytica.

1 Q Right. So on -- in the story, I'm just
2 going to ask you about one particular part of it. It
3 is mentioned in here -- there's a photograph in the
4 middle of the exhibit of Alexander Nix standing in
5 front of a stage with a large screen behind him. The
6 caption below it says: "Alexander Nix at the 2016
7 Concordia Summit in New York."

8 You're almost there, Mr. Zuckerberg. I
9 think it's the next page.

10 A Yes.

11 Q The first full paragraph on the page
12 reads -- first sentence reads: "The methodology
13 looks quite similar to the one that Michal Kosinski
14 once developed. Cambridge Analytica also uses, Nix
15 told us, surveys on social media and Facebook data."

16 Do you recall seeing that at the time?

17 A I'm not sure.

18 Q Just in general in your recollection of
19 responding to the story or about other stories about
20 Cambridge Analytica, did you ever ask anyone on your
21 team about how -- putting aside the question of
22 whether Cambridge Analytica was using the platform
23 to advertise, if Cambridge Analytica was using
24 Facebook data in some way? Did you ever ask anyone
25 on your team?

1 A I'm not sure.

2 Q Do you have any recollection of that?

3 A No.

4 Q There's -- flipping back a few pages,
5 there's a story in Motherboard starts with kind of a
6 description of this guy named -- I guess he's a
7 professor -- Michal Kosinski.

8 Do you know who that is?

9 A No, I don't think so.

10 Q You hadn't heard of him before?

11 A No.

12 Q There's sort of a description here about
13 how he used Facebook likes to derive people's
14 personality scores similar to what Dr. Kogan did.

15 Did that strike you at the time?

16 A I don't remember.

17 Q And then according to the article,
18 Alexander Nix and Cambridge Analytica were doing
19 something similar to derive personality scores,
20 psychometrics, of voters. Is this sort of what you
21 were referring to before as sort of their overstated
22 claims about what they could do.

23 A Well, it wasn't clear to me whether they
24 were overstated or whether they were actually doing
25 something new. So that's what I wanted to -- to

1 understand.

2 **Q Got it.**

3 **Did you ask anyone at the time period of**
 4 **the email, so late January, early February, spring**
 5 **of 2017, about who Cambridge Analytica's other**
 6 **clients were other than President Trump's campaign?**

7 A I'm not sure.

8 **Q You don't have any recollection of doing**
 9 **that?**

10 A That specific question, I don't think so.

11 **Q Was your question focused specifically on**
 12 **the Trump campaign and the 2016 election?**

13 A In the email thread that we just talked
 14 about?

15 **Q Yes.**

16 A I think it was just broadly what does this
 17 firm do? It wasn't necessarily for any given -- for
 18 any given client.

19 **Q Did anyone raise to you the fact that**
 20 **Cambridge Analytica advertised on behalf of other**
 21 **clients through the Facebook platform?**

22 A I'm not sure. I think I may have had
 23 different conversations about the ecosystem of the
 24 political analytical firms and different things, and
 25 that might have come up there. But I don't think

1 through this thread.

2 **Q All right. So let's talk about that,**
 3 **those other conversations. When did those**
 4 **conversations occur?**

5 A So there was a separate thread where
 6 outside of Facebook in my philanthropic work at the
 7 Chan Zuckerberg Initiative, we were hiring a head of
 8 policy advocacy and putting together a board that
 9 could advise us on that.

10 And it was -- it's important for Facebook,
 11 because I don't want to do through CZI that adverse
 12 to Facebook's interest. So I wanted to make sure
 13 that I understood and looped in the policy leaders
 14 on the Facebook side to get them involved in the
 15 thinking for who and what direction we might want to
 16 take that work at CZI.

17 So I asked them to put together --
 18 basically help educate me on who were the people,
 19 what were the different types of approaches that we
 20 could take towards hiring a leader, and what the
 21 rest of the ecosystem was that was out there.

22 I think through that, I think there were
 23 some conversations with different firms, and
 24 Cambridge Analytica may have come up. Saw a
 25 document that suggested that it might have been

1 included in one of those during prep for this. But
 2 I don't actually remember any specific conversation
 3 about that.

4 **Q Is that something called the policy**
 5 **advisory board for the Chan Zuckerberg Institute?**

6 A Yes. So it was both putting together the
 7 policy advisory board and helping me figure out what
 8 direction we wanted to take the advocacy strategy
 9 and also what leader we should hire. So I think
 10 through this process of me getting educated on this,
 11 I think we made the decision to hire David Plouffe
 12 to run that as well as having Ken Mehlman lead the
 13 policy advisory board and put together a group of
 14 folks there.

15 **Q Were there emails that you have seen Mr.**
 16 **Mehlman forwarding information either about**
 17 **(b)(6); (b)(7)(C)**
 18 **(b)(6); (b)(7)(C)** one of the figures behind Cambridge
 19 Analytica?

20 A I don't remember that specifically, but I
 21 know that of -- I think in some of these
 22 conversations around people who were taking
 23 different approaches to the space I know the (b)(6);
 24 names came up, but I don't -- I don't remember that
 25 much. Actually, I do remember I think Ken sent me
 one article that was kind of long and I think I read

1 it, but I don't -- I don't know if we discussed it
 2 further.

3 **Q Did you ever speak with**
 4 A I don't believe so.

5 **Q Did you invite her on to the board either**
 6 **official or unofficial capacity?**

7 A I don't think so. But, again, I don't
 8 remember speaking to her, so it would have been hard
 9 to have invited her if I hadn't spoken to her.

10 **Q Do you know who was involved at Facebook?**
 11 Was that (b)(6); (b)(7)(C) who were also
 12 helping you navigate the policy decisions for the
 13 Chan Zuckerberg Institute?

14 A They were the main people who I interfaced
 15 with on the Facebook side. But it wasn't that they
 16 were directing or helping me figure out what the
 17 Chan Zuckerberg Initiative should do. It was more
 18 just that I wanted to make sure that I understood
 19 the landscape because I really wanted to make sure
 20 that CZI doesn't do anything that's in any counter
 21 to what we're trying to do at Facebook.

22 **Q So we got into this topic because you that**
 23 **there was a separate thread other than the January**
 24 **30th, 2017 thread in which Cambridge Analytica came**
 25 **up. And you mentioned this thread that you had seen**

1 involving [b](6); (b)(7)(C)
 2 A Yes.
 3 Q Perhaps involving [b](6); (b)(7)(C)
 4 [b](6); (b)(7)(C) is that -- is that right?
 5 A Yes.
 6 Q Are there any other contexts in which
 7 Cambridge Analytica came up -- came up to your
 8 attention through the 2016 campaign or into 2017?
 9 A I don't think so.
 10 Q I want to show you -- just before we put
 11 away the article, the Motherboard article that's
 12 Exhibit 102, again, just -- the article is about
 13 somebody named Michal Kosinski.
 14 I want to show you an email that Facebook
 15 produced to us. Have it marked as an exhibit. It's
 16 Bates-labeled FB CA SEC 00250627 through 62 --
 17 sorry -- 676. Have this marked as the next, Exhibit
 18 230.
 19 (SEC Exhibit No. 230 was marked
 20 for identification.)
 21 BY MR. TASHJIAN:
 22 Q The email is dated March 12, 2012.
 23 Mr. Zuckerberg, do you recognize either
 24 the email or the attachment?
 25 A No, I don't remember seeing this.

1 Q Just in terms of the person who sent it to
 2 you, it's sent from somebody named [b](6); (b)(7)(C)
 3 A Yes.
 4 Q Who is he?
 5 A He is a board member at Facebook [b](6);
 6 [b](6); (b)(7)(C)
 7 Q It's sent to you and also to [b](6); (b)(7)(C)
 8 Who is [b](6); (b)(7)(C)
 9 A [b](6); (b)(7)(C) is another director on our board.
 10 Q I take it you are a director also.
 11 A Yes.
 12 Q The subject line is Study That Just Came
 13 Out.
 14 Do you see that?
 15 A Yes.
 16 Q And then [b](6); (b)(7)(C) wrote: "Facebook
 17 public data used to infer all kinds of interesting
 18 things about people." And there's an attachment
 19 which I believe is included in the exhibit. Did you
 20 see the -- did you read the study that's attached?
 21 A I don't remember. I don't remember seeing
 22 this, but it's possible. I would typically read
 23 things that board directors send to me.
 24 Q The study is by Michal Kosinski. I'll
 25 note that on the top of the page.

1 And then the first line reads: "We show
 2 that easily accessible digital records and behavior,
 3 Facebook likes, can be used to automatically and
 4 accurately predict a range of highly sensitive
 5 personal attribute including sexual orientation,
 6 ethnicity, religious and political views,
 7 personality traits, intelligence, happiness, use of
 8 addictive substances, parental separation, age and
 9 gender."

10 Do you see that?
 11 A Yes.
 12 Q Did you discuss this article with [b](6);
 13 [b](6); (b)(7)(C) at the time?
 14 A I don't remember.
 15 Q Do you have any recollection as to why [b](6);
 16 [b](6); (b)(7)(C) was sending this to you above and beyond
 17 the message he sent to you in the email?
 18 A No. He sends me a lot of interesting
 19 things.
 20 Q Does Facebook -- Facebook has a research
 21 department, for lack of a better word; is that
 22 right?
 23 A I'm -- yes, but I'm not sure what you are
 24 referring to. Academic research? I mean, you can
 25 think about a lot of our engineering as research and

1 development. So I want to be clear.
 2 Q Fair enough. I guess academic research,
 3 then. Was there any -- are you aware of anyone at
 4 Facebook being interested in Mr. Kosinski's study
 5 and using it to develop -- or to develop possible
 6 Facebook products?
 7 A I'm not sure.
 8 Q Did you ever ask anyone to look into that?
 9 A No, I don't think so.
 10 Q I'd like to show you an article dated
 11 March 30th, 2017, in a publication called The
 12 Intercept marked as Exhibit 19 in this matter.
 13 Mr. Zuckerberg, have you seen Exhibit 19
 14 before?
 15 A Yes.
 16 Q How did it come to your attention?
 17 A Well, I've seen it preparing for this
 18 testimony.
 19 Q Yes.
 20 A And I don't remember when or how I had
 21 seen it before then.
 22 Q Had you seen it before preparing for
 23 today's testimony?
 24 A I don't remember.
 25 Q Did anyone -- do you have any recollection

1 **of anyone bringing it to your attention?**
 2 A I don't remember specifically, although it
 3 seems like the type of thing that someone could have
 4 sent me, but I don't remember specifically.
 5 **Q Just the general subject as encapsulated**
 6 **by its headline, "Facebook failed to protect 30**
 7 **million users from having their data harvested by**
 8 **Trump campaign affiliate." Do you have any**
 9 **recollection of that subject coming to your**
 10 **attention in the spring of 2017?**
 11 A I don't remember.
 12 **Q I have a Google alert with the same**
 13 **headline that was provided by Facebook.**
 14 **Can I have this marked as the next exhibit**
 15 **in order?**
 16 **(SEC Exhibit No. 231 was marked**
 17 **for identification.)**
 18 BY MR. TASHJIAN:
 19 **Q If you could take a look at Exhibit 231.**
 20 **It's been Bates-labeled FB CA SEC 00233811, dated**
 21 **March 30th, 2017.**
 22 A It's an old Google alert. The Facebook,
 23 before we changed our name.
 24 **Q Yeah, I can't explain that.**
 25 A Means I set it up in 2004.

1 **Q I see. Got it. So I take it you do have**
 2 **a Google alert?**
 3 A I guess so.
 4 **Q Do you have any recollection of other**
 5 **kinds of things coming to your attention through**
 6 **Google alert in your inbox to The Facebook?**
 7 A I don't remember specifically. People
 8 send me a lot of links. So sometimes I read them;
 9 sometimes I don't. If it seems like it's an
 10 interesting from a particularly credible person,
 11 I'll definitely try to read it. But there's also a
 12 lot of -- a lot of links that come in on a
 13 day-to-day basis.
 14 **Q Do you have any recollection of receiving**
 15 **this alert on or about March 30th, 2017?**
 16 A I don't.
 17 BY MR. MEYERHOFER:
 18 **Q Do you have an opinion of The Intercept as**
 19 **a publication? Quality; not quality. Credible; not**
 20 **credible. Anything like that?**
 21 A Not a very strong association, but I think
 22 that they do pretty good work.
 23 **Q What about the Guardian?**
 24 A I mean, that's a well-known institution.
 25 BY MS. DAVIS:

1 **Q On Exhibit 231 and also on Exhibit 19, the**
 2 **title of the article is "Facebook fails to protect**
 3 **30 million users from having their data harvested by**
 4 **Trump campaign affiliate." Is that the type of**
 5 **headline that would catch your attention ordinarily?**
 6 I mean, you say you read some things and other
 7 things you may not read.
 8 A Probably yes. I don't remember seeing the
 9 headline and making a decision that I thought this
 10 was not a credible thing and I shouldn't read it. I
 11 may have read it. I may have not seen a link. I'm
 12 not sure.
 13 In general, though, there are a lot of
 14 people who write quite sensationalist headlines
 15 about things, and it's not always clear whether
 16 something is going to be useful or interesting. But
 17 I think your question before about who wrote it is a
 18 pretty relevant one in deciding whether you want to
 19 engage with something and consider it.
 20 BY MR. TASHJIAN:
 21 **Q We're going to have an email string.**
 22 **Subject line is RE Thursday draft. It's dated**
 23 **September 20th, 2017. There's a long string. I**
 24 **just have a question about one portion of it. It's**
 25 **been Bates-labeled FB CA SECA 00235345 through 362.**

1 **May I have this marked as Exhibit 232.**
 2 **(SEC Exhibit No. 232 was marked**
 3 **for identification.)**
 4 BY MR. TASHJIAN:
 5 **Q If you could take a look at Exhibit 232.**
 6 **Just to orient you, Mr. Zuckerberg, this is from the**
 7 **late summer, early fall of 2017. It's in your email**
 8 **here. I'm not telling you anything you don't know,**
 9 **but I think you were coming back from parental**
 10 **leave, and you were going to be doing a presentation**
 11 **on something called Facebook Live after you came**
 12 **back to work.**
 13 I have a question just about the initial
 14 draft of this email that starts on the last couple
 15 of pages. It actually starts on page 359.
 16 A Okay. Starts on 359, okay.
 17 **Q You see it says from Mark Zuckerberg,**
 18 **Saturday 16, 2017, to a number of people, and the**
 19 **subject line is Thursday draft.**
 20 **Do you see that?**
 21 A Which page are we on?
 22 **Q 359.**
 23 A Yes, okay.
 24 **Q You with me?**
 25 A Yes. What do you want me to look at?

1 Q So, first of all, can you tell me just
 2 what was going on, and why you wanted to communicate
 3 something from -- on Facebook Live after you came
 4 back to the office from your parental leave.

5 A Yes. So when I was on parental leave
 6 after my second daughter was born, that was when we
 7 communicated that we had found instances of ads that
 8 seemed to be traced back to -- to the IRA or to
 9 potential Russian actors in the election.

10 Q And why did you want to speak about that?

11 A Because that's very serious. People had
 12 been -- there had been some questions about whether
 13 Russia had tried to interfere in the election by
 14 doing things that they shouldn't have done. And I
 15 wanted to make sure that I addressed what we knew
 16 and the steps that we were taking to make sure that
 17 it would be difficult for nation states to interfere
 18 in similar or other ways in the future.

19 Q So the text below the dots on page 359
 20 starts: "Hey, everyone. Today is my first day back
 21 in the office." Continues on for a couple of pages.
 22 Was this written by you or do you have a team of
 23 folks that write something?

24 A I wrote it and ran it by a number of
 25 people that would offer edits.

1 election on Facebook, and I want to share some more
 2 detail on our investigation."

3 Do you see that?

4 A Yes.

5 Q Does that sound like something you wrote?

6 A Yes.

7 Q Then after the in line caps in brackets,
 8 it looks like you wrote: "We are already looking
 9 into foreign actors including Russian intelligence,
 10 actors in other former Soviet states and
 11 organizations like Cambridge Analytica."

12 Do you see that?

13 A Yes.

14 Q Is that something that you wrote at the
 15 time?

16 A I believe that that was the first draft of
 17 what I wrote, yes.

18 Q So what I'm wondering about is what
 19 investigations into Cambridge Analytica you were
 20 referring to.

21 A So my understanding is that when we became
 22 aware of these Russian ads, we wanted to know what
 23 else was going on on the platform like that. So we
 24 looked into a set of other organizations, whether
 25 Russia or other former Soviet states were doing

1 Q Just so -- I think we're on the same page.
 2 One of the people you sent it to is somebody named
 3 (b)(6); (b)(7)(C) Who is that? (b)(6); (b)(7)(C)

4 A (b)(6); (b)(7)(C)

5 Q Got it. So he -- just to orient you, I
 6 think he responds. And then he says "I have
 7 also" -- and also he has some notes in line in caps.
 8 So I think in the portion I'm going to read you, the
 9 portion that are in all caps in brackets seem to be
 10 coming from (b)(6); (b)(7)(C) Is that a fair assumption?

11 If you look at page 358, the very top,
 12 there's a long bullet list. At the very top he
 13 says: "Here's our consolidated feedback." And also
 14 some notes in line in caps.

15 A Okay. Then, yes.

16 Q I just wanted to distinguish what you
 17 wrote and what (b)(6); (b)(7)(C) put in. So the part that
 18 I'm interested in is at page 360 at the bottom.

19 A Okay.

20 Q The very last paragraph that starts
 21 "first." Do you see that?

22 A Yes.

23 Q So I'll just read it and then you tell me
 24 if you wrote it and what it means. "So, first, it's
 25 important to understand what happened in our

1 similar things, whether any other actors, even if
 2 they had been presumed to be legitimate, were
 3 engaging in a similar pattern of activity.

4 Q Was there -- to the best of your
 5 knowledge, was there an investigation into Cambridge
 6 Analytica at the time? Did that refer to anything
 7 in particular?

8 A I think what this was referring to was we
 9 had a number of conversations around next steps that
 10 we would take internally. And then I just wrote
 11 that out as a draft and what I would say. I think
 12 for a number of reasons we ended up not including
 13 this in the final copy because we didn't want to
 14 single out specific organizations or -- or name
 15 specific folks we were looking into.

16 But I don't know that this inclusion was
 17 based on much more than just the internal
 18 conversations we had about leads for people or
 19 organizations or governments that we thought that we
 20 should look into further.

21 Q I see. So you anticipated my next
 22 question which was you didn't make a mention of
 23 Cambridge Analytica when you went live, at least
 24 according to the transcript that we have?

25 A That's my understanding.

1 **Q** Can you tell us why -- why you took out
 2 the reference to Cambridge Analytica?

3 A I think [b6] had a comment later that he
 4 thought that we shouldn't be referencing specific
 5 organizations. I don't remember exactly, but
 6 that's -- that's my recollection.

7 **Q** Were you just referring to [b6]; [b7C]

8 A Yes.

9 **Q** Did you -- did you recall any kind of
 10 pushback within Facebook particularly around
 11 mentioning Cambridge Analytica?

12 A I don't -- I don't remember. I mean, it's
 13 pretty normal, though, when I'll write a first draft
 14 of something it's more "here's everything I'm
 15 thinking about on this." And then people will offer
 16 a bunch of feedback. And this was not something I
 17 think was particularly important to the overall
 18 communication. So I think when people raised this,
 19 I just took it out.

20 **Q** Got it.

21 BY MR. MEYERHOFER:

22 **Q** What were you specifically aware of at
 23 that time about Cambridge Analytica that caused you
 24 to put it into that first draft?

25 A I don't -- I don't know. I don't

1 out there that advertise on Facebook but you chose
 2 to single out Cambridge Analytica. And [b6];
 3 writes "that storyline has been out there for a long
 4 time."

5 **So what other issues about Cambridge**
 6 **Analytica were you aware of or did you discuss with**
 7 **your group that you sort of alluded to?**

8 A I don't think I have any more context or
 9 memory besides what I've testified to on this.

10 **Q Okay. When you said that you -- I think**
 11 **you alluded to a group of -- you had sort of talked**
 12 **about Cambridge Analytica and you didn't recall any**
 13 **more detail. Who was the group that you had**
 14 **discussed Cambridge Analytica with?**

15 A I don't remember. I assume that it would
 16 have included [b6]; probably [b6]; probably folks
 17 on our security team who have been involved in doing
 18 these type of investigations, but I don't remember
 19 specifically.

20 **Q What types of investigation would your**
 21 **security team have been doing?**

22 A Trying to find patterns of activity in --
 23 in terms of trying to find actors who might have
 24 been doing something that they weren't supposed to
 25 be by basically using having our systems detect

1 remember. I think my best guess is that is what I
 2 just testified to a moment ago, that we had some
 3 internal conversations about other risk areas where
 4 there might be organizations or governments that
 5 could be doing something similar to what we had
 6 found that Russia had done. And we wanted to make
 7 sure we tracked all of that down. I think one of
 8 the leads that someone might have mentioned was
 9 Cambridge Analytica. I don't remember what basis
 10 for that was. I don't -- I don't really have any
 11 more context than that.

12 BY MS. DAVIS:

13 **Q** [b6]; [b7C] parenthetical there in all caps
 14 says -- after you write about Cambridge Analytica,
 15 he says: "This feels like a surprise that we are
 16 only just now looking into Cambridge
 17 Analytica...that storyline has been out there for a
 18 long time."

19 **So did you do -- did you do anything at**
 20 **that point in response to [b6]; [b7C] comment there**
 21 **in terms of Cambridge Analytica, it would have been**
 22 **out there about Cambridge Analytica?**

23 A I don't -- I don't know.

24 **Q** And to Mr. Meyerhofer's point, there were
 25 a number of different organizations and companies

1 abnormal patterns of activity and what they were
 2 doing.

3 **Q Did Cambridge Analytica fit into that**
 4 **category as a September 2017?**

5 A I'm not sure. I think the question is
 6 whether we -- this is a very vague recollection I'm
 7 just putting out here for -- for completeness and,
 8 to some extent, conjecture as to how this got here.
 9 But I think that these were intended to be
 10 organizations or governments or places that we
 11 should look into, not that we concluded those
 12 investigations.

13 BY MR. TASHJIAN:

14 **Q So I have two more I think fairly brief**
 15 **topics, and perhaps we can take a short break and**
 16 **assess where we are. Shouldn't take terribly long**
 17 **here.**

18 **So correct me if I'm wrong, it sounds like**
 19 **you generally became aware following the 2016**
 20 **general election of reports in the media about**
 21 **Cambridge Analytica and perhaps some of the claims**
 22 **that Cambridge Analytica was making at the time.**

23 A Sorry. Say that again.

24 **Q So after the election, after November**
 25 **2016, it sounds based on your -- like, based on your**

1 earlier testimony, that you became sort of generally
 2 aware of media reports about Cambridge Analytica and
 3 the kinds of claims that the company was making; is
 4 that fair to say?

5 A Yes.

6 Q I also take it from your testimony that at
 7 that time you were -- you don't have a recollection
 8 of being aware of the Kogan/Cambridge Analytica data
 9 transfer that was reported in December 2015?

10 A What is that time?

11 Q Sorry. In --

12 A When I learned about Cambridge Analytica
 13 in the first place?

14 Q That's right.

15 A Yes.

16 Q So can you tell us why in the spring of
 17 2017, why you believe that Facebook didn't put out a
 18 statement disclosing something similar to what you
 19 disclosed in your post on March 21st, 2018 about
 20 what it knew about Cambridge Analytica, the data
 21 that it had obtained, and the certifications that
 22 you believed the company had made to you?

23 A You're asking why we didn't put out a
 24 communication like that?

25 Q Yes, that's right.

1 A I don't think that that was a thing that a
 2 lot of people were asking about. So I'm not sure
 3 that it would have made sense to communicate about
 4 that then.

5 There were are two different kind of
 6 threads here. One is what they were doing on the
 7 advertising side and what happened on the data
 8 access side. And I think they were both relevant
 9 things for us to understand and look into, but
 10 they're not necessarily the same -- the same topic.

11 Q I understand. We looked at, though, The
 12 Intercept article that talks about Cambridge
 13 Analytica harvesting data from Facebook users and
 14 using that. So that was something that was in the
 15 public sphere even if you weren't quite aware of
 16 that particular article.

17 I'm just wondering what your best
 18 testimony is about why you think the company at the
 19 time, in the spring of 2017, didn't disclose what it
 20 knew about the prior incident that had occurred and
 21 been reported in December 2015.

22 A Yeah. My best understanding of this is
 23 that we became aware of this as an organization in
 24 2015, took the actions that we thought needed to
 25 happen, so that we terminated the developer's access

1 from the platform, and then got these certifications
 2 that the data wasn't being used and had been
 3 deleted.

4 So internally my understanding is we
 5 considered this a closed case until 2018 when new
 6 allegations came up that suggested that maybe
 7 Cambridge Analytica had lied to us in their
 8 disclosure, and there was more action that needed to
 9 be taken.

10 Q Just as a factual matter, did you have any
 11 discussions in the spring of 2017 about disclosing
 12 what Facebook knew about the prior certification?

13 A I don't believe so, because I don't
 14 believe I talked about this topic overall, the
 15 Cambridge Analytica data access with Kogan, until
 16 the March 2018 articles came out.

17 Q The other topic I want to touch on briefly
 18 is I believe you -- Facebook published in print an
 19 apology from you in March 2018, some sort of apology
 20 that was printed out.

21 Do I have that right?

22 A I think so, yes.

23 Q Can you just tell me what -- what were you
 24 apologizing for?

25 A Well, people were -- people were upset

1 that we hadn't prevented this bad action from
 2 happening. And I think that in retrospect in 2014,
 3 we took steps that would have prevented -- or we
 4 announced the steps in the platform that we then
 5 rolled out over the next year that would have
 6 prevented something like the Kogan app from being
 7 able to access the data that it did which it then
 8 sold to Cambridge Analytica.

9 And if we had made the changes faster, so
 10 instead of 2014, started to roll it out over 2015,
 11 if we had been a year faster at that, then we may
 12 have been able to prevent this whole situation from
 13 having happened. So I think people were
 14 understandably upset about the idea that their data
 15 might have been used in some way they didn't want
 16 to.

17 And at the end of the day, even though
 18 this was a developer who broke our policies, I view
 19 it as our responsibility to protect people's
 20 information on our service. So that's the sentiment
 21 that I wanted to convey.

22 Q So if, in your opinion, Facebook had made
 23 a mistake, it was in not rolling out the changeover
 24 to Graph API Version 2 a year earlier. Did I
 25 understand you correctly?

1 A Well, there were a number of mistakes, but
 2 I think this whole situation could have been
 3 prevented had we rolled that out sooner.
 4 **Q What were the other mistakes in your**
 5 **opinion?**
 6 A Well, we've talked about a few in terms of
 7 not connecting the dots on Cambridge Analytica using
 8 the ad system although they weren't a developer. So
 9 there were a few internal things like that. I mean,
 10 you can always do a postmortem on any big situation
 11 like this and come up with a number of things that I
 12 wished we'd handled differently.

13 **Q It -- it sounded to me, tell me**
 14 **if I've got this wrong, push back however you like,**
 15 **but it sounded to me like from your earlier**
 16 **testimony that, at least in your opinion, based on**
 17 **what Facebook knew at the time following the**
 18 **Guardian article, that it didn't make a mistake. It**
 19 **was relying on the process that -- on the best**
 20 **information that it had at the time.**

21 A I think that's right.

22 **Q So I'm wondering, then, if Facebook didn't**
 23 **make a mistake in disclosing this earlier just**
 24 **beyond an earlier rollout of the Graph API Version**
 25 **2, and not connecting the dots and banning Cambridge**

1 **Analytica from the ad platform, what really in your**
 2 **opinion, then, was the mistake?**

3 A Well, I think you need to separate out
 4 once we became aware of the issues in our
 5 organization in 2015, it does seem to me that the
 6 steps that our team made to investigate it, to
 7 terminate the developer, to get the certification,
 8 to make sure that the data was deleted, those seem
 9 like the appropriate steps to me.

10 That's a separate thing from the fact that
 11 had we rolled out these platform changes a year
 12 sooner, we could have prevented that situation from
 13 happening completely. I don't think at the time
 14 that we learned about this in 2015, it was a mistake
 15 to not roll out the changes because we'd already
 16 announced that we were rolling out the changes. So
 17 we were already kind of doing what needed to be done
 18 to prevent this from happening again going forward.

19 **Q All right. Why don't we go off the**
 20 **record?**

21 VIDEO OPERATOR: Going off the record. The
 22 time is 3:29 p.m.

23 (A brief recess was taken.)

24 VIDEO OPERATOR: We're back on the record
 25 at 3:38 p.m.

1 BY MR. TASHJIAN:

2 **Q Mr. Zuckerberg, during the short break can**
 3 **you confirm that you didn't speak with SEC staff**
 4 **about the substance of your testimony?**

5 A Yes.

6 **Q All right. We're just about wrapped up.**
 7 **I wanted to know before we go if there's**
 8 **anyone other than your attorneys with whom you have**
 9 **spoken about your testimony here today.**

10 A No.

11 **Q Has anyone else at Facebook spoken to you**
 12 **about their testimony or meetings with the SEC?**

13 A Not their testimony or their meetings, no.

14 **Q Anything else about their review of**
 15 **perhaps documents in connection with appearing**
 16 **before the SEC?**

17 A The only person who mentioned their prep
 18 or they were going in to testify wa**(b)(6);**
(b)(7)(C)

19 A Yes.

20 **Q What did she tell you?**

21 A That she had testimony. Her office is
 22 right next to mine, so I could see when these guys
 23 showed up to do prep for -- for her. That was --
 24 that's most of it.

1 The only -- she flagged some document very
 2 briefly. We were having a phone conversation about
 3 something else, and she mentioned that in her prep.
 4 There was some document that I guess we'd found that
 5 I guess after a lot of the stuff she had made a note
 6 like "what is Cambridge Analytica?" Which she's,
 7 like, "okay, well, that shows that some of the stuff
 8 hadn't been raised."

9 But other than that, that was a passing
 10 comment, I haven't really discussed any of the
 11 substance of this with anyone except the lawyers.

12 **Q Sorry. Just to be clear, what was the**
 13 **import of that document to****(b)(6); (b)(7)(C)**

14 A I think the fact that she was asking about
 15 what Cambridge Analytica is at a certain date, she
 16 felt suggested that it was clear that something
 17 hadn't been raised to her before that. But it was a
 18 passing comment on a phone conversation while we
 19 were talking about something else.

20 **Q Other than that one particular document**
 21 **and****(b)(6); (b)(7)(C)** **was there anyone else you spoke**
 22 **with about coming into the SEC?**

23 A **(b)(6); (b)(7)(C)**

24 **Q Anyone else other than your****(b)(6);**
(b)(7)(C)

25 A I don't think so.

1 Q (b)(6); (b)(7)(C)
 2 A My assistant.
 3 **Q Your assistant.**
 4 A Yeah (b)(6); (b)(7)(C) would not know what
 5 this is. They are (b)(6); (b)(7)(C)
 6 **Q All right. We don't have any further**
 7 **questions at this point. We may be -- there may be**
 8 **an occasion in which we need to get in touch with**
 9 **you again. If we need to, we'll contact one of your**
 10 **lawyers and handle it that way.**
 11 **Do you want to clarify or add anything to**
 12 **your testimony?**
 13 A No. I think this has been pretty
 14 complete.
 15 MR. TASHJIAN: Counsel, do you have any
 16 clarifying questions?
 17 MR. NEADERLAND: No, we do not.
 18 MR. TASHJIAN: All right. Why we go off
 19 the record?
 20 VIDEO OPERATOR: This concludes the
 21 testimony of Mark Zuckerberg. The time is 3:41 p.m.
 22 and we are going off the record.
 23 (Whereupon, at 3:41 p.m., the examination
 24 was concluded.)
 25 *****

PROOFREADER'S CERTIFICATE

1 In the Matter of: FACEBOOK, INC.
 2 Witness: Mark Elliot Zuckerberg
 3 File Number: SF-04223-A
 4 Date: Tuesday, February 19, 2019
 5 Location: San Francisco, California

6
 7 This is to certify that I, (b)(6); (b)(7)(C)
 8 (the undersigned), do hereby certify that the
 9 foregoing transcript is a complete, true and
 10 accurate transcription of all matters contained on
 11 the recorded proceedings of the investigative
 12 testimony.

13 _____
 14 _____
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CERTIFICATE OF REPORTER

1
 2
 3
 4 I, (b)(6); (b)(7)(C) a Certified Shorthand
 5 Reporter, hereby certify that the proceedings were
 6 taken down in shorthand by me, a disinterested
 7 person, at the time and place therein stated, and
 8 that the proceedings of the said proceedings were
 9 thereafter reduced to typewriting, by computer,
 10 under my direction and supervision;

11 I further certify that I am not of
 12 counsel or attorney for either or any of the parties
 13 to the said proceedings, nor in any way interested
 14 in the event of this cause, and that I am not
 15 related to any of the parties thereto.

16 DATED: February 24, 2019

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 21 (b)(6); (b)(7)(C)
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