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ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

March 22, 2012

Mr. Damien Patton
Founder and Chief Executive Officer, Banjo Inc.
811 Hamilton Street, Suite 200
Redwood City, CA 94063

Dear Mr. Patton:

Last month, a developer of applications ("apps") for Apple's mobile devices discovered that the social networking app Path was accessing and collecting the contents of his iPhone address book without having asked for his consent.[1] Following the reports about Path, developers and members of the press ran their own small-scale tests of the code for other popular apps for Apple's mobile devices to determine which were accessing address book information.[2] Around this time, three other apps released new versions to include a prompt asking for users' consent before accessing the address book.[3] In addition, concerns were subsequently raised about the manner in which apps can access photographs on Apple's mobile devices.[4]

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[1] Arun Thampi, *Path Uploads Your Entire iPhone Address Book to Its Servers*, mclov.in (Feb. 8, 2012) (available at www.mclov.in/2012/02/08/path-uploads-your-entire-address-book-to-their-servers.html).

[2] *See, e.g.,* Dieter Bohn, *iOS Apps and the Address Book: Who Has Your Data, and How They're Getting It*, The Verge (Feb. 14, 2012) (available at www.theverge.com/2012/2/14/2798008/ios-apps-and-the-address-book-what-you-need-to-know); Matthew Panzarino, *What iOS Apps Are Grabbing Your Data, Why They Do It and What Should Be Done*, The Next Web (Feb. 15, 2012) (available at www.thenextweb.com/insider/2012/02/15/what-ios-apps-are-grabbing-your-data-why-they-do-it-and-what-should-be-done/); Jennifer Van Grove, *Your Address Book is Mine: Many iPhone Apps Take Your Data*, VentureBeat (Feb. 14, 2012) (available at www.venturebeat.com/2012/02/14/iphone-address-book/).

[3] *Id.*

[4] Nick Bilton, *Apple Loophole Gives Developers Access to Photos*, The New York Times (Feb. 28, 2012) (available at www.bits.blogs.nytimes.com/2012/02/28/tk-ios-gives-developers-access-to-photos-videos-location/).

We are writing to you because we want to better understand the information collection and use policies and practices of apps for Apple's mobile devices with a social element. We request that you respond to the following questions regarding the Ban.jo app:

(1) Through the end of February 2012, how many times was your iOS app downloaded from Apple's App Store?

(2) Did you have a privacy policy in place for your iOS app at the end of February 2012? If so, please tell us when your iOS app was first made available in Apple's App Store and when you first had a privacy policy in place. In addition, please describe how that policy is made available to your app users and please provide a copy of the most recent policy.

(3) Has your iOS app at any time transmitted information from or about a user's address book? If so, which fields? Also, please describe all measures taken to protect or secure that information during transmission and the periods of time during which those measures were in effect.

(4) Have you at any time stored information from or about a user's address book? If so, which field? Also, please describe all measures taken to protect or secure that information during storage and the periods of time during which those measures were in effect.

(5) At any time, has your iOS app transmitted or have you stored any other information from or about a user's device – including, but not limited to, the user's phone number, email account information, calendar, photo gallery, WiFi connection log, the Unique Device Identifier (UDID), a Media Access Control (MAC) address, or any other identifier unique to a specific device?

(6) To the extent you store any address book information or any of the information in question 5, please describe all purposes for which you store or use that information, the length of time for which you keep it, and your policies regarding sharing of that information.

(7) To the extent you transmit or store any address book information or any of the information in question 5, please describe all notices delivered to users on the mobile device screen about your collection and use practices both prior to and after February 8, 2012.

(8) The iOS Developer Program License Agreement detailing the obligations and responsibilities of app developers reportedly states that a developer and its applications "may not collect user or device data without prior user consent, and

then only to provide a service or function that is directly relevant to the use of the Application, or to serve advertising."[5]

(a) Please describe all data available from Apple mobile devices that you understand to be *user* data requiring prior consent from the user to be collected.

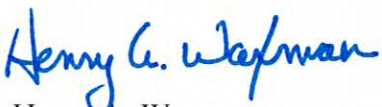
(b) Please describe all data available from Apple mobile devices that you understand to be *device* data requiring prior consent from the user to be collected.

(c) Please describe all services or functions for which user or device data is directly relevant to the use of your application.

(9) Please list all industry self-regulatory organizations to which you belong.

Please provide the information requested in writing no later than April 12, 2012. If you have any questions regarding this request, contact Felipe Mendoza with the Energy and Commerce Committee staff at 202-226-3400.

Sincerely,



Henry A. Waxman
Ranking Member

G.K. Butterfield
Ranking Member
Subcommittee on Commerce,
Manufacturing, and Trade

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[5] John Paczkowski, *Apple: App Access to Contact Data Will Require Explicit User Permission*, All Things D (Feb. 15, 2012) (available at www.allthingsd.com/20120215/apple-app-access-to-contact-data-will-require-explicit-user-permission/).