

Congress of the United States Washington, DC 20515

July 21, 2022

Mr. Shou Zi Chew
Chief Executive Officer
TikTok
5800 Bristol Parkway
Culver City, CA 90230

Dear Mr. Chew:

We are writing to raise concerns over the use of TikTok by minors,¹ and potential national security risks from use of the platform by both adults and minors.²

While TikTok claims to support an online community for artists, activists, and creators, there is an obligation to ensure the information shared by consumers, both passively and intentionally, is being administered in a transparent way that conforms with existing federal law. We are also concerned that Americans' data could be utilized by the Chinese Communist Party (CCP) without consumer consent and for illicit purposes.

The CCP has made it clear it is willing to use cyberwarfare tactics to breach United States institutions, steal intellectual property, collect data on U.S. citizens, and access the systems that control our critical infrastructure. Most recently, we have been made aware that certain employees outside the United States can access U.S. consumer data and information, including public videos and comments³. Additionally, the 130 million active users in the United States do not know the extent of control that the Chinese government has over China-based social media platforms, including TikTok and its affiliates. Any sharing of data collected by TikTok with the PRC government or CCP would be unacceptable, as it could support or enhance existing Chinese cyber intrusions targeted at American organizations and individuals.

¹ Zhong, Raymond. "A Third of TikTok's U.S. Users May Be 14 or Under, Raising Safety Question" *The New York Times*, 17 Sep. 2020, <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>

² ByteDance's other subsidiaries and affiliate entities: <https://www.bytedance.com/en/products>

³ Barinka, Alex. "TikTok Confirms Some China-Based Employees Can Access US User Data." *Bloomberg.com*, 1 July 2022, <https://www.bloomberg.com/news/articles/2022-07-01/tiktok-says-some-china-based-employees-can-access-us-user-data>

We are particularly concerned about the safety of data of child/minor users on these platforms. TikTok does not provide any guidance on its data security protocols, but discloses that it shares its data among its affiliated entities.⁴ This aggregated data can be shared and sold, which raises serious concerns for the safety of child users, their IP addresses, and other personal information. This data can not only be used to detect the travel and financial habits of Americans, but it could also yield sensitive information about their relationships, behaviors, preferences, and vulnerabilities.⁵ If this data was shared with any foreign nations, it would represent a vital national security risk, which I would urge Congress and the Administration to address.

In February of 2021, TikTok agreed to a \$92 million class-action settlement over data privacy claims from US TikTok users that it harvested personal data from users without their consent.⁶ This agreement was preceded by the Federal Trade Commission fining Musical.ly in 2019 — now known as TikTok — \$5.7 million for knowingly collecting the names, email addresses, pictures, and locations of children under the age of 13 without parental consent, a record penalty for violations of U.S. child privacy law. We are asking you to provide by December 1, 2022, the following information:

1. Your current compliance guidelines with the Children’s Online Privacy Protection Act (COPPA) including how you verify age and identity;
2. The parental controls you provide and how they are designed to ensure COPPA compliance;
3. The user data you collect from the accounts of minors and the business purposes behind this practice;
4. Your data collection practices for adult users;
5. The cybersecurity practices in place to protect consumer privacy including addressing potential risks to a user’s individual identity being revealed from your aggregate collection;
6. Whether TikTok shares user data with the government officials, agents, contractors, or political parties of a foreign nation. If user data is shared, please provide your policies for sharing user data with both U.S. and foreign government officials, agents, or political parties when requested both formally and informally;
7. The data sharing practices and ownership structure of your affiliate organizations including ByteDance.

⁴ TikTok Privacy Policy “We may share all of the information we collect with a parent, subsidiary, or other affiliate of our corporate group.” <https://www.tiktok.com/legal/privacy-policy-us?lang=en>

⁵ Newman, Lily Hay. “If China Hacked Marriott, 2014 Marked a Full-on Assault,” *Wired*, 12 Dec. 2018, <https://www.wired.com/story/marriott-hack-china-2014-opm-anthem/>.

⁶ Sung, Morgan. “That TikTok notification about a settlement payment isn’t a scam. Here’s what to know.” *NBC News* 16 Nov. 2021 <https://www.nbcnews.com/news/us-news/need-know-tiktoks-class-action-lawsuit-rcna5781>

Thank you for your attention to this request, we look forward to hearing from you on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gottheimer".

Josh Gottheimer
Member of Congress

A handwritten signature in blue ink, appearing to read "Brian Fitzpatrick".

Brian Fitzpatrick
Member of Congress