12 July 2019

United States Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Via: secretary@ftc.gov

Re: Extending Facebook Interoperability as a Remedy

Dear Members of the Federal Trade Commission:

It is our understanding that Facebook has the intention and capacity to merge portions of data stores and extend interoperable functionality from the Facebook platform and Messenger to WhatsApp and Instagram.

The innovation and technical advancements in order to create interoperability of platforms and messaging services with end-to-end encryption (e2ee) is an advancement to be applauded; however, they do not come without concerns over competition and innovation in the future. Facebook's intention to merge metadata from WhatsApp and Instagram into the Facebook social graph presents the opportunity for interoperability to be extended to social media web clients, native apps and mobile web apps not owned or controlled by Facebook, but also has the possibility to further solidify Facebook's dominance in the social media market.

The merging of users' personal data and re-architecturing of platform protocols would allow for interoperability, but at present, Facebook only intends to extend this capability to Facebook-owned entities. Should the Federal Trade Commission (FTC) propose divestitures of certain services, such as Instagram or Whatsapp, the technical interweaving of user data Facebook intends to undertake would make this process more complicated and perhaps impossible in some implementations.

We propose the FTC consider the proposed action by Facebook as an opportunity to address certain anti-competitive actions by Facebook that harm consumers, while enhancing and not undermining technical innovation in the services Facebook and other social networking clients offer.

This letter does not provide an extensive discussion of the negative aspects of monopoly power for the Facebook social network services, but they can be summarized as follows.

Interface. In order to have the benefits of sharing data and interacting with Facebook members, users are required to use the Facebook interface and the related services, which may or may not best suit particular users' needs. This can be contrasted with other Internet services, such as email clients or web browsers, for which the users can choose among several options, including ones that a user finds easiest to use.

Privacy. Users are forced to share more data than some would choose with Facebook, a company that has a deplorable record in respecting promises to users and regulators regarding privacy, and a company which has no incentive to improve the protection of privacy. Users do not have the opportunity to choose a competing service that treats and shares data differently.

Content and Conduct Regulation. Users are impacted by Facebook's methods of regulation (or lack thereof) of content *and* conduct, as well as editorial control and manipulation of newsfeeds and other content, which users may object to or prefer alternative policies, and for which they have little or no ability to influence.

The FTC is asked to impose obligations on Facebook to extend limited interoperability and data portability between Facebook and non-affiliated social network services. The scope of access we propose is limited and more restricted than API access currently offered to third parties using Facebook Connect.

We define the following terms for use in our proposed remedy.

Social Network is defined as one or more Internet services that enable participants to interact, including possibly updating personal information and sharing status updates, including text, links to news stories and web pages, photographs, and videos, as well as reactions and interactions.

Facebook Platform means the Facebook service that is accessible on the web client, native apps and the mobile web apps that allow users to connect to users they have chosen online.

Network Externalities are defined as benefits to users of interacting with a larger network.

Social Network Core Functionality is defined as the basic services considered for offering a social network product, meaning the ability to connect users to the contacts they have chosen online, to form and maintain groups, to update personal information, and to share status updates, including text, links to news stories and web pages, photographs, videos, and reactions to status updates, subject to policies and user preferences on privacy and other issues.

Social Graph refers to Facebook's network of contacts associated specific to individual users that maps their connections to friends, including unique identifiers and associated metadata of connections to friends. In the case of Facebook, the company coined the term 'Social Graph' and uses GraphAPI to access this network. GraphAPI has a specific protocol for the social graph consisting of 'nodes', 'edges' and 'fields'. In order to reach a field, one must access an edge and in order to access an edge, one must access a node.

Node is defined for Facebook's Social Graph as an object of a social graph, most importantly user ID, but also including pages, photos or comments.

Edge is defined for Facebook's Social Graph as a connection between two nodes, such as the connection of a user to a 'friend' on Facebook. The plural, **edges**, means a collection of connections between nodes. These connections may be further sub-typed, such as the 'likes' between two users.

Fields is defined for Facebook's Social Graph as the associated metadata to a node that provides context and additional related information. This includes dates associated with user uploads, inputted names of objects, number of reactions to an object and additional information.

Essential Social Graph is defined as the elements of a social graph that only extend to nodes representing users and the edges and nodes associated to those users. The World Wide Web Consortium (W3C) Social Web Working Group compiled a set of recommended standards for an essential social graph in December 2017, found under [Social Web Protocols](#) (W3C Working Group Note 25 December 2017).

Essential protocol interoperability means a level of interoperability that is compatible for use on different platforms. A recommended technical protocol of this is the [WebSub](#) and [ActivityPub](#) (W3C Recommendation 23 January 2018). WebSub provides a communication framework between different publishers, or platforms. ActivityPub is a client to server Application Programming Interface (API) and is based on Activity Streams 2.0, both of which are compatible to JSON formatted data, which is compatible with current data portability standards Facebook provides.

The remedies to Facebook's unlawful conduct would include the following.

1. Require Facebook to implement the essential protocol interoperability, using WebSub and ActivityPub protocols specified by the W3C. This protocol would be implemented across the Facebook Platform.

2. Require Facebook to provide third party social network services access to data from the essential social graph at a user's request.

3. In the spirit of privacy, require that users would have to affirmatively opt-in to adding personal data from other platforms to their Facebook Social Graph.

4. Require Facebook to propose a set of requirements and procedures for third party services to qualify for and maintain essential protocol interoperability, to be administered by a third party, jointly funded by Facebook and the qualifying services, under an independent governance structure. This will be referred to as the Social Network Interoperability Board, or SNIB.

Social Network Interoperability Board

Several structures for the SNIB are possible. We suggest one possible governance structure, although we are open to others.

We suggest the SNIB be incorporated as a non-profit organization in the State of California, a state with favorable laws as regards transparency and accountability for non-profit organizations. In addition, we propose that the SNIB include in its incorporation charter and bylaws, strong assurances of transparency, including finances, decision making and management of conflicts of interest.

The board of directors of the SNIB should include representatives from different groups and constituencies, serving two year terms. We propose the following representation:

- 1 member from the largest social network, as measured by revenues.
- 1 member elected by the 10 largest competitors.
- 1 member chosen by the Internet Engineering Task Force (IETF).
- 1 member chosen by The World Wide Web Consortium (W3C).
- 1 member chosen by the The National Association of Attorneys General (NAAG).
- 1 member chosen by the Association of Internet Researchers.
- 1 member, elected by the other members, who has no financial ties to any relevant commercial service, and whose addition to the board will enhance geographic and gender diversity, and will have the capacity to and record of representing the interests of users.

Information on the proposed groups is found in the Annex.

Advantages of and Limits to Interoperability Remedies

By implementing proposed interoperability remedies, it is possible to introduce more competition to the core services provided by Facebook, without eliminating the network effects for users. The advantage of such an approach is to give users more choices as to the clients they use to interact with their social networks. We anticipate that this will lead to increased innovation in the areas of user interfaces and ancillary services, and greater responsiveness to user preferences regarding privacy and the filtering of and policies about content.

There will continue to be an important role for governments in protecting users from harmful policies, particularly regarding the protection of personal privacy and addressing deceptive marketing and other practices. The strengths of the interoperability remedies will be to accommodate situations where users have different preferences concerning user interfaces and policies on privacy and appropriate content.

Addressing filters on hate speech, fake news, and manipulating news feeds are areas where direct government oversight is most problematic, and present the greatest risks to freedom. In taking on these issues, approaches that permit competition among social network clients, and interactions

between social media clients that have different policies but also respect user preferences, offer better solutions than direct government regulation.

With increased interoperability, it is important that services are able to respect user preferences, and that there is the capacity to investigate and a remedy for failure to do so. The SNIB should have a clear mandate and the authority to have robust safeguards to ensure that new clients that join the interoperable framework operate at acceptable standards of compliance.

It will be key that the remedy ensures transparency of companies' failures to comply, and allows users the freedom to choose a different service when weak policies on privacy or other harmful practices are identified, without losing access to the benefits of a user's social network.

Conclusion

Facebook has become an important service, one that facilitates access to content created or shared by users themselves, as well as interactions between users. If operated as a monopoly, due to extensive network effects and a lack of interoperability with other clients, Facebook is able to exploit and manipulate users. Size matters. Facebook reports 2.4 billion users worldwide, including, according to recent surveys, 7 in 10 adults in the United States. There is controversy over the way that Facebook influences newsfeeds and even elections. Facebook's policies on privacy are consequential because Facebook has such a dominant position and controls so much personal information. There is no more reason for Facebook's social network to operate like a monopoly than for email services, which, because of open standards, now interoperate with each other.

We request the opportunity to discuss this proposal with your staff.

Sincerely,

James Packard Love
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Aimee Sixta
Knowledge Ecology International

Cc: Mike Schroepfer, Chief Technology Officer, Facebook
Representatives Anna Eshoo, Frank Pallone, Jr., Greg Walden, Jamie Raskin, Jan Schakowsky, Matt Gaetz.
Senators Amy Klobuchar, Ben Sasse, Bernie Sanders, Dick Durbin,Elizabeth Warren, Kamala Harris, Marco Rubio, Richard Blumenthal, Ron Wyden, Ted Cruz, Thom Tillis.

Annex: Notes on four organizations proposed to choose board members for the Social Network Interoperability Board (SNIB)

The following are notes on four of the organizations proposed to elect members to the Social Network Interoperability Board (SNIB). The notes include descriptions taken from organizational web pages or wikipedia pages.

The Internet Engineering Task Force (IETF).
https://www.ietf.org/.
The Internet Engineering Task Force (IETF) is one of the most important standards development organizations for the Internet. Since 1993, the IETF has operated under the auspices of the Internet Society, an international membership-based non-profit organization. The IETF Mission Statement is documented in RFC 3935. Much of the work in the IETF is handled via mailing lists. The IETF holds meetings three times per year.

RFC 3935

IETF Mission Statement

The goal of the IETF is to make the Internet work better.

The mission of the IETF is to produce high quality, relevant technical and engineering documents that influence the way people design, use, and manage the Internet in such a way as to make the Internet work better. These documents include protocol standards, best current practices, and informational documents of various kinds.

The IETF will pursue this mission in adherence to the following cardinal principles:

Open process - any interested person can participate in the work, know what is being decided, and make his or her voice heard on the issue. Part of this principle is our commitment to making our documents, our WG mailing lists, our attendance lists, and our meeting minutes publicly available on the Internet.

Technical competence - the issues on which the IETF produces its documents are issues where the IETF has the competence needed to speak to them, and that the IETF is willing to listen to technically competent input from any source. Technical competence also means that we expect IETF output to be designed to sound network engineering principles - this is also often referred to as "engineering quality".

> Volunteer Core - our participants and our leadership are people who come to the IETF because they want to do work that furthers the IETF's mission of "making the Internet work better".
>
> Rough consensus and running code - We make standards based on the combined engineering judgement of our participants and our real- world experience in implementing and deploying our specifications.
>
> Protocol ownership - when the IETF takes ownership of a protocol or function, it accepts the responsibility for all aspects of the protocol, even though some aspects may rarely or never be seen on the Internet. Conversely, when the IETF is not responsible for a protocol or function, it does not attempt to exert control over it, even though it may at times touch or affect the Internet.

The World Wide Web Consortium (W3C)
https://www.w3.org/
The World Wide Web Consortium (W3C) is the main international standards organization for the World Wide Web. In October 1994, Tim Berners-Lee founded the World Wide Web Consortium (W3C) at the Massachusetts Institute of Technology, Laboratory for Computer Science [MIT/LCS] in collaboration with CERN, where the Web originated (see information on the original CERN Server), with support from DARPA and the European Commission. In April 1995, INRIA (Institut National de Recherche en Informatique et Automatique) became the first European W3C host, followed by Keio University of Japan (Shonan Fujisawa Campus) in Asia in 1996. In 2003, ERCIM (European Research Consortium in Informatics and Mathematics) took over the role of European W3C Host from INRIA. In 2013, W3C announced Beihang University as the fourth Host. As of 29 May 2019, the World Wide Web Consortium (W3C) has 444 members.

The National Association of Attorneys General (NAAG)
https://www.naag.org/
The National Association of Attorneys General (NAAG) was created in 1907 to discuss a common approach to antitrust issues related to the Standard Oil Company. The organization was staffed through state attorneys general offices until 1936 when the Council of State Governments (CSG) began serving as NAAG's secretariat. In 1980, NAAG separated from CSG, becoming a stand-alone organization. Today NAAG is an organization of 56 state and territorial attorneys general, with the mission to foster interstate cooperation on legal and law enforcement issues, to conduct policy research and analysis of issues, and facilitate communication between the states' chief legal officers and all levels of government. The Association serves as the national forum for attorneys general and their staff to collaboratively and effectively address issues important to their work and provides resources to support the work of the offices of attorneys general in protecting the Rule of Law.

The Association of Internet Researchers (AoIR)
http://aoir.org/

The Association of Internet Researchers (AoIR) is an international, member-based support network promoting critical and scholarly Internet research, independent from traditional disciplines and existing across academic borders. AoIR was formally founded on May 30, 1999, at a meeting of nearly sixty scholars at the San Francisco Hilton and Towers, following initial discussions at a 1998 conference at Drake University entitled "The World Wide Web and Contemporary Cultural Theory: Metaphor, Magic & Power". As the Chronicle of Higher Education noted, its rapid growth during the first few years of its existence marked the coming of age of Internet studies. It has continued to grow, with a membership of approximately 400 scholars. subscribers. AoIR holds an annual academic conference, as well as promoting online discussion and collaboration through a long-running mailing list with more than 5,000 subscribers. The AoIR has a board of directors elected by the membership.