

State of Connecticut

GEORGE C. JEPSEN
ATTORNEY GENERAL



Hartford

September 12, 2014

Mr. Tim Cook
Chief Executive Officer
Apple Inc.
1 Infinite Loop
Cupertino, CA 95014

Dear Mr. Cook:

Apple recently announced its new device Apple Watch, which you have characterized as perhaps “the most personal device” that Apple has ever created. Based on published reports, Apple Watch will have the capacity to collect, store and use consumers’ health information. In light of these reports, I have questions about this technology and its potential impact on the privacy of Connecticut residents. Because the Apple Watch is not yet available to the general public, this is an appropriate time to address these questions in a fashion that protects the public’s vital interests in the security of personal information.

Apple was clear in public statements that it intends Apple Watch to be used to, among other purposes, “help people lead healthier lives.” I applaud the use of technology to encourage and facilitate personal health. I am also encouraged by Apple's representations that personal health information will be encrypted on the Apple Watch and that users will decide which applications gain access to their health data.

However, questions remain concerning how privacy protections will be implemented and enforced. For instance, section 27.7 of Apple’s App Store Review Guidelines states that applications that do not provide a privacy policy will be rejected. Will Apple review the contents of any application developer’s privacy policy to ensure that users’ health information is safeguarded (as Apple requires by reference in Guideline 27.1)?

I request a meeting with appropriate Apple personnel to hear what the company will do to protect the privacy of Connecticut consumers. At that meeting, in addition to the foregoing question, I would like to discuss the following:

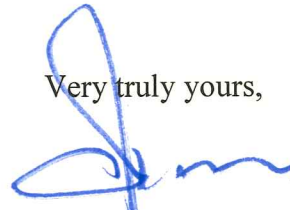
1. the specific applications and features that will be operational on Apple Watch and when it will be made available to Connecticut consumers for purchase;
2. whether Apple will allow consumers to store personal and health information on Apple Watch itself and/ or its servers, and if so, how such information will be safeguarded;

3. what information Apple Watch and applications thereon will collect from users, and how Apple and application developers will obtain consent to collect and share such information from these individuals;
4. how Apple intends to monitor and enforce applications' compliance with its guidelines concerning users' health information; and
5. Apple represents in Section 27.8 of the Guidelines that applications “that provide diagnoses, treatment advice, or control hardware designed to diagnose or treat medical conditions that do not provide written regulatory approval upon request will be rejected.” Will Apple request documentation of regulatory approval for every such application? If not, how else does Apple intend to enforce this provision?

This letter is an invitation for dialogue, not an accusation against Apple. As Attorney General, I have invited other technology companies to discuss privacy questions regarding upcoming products. Those discussions have been amicable, productive and mutually beneficial in addressing privacy questions in a proactive fashion.

I appreciate Apple’s cooperation in this matter and look forward to hearing from you. Please contact Assistant Attorney General Matthew Fitzsimmons at (860) 808-5400 to arrange a meeting or to discuss any questions or concerns you may have.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'George Jepsen', with a stylized flourish at the end.

GEORGE JEPSEN