

Congress of the United States
Washington, DC 20515

June 24, 2010

Mr. Steve Jobs
Chief Executive Officer
Apple Inc.
1 Infinite Loop
Cupertino, CA 95014

Dear Mr. Jobs:

We are writing in response to press reports (“Apple Collecting, Sharing iPhone Users Precise Locations,” Los Angeles Times, June 21, 2010) highlighting recent changes in Apple’s privacy policy. The updated terms and conditions suggest that Apple is collecting and sharing data containing the precise geographic locations of consumers using iPads, iPhones, and other Apple products.

It is our understanding that Apple’s consumers cannot use newly-purchased iPads, iPhones, Apple computers, or purchase products for existing Apple products from the iTunes music store unless they accept the revised terms and conditions and include agreeing to the collection and sharing of geographical location data. Given the limited ability of Apple users to opt out of the revised policy and still be able to take advantage of the features of their Apple products, we are concerned about the impact the collection of such data could have on the privacy of Apple’s customers. To better understand the nature of Apple’s data collection practices, its possible impact on consumers, and the broader public policy implications of the data usage, we request responses to the following questions.

1. Which specific Apple products are being used by Apple to collect geographic location data?
2. When did Apple begin collecting this location data, and how often is data collected from a given consumer?
3. Does Apple collect this location data from all consumers using Apple products? If the answer is no, please explain which consumers Apple is collecting information from and the reasons that these consumers were chosen for monitoring.
4. How many consumers are subject to this collection of location data?
5. What internal procedures are in place to ensure that any location data is stored “anonymously in a form that does not personally identify” individual consumers?
6. Please explain in detail why Apple decided to begin collecting location data at this time, and how it intends to use the data.
7. Is Apple sharing consumer location information collected through iPhones and iPads with AT&T or other telecommunications carriers?

8. Who are the unspecified "partners and licensees" with which Apple shares this location data, and what are the terms and conditions of such information sharing? How does this comply with the requirements of Section 222 of the Communications Act, which mandates that no consumer location information be shared without the explicit prior consent of the consumer?
9. Does Apple believe that legal boilerplate in a general information policy, which the consumer must agree to in order to download applications or updates, is fully consistent with the intent of Section 222, and sufficient to inform the consumer that the consumer's location may be disclosed to other parties? Has Apple or its legal counsel conducted an analysis of this issue? If yes, please provide a copy. If not, why not?

Thank you in advance for your attention to this matter. We respectfully request a response by July 12, 2010.

Sincerely,


Edward Markey


Joe Barton