



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

December 7, 2022

Mr. Zamaan Qureshi



Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request Nos. **22-00716-FOIA**, **22-00162-APPS** and
22-00038-REMD

Dear Mr. Qureshi:

This letter further responds to your request, dated November 30, 2021, and received in this office on December 1, 2021, for the full testimony of Mark Zuckerberg in connection with the SEC's 2019 enforcement action concerning Facebook.

By letter dated December 3, 2021, we informed you that we could neither confirm nor deny the existence of any records responsive to your request, because even to acknowledge the existence of such records could interfere with the personal privacy protections provided by FOIA Exemptions 6 and/or (7)(C), 5 U.S.C. § 552(b)(6) and/or (7)(C). We also provided you with your appeal rights.

On January 10, 2022, you filed an appeal with the Office of the General Counsel (OGC), in which you challenged this office's decision to neither confirm nor deny the existence of any responsive records.

By letter dated February 3, 2022, OGC remanded your request to this office for further consideration and to search for the requested records.

We have completed our review of the deposition transcript and our consultation with the confidential treatment submitter. The enclosed 52 pages are being released to you with the exception of confidential commercial or financial information, third-party names, job titles, other personal information, and

internal SEC techniques and procedures. This information is being withheld under 5 U.S.C. § 552(b)(4), (6), (7)(C) and (7)(E), for the following reasons:

- Exemption 4 protects confidential commercial or financial information obtained from a person that is privileged or confidential, and (a) is customarily treated as private by the submitter, and (b) was provided to the Commission under an assurance of confidentiality.
- Exemption 6 protects records or information when disclosure would constitute a clearly unwarranted invasion of personal privacy;
- Exemption 7(C) protects records or information when disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy; and
- Exemption 7(E) affords protection to all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

Please be advised that we have considered the foreseeable harm standard in preparing this response.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request_appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

Mr. Zamaan Qureshi
December 7, 2022
Page 3

22-00716-FOIA,
22-00162-APPS and
22-00038-REMD

If you have any questions, please contact Felecia Taylor of my staff at taylorf@sec.gov or (202) 551-8349. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Katilius". The signature is written in a cursive style with a large initial "L".

Lizzette Katilius
FOIA Branch Chief

Enclosures

1 APPEARANCES:
 2
 3 On behalf of the Securities and Exchange Commission:
 4 MATTHEW G. MEYERHOFER, ESQ.
 5 ROBERT L. TASHJIAN, ESQ.
 6 TRACY L. DAVIS, ESQ.
 7 Securities and Exchange Commission
 8 Division of Enforcement
 9 44 Montgomery Street, Suite 2800
 10 San Francisco, California 94104
 11 (415) 705-2500
 12 meyerhofer@sec.gov
 13 tashjianr@sec.gov
 14 davist@sec.gov
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 CONTENTS
 2
 3 WITNESS: EXAMINATION
 4 Mark Elliot Zuckerberg 5
 5
 6 EXHIBITS: DESCRIPTION IDENTIFIED
 7 224 Subpoena 8
 8 225 Thomson Reuter Street Events, Edited Transcript, FBQ3 2012 26
 9 Facebook Earnings Conference Call
 10 226 Mark Zuckerberg statement posted on Facebook dated March 21, 2018 59
 11 227 Email and attachment Bates FB CA SEC 00029071 to 092 86
 12 228 One-page screen shot from Techmeme dated December 11, 2015 119
 13 229 Recode article dated July 18, 2018 153
 14 230 Email produced from Facebook Bates FB CA SEC 00250627 to 676 178
 15 231 Google alert dated March 30, 2017 Bates FB CA SEC 00233811 182
 16 232 Email string September 20th, 2017 Bates FB CA SECA 00235345 to 362 185
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 APPEARANCES (CONT.)
 2
 3 On behalf of Facebook, Inc.:
 4 BENJAMIN NEADERLAND, ESQ.
 5 WILLIAM MCLUCAS, ESQ.
 6 ELIZABETH D'AUNNO, ESQ.
 7 Wilmer Cutler Pickering Hale and Dorr,
 8 1875 Pennsylvania Avenue, NW
 9 Washington, D.C. 20006
 10 (202) 663-6340
 11 benjamin.neaderland@wilmerhale.com
 12 william.mclucas@wilmerhale.com
 13 elizabeth.d'ahunno@wilmerhale.com
 14
 15 On behalf of the Witness:
 16 MARK H. KIM, Attorney at Law
 17 Munger Tolles & Olson, LLP
 18 350 South Grand Avenue, 50th Floor
 19 Los Angeles, California 90071
 20 (213) 683-9100
 21 mark.kim@mto.com
 22
 23
 24
 25

1 PROCEEDINGS
 2 VIDEO OPERATOR: We're now on the record.
 3 Today's date is February 19th, and the time is
 4 10:07 a.m.
 5 This is the testimony of Mark Zuckerberg
 6 taken in the matter of Facebook Incorporated for the
 7 U.S. Securities and Exchange Commission, Division of
 8 Security. Case number SF-4223.
 9 We are at 44 Montgomery Street, Suite
 10 2800, in San Francisco, California. My name is
 11 (b)(6); (b)(7)(C) and the court reporter today is (b)(6); (b)(7)(C)
 12 (b)(6); We're both appearing on behalf of Aptus Court
 13 Reporting located at One Embarcadero, Suite 1060 in
 14 San Francisco, California.
 15 You may proceed.
 16 MR. TASHJIAN: I'll reiterate that we're
 17 on the record at the time indicated above on
 18 February 19th, 2019.
 19 Mr. Zuckerberg, if you could raise your
 20 right hand, I'm going to swear you in.
 21 Whereupon,
 22 MARK ELLIOT ZUCKERBERG
 23 was called as a witness and, having been first duly
 24 sworn, was examined and testified as follows:
 25 EXAMINATION

1 BY MR. TASHJIAN:
 2 **Q If you could state your full name and**
 3 **spell it for the record.**
 4 A Mark Elliot Zuckerberg, M-A-R-K,
 5 E-L-L-I-O-T -- T, Z-U-C-K-E-R-B-E-R-G.
 6 **Q We're off to a good start.**
 7 A Not a good start when you forgot how to
 8 spell your middle name. Don't use that very much.
 9 **Q Mr. Zuckerberg, we met briefly before we**
 10 **went on the record. My name is Robert Tashjian. I'm**
 11 **an attorney here in the Division of Enforcement,**
 12 **Securities and Exchange Commission. Joined by my**
 13 **colleagues Matt Meyerhofer and Tracy Davis. For**
 14 **purposes of today's proceeding, we're officers of**
 15 **the commission.**
 16 **This is an investigation by the United**
 17 **States Securities and Exchange Commission in the**
 18 **matter of Facebook to determine whether there have**
 19 **been violations of certain provisions of the federal**
 20 **securities laws.**
 21 **Mr. Zuckerberg, you should know that the**
 22 **facts developed in this investigation, however,**
 23 **might constitute violations of other federal or**
 24 **state, civil or criminal laws.**
 25 **Prior to the opening of the record this**

1 **morning, you were provided with a copy of the Formal**
 2 **Order of Investigation. It will be available for**
 3 **your examination during the course of this**
 4 **proceeding.**
 5 **Mr. Zuckerberg, would you confirm that**
 6 **you've had an opportunity to review the formal**
 7 **order? And I'll ask you if you have any questions**
 8 **about it.**
 9 A Yes, I've had an opportunity to look at
 10 it.
 11 **Q Also prior to the opening of the record**
 12 **you were provided with a copy of the Commission**
 13 **Supplemental Information Form known as Form 1662.**
 14 **It's been previously marked as Exhibit 1 in this**
 15 **matter.**
 16 **Have you had an opportunity to review**
 17 **Exhibit Number 1?**
 18 A Yes.
 19 **Q Do you have any questions about it?**
 20 A No.
 21 **Q Mr. Zuckerberg, are you represented by**
 22 **counsel today.**
 23 A I am.
 24 MR. TASHJIAN: Counsel, would you identify
 25 yourselves for the record.

1 MR. McLUCAS: Bill McLucas, Ben Neaderland
 2 and Elizabeth D'Aunno with Wilmer Hale.
 3 MR. KIM: Mark Kim with Munger Tolles.
 4 MR. TASHJIAN: Counsel, could you please
 5 state in what capacity you are representing the
 6 witness today.
 7 MR. McLUCAS: We represent Mr. Zuckerberg
 8 personally.
 9 MR. KIM: I represent him personally.
 10 MR. TASHJIAN: And, counsel, do you
 11 represent any other witnesses or entities in this
 12 matter?
 13 MR. McLUCAS: We represent both Facebook,
 14 and we have represented a number of other
 15 individuals in connection with this inquiry.
 16 (SEC Exhibit No. 224 was marked
 17 for identification.)
 18 BY MR. TASHJIAN:
 19 **Q Mr. Zuckerberg, we've marked a copy of the**
 20 **subpoena pursuant to which you are appearing today**
 21 **as Exhibit 224 in this matter.**
 22 **Would you confirm that that's the subpoena**
 23 **that requires your presence here today?**
 24 A It looks like it.
 25 **Q Are you taking any drugs or any other**

1 **medication that you believe could affect your memory**
 2 **or your ability to testify here truthfully today?**
 3 A No.
 4 **Q Have you testified in court or in**
 5 **deposition before?**
 6 A Yes.
 7 **Q When was the last time?**
 8 A There have been a number of times. I
 9 think the last time in court was in a lawsuit around
 10 Oculus in Texas. So that was probably 2017. I
 11 don't remember the last time I did a deposition. I
 12 think I did one last year.
 13 **Q In court, what did that matter concern?**
 14 A It was around Oculus and intellectual
 15 property.
 16 **Q I see. And then in deposition, how many**
 17 **times have you been deposed to the best of your**
 18 **estimate?**
 19 A On the order of ten. Maybe more.
 20 **Q So you are familiar with the process?**
 21 A Yes.
 22 **Q Have you been interviewed by the SEC or**
 23 **submitted to sworn testimony before?**
 24 A From the SEC?
 25 **Q That's right.**

1 A I don't believe so.

2 Q So it sounds like you're familiar with

3 sort of the rules of the game, at least in a

4 deposition or in court. Try not to talk over each

5 other. There's a court reporter here.

6 You understand that?

7 A Yes.

8 Q We'll need you to answer verbally yes or

9 no and not uh-huh or huh-uh.

10 Do you understand?

11 A Yes.

12 Q You should know that in our investigation

13 our basic charge is to investigate the facts. We

14 are trying to do that to the best of our ability. We

15 would ask you to give your best recollection of

16 events that have happened in the past.

17 Would you agree to do that?

18 A Yes.

19 Q And if you have a memory, no matter how

20 vague that memory is, we would ask you to at least

21 to state that, the extent of your memory, if you

22 don't precisely remember something.

23 Would you agree to do that?

24 A Yes.

25 Q There are times when my questions might be

1 unclear or you may not understand them or you may

2 disagree with the premise of the question. If that

3 happens, would you tell us and we can either try to

4 explore the degree to which you disagree with the

5 premise or restate the question so you understand

6 it.

7 Would you agree to do that?

8 A Yes.

9 Q If you do answer a question, we'll assume

10 that you understood the question.

11 Is that fair?

12 A Yes.

13 Q Do you have any questions about the

14 proceeding before we go?

15 A No.

16 Q All right. So, Mr. Zuckerberg, I

17 understand that you attended Harvard College; is

18 that right?

19 A Yes.

20 Q What did you study while you were there?

21 A Computer science and psychology.

22 Q I've also been led to believe that you

23 started Facebook while you were at Harvard; is that

24 right?

25 A Yes.

1 Q When did you start Facebook?

2 A We launched it in February of 2004. And I

3 started writing it I think it was in January of

4 2004.

5 Q When did you leave Harvard?

6 A Well, my last semester studying there was

7 the spring of 2004, and then I went on leave for a

8 while.

9 Q I see. So approximately, what, April or

10 May you left Harvard?

11 A After the semester was done. So I think

12 it was the end of May.

13 Q And I understand that you moved to

14 California at some point; is that right?

15 A Yes.

16 Q When did you move to California?

17 A Well, originally I went out to California

18 for the summer of 2004 with the intention to go back

19 to school. And then the work with Facebook was just

20 a lot to do while also doing school. So my

21 co-founders and I decided to take a term off from

22 Harvard, and then we took another term off from

23 Harvard. And we were just kind of out here. So I'm

24 just giving that context because you asked when I

25 moved out. And I guess technically it was the

1 summer of 2004, but the intention then wasn't -- you

2 know, we weren't -- we didn't come out here to move

3 out here.

4 Q Got it. Have you ever moved back to the

5 East Coast?

6 A Not to live.

7 Q So fast forwarding a little bit. I

8 understand at some point you hired a person named

9 (b)(6); (b)(7)(C) is that correct?

10 A Yes.

11 Q Why did you hire (b)(6); (b)(7)(C)

12 A (b)(6); (b)(7)(C)

13 Q Could you -- and was that -- what year was

14 that approximately?

15 A I believe that was 2008.

16 Q (b)(6); (b)(7)(C) has been at Facebook since

17 the duration, since 2008, until today; is that

18 correct?

19 A Yes.

20 Q Could you give us a sense of sort of the

21 broad division of labor between you and (b)(6); (b)(7)(C)

22 in running Facebook?

23 A Sure. (b)(6); (b)(7)(C)

24 (b)(6); (b)(7)(C)

25 (b)(6); (b)(7)(C)

1 The product development and engineering parts of the
2 company as well as finance, which I think is
3 important, that report directly to me don't report
4 through her. (b)(6); (b)(7)(C)

5 (b)(6); (b)(7)(C)
6
7

8 **Q Okay. So your sort of -- just broadly**
9 **speaking, your sort of areas of responsibility at**
10 **Facebook are engineering, product did you say?**

11 A Uh-huh.

12 **Q And is that a yes?**

13 A Yes.

14 **Q And finance?**

15 A Yes. Although I'd say (b)(6); also reports
16 to me, so I'm responsible for all the work that she
17 does as well. But the things that -- she runs the
18 (b)(6); (b)(7)(C)

19 **Q And how long has that sort of broad**
20 **division been in place at Facebook? Essentially**
21 **since 2008 or did that evolve over time?**

22 A Yeah, more or less from the beginning.

23 **Q So that was true -- that sort of broad**
24 **division was true in the period between 2015 and**
25 **2017?**

1 (b)(6); joined -- (b)(6); currently runs our
2 (b)(6); (b)(7)(C)
3 (b)(6); (b)(7)(C) who is now (b)(6);
4 (b)(6); (b)(7)(C) but was (b)(6);
5 (b)(6); for a while. And (b)(6); joined I think running
6 (b)(6); (b)(7)(C)

7 (b)(6);
8

9 **Q At what point did (b)(6); (b)(7)(C) sort of**
10 **start doing these special projects?**

11 A Within the last year.

12 **Q And when did (b)(6); assume his role,**
13 **(b)(6); (b)(7)(C) former role?**

14 A When he was hired. I don't remember the
15 exact date, but it was within the last six months.

16 **Q Second half of 2018; does that sound**
17 **right?**

18 A Yes.

19 **Q How often do you -- let's start with (b)(6)**
20 **(b)(6); How often do you speak with (b)(6); (b)(7)(C)**
21 **regarding Facebook?**

22 A In his new role or his old role?

23 **Q In his old role. And let's talk about**
24 **sort of the period between 2015 and 2017.**

25 A Okay. It depends -- it depended on what
was going on. So there are periods where I spend a
lot of time very internally focused on product

1 A Again, I'm trying to make sure I'm clear
2 on her responsibility versus a division, because I
3 do view myself as responsibility for all the work
4 across the whole company including the work that she
5 does.

6 But, yes, in terms of how I've always
7 tried to run the company, I focus on product
8 development and the services that we're building for
9 people and for the community, and that's a big --
10 that's the main responsibility. So even before
11 (b)(6); (b)(7)(C) was at the company, I tried to have a

12 (b)(6); (b)(7)(C)
13 (b)(6); (b)(7)(C)

14 **Q Got it. Are you familiar with two**
15 **Facebook employees, the first named (b)(6); (b)(7)(C)**
16 **and the second named (b)(6); (b)(7)(C)**

17 A Yes.

18 **Q Start with (b)(6); (b)(7)(C) Who is (b)(6);**
19 **(b)(6); and what does he do at Facebook?**

20 A Well, (b)(6); (b)(7)(C), for a long time ran all of
21 our (b)(6); (b)(7)(C) He's
22 recently stepped into a role leading some special
23 projects around -- (b)(6); (b)(7)(C)

24 (b)(6); (b)(7)(C)
25

1 development. But then when there are big events
2 going on or if I'm going to be out communicating
3 publicly, then I'll talk to him a lot more. But I
4 think on average I would probably speak to him at
5 least once a week, if not more.

6 **Q Does (b)(6); (b)(7)(C) participate in any**
7 **regularly scheduled meetings that you hold as CEO of**
8 **Facebook?**

9 A I try to not have too many regularly
10 scheduled meetings. So he certainly is a part of
11 the management team. So when we have those
12 meetings, then he's a part of that.

13 **Q What is a management meeting?**

14 A We have a few. So there's one that I do
15 mostly with product leads. There's one that (b)(6);
16 (b)(6); (b)(7)(C) So he
17 would definitely be in that. And then periodically
18 we get the whole management team together to discuss
19 broad issues.

20 **Q And then how often do you speak with (b)(6);**
21 **(b)(6); I guess, again, focusing on the period**
22 **between 2017 -- 2015 and 2017.**

23 A That would depend on what issues we were
24 dealing with at the time. So, I mean, definitely at
25 least a few times a month. Probably a little less

1 frequently than (b)(6); (b)(7)(C)

2 **Q Was there a project that (b)(6); (b)(7)(C) was**

3 **involved in concerning some Facebook issue in India**

4 **in the late part of 2015?**

5 A Yes.

6 **Q Did you speak to him about that?**

7 A I imagine I would have. I don't have any

8 specific memory of that, but he certainly would have

9 been involved in those discussions.

10 **Q Got it. And did he keep you abreast of**

11 **what was going with respect to that project?**

12 A Yes. Although I think it's worth noting

13 that -- so you're referring to -- there was a debate

14 around internet.org and net neutrality in India, and

15 the free basic service that we were providing there.

16 A lot of that communication I think

17 happened over email and not in person because I was

18 on (b)(6); (b)(7)(C) My (b)(6); (b)(7)(C)

19 had just been (b)(6); (b)(7)(C)

20 **Q (b)(6); (b)(7)(C)**

21 A Yes.

22 **Q All right. I want to turn to the subject**

23 **of app developers. Just so we have a sort of a**

24 **baseline understanding, could you explain what app**

25 **developers are and how they relate to Facebook.**

1 their data to other places where they want to use it

2 in different ways.

3 So we opened this app development platform

4 to allow developers to build different experiences

5 for people.

6 **Q When you say people, you just talked about**

7 **the concept of data portability produced for in a**

8 **sense people. Were you referring to Facebook users**

9 **would want to take their data and use it in**

10 **connection with an app?**

11 A Yes.

12 **Q Did you have a name for that first**

13 **platform that you refer to in 2007?**

14 A Yes. We called the Facebook platform.

15 **Q I see.**

16 A Very creative.

17 **Q And as I understand it, Facebook filed for**

18 **an initial public offering and went public in, what,**

19 **May of 2012; is that right?**

20 A Yes.

21 **Q Around that time, in the 2012 time period,**

22 (b)(4)

23

24

25 A At that time specifically?

1 A Yes. So there are lots of different kinds

2 of development platforms. It's everything from

3 Windows to the iPhone. And the basic idea is when

4 you are building a technology system, a lot of the

5 time, you know, a single company can't build all of

6 the things that people are going to find useful, and

7 people want more choices of what they can use.

8 So a common strategy to best serve a

9 community is to open up a development platform and

10 allow people to either install third-party apps that

11 developers make, or bring information that they have

12 to -- to third parties in order to be able to

13 augment whatever functionality they have in your

14 service.

15 So we did that. We launched our first

16 platform in 2007. (b)(4)

17 (b)(4)

18

19

20

21 that.

22 And people had a desire to be able to

23 bring their information with them to other places.

24 There's the idea of data portability, which is -- I

25 think it's quite important that people can bring

1 **Q Around the time of the IPO.**

2 A (b)(4)

3 since 2007.

4 **Q I didn't mean to suggest it changed since**

5 **2007, but that was I guess the goal in 2007 and**

6 **continued through 2012; is that -- is that fair to**

7 **say?**

8 A For the platform specifically.

9 **Q Yes.**

10 A Yes. Well, we'd undergone a number of

11 changes to the platform by that point. I think by

12 2012, most people were using our services had

13 (b)(4)

14

15

16

17

18

19

20

21

22

23

24

25 A Yes. In the sense that we -- you know,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(4)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(4)

Q Okay. And so how did Facebook create

(b)(4)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(4)

So, you know, when you ask about our

(b)(4)

Q I want to show you --

MS. DAVIS: Ask a question while you're doing that.

Q Mr. Zuckerberg, earlier you said that one

(b)(4)

Do you recall that?

A Yes.

Q Can you describe what you mean by that,

(b)(4)

A Yes. So in my mind there's a distinction

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in 2007 (b)(4)

(b)(4)

Q Just based on what you just said, is that

(b)(4)

1 (b)(4)

2 A Yes. I think around the time that

3 we're -- the time frame that's most relevant we're

4 talking about, (b)(4)

5 (b)(4)

6

7

8

9

10

11

12

13 Q Just one last question. In the time

14 period you are talking about right now you just

15 described, what time period was that when you moved

16 to that?

17 A I don't remember the exact dates on this,

18 and we made a number of changes over a number of

19 years, but I'd say this was roughly in the 2012 to

20 2014, 2015 period.

21 Q Okay. Thank you.

22 (SEC Exhibit No. 225 was marked

23 for identification.)

24 BY MR. TASHJIAN:

25 Q Mr. Zuckerberg, I'm handing you what

1 (b)(4)

2

3

4 A Yes.

5 Q And then in terms of the call itself, is

6 there a script that -- that you and (b)(6); (b)(7)(C) and

7 the (b)(6); (b)(7)(C) read at sort of the top of the call?

8 A Yes.

9 Q What do you do to help prepare that

10 script? Is that written for you or do you help in

11 writing it?

12 A (b)(4)

13 (b)(4)

14

15

16

17

18

19

20 (b)(4)

21 (b)(4) And (b)(6); (b)(7)(C)

22 (b)(4)

23 (b)(4)

24 Q The (b)(4)

25 (b)(4)

1 what's been marked as Exhibit 225. The headline on

2 the caption of the first page of Exhibit 225 says:

3 "Thomson Reuter Street Events, Edited Transcript,

4 FBQ3 2012 Facebook Earnings Conference Call." It

5 continues on for a number of pages.

6 Mr. Zuckerberg, after Facebook went public

7 in May of 2012, did you participate in a series of

8 what are called earnings calls with Wall Street

9 analysts?

10 A Yes. I've typically participated in the

11 quarterly earnings calls since we've gone public.

12 Q What do you do to prepare for those

13 earnings calls?

14 A The reason I'm pausing is because the

15 (b)(4)

16

17

18

19

20

21

22 Q There's a filing with the SEC; is that

23 right?

24 A Yes.

25 Q And you just described sort of a process

1 A Yes.

2 Q If you could turn to page 3 and I have

3 questions about just a brief part of what's on page

4 4. You'll see your name sort of on the top half of

5 page 3 where you start out by saying: "Thanks,

6 everyone, for joining us."

7 Do you see that?

8 A Yes.

9 Q Feel free to read -- read it all, but I'm

10 just wondering if this is what we see here on page 3

11 and continuing on page 4 and 5 before it says (b)(6);

12 (b)(6); (b)(7)(C) is essentially the script that is prepared

13 for you or you had input in before the call?

14 A I have to read the whole thing to confirm

15 that, but just scanning it briefly it looks like it

16 would have been a statement that I would have

17 written.

18 Q So let me -- and feel free to, again, take

19 a look at anything, but I do want to point out a

20 specific part on page 4. There's a paragraph that's

21 one, two, three, four, five down. It says: "Next I

22 want to talk about platform."

23 A Okay.

24 Q And then three paragraphs below that I'll

25 just read this into the record. You are quoted as

1 saying: "One question I often get is what's our
2 business here? As these apps get built and
3 industries get transformed, why is this good for
4 Facebook? We believe that over time the more value
5 we provide, the more revenue we'll be in a position
6 to get back, whether it's through developers buying
7 ads, running our ads, through our network, using our
8 payment service or other possible ways. We're
9 committed to building a sustainable and profitable
10 platform."

11 Do you see that?

12 A Yes.

13 Q Do you think that's something you said
14 circa October 2012?

15 A Yes. I don't remember that specifically,
16 but this definitely sounds like something I would
17 say.

18 Q That phrase that you said in there, "the
19 more value we provide, the more revenue we'll be in
20 a position to get back," can you explain from
21 today's perspective what you meant by that?

22 A Yes. I had said something to this effect
23 earlier in our -- in the testimony earlier as well.
24 But I think this might be related to the nature of
25 our business. (b)(4)

1 pretty similar here. (b)(4)
2 (b)(4)
3 (b)(4)
4 (b)(4)
5 (b)(4)
6 (b)(4)

7 Q Got it. You can set the exhibit aside.
8 And you may have referred to this earlier,

9 (b)(4)
10 (b)(4)
11 (b)(4)

12 A Well, I think it's important to be clear.

13 (b)(4)
14 (b)(4)
15 (b)(4)
16 (b)(4)
17 (b)(4)
18 (b)(4)
19 (b)(4)
20 (b)(4)

21 Q How does that relate to what you were

22 (b)(4)
23 (b)(4)
24 (b)(4)
25 (b)(4)

1 (b)(4)
2 (b)(4)
3 (b)(4)
4 (b)(4)
5 (b)(4)
6 (b)(4)
7 (b)(4)
8 (b)(4)
9 (b)(4)
10 (b)(4)
11 (b)(4)
12 (b)(4)
13 (b)(4)
14 (b)(4)
15 (b)(4)
16 (b)(4)
17 (b)(4)
18 (b)(4)
19 (b)(4)
20 (b)(4)
21 (b)(4)
22 (b)(4)
23 (b)(4)
24 (b)(4)
25 (b)(4)

So I think I'm probably saying something

1 (b)(4)
2 (b)(4)
3 (b)(4)
4 (b)(4)
5 (b)(4)
6 (b)(4)
7 (b)(4)
8 (b)(4)

9 Q So it sounds like the -- maybe the slight
10 disagreement, sort of maybe the premise of my

11 (b)(4)
12 (b)(4)
13 (b)(4)
14 (b)(4)

15 A Yeah. That's the -- that's the intent,
16 sure.

17 Q And can you just describe on a general
18 level how that technically works?

19 MR. NEADERLAND: Is the question, Rob,
20 today or historically?

21 MR. TASHJIAN: Fair enough.

22 Q Prior to -- we're going to talk in a few
23 minutes about something called Graph API Version 2,
24 and the company's shift to the next iteration of the
25 Graph API. So I'm wondering before Graph API

1 **Version 2, how -- if you could give just sort of a**
2 **technical overview of how Facebook allowed users to**
3 **share their data with app developers.**

4 A Okay. I want to make sure I'm answering
5 the part of the question that you're asking about.

6 (b)(4)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (b)(4)
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (b)(4)
2
3
4
5
6
7
8

9 **Q You just described what -- you used the**
10 **term (b)(4)**
11 **is?**

12 A Yes (b)(4)
13 (b)(4)
14
15
16

17 **Q (b)(4)**
18 (b)(4)
19
20
21
22

23 A So this (b)(4)
24 (b)(4)
25

1 (b)(4)
2
3
4
5
6
7

8 **Q So this (b)(4)**
9 (b)(4)
10

11 A I believe so, although I don't remember
12 (b)(4)
13
14
15

16 **Q Okay. So let me come back to that, to the**
17 **reasons (b)(4)**

18 (b)(4)
19
20 **up and we'll come back to it in a minute.**

21 **But just in general prior to, say, 2014,**
22 **could you describe the kinds of data that a user, a**
23 **Facebook user, could grant permission to just about**
24 **the user him or herself? For example, first name,**
25 **last name, birthday, things like that.**

1 A Yes. So I believe the intent, and I think
2 this is mostly how it worked, was almost anything
3 that was on your profile you would be able to give a
4 developer permission to access.

5 **Q And profile would include the things I**
6 **just listed -- first name, last name, your gender,**
7 **birthday, things like that; is that right?**

8 A Yes. In addition to things like photos or
9 links you've shared or status updates or things like
10 that.

11 **Q And what about the user's location?**

12 A So the reason why I'm pausing is I think
13 that there's two parts to location. There's
14 locations that you put on your profile, which, if
15 it's part of your profile, then I think in general
16 we likely had a permission that a person could grant
17 the information to be used with a developer.

18 But then there's other location controls
19 like on a phone, an app can request permission to
20 have your -- to access your location to deliver
21 local services. The Facebook app does this, but it
22 doesn't put that information on your consumer
23 Facebook profile. So I don't think we would have
24 had an API for that type of location, if that makes
25 sense.

1 (b)(4)
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

19 **Q So with the kind of information just -- I**
20 **think these are fairly straightforward questions.**
21 **The kind of information that a user could share**
22 **about his or her friend would include the friend's**
23 **first and last name; is that fair?**

24 A Yes.

25 **Q Friend's location that the friends had**

1 **Q Yes. And I think I'm referring to just**
2 **the first kind of location, the kind that a user**
3 **would upload on to his or her profile.**

4 A Yeah. (b)(4)
5 (b)(4)
6 (b)(4)

7 **Q Or just hometown or where the person**
8 **resides?**

9 A Yes, that definitely.

10 **Q And then what kind of permissions related**
11 **that --** (b)(4)

12 (b)(4)
13 (b)(4)
14 (b)(4)
15 (b)(4)
16 (b)(4)
17 (b)(4)
18 (b)(4)
19 (b)(4)
20 (b)(4)
21 (b)(4)
22 (b)(4)
23 (b)(4)
24 (b)(4)
25 (b)(4)

1 **uploaded, whether that's residence or check-in or**
2 **something like that?**

3 A At the time before the changes that we're
4 talking about?

5 **Q That's right.**

6 A I believe so, yeah.

7 **Q Friend's birthday?**

8 A I believe so.

9 **Q And then I want to ask you about likes.**
10 **Could a user share his or her page likes with the**
11 **app developer?**

12 A Their own?

13 **Q Yes.**

14 A Yes.

15 **Q And what about their friends?**

16 A I believe that was probably the case
17 before we made these changes.

18 **Q And then there's something called a**
19 **Facebook user ID. Can you tell us what that is?**

20 A Yes. So in our system every account has
21 an ID number. So that's -- we call that the
22 Facebook user ID.

23 BY MS. DAVIS:

24 **Q Ask a followup question.**
25 **Just a minute ago you were talking about**

1 anything that a friend shared with you -- this is
2 prior to the switch over to Graph API. Anything a
3 friend shared with you, you could share with an app
4 developer.

5 What do you mean by anything a friend
6 shared with you? Is that just going on to the
7 Facebook platform and you're friends with someone
8 and it becomes accessible? Or does someone actually
9 have to say my friends have the ability to share my
10 information? What does that mean?

11 A Well, it's a little bit of both. So if
12 I'm sharing a photo and it can go in my friend's
13 news feeds that's colloquially what I'm referring to
14 as sharing with your friends. But I believe we've
15 also had a control so that way in the -- in people's
16 privacy settings, they could turn off the ability
17 for information that they shared with their friends
18 to be used in other developer's apps.

19 Q Okay. So, for example, some of the
20 categories we've just talked about -- location,
21 birthday, user likes -- does a person share that
22 information just by virtue of being friends with
23 someone? Or do you actually have to say "I'm
24 friends with you and I'm sharing my birthday with
25 you"? What's the distinction?

1 A Well, by putting something on your profile
2 there are generally privacy controls that people see
3 and know about who they are sharing that context
4 with. So if something is going to be public on your
5 profile, then feel like you are basically sharing
6 that. You're putting that out for the world. If
7 you are sharing something with your friends, then
8 you are saying your friends have the ability to see
9 this context.

10 Q So it's the ability of a Facebook friend
11 to see that information that prior to Graph API 2
12 really meant they were sharing it with their friend
13 who could then share it with app developers; is that
14 right?

15 A Yeah. Although, I believe there was a

16 (b)(4)
17
18
19
20
21

22 BY MR. TASHJIAN:

23 Q Real briefly, and then we're going to turn
24 to the line of what we've been referring to as Graph
25

(b)(4)

1 (b)(4)
2 A I remember that term, but I'm not a

3 (b)(4)
4
5
6
7
8
9
10

11 permissions?

12 A Not the names, but, I mean, just by
13 hearing them I can guess as to what they refer to.

14 Q You have quite a bit of experience at
15 Facebook so can you tell us what they are?

16 (b)(4)
17
18
19

20 Q So the -- it sounds like this is maybe
21 perhaps not as memorable to you as maybe I make it
22 out to be, but as I understand it there was an
23 announcement of the change to what we're calling
24 Graph API Version 2 at the F8 Conference in April
25 of 2014.

1 Does that sound right to you?

2 A Yes.

3 Q Can you tell us what the F8 conference is,
4 first of all?

5 A Yes. F8 is our developer conference. It's
6 generally annual, although we haven't had it every
7 single year.

8 Q There's a video of you giving the keynote
9 speech at the F8 on April 30th, 2014. What can you
10 just -- if you don't recall that particular keynote,
11 can you just tell us what you do to prepare to give
12 a keynote address at a conference like the F8?

13 A Yes. So typically I'll kick off the
14 conference by sharing a high level overview of the
15 direction that I think our services should go in,
16 and what that means for developers who are thinking
17 about building things over the coming years.

18 Typically leading up to this I'll sit down
19 with a lot of the product leaders of the company,
20 and we'll go through what we think are the most
21 important things to communicate and what products
22 might be ready to announce or talk about soon. And
23 then I will typically have a pretty active role in
24 writing what I'm saying.

25 Q All right. At the F8 on April 30th, 2014,

1 you said, among other things, quote: "We've also
2 heard that sometimes you can be surprised when one
3 of your friends shares some of your data with an
4 app."

5 **Do you recall saying that?**

6 A Sorry. Can you say that again?

7 **Q "We've also heard that sometimes you can
8 be surprised when one of your friends shares some of
9 your data with an app."**

10 A And your question was do I remember saying
11 that?

12 **Q Yes.**

13 A Not that specific sentence, but it sounds
14 like the type of thing that we were talking about at
15 the time.

16 **Q So in the context of rolling out Graph API
17 Version 2, as I understand it, you can put it in
18 your own words, you were limiting the amount of
19 friend data that an app developer could seek
20 permission to obtain; is that generally correct?**

21 A That's my understanding.

22 **Q And what I'm asking about is it sounds to
23 me like there was some -- that Facebook solicited
24 some feedback from users about the kinds of
25 permissions that app developers were seeking. Does**

1 (b)(4)

2 **Q Can you put some names on -- on who was in
3 charge of obtaining feedback?**

4 MR. NEADERLAND: You're asking in 2014?

5 MR. TASHJIAN: Yes. In the period that
6 led up to Mr. Zuckerberg's announcement at the F8
7 that year.

8 THE WITNESS: (b)(4)

9 (b)(6); (b)(7)(C)
10
11
12

13 BY MR. TASHJIAN:

14 **Q Who is the person who is running it now?**

15 A (b)(6);
16 (b)(7)(C)

17 A (b)(6); is her first name. I cannot
18 pronounce her last.

19 **Q Fair enough.**

20 MR. MEYERHOFER: Can you spell her first
21 name just so the record has it?

22 THE WITNESS: (b)(6); (b)(7)(C)

23 BY MR. TASHJIAN:

24 **Q Just generally it sounds like Facebook is
25 a data driven company. And you are seeking user**

1 **that sound right to you?**

2 (b)(4)
3
4

5 **Q What kind of feedback did Facebook get
6 from users about the permissions being granted to
7 app developers?**

8 (b)(4)
9
10
11
12
13
14
15

16 **Q In this kind of feedback that concerns --
17 that touches on user's concerns or feedback about
18 the kinds of permissions, who would have been in
19 charge of obtaining that kind of feedback in 2014?**

20 A I don't remember exactly how this was

21 (b)(4)
22
23
24
25

1 **feedback particularly around -- in this case around
2 permissions granted to app developers. Can you give
3 us some color on why it would have been important
4 for Facebook to obtain that kind of feedback around
5 user concerns, about sharing information with app
6 developers?**

7 A Yes. So when we originally launched the
8 platform in 2007 (b)(4)

9 (b)(4)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(4)
(b)(4)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(4)

Q I see. There was an FAQ, a frequently asked questions, that was posted for developers around the time of this change in late April 2014 to version 2 of the Graph API. And the FAQ says that Facebook users -- that some Facebook users were, quote, "uncomfortable knowing that their friends could share their information with an app."

Is that -- can you give us any more color or detail about what you know about that?

(b)(4)

Q And, again, either the research team or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

they might have not wanted the developers to have.

MR. NEADERLAND: I think the specific

(b)(4)

seeking user feedback in advance of that. Is that a fair?

MR. TASHJIAN: That's fair enough.

THE WITNESS: Did I not answer that?

BY MR. TASHJIAN:

Q I think you did. Everyone has their own perspective. In particular, though, I'm wondering if you can tell us what kind of feedback Facebook got about this surprise you referred to about sharing information about their friends or concerns that users had about privacy in connection with these permissions that were granted to app developers.

A I don't remember the specific feedback, but I just remember that there was a general sense

(b)(4)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the product team would have been in charge of getting that feedback?

A I assume so, yes.

Q And was that feedback important to you to shift to the Version 2 of the Graph API?

A I don't remember exactly, but it certainly seems like the kind of thing I would have cared about.

Q Just one more quote from you. You gave an interview to Wired Magazine following your -- I think around the time of the 2015 F8. And you said that some Facebook users were, quote, "not happy with what apps ask for in terms of permissions."

Does that sound right to you, something you would have said based on information that was given to you?

A Yes. I think that that's pretty in line with what -- the summary I just gave of the feedback we had at the time.

Q We've been going for about an hour. Would you like to take a break?

A Sure.

Q Why don't we go off the record?

VIDEO OPERATOR: Going off the record. The time is 11:06 a.m.

1 (A brief recess was taken.)
2 VIDEO OPERATOR: We are back on the record
3 at 11:17 a.m.

4 BY MR. TASHJIAN:

5 **Q Mr. Zuckerberg, could you just confirm for**
6 **the record that during the short break you didn't**
7 **have any conversations about the substance of your**
8 **testimony with the staff of the SEC?**

9 A Yes.

10 **Q So I've been referring to something called**
11 **the changeover to Graph API Version 2. It doesn't**
12 **sound like that has as momentous an occasion, at**
13 **least in your mind. But you have talked about how**

14 (b)(4)
15
16

17 **Can you give us a sense of how that**
18 **addressed the user feedback that you are aware of**
19 **that the company was getting?**

20 A Yes. And my point around not knowing
21 every specific Graph API Version 2 is that just we
22 rolled out several important changes over a number
23 of iterations. So the basic thing that we were

24 (b)(4)
25

1 (b)(4)
2

3 **Q Did those iterations include a limitation**
4 **on the kinds of permission that were granted to app**
5 **developers about a user's friends?**

6 A Yes.

7 **Q So I just want to ask you sort of a basic**
8 **question about Facebook's business. I think you**
9 **referred to the, what is it, 2 billion users that**
10 **are on Facebook today; is that right?**

11 A Yes.

12 **Q Is that the approximate number?**

13 A It's a little more.

14 **Q Little north of 2 billion. If Facebook --**
15 **just a basic question. If Facebook were to lose**
16 **users, what would be the effect on Facebook's sort**
17 **of financial results or its business?**

18 (b)(4)
19

20 **Q As I understand it Facebook tracks**
21 **something called user engagement. Can you explain**
22 **what that is?**

23 A Well, I'm not sure specifically what you

24 (b)(4)
25

1 (b)(4)
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

18 (b)(4)
19
20

21 I don't remember exactly what was in the specific
22 iteration, even though I think this was mostly about

23 (b)(4)
24

25 (b)(4)

1 (b)(4)
2
3
4
5
6
7
8
9

10 (b)(4)

11 (b)(4)

12 **Q How does Facebook track user engagement**
13 **the way you just described?**

14 A There are a number of measures. So

15 (b)(4)
16
17
18
19
20
21

22 **Q Sort of a basic question about Facebook.**
23 **If users became less engaged according to the**
24 **metrics that Facebook tracks, can you tell us what**
25

1 the likely outcome would be on Facebook's financial
 2 results?
 3 A Yes. In general if people are not getting
 4 as much value from the service and they're using
 5 them less, then that is likely to hurt the business
 6 downstream.
 7 Q Can you tell us in a general level how
 8 user concerns about privacy and sharing information
 9 affect Facebook's business?
 10 A Sure. So if people don't feel comfortable
 11 using the services because they think that if they
 12 share something, it's going to be shared with people
 13 that they didn't want, for example, then that could
 14 certainly prevent people from using the services,
 15 getting the value that they want from the services.
 16 And I suppose downstream that that would -- that
 17 that could potentially hurt our business as well.
 18 Q So I want to ask you about a statement
 19 that you made on -- that you posted to Facebook on
 20 March 21st, 2018. It's in the aftermath of a report
 21 that came out in the New York Times and the Guardian
 22 that concerns Cambridge Analytica. I'm sure we're
 23 going to be turning to that at some point today. But
 24 I just want to ask you about a statement you made in
 25 your post.

1 Have this marked as the next exhibit in
 2 order.
 3 (SEC Exhibit No. 226 was marked
 4 for identification.)
 5 MR. NEADERLAND: What's the number?
 6 MR. TASHJIAN: 226.
 7 Q So in your statement -- first of all, does
 8 Exhibit 226 appear to you to be a statement that you
 9 posted on or about March 21st of 2018?
 10 A It looks like it.
 11 Q I want to ask you about a couple of
 12 things. I'm sure we're going to be coming back to
 13 this later today. The fifth paragraph down follows
 14 a couple paragraphs that start with dates.
 15 And the fifth paragraph you write: "In
 16 2014, to prevent abusive apps, we announced that we
 17 are changing the entire platform to dramatically
 18 limit the data apps could access."
 19 Do you see that?
 20 A Yes.
 21 Q And then four paragraphs below that in the
 22 ninth paragraph you wrote: "In this case we already
 23 took the most important steps a few years ago in
 24 2014 to prevent bad actors from accessing people's
 25 information in this way."

1 Do you see that?
 2 A Yes.
 3 Q Can you tell us what you were referring to
 4 in your statement? What happened in 2014?
 5 A So my understanding from this and all
 6 these events is that it's the change that we've been
 7 talking about today of (b)(4)
 8 (b)(4)
 9 (b)(4)
 10 (b)(4)
 11 (b)(4)
 12 (b)(4)
 13 Q So -- and you may have referred to this a
 14 little bit in your earlier testimony, but you use a
 15 couple of words here that I want to ask you about.
 16 You said "abusive apps" in the exhibit. And then
 17 you talked about "bad actors."
 18 What were you referring to?
 19 A Sure. So an abusive app -- I think that
 20 if a developer is asking for more information than
 21 they are actually going to use to deliver their
 22 services, that is a developer being abusive.
 23 It doesn't necessarily refer to any
 24 specific harm or thing that they were doing with
 25 that data. I just think that even asking for more
 data than you are actually going to make use of can

1 be a form of abuse. So that is I believe what I was
 2 referring to here.
 3 Q So I -- I guess I'd like to know if you
 4 had discussed publicly this concept of abusive apps
 5 or bad actors in the app developer community prior
 6 to your statement that we're looking at in Exhibit
 7 226.
 8 A I don't know. I imagine that -- that we
 9 had. We were talking about the F8 speech a few
 10 minutes ago where we started describing the
 11 direction that the platform was going in. I think
 12 as part of that part of the rationale that we talked
 13 about was that developers were asking in some cases
 14 for more data than they needed. So whether or not I
 15 used the term "abusive" or not, I think the broad
 16 phenomenon that we were trying to move away from was
 17 something that I believe we had been discussing.
 18 Q Understood. I guess I'm wondering if you
 19 can think of a particular instance in which you or
 20 somebody else from Facebook talked publicly about
 21 abusive apps or bad actors within the app developer
 22 community.
 23 A I don't remember.
 24 Q And I'm asking because the questions I was
 25 asking about earlier seemed to be the way that

1. **Facebook and yourself at the F8 Conference seemed to**
 2. **frame it was around user feedback, where users were**
 3. **surprised or uncomfortable and less in terms of**
 4. **abusive apps or bad actors.**

5. **So I guess that's what I'm trying to get**
 6. **at is whether you can think of a way that had been**
 7. **framed publicly before where the focus was really on**
 8. **app developers that were abusing the platform.**

9. A I don't remember. I think after the
 10. elections in 2016, there was a lot more focus on bad
 11. actors abusing Facebook and our services overall. So
 12. I think more of how we discussed the directions that
 13. we were going in was framed in terms of preventing
 14. abusive or bad actors. But my understanding from
 15. what we've talked about and the F8 speech is that
 16. it's substantively the same type of content, just
 17. framed in terms of how people were thinking about
 18. things at the time.

19. **Q You just referred to the 2016 election.**
 20. **Would that be the 2016 general election?**

21. A Yes.

22. **Q And after -- after the 2016 general**
 23. **election, can you think of a point when Facebook or**
 24. **yourself framed this issue about -- in terms of bad**
 25. **actors on the platforms or abusive apps?**

1. A Well, not necessarily about apps, but
 2. there were -- there's been a lot of dialogue around
 3. different abusive actors, whether they are nation
 4. states or troll farms or different folks trying to
 5. misuse different parts of our services. So that's
 6. certainly been a much more prominent part of the
 7. dialogue for the last several years, has been around
 8. all of the steps that we're taking to prevent
 9. abusive services in different ways.

10. **Q So one of the -- one of the controversies**
 11. **that came up after the election was around fake**
 12. **news. Is that one of the things you are referring**
 13. **to?**

14. A Yes.

15. **Q And then the Internet research agency in**
 16. **St. Petersburg, is that another one of the things**
 17. **you were referring to, the Russian bad actors?**

18. A Yes.

19. **Q But in terms of apps and app developers**
 20. **themselves, can you think of anything where the**
 21. **company framed it -- framed the issue in terms of**
 22. **bad actors or app developers taking too much**
 23. **information, more than was required are?**

24. A Well, I think that the major flashpoint
 25. around which that dialogue has been organized was

1. Cambridge Analytica. So this would be the main
 2. place where we probably discussed app developers in
 3. terms of that. But, again, my own sense is that the
 4. steps that we've been taking, and what I tried to
 5. outline here, in terms of if you are looking at this
 6. in 2018 and saying "how do we prevent a situation
 7. like what happened with Cambridge Analytica from
 8. happening again going forward?" the most important
 9. step would be the one outlined in 2015 and then
 10. executed over the next year or (b)(4)
 11. (b)(4)
 12. (b)(4) So, yeah, I
 13. mean, I think this is probably the main conversation
 14. around that.

15. **Q And when you -- just for the record when**
 16. **you are referring to "this," you are referring to**
 17. **the statement that you've made --**

18. A Sorry.

19. **Q -- marked as Exhibit 226?**

20. A I should have been more -- more precise. I
 21. think that there's been a lot of discussion around
 22. Cambridge Analytica, not primarily this post. This
 23. is one of the communications and times this has come
 24. up. Did the congressional testimony. I've done
 25. interviews. Been a lot written about this outside

1. the statements that the company and I have made. So
 2. the sum of that.

3. **Q Just one last question on this and we**
 4. **can -- we can move on. So prior to the New York**
 5. **Times story and the Guardian story that were**
 6. **published and Facebook's own posts that were**
 7. **published around March 16th and 17th, 2018, can you**
 8. **think of any time when you or Facebook framed the**
 9. **issue around app developers being abusive or being**
 10. **bad actors on the platform prior to that date?**

11. A Sitting here now I don't have any specific
 12. memory of anything like that. But, again, what I'm
 13. trying to communicate is that we -- I think the
 14. basic idea of what we're talking about there were
 15. developers who were potentially trying to access
 16. more information than they needed. I do think it's
 17. something we communicated around the time of this in
 18. 2014.

19. And, also, I do think that there are parts
 20. of the company that focus on communicating about
 21. security and the integrity of the services even if
 22. that wasn't kind of a primary thing that was part of
 23. the global discussion around the company leading up
 24. to 2016. So I don't necessarily know about those
 25. specific things, but I imagine that this was a thing

1 we've been talking about for a while.
 2 **Q Even if you can't recall a specific**
 3 **instance today; do I have that right?**
 4 A Yes, because I probably wasn't the person
 5 talking about that.
 6 **Q While we're on the subject of abusive apps**
 7 **or abuse on the platform, I just want to touch**
 8 **quickly on the issue of scraping. I believe this**
 9 **came up in your senate testimony. Can you just**
 10 **describe for the record what scraping is?**
 11 A Sure. So scraping is when a developer, or
 12 they don't have to be a formal developer on the
 13 platform, but it's a technical thing so usually
 14 they're an engineer or developer, writes a program
 15 that basically tries to access different web pages
 16 or APIs repeatedly and pulls off whatever
 17 information they can access.
 18 It's against our policies to do that. We
 19 (b)(4)
 20
 21
 22
 23
 24
 25

1 (b)(4)
 2
 3
 4
 5
 6
 7 **Q What's the harm to Facebook?**
 8 A To Facebook?
 9 **Q Yeah. I mean, why do you try to combat**
 10 **that?**
 11 (b)(4)
 12
 13
 14
 15 **Q So it's a matter of user trust with**
 16 **Facebook, then, I take it.**
 17 A (b)(4)
 18 **Q Have you heard of a company called**
 19 **(b)(7)(E)**
 20 A I don't believe so.
 21 **Q You referred earlier to sort of the rules**
 22 **of the road or rules that app developers would sign**
 23 **up to and agree to. As I understand it, it was**
 24 **called the Facebook platform policy; is that right?**
 25 A What developers sign up for?

1 (b)(4)
 2
 3 **Q Can you explain just generally why**
 4 **Facebook tries to discourage or prevent scraping**
 5 **even if the information is public?**
 6 A Yes. (b)(4)
 7 (b)(4)
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 **Q Yes.**
 2 A I believe so.
 3 **Q Can you just give us a basic understanding**
 4 **why does Facebook have a platform policy for app**
 5 **developers?**
 6 (b)(4)
 7
 8
 9
 10
 11 **Q Does that policy, as you understand it,**
 12 **prohibit an app developer from selling or**
 13 **transferring Facebook user data that they may have**
 14 **had permission to obtain?**
 15 (b)(4)
 16
 17
 18
 19
 20 Sorry. So what was -- what was your
 21 question after?
 22 **Q Sure. As you understood it, does a**
 23 **platform policy prohibit an app developer from**
 24 **selling or transferring Facebook user data that it**
 25 **obtains through the permissions that a user is**

1 granted?
 2 A Yes, I believe so.
 3 Q And why is that?
 4 (b)(4)
 5
 6
 7
 8 Q Has that prohibition against selling or
 9 transferring Facebook user data been in place since
 10 the beginning of the platform in 2007?
 11 A I don't remember when it was added, but
 12 it's been there for as long as I can remember.
 13 Q Safe to say it was in the platform policy
 14 in 2015?
 15 A I believe so.
 16 Q What -- can you tell us who was
 17 responsible for enforcing the platform policy at
 18 Facebook?
 19 A (b)(4)
 20 Q
 21 A Yes.
 22 Q And who does that group report up to?
 23 A (b)(4)
 24 (b)(4)
 25

1 (b)(4)
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14 Q So when you say Facebook put in place
 15 those policies, is that the change that we've
 16 been -- I've been referring to as the changeover to
 17 Graph API Version 2?
 18 A Yes.
 19 Q And you said that the concerns after that
 20 point subsided at least from your perspective. Did
 21 I understand you correctly?
 22 A Yes.
 23 MR. NEADERLAND: Just us to make sure you
 24 are answering the question that was posed, Rob,
 25 your, question was about developers accessing more

1 (b)(4)
 2
 3
 4
 5 Q And who did (b)(6); report up to?
 6 A (b)(6); (b)(7)(C)
 7
 8 A Yes.
 9 Q And when you say this time period, are we
 10 talking about the time period between, say, 2015 and
 11 2017?
 12 A Yes.
 13 Q As the CEO of Facebook what did you do, if
 14 anything, to assure yourself that Facebook was doing
 15 an adequate job in enforcing its platform policies,
 16 in particular, this policy against app developers
 17 selling or transferring user data?
 18 (b)(4)
 19
 20
 21
 22
 23
 24
 25

1 data than they needed or developers misusing the
 2 data that they obtained?
 3 MR. TASHJIAN: Well, the original question
 4 was sort of framed around this prohibition against
 5 app developers selling or transferring Facebook user
 6 data.
 7 THE WITNESS: So that's a good
 8 clarification because that wasn't really a point of
 9 feedback directly that we were getting from people.
 10 But -- so the general feedback that I'm conveying
 11 was around people's discomfort and desire to not
 12 have to give apps right permissions, give apps broad
 13 permission to access data in the way that wasn't
 14 granular, developers asking for more information
 15 than it seemed like they needed in general, but not
 16 specifically around an app developer doing anything
 17 harmful with that. It was the broad sense of I
 18 shouldn't have to give the app developers all these
 19 permissions to use the service.
 20 BY MR. TASHJIAN:
 21 Q Can you think -- prior to the Cambridge
 22 Analytica matter that came up in March of 2018, can
 23 you think of any times when you were notified that
 24 app developers had sold or transferred Facebook user
 25 data to someone else?

1 A I don't remember.
 2 **Q Nothing's coming to mind in particular?**
 3 A No.
 4 MS. DAVIS: Is that the type of
 5 (b)(4)
 6
 7
 8 A Probably.
 9 **Q In what sense when you say "probably"?**
 10 (b)(4)
 11
 12 **Q It's an important issue to Facebook; is**
 13 **that right?**
 14 A Yes. Especially if it's in a large scale.
 15 BY MR. TASHJIAN:
 16 **Q So prior to 2018, can you tell us what**
 17 **Facebook did to assure itself that developers**
 18 **weren't selling or transferring user data?**
 19 A Sorry. Say that again.
 20 **Q Prior to 2018, can you tell us what**
 21 **Facebook was doing to assure itself that app**
 22 **developers weren't selling or transferring user**
 23 **data?**
 24 A Sure. So when people sign up for the
 25 (b)(4)

1 (b)(4)
 2
 3
 4
 5
 6 **Q Going in where?**
 7 (b)(4)
 8
 9
 10
 11
 12
 13 A You are running up the against the edge of
 14 (b)(4)
 15
 16
 17
 18 (b)(4)
 19
 20
 21
 22
 23
 24
 25 **Q Would that entail -- from your**

1 (b)(4)
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17 A I don't know off the top of my head.
 18 (b)(4)
 19
 20
 21
 22
 23
 24
 25

1 **understanding would that entail taking -- doing a**
 2 (b)(4)
 3 A It might. Although, again, I don't know
 4 all the details of this.
 5 **Q Right. I understand you probably weren't**
 6 **involved in the day-to-day activity of doing these**
 7 (b)(4)
 8 (b)(4)
 9
 10 (b)(4)
 11
 12 **Q It sounds like you're thinking of maybe a**
 13 **couple or a few different specific instances. Can**
 14 **you tell us what those were prior to 2018?**
 15 A I'm actually not. I don't have a specific
 16 instance in mind that I'm thinking of. I roughly
 17 (b)(4)
 18
 19
 20 **Q Is it fair to say that your general**
 21 (b)(4)
 22
 23
 24 A Yes.
 25 BY MR. MEYERHOFER:

1 Q When you mentioned, if I took down your
2 words right, being aware of or thinking there were,

3 (b)(4)
4

5 you thinking of that -- when you -- when you said
6 that?

7 (b)(4)
8
9
10
11
12
13
14
15
16

17 Q And I don't want you to reveal anything
18 that's based on legal advice you got from Facebook
19 lawyers, but with that sort of caveat, what can you
20 tell us about what you learned about what sort of in
21 what sorts of circumstances the company had
22 previously gone in and done some sort of audit?

23 A Yeah. I don't remember if those
24 conversations were with lawyers, but I'm generally
25 conveying the full extent of what I remember here.

1 (b)(4)
2

3 A (b)(4)
4

5 (b)(4)
6 Q Fair enough. I wasn't putting it the same
7 way that you had put it. So I'll try to use it the
8 way that you're saying it. So users could still --
9 after this change to Graph API Version 2, users

10 (b)(4)
11
12

13 A Yes, I think that's right.
14 Q So if, for example, an app developer had

15 (b)(4)
16
17
18
19
20
21
22
23
24
25

1 Q So can you give us any more detail under

2 (b)(4)
3
4

5 A I don't have any more details on that.

6 BY MR. TASHJIAN:

7 Q Were you familiar with a company called

8 (b)(4)

9 A I've heard of it.

10 Q Were you aware that -- (b)(4)

11 (b)(4)
12
13
14

15 A I don't remember specifically. I remember
16 that there was an issue with what they were doing,
17 but I don't remember what the issue was or what the
18 investigation or recourse were.

19 Q What about a company called (b)(4) Might be
20 reaching back a bit.

21 A No, that I don't remember.

22 Q So after this change we've been talking
23 about to Graph API Version 2 and (b)(4)

24 (b)(4)
25

1 (b)(4)
2

3 Q This changeover where app users were no --
4 could no longer give (b)(4)

5 (b)(4)
6

7 (b)(4) Does that sound right to
8 you?

9 A It sounds like the kind of thing it would
10 be called, although I --

11 Q I've struggled with it.

12 A Deprecating?

13 Q Yes.

14 A Deprecating in general is, yes, when --
15 when some piece of functionality gets phased out
16 over time. That's -- that's a technical word that
17 we use for sure.

18 Q All right. There was a -- as I understand
19 it, (b)(4)

20 (b)(4)
21
22
23

24 Does that sound right to you?

25 A Yes. In general when we are making major

1 (b)(4)
2
3
4
5
6
7
8

9 **Q I was going to ask you why Facebook would**
10 (b)(4) **Is that the reason?**

11 A Yes.

12 **Q Essentially a (b)(4)**
13 (b)(4) **is that right?**

14 A (b)(4)

15 (b)(4)
16
17

18 (b)(4)
19

20 **Q All right. I got it.**

21 A (b)(4)

22 **Q So for -- do I have that right that**
23 **generally apps that were in existence prior to April**
24 **30th, 2015, when you announced at the F8 Conference**
25 **that rollout of API Version 2, those apps had a**

1 (b)(4)
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (b)(4)
2
3

4 A Yes, that's my understanding.

5 **Q All right. So after that one-year period**
6 **was over -- or strike that.**

7 **When that one-year period was over, did --**
8 **did Facebook require app developers to delete any**
9 **friend data that they had obtained prior to the**
10 **transition to Graph API Version 2?**

11 A I don't know.

12 **Q Do you recall making any kind of**
13 **announcement or roll out a policy that would require**
14 **app developers to delete the friend data?**

15 A I don't remember.

16 **Q Nothing's standing out in your mind?**

17 A No.

18 **Q Did Facebook continue to allow app**
19 **developers permission to friend data under any**
20 **circumstances after the full rollout of Graph API**
21 **Version 2?**

22 (b)(4)
23
24
25

1 (b)(4)
2

3 **Q So you mentioned some of these trusted**
4 **partners such as (b)(4)**

5 A Yes.

6 **Q What other kinds of companies or partners**
7 (b)(4)

8 A My understanding is that (b)(4)

9 (b)(4)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25 **Q Are these companies like (b)(7)(E)**

1. A Yeah, that would be an example.
 2. Q Can you give us a ballpark number of how
 3. (b)(4)
 4. (b)(4)
 5. (b)(4)
 6. A I don't know the exact number off the top
 7. (b)(4)
 8. (b)(4)
 9. Q Okay. So tens. More than a hundred?
 10. A It's -- I'd say probably on the order of
 11. (b)(4)
 12. (b)(4)
 13. (b)(4)
 14. (b)(4)
 15. Q I have an email and an attachment that was
 16. provided to us by Facebook. It's Bates-labeled FB
 17. CA SEC 00029071 through 092. The one-page email on
 18. the top page -- on the first page is dated January
 19. 27, 2014.
 20. (SEC Exhibit No. 227 was marked
 21. for identification.)
 22. BY MR. TASHJIAN:
 23. Q Mr. Zuckerberg, I've handed you what's
 24. been marked as Exhibit 227. I should note that
 25. there are two different attachments that are listed

1. A That sounds like, yeah, in line with the
 2. date.
 3. Q It sounds like this was something that
 4. was -- well, let me just read part of the email into
 5. the record, and I'm going to ask you about parts of
 6. it.
 7. First of all, if you could tell me who (b)(6);
 8. (b)(6); (b)(7)(C) was.
 9. A (b)(6); (b)(7)(C) is one of the (b)(6); (b)(7)(C)
 10. (b)(6); (b)(7)(C)
 11. Q Got it. He wrote: "Hi, Mark. Attached
 12. are the slides we reviewed (b)(4)
 13. (b)(4)
 14. (b)(4)
 15. (b)(4)
 16. Are you following?
 17. A Yes.
 18. Q The next paragraph reads: (b)(4)
 19. (b)(4)
 20. (b)(4)
 21. (b)(4)
 22. (b)(4)
 23. (b)(4)
 24. (b)(4)
 25. Do you see that?

1. on the front page. The exhibit just contains one of
 2. them. The second one is a -- was a native file of
 3. an Excel spreadsheet, which isn't included here.
 4. Just in general can you -- do you
 5. recognize the email and attachments that's been
 6. marked as Exhibit 227?
 7. A It looks like an email from (b)(6); (b)(7)(C)
 8. who was one of the product managers on platform.
 9. Q To you; is that right?
 10. A Yes.
 11. Q And then also one of the cc lines is (b)(6);
 12. (b)(6); (b)(7)(C). I think you mentioned his name earlier; is
 13. that right?
 14. A Yes.
 15. Q Remind me who he was.
 16. A I believe he was the (b)(6); (b)(7)(C)
 17. (b)(6); (b)(7)(C)
 18. Q And the subject is platform model changes.
 19. Do you see that?
 20. A Yes.
 21. Q So this email is dated a few months before
 22. the rollout of Graph API Version 2, at least the
 23. announcement at the F8 Conference. I just wanted to
 24. orient you in time.
 25. Does that sound right to you?

1. A Yes.
 2. Q Can you tell us what you believe (b)(6);
 3. (b)(6); (b)(7)(C) meant by -- when he said ' (b)(4)
 4. (b)(4)
 5. (b)(4)
 6. A Well, it's somewhat hard for me to speak
 7. to what -- what exactly (b)(6); (b)(7)(C) was referring to, but
 8. I think it's pretty aligned with most of the
 9. questions that we've -- and answers that I've given
 10. (b)(4)
 11. (b)(4)
 12. (b)(4)
 13. (b)(4)
 14. (b)(4)
 15. (b)(4)
 16. (b)(4)
 17. (b)(4)
 18. (b)(4)
 19. (b)(4)
 20. (b)(4)
 21. (b)(4)
 22. (b)(4)
 23. (b)(4)
 24. (b)(4)
 25. (b)(4)

1 that is clearly -- it goes towards what people want,
 2 but it might make developer's lives a little bit
 3 harder.
 4 So I think that that's probably what he
 5 was referring to in a lot of the conversations that
 6 we had internally. But at the end of the day, we
 7 make all these decisions to prioritize serving
 8 (b)(4)
 9
 10
 11
 12
 13
 14 **Q Am I reading this email correctly? Is**
 15 **this in connection with the rollout of Graph API**
 16 **Version 2 and** (b)(4)
 17 (b)(4)
 18 A Let me read it first.
 19 **Q Of course.**
 20 A Okay. I'll read the appendix if I need to
 21 for your question, but what was the --
 22 **Q I actually don't recall.**
 23 MR. NEADERLAND: Whether this refers to
 24 the API Version 2?
 25 MR. TASHJIAN: If only we had somebody who

1 **in April 2014, I believe in your keynote you also**
 2 **made a reference to a new rollout of -- a new**
 3 **version of the login.**
 4 **Does that sound right to you?**
 5 A I don't remember that specifically, but I
 6 think changing the API and changing login are quite
 7 connected. So I wouldn't be surprised if that were
 8 the case.
 9 **Q Just turning briefly to the attachment, I**
 10 **don't have a lot of questions about the attachment.**
 11 **I just want to make sure I understand what we are**
 12 **talking about when we look at the attachment. On**
 13 **the third page of the attachment, the one**
 14 **Bates-labeled 074 in small numbers on the side, it**
 15 **says** (b)(4)
 16 **Can you tell us what that means?**
 17 A Well, I'll just read what's here. I mean,
 18 (b)(4)
 19
 20
 21
 22
 23
 24 **Q Are these the kinds of trusted partners**
 25 **that you were referring to a few minutes ago?**

1 could tell me my question back. If the reporter
 2 could read my question back.
 3 (Record read as follows: Q. Am I reading
 4 this email correctly? Is this in
 5 connection with the rollout of Graph API
 6 Version 2 and narrowing of permissions
 7 granted to app developers?)
 8 BY MR. TASHJIAN:
 9 **Q Almost a complete sentence.**
 10 **So I think my question really was** (b)(6);
 11 (b)(6); **interjection was helpful. My question**
 12 **really was: Am I reading Exhibit 227 correctly? Is**
 13 (b)(6); (b)(7)(C) **sending you this information in**
 14 **connection with the rollout of the changeover to**
 15 **Graph API Version 2.**
 16 A Well, it's labeled login V4. So -- and
 17 just scanning through this briefly, I actually don't
 18 know if I saw any reference to Graph API Version 2.
 19 So that may just contribute to the general confusion
 20 about which changes were included and exactly what
 21 they were labeled. But overall, yes, I think that
 22 the things that are talked about in here fit the
 23 general direction that we've been talking about that
 24 we've taken the platform around that time.
 25 **Q To be clear, your announcement at the F8**

1 A I think so.
 2 **Q What does the term "white list" mean?**
 3 A The term refers to -- it's a question of
 4 how open a system is. So you can either operate a
 5 white list or a blacklist, where a blacklist would
 6 generally be anyone is allowed unless you say that
 7 they are not allowed. And a white list is you --
 8 people are not allowed unless they are on a list of
 9 people who are allowed.
 10 **Q So trusted partners who are on the white**
 11 (b)(4)
 12
 13
 14
 15
 16 A That's what's in this email, yes.
 17 **Q But that's a correct interpretation of --**
 18 **as far as you understand it, of this slide and this**
 19 **presentation we're looking at?**
 20 A Yes.
 21 **Q And it sounds like at least some version**
 22 **of that was implemented.**
 23 **Do I have that right?**
 24 A Yes. We generally moved in this
 25 direction. I want to be careful to not assume for

1 (b)(4)

2

3

4

5

6

7

8

9 **Q Got it. On the next page is a slide**

10 **that's labeled (b)(4)**

11 **Do you see that?**

12 **A Yes.**

13 (b)(4)

14

15 **Do you see that?**

16 **A Yes.**

17 **Q Can you tell us what that means?**

18 **A My understanding from this is that we**

19 (b)(4)

20

21

22 **Q Consistent in the way we have been talking**

23 **about -- generally about the changeover, the**

24 **implementation Graph API Version 2?**

25 **A Yes.**

1 **Q Is that fair to say?**

2 **A Yes.**

3 **Q So while there might not be a specific**

4 **reference to Graph API Version 2, is it fair to say**

5 **that this proposal that (b)(6); (b)(7)(C) emailed you in**

6 **January 2014, concerned not just the login, but also**

7 **the change or the implementation of the second**

8 **version of the Graph API?**

9 **A Sorry. Say that again.**

10 **Q Sure. I'm just reiterating a question we**

11 **got hung up on a little bit earlier. When I asked**

12 **you earlier you had said there was a reference to**

13 **the login, but you didn't see anything in particular**

14 **in the attachment to a changeover to Graph API**

15 **Version 2, correct?**

16 **A Yes. Just scanning through this quickly,**

17 **I didn't see any reference says Graph API 2.**

18 **Q Although the API deprecations were part**

19 **of, particularly around friend data were around --**

20 **were implemented in the changeover to Graph API**

21 **Version 2?**

22 **A Yes. I mean, once again, I think we --**

23 **I'm speaking to the general direction that we went**

24 **in. The specific code names that were used for the**

25 **projects, it's hard to remember everything over the**

1 last, you know, decade of all of the different code

2 names or exact version numbers of everything we've

3 done in the company, but I think the general

4 direction that we went in is in line with what

5 you're saying.

6 **Q Fair enough.**

7 **Why don't we take a quick break and see**

8 **where we are? Go off the record.**

9 VIDEO OPERATOR: Going off the record. The

10 time is 12:14 p.m.

11 (A brief recess was taken.)

12 VIDEO OPERATOR: We're back on the record

13 at 12:25 p.m.

14 BY MR. TASHJIAN:

15 **Q Mr. Zuckerberg, during the short break can**

16 **you confirm that you didn't have any conversations**

17 **with the staff of the SEC about the substance of**

18 **your testimony?**

19 **A Yes.**

20 **Q I think you touched on this briefly**

21 **earlier, but I just want to ask you about your role**

22 **in connection with Facebook's filings with the**

23 **Securities and Exchange Commission.**

24 **Can you describe what that role is?**

25 **A (b)(4)**

1 (b)(4)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18 **Q So I was just going to ask you about the**

19 **signing part. I believe you sign the Forms 10Q and**

20 **the annual reports on Forms 10K; is that correct?**

21 **A Yes.**

22 **Q Separately you also sign, or have signed**

23 **for you, the certifications that the filings are**

24 **accurate to the best of your knowledge; is that**

25 **right?**

1 A Yes.

2 Q Can you just describe what -- I don't know
3 if it's a different process or maybe the same
4 process. What do you do to assure yourself that the
5 filings are accurate when you sign the
6 certifications?

7 (b)(4)
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 (b)(4)
2
3
4
5
6
7
8
9
10
11
12
13
14

15 Q Do (b)(6); (b)(7)(C) participate

16 (b)(4)
17
18
19
20
21
22
23
24
25

1 Q You referred to (b)(6); (b)(7)(C) He's the --

2 A (b)(6);

3 Q (b)(6); of Facebook, correct?

4 A Yes.

5 Q Who else -- and I don't want to go into
6 the substance of any communications you had with
7 Facebook lawyers, but if you can just generally tell

8 (b)(4)
9

10 A Yes.

11 Q Does (b)(6); (b)(7)(C) participate in the
12 meetings with you?

13 A Yes.

14 Q Anyone else?

15 (b)(4)
16
17

18 Q Do you participate in one of these
19 quarterly meetings with (b)(6); (b)(7)(C)

20 A No.

21 Q What about anyone on her team, say (b)(6);
22 (b)(6); (b)(7)(C)

23 A Well, I want to differentiate between two

24 (b)(4)
25

1 (b)(4)
2
3 (b)(4)
4
5
6
7
8
9

10 Q Is there a point in either -- in these

11 (b)(4)
12
13
14
15
16
17
18
19
20
21
22
23
24

25 Q Prior to 2018, without going into the

1 (b)(4)

2

3

4

5

6 A I don't remember that specifically.

7 **Q In the filings there's a section called**

8 **risk factors or risk disclosures. Are you familiar**

9 **with those in the Q's and the K's?**

10 A Yes.

11 **Q I don't want to ask your -- your legal**

12 **opinion on -- on what the purpose of those are, but**

13 **as the CEO of a company, do you have an**

14 **understanding as to why those -- why the filings**

15 **have a risk factor section? I guess I'm asking for**

16 **your interpretation or how you view that section.**

17 A Yeah. I think about the whole set of

18 communications as what do investors need to know

19 about what are the important trends or factors in

20 the business and its outlook.

21 **Q And without -- again, without going into**

22 **the substance of your communications with Facebook**

23 **lawyers in connection with this process, do you**

24 **review the risk factors in the 10Qs and 10Ks?**

25 A Yes.

1 **Q And are those subjects from time to time,**

2 **do they come up in any of the disclosure meetings as**

3 **part of your quarterly or annual process?**

4 (b)(4)

5

6

7

8

9 **Q I think this might be a good time to take**

10 **a half-hour lunch break.**

11 A Okay.

12 MR. TASHJIAN: Let's go off the record.

13 VIDEO OPERATOR: Going off the record. The

14 time is 12:34 p.m.

15 (Whereupon, at 12:34 p.m., a luncheon

16 recess was taken.)

17 AFTERNOON SESSION

18 VIDEO OPERATOR: We are back on the record

19 at 1:08 p.m.

20 BY MR. TASHJIAN:

21 **Q During the lunch break, Mr. Zuckerberg,**

22 **could you confirm that you didn't have any**

23 **conversations with the SEC staff about the substance**

24 **of your testimony here today?**

25 A Yes.

1 MR. TASHJIAN: Counsel, I believe there's

2 a clarification you'd like to have.

3 MR. NEADERLAND: That's right.

4 So, Mr. Zuckerberg, earlier in the -- in

5 your testimony Mr. Tashjian asked you what your

6 knowledge was of the steps that the company

7 historically might take to look at an allegation or

8 concern that an app developer might be breaking

9 platform policy, violating platform policy.

10 Do you remember those questions?

11 THE WITNESS: Yes.

12 MR. NEADERLAND: (b)(4)

13 (b)(4)

14

15

16 Do you recall that?

17 THE WITNESS: Yes.

18 MR. NEADERLAND: (b)(4)

19 (b)(4)

20

21

22 THE WITNESS: (b)(4)

23 (b)(4)

24

25

1 (b)(4)

2

3

4

5 MR. NEADERLAND: Thank you.

6 BY MR. TASHJIAN:

7 **Q How did you get that understanding, Mr.**

8 **Zuckerberg? From whom did you get it?**

9 A Which -- which part?

10 **Q Your general understanding of how Facebook**

11 (b)(4)

12

13 A From talking to our team.

14 **Q Anyone in particular?**

15 A I don't remember, but I imagine it would

16 (b)(4)

17

18 **that you remember talking to about this issue?**

19 A Not specifically. I mean, I've talked to

20 a lot of the folks who -- who are in that org over

21 the years about a lot of different things.

22 **Q (b)(4)**

23 **spoke with that you can recall about app developer**

24 **misuse?**

25 A Well, the main person who I probably talk

1 (b)(6); (b)(7)(C) would be (b)(6);
 2 (b)(6); (b)(7)(C)
 3
 4 **Q I want to turn to the subject of Cambridge**
 5 **Analytica we've touched on. That name has come up**
 6 **earlier today. I want to just start at the**
 7 **beginning.**
 8 **How did you first learn about Cambridge**
 9 **Analytica in any particular instance or just as a**
 10 **company?**
 11 A Well, they were in the news a lot for
 12 their work on the 2016 US general election, and this
 13 was before any specific connection to Facebook or
 14 using -- their using data there. I think there was
 15 a lot of discussion around what they might be doing
 16 to help support the Trump campaign.
 17 And I think within the context of that,
 18 after reading a number of the stories or seeing
 19 them, I reached out to some folks internally to try
 20 to get more of an understanding of how they were
 21 using the platform and what was going on there.
 22 **Q Is there any particular news event that**
 23 **you can recall that -- where you first learned about**
 24 **Cambridge Analytica?**
 25 A I don't remember sitting here now when,

1 like, a specific moment of this was the first time I
 2 heard about them. I just remember broadly there was
 3 a lot of discussion around the election, that's
 4 clearly a big topic, and the work that they were
 5 doing. And I remember seeing some discussion -- I
 6 don't remember the specific news article about this,
 7 I think there were a number to this effect, where
 8 the folks involved with Cambridge Analytica were
 9 making quite large claims about what they might be
 10 able to do.
 11 And I kind of remember having this
 12 reaction to this, which is if they are using our
 13 systems for advertising, then I'm curious to
 14 understand if they are actually doing anything novel
 15 that matches the rhetoric that they have, or if
 16 they're just kind of puffing up rhetoric around what
 17 would be a relatively standard use of our ad
 18 systems.
 19 **Q These stories that you heard about in the**
 20 **news, did they concern Cambridge Analytica using**
 21 **Facebook in some way? Was there a connection with**
 22 **Facebook?**
 23 A I think a lot of the -- I don't remember
 24 the exact stories that I read, but I think there
 25 were some that were and some that weren't. Some

1 that were just talking about Cambridge Analytica
 2 using -- building these psychometric profiles to try
 3 to -- to try to help the campaign of Trump. And
 4 then there were some that suggested that they were
 5 either using Facebook for -- as an advertising
 6 platform or were using data. And that -- those were
 7 the questions that I was more curious to understand.
 8 **Q So you have a recollection of in the news**
 9 **stories reading something about what you called**
 10 **psychometric profiles. Did understand what that was**
 11 **at the time?**
 12 A No. And part of what I'm trying to convey
 13 is it actually wasn't clear to me whether they were
 14 referring to anything in particular, or just kind of
 15 using puffed up rhetoric to discuss what would
 16 really amount to a relatively standard use of a
 17 modern ad system.
 18 **Q So if I can just repeat back to you, it**
 19 **sounds to me like what your testimony is is that the**
 20 **first you can recall hearing about or learning about**
 21 **Cambridge Analytica was something in connection with**
 22 **the 2016 general election claims that Cambridge**
 23 **Analytica was making about its services, and the use**
 24 **of either psychometric profiles or some system that**
 25 **they were using to advertise perhaps through**

1 **Facebook?**
 2 A Yeah, that's what I believe.
 3 BY MS. DAVIS:
 4 **Q What was your understanding at the time**
 5 **what psychometric profiling meant.**
 6 A I'm not sure I had any. I was -- I
 7 remember reaching out to some folks on our ads team
 8 who I assumed would have a greater understanding of
 9 this or what they were using our systems for so they
 10 could explain to me. Like, are these folks actually
 11 doing anything novel? Or are they just talking
 12 about data in a puffed up way but using the ad
 13 system in what would amount to a relatively normal
 14 use?
 15 My understanding from those conversations
 16 is that, to summarize it very quickly, it was much
 17 closer to the latter in that they kind of a had
 18 big -- a lot of rhetoric around what they were
 19 doing, but a lot their of use, at least on the ad
 20 side of what we were doing, amounted to relatively
 21 standard advertising.
 22 **Q Who did you reach out to the ad team? Who**
 23 **did you talk to?**
 24 A I think just folks who ran -- who run the
 25 engineering teams and probably the sales and partner

1 management teams. This would probably be (b)(6);
2 (b)(6); I think was running the ads team at the
3 time. Probably (b)(6); (b)(7)(C) who was running the ads
4 product team. I imagine I would have included (b)(6);
5 (b)(6); on that who runs the sales team. But this
6 was over email, so I also think there should be a
7 record of this.

8 Q Okay. Thank you.
9 BY MR. TASHJIAN:

10 Q I think we'll be turning to an email and
11 you can tell us about it in a bit whether it's the
12 email that you are referring to where you reached
13 out to folks on your team.

14 I want to turn to (b)(6); (b)(7)(C) Do you
15 understand who (b)(6); (b)(7)(C) is?

16 A Today I do.

17 Q How did you first learn about (b)(6); (b)(7)(C)

18 A So after the March 2018 articles that came
19 out about Cambridge Analytica, I got more fully up
20 to speed on this whole episode. And that this
21 developer (b)(6); (b)(7)(C), who I guess had been
22 affiliated with Cambridge University, and had built
23 an app that was a quiz app, and that people gave
24 access to some information in order to use this quiz
25 app before some of the platform changes that we

1 talked about earlier that would have prevented that,
2 this app developer got access to some of this
3 information. And then turned around and sold the
4 data to Cambridge Analytica in violation of the
5 policies.

6 So we had, at that time when that
7 happened, basically kicked him off the platform as a
8 developer, and went to both him and Cambridge
9 Analytica and asked that they certify that they
10 didn't have any of the data and were deleting it.

11 And my understanding after these articles
12 came out in March of 2018, was that there was new
13 allegation that they actually hadn't deleted the
14 data when they certified to us that they had. So
15 that kicked off another round of investigations in
16 making sure that we went out and looked into any
17 other similar type of apps on the platform.

18 Q So you said a lot there. I want to go
19 back and touch on some of it. I think you said that
20 after the articles came out in March of 2018, you
21 wanted to get more fully up to speed on (b)(6); (b)(7)(C)
22 Had you heard of him before the New York Times and
23 the Guardian newspaper contacted Facebook in March
24 2018?

25 A I don't remember. I don't remember

1 hearing about him before that.

2 Q What about this incident in which he was
3 able to access user data? Had you heard of that
4 incident prior to March of 2018?

5 A I don't remember. It's possible that I
6 did, but I don't -- I don't remember sitting here
7 today knowing of (b)(6); before March of 2018.

8 Q Okay. So putting it in more general
9 terms, had you heard or learned at anytime prior to
10 March of 2018, that an app developer associated with
11 Cambridge University had sold user data to Cambridge
12 Analytica?

13 A Before March of 2018?

14 Q Yes.

15 A No, I don't believe that I knew that.

16 Q I'm just exploring sort of the contours of
17 what your testimony is about your memory. What
18 about just an app developer associated with
19 Cambridge Analytica using or obtaining user data and
20 selling it to somebody else? Had you heard of that
21 allegation before?

22 A No. I don't believe that I had been
23 looped in or knew about that whole general incident
24 before March of 2018.

25 Q So if I understand your testimony, the

1 first time you can recall hearing about this
2 incident of (b)(6); (b)(7)(C) selling or transferring
3 Facebook user data to Cambridge Analytica was in
4 connection with the New York Times and Guardian
5 stories that came out in connection -- in March of
6 2018?

7 A Yes, that's what I believe.

8 Q You said a little bit about how Facebook
9 had asked Cambridge Analytica and (b)(6); to
10 delete the data. How did you learn that?

11 A After March -- the March 2018 article, I
12 talked to our team and got up to speed on more of
13 the history that had -- that had transpired there.

14 Q So was it at that point in March of 2018,
15 that you learned that Facebook had asked (b)(6); (b)(7)(C)
16 and Cambridge Analytica to delete the data they had
17 obtained?

18 A I believe so.

19 Q You hadn't heard about it before?

20 A I don't think so.

21 Q You also mentioned this certification.
22 First of all, what did you mean by certification?

23 A So my understanding is that after 2015,
24 when the organization first became aware of an
25 allegation that (b)(6); had sold data, we terminated

1 (b)(6); access as a developer. We reached out to
 2 both (b)(6); and Cambridge Analytica to get them to
 3 confirm in writing that they did not have and were
 4 not using any of the data that they shouldn't have
 5 access to, and that Cambridge Analytica certified to
 6 us that that was the case. That they didn't have or
 7 had removed and were not using the data.

8 **Q So you learned about -- if I understand**
 9 **you correctly, you learned about that certification**
 10 **process or confirmation in writing through members**
 11 **of your team sometime in or around March of 2018?**

12 A Yes.

13 **Q And not before?**

14 A That's my understanding.

15 **Q Mr. Zuckerberg, I'm going to show you an**
 16 **article published in the Guardian newspaper on**
 17 **December 11, 2015, previously marked as Exhibit 13**
 18 **in this matter.**

19 **Have you seen this article before?**

20 A Yes.

21 **Q When was the first time you saw it?**

22 A I don't know the first time that I saw it,
 23 but my memory of reading this is just in my review
 24 of relevant documents for this testimony.

25 **Q I don't want to get into conversations you**

1 may have had with your attorneys, but you recall
 2 reading it in preparation for today's testimony?

3 A Seeing it.

4 **Q Seeing it. What about before? And I take**
 5 **it that that probably took place sometime in the**
 6 **last couple of weeks?**

7 A Yes.

8 **Q What about anytime before that? Had you**
 9 **seen Exhibit 13 at any time prior to preparing for**
 10 **today's testimony?**

11 A It's possible, but I don't remember that.
 12 I don't have any specific memory of, yeah, I saw
 13 this article then.

14 **Q Meaning -- and when you say "then," are**
 15 **you talking about in 2015?**

16 A Before the last couple of weeks.

17 **Q What about in 2018? Did you go back and**
 18 **take a look at this article after the New York Times**
 19 **and Guardian wrote more stories about the same**
 20 **incident?**

21 A It's possible. I don't remember that
 22 specifically, but I certainly read a number of
 23 things then. There was a lot written about this.

24 **Q You understood in or around March or April**
 25 **of 2018, that the Guardian had published the article**

1 **that we are now looking at as Exhibit 13; is that**
 2 **right?**

3 A Yes.

4 **Q But you have no recollection of going back**
 5 **and actually reading that article --**

6 A That's correct.

7 **Q -- in March or April of 2015; is that**
 8 **right?**

9 A Yes.

10 **Q So I want to ask you sort of generally**
 11 **how -- if and how you follow the news.**

12 A I do that quite a bit.

13 **Q Do you?**

14 A Yes. I mean, I guess -- I guess there's a
 15 few basic sources, right? So I'll follow a number
 16 of folks on social networks and I'll read news
 17 aggregators. And people will also send me things
 18 that they think are interesting and I'll often
 19 check those out.

20 **Q Do you subscribe to legacy print media at**
 21 **home?**

22 A Some. When you say "at home," I'm not
 23 sure I'm getting the news delivered, but I have -- I
 24 certainly have paid subscriptions which I primarily
 25 use to access content online.

1 **Q Do you get the dead tree version of the**
 2 **newspapers delivered at home?**

3 A I don't think so.

4 **Q You mentioned news aggregator. What news**
 5 **aggregators? First of all, can you describe what**
 6 **you mean by news aggregator?**

7 A Sure, yeah. It's -- I'll use services
 8 like Techmeme for aggregating tech news. I'll use
 9 things like Google News, too, for -- for looking at
 10 world news and things that are going on globally.

11 **Q How do you access something like Techmeme?**

12 A On my phone.

13 **Q Is it something you pull up or does it**
 14 **send you alerts about something?**

15 A It's a website you pull up.

16 **Q I see. So you have to sort of surf to it**
 17 **I guess?**

18 A Yes.

19 **Q In the old lingo. I don't know if people**
 20 **still surf to websites.**

21 BY MS. DAVIS:

22 **Q Do you go to these news aggregators each**
 23 **day to review what's there?**

24 A In general, yes. Although, of course, it
 25 depends on how busy things are. I mean, if things

1 are really busy or if I'm off the grid for some
 2 reason, then I might just not be paying as much
 3 attention.
 4 One thing that -- I mean, this article was
 5 published a couple of weeks after (b)(6); (b)(7)(C)
 6 (b)(6); (b)(7)(C)
 7 So while there were definitely some urgent
 8 work-related things that I was checking in, I
 9 probably was relatively offline at this time. So
 10 I'm not sure that -- how I would have read the news
 11 here is exactly the same as what I would do on an
 12 ongoing basis when I'm in the office, for example.

13 BY MR. TASHJIAN:

14 **Q Got it. I was going to come back to your**
 15 **(b)(6); (b)(7)(C) So without getting -- revealing too**
 16 **much personal information, when was your (b)(6);**
 17 **(b)(6); (b)(7)(C)**
 18 **A (b)(6); (b)(7)(C)**
 19 **Q And how long were you on (b)(6); (b)(7)(C)**
 20 **A It was about (b)(6); (b)(7)(C)**
 21 **Q (b)(6); (b)(7)(C)**
 22 **(b)(6); (b)(7)(C)**
 23 **A I believe so.**
 24 **Q And I think you said earlier that you**
 25 **access a news aggregator like Techmeme on your**

1 **phone. Is that the primary way you would access**
 2 **that information?**
 3 **A Yeah, and a computer, but primarily a**
 4 **phone.**
 5 **Q Do you have a computer at home?**
 6 **A I do.**
 7 **Q And you generally carry with your phone**
 8 **with you and check it when you feel the need to look**
 9 **at the news?**
 10 **A Yeah, yes.**
 11 **Q I have a printout of something that's**
 12 **labeled Techmeme dated December 11, 2015. It's a**
 13 **one page screen shot. Have this marked as Exhibit**
 14 **228, please.**
 15 **(SEC Exhibit No. 228 was marked**
 16 **for identification.)**
 17 **BY MR. TASHJIAN:**
 18 **Q Mr. Zuckerberg, I'll represent to you that**
 19 **Exhibit 228 is a screen shot of Techmeme. The**
 20 **website has an ability to go back and see how it's**
 21 **archived. Pages look -- you see in the upper**
 22 **right-hand corner it say: "This is a" -- "about**
 23 **this page. This is a Techmeme archive page." It**
 24 **shows how the website appeared at 2:35 p.m. Eastern**
 25 **Time on December 11, 2015.**

1 **Do you see that?**
 2 **A Yes.**
 3 **Q I'll note that the fifth story down on the**
 4 **page is headlined "(b)(6); (b)(7)(C) Guardian. (b)(6); (b)(7)(C)**
 5 **using UK behavioral targeting firm, Cambridge**
 6 **Analytica, which harvests psychological profiles of**
 7 **millions of unwitting US Facebook users."**
 8 **Do you see that?**
 9 **A Yes.**
 10 **Q Did you see this article in Techmeme on or**
 11 **about December 11, 2015?**
 12 **A I don't remember seeing that.**
 13 **Q So you talked a little bit about what you**
 14 **learned about how Facebook reacted to the article**
 15 **that we've looked at in the Guardian. You said a**
 16 **number of things. You reached out to (b)(6) -- the**
 17 **company reached out to (b)(6); (b)(7)(C) and Cambridge**
 18 **Analytica and asked them to destroy -- delete the**
 19 **data and to certify that it had been deleted.**
 20 **(b)(4)**
 21 **(b)(4)**
 22 **(b)(4)**
 23 **(b)(4)**
 24 **(b)(4)**
 25 **A I don't know if we considered it then.**

1 **Q Did you have any conversations with anyone**
 2 **about whether or not Facebook should disclose the**
 3 **matter to its users?**
 4 **A No, not that I remember. I don't even --**
 5 **I don't remember having the topic raised to me. So**
 6 **I certainly don't remember being in conversations**
 7 **about whether we should communicate about it.**
 8 **Q And I believe that Facebook filed its**
 9 **annual report on Form 10K sometime later in January**
 10 **(b)(4)**
 11 **(b)(4)**
 12 **(b)(4)**
 13 **(b)(4)**
 14 **(b)(4)**
 15 **(b)(4)**
 16 **A I don't believe so.**
 17 **Q And based on what you know from asking**
 18 **your team following March of 2018, can you tell us**
 19 **(b)(4)**
 20 **(b)(4)**
 21 **(b)(4)**
 22 **(b)(4)**
 23 **A So my understanding now is that typically**
 24 **(b)(4)**
 25 **(b)(4)**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(4)

Q And how did you come to that understanding? Who gave that to you?
MR. NEADERLAND: So the witness should certainly answer the question. To the extent that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of the improperly acquired data. They provided a certification."

Do you see that?

A Yes.

Q So I guess my question for you is: Did you -- did you consider or did anyone at Facebook

(b)(4)

A I'm not sure.

Q I take it, it didn't come to your attention, so you didn't consider it at the time; is that right?

A That's correct.

BY MS. DAVIS:

Q Can I clarify something you testified to earlier? Earlier you said that you understood that when Facebook learned that (b)(6); (b)(7)(C) had sold data in violation of Facebook policies, I believe you testified that Facebook kicked him off the platform or terminated (b)(6); (b)(7)(C) access, and made him certify he had deleted the data; is that correct?

A That's my understanding, yes.

Q Is it your understanding, though, that they terminated his access to the platform in 2018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the answer includes advice that you received from either internal or external legal counsel, you should omit that from your answer.

THE WITNESS: Well, I don't remember if it was -- it's certainly possible that lawyers were involved in that, but I don't remember who specifically gave me the advice, although I know that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) and folks were involved in this.

BY MR. TASHJIAN:

Q Could I ask you just to turn quickly back to your public statement that you posted on March 21st. I believe it's Exhibit 226. In your post you kind of went through a chronology. You talk about 2007, 2013, 2014, and then you say in 2015.

Are you following me?

A Yes.

Q So -- and you wrote, and I'll quote it here: "In 2015, we learned from journalists at the Guardian that (b)(6); (b)(7)(C) had shared data from his app with Cambridge Analytica. It's against our policies for developers to share data without people's consent. So we immediately banned (b)(6); (b)(7)(C) app from our platform, and demanded that (b)(6); (b)(7)(C) and Cambridge Analytica formally certify that they had deleted all

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

or back in 2015 when Facebook learned of the conduct, or 2016?

A My understanding is 2015.

Q Okay. And the same about Cambridge Analytica. Did you understand that Facebook had terminated Cambridge Analytica's access in 2015 or '16 or in 2018?

A In between. So my understanding is Cambridge Analytica wasn't actually a developer in this. (b)(6); (b)(7)(C) was the developer. So people who were using the app were using -- were interacting with (b)(6); (b)(7)(C) app and gave that access to the data. And then (b)(6); (b)(7)(C) turned around and sold the data to Cambridge Analytica. So it's certainly a violation to do that.

So we kicked (b)(6); (b)(7)(C) off the platform, then went to (b)(6); (b)(7)(C) and Cambridge Analytica to certify that they didn't have access to the data, had deleted anything that they had, weren't using it. And that process was not overnight, but at some point in between 2015, and I think certainly before the articles in 2018, we got those certifications.

Q Okay. But as to Cambridge Analytica, when were they -- was their access terminated from the platform?

1 A So, again, they weren't a developer --

2 Q Right.

3 A -- in this. So one thing that in

4 retrospect -- so the policy would have been to

5 terminate them had they been a developer. They

6 weren't at the time. So I didn't think there was

7 anything to do there.

8 We did make a mistake internally, which is

9 we didn't connect the dots that Cambridge Analytica

10 was starting to advertise at the time. And we

11 should have terminated their access as an

12 advertiser, but because this was handled within the

13 developer operations team and there was an oversight

14 where we just missed making that connection, I don't

15 believe we terminated their advertiser access at

16 that time.

17 Q But ultimately --

18 A We did.

19 Q -- you did. And when did Facebook

20 terminate their advertising access?

21 A I don't know, but he we can follow up and

22 get you that.

23 BY MR. MEYERHOFER:

24 Q I want to go back to an answer you gave a

25 couple minutes ago and see if I can get a little

1 b)(4)

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 more detail. So, as I recall it, you said one of

2 the reasons that, your understanding, now why the

3 (b)(6); Cambridge Analytica incident wasn't

4 (b)(7)(C)

5 (b)(4)

6

7

8 First of all, is that a fair

9 characterization of your answer?

10 A I think that's one of the reasons, yes.

11 Q And then fast forwarding to 2018, I

12 believe you said that, notwithstanding the fact that

13 (b)(4)

14

15

16

17 Again, is that a fair characterization of

18 your testimony?

19 A Yes.

20 (b)(4)

21

22

23

24

25

1 b)(4)

2

3

4

5

6 Q What's your perception of why it became,

7 you know, a matter of some sort of national news

8 import in 2018?

9 A Well, I think that there were a few

10 (b)(4)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Q Any other reasons, again, why in your view

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you think this became sort of -- entered the

(b)(4)

Q Coming back to the decision to, again, make some public disclosures about this matter in

(b)(4)

BY MS. DAVIS:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(4)

in the office. But, again, that's speculation.

Q Did Facebook have any controls or processes in place to bring platform policy violations like this, selling of Facebook user data, to your attention if it met a certain threshold back in 2015?

A I don't -- I don't know about that

(b)(4)

Q But if there's an article back in 2015 that's suggesting this app developer may have accessed and sold millions of Facebook data,

(b)(4)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Before lunch there was a discussion about Facebook's platform policies, and that an app developer selling or transferring Facebook data user would violate Facebook's platform policy back in 2015.

Do you recall that?

A Yes.

Q That's an accurate statement; is that right?

A I believe so, yes.

Q And then I think at that time we also

(b)(4)

A Yeah, I believe so, especially if it's an ongoing issue and it hasn't been addressed.

Q Is it that -- okay. So with respect to

(b)(4)

A I don't remember it coming to my attention, and I can speculate as to why that might

(b)(4)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(b)(4)

A I'm not sure.

Q Who would be -- who would be responsible

(b)(4)

A At what level? It would be some

(b)(4)

Q Okay, thanks.

BY MR. TASHJIAN:

Q In 2018, when you made your post and Facebook responded publicly to the New York Times article, what action could users take? Was there an action for users to take about the (b)(6) Cambridge Analytica event that had occurred almost three years earlier?

A Sorry. Can you repeat that?

Q So you said -- let me rephrase just to make sure we're on the same page.

I think you said that there were sort of

(b)(4)

1 (b)(4)
2
3
4
5
6
7

8 **Do I have that right?**

9 (b)(4)
10
11
12
13
14

15 **Q So just on that first point, there's no**
16 **action for a user to take in 2015 or 2016. I'm**
17 **wondering if that was also true in 2018. And if**
18 **wasn't true, if there was some action, what action**
19 **could a user take in 2018 that they couldn't have**
20 **taken in early 2016?**

21 A Sorry. You're asking what action a person
22 could have taken in 2018?

23 **Q Right. Sorry. I think I'm being unclear,**
24 **so I'll try to rephrase this.**

25 **Of those reasons that you gave, I think**

1 **their data had been accessed.**
2 **As I understand it, the company couldn't**
3 **say specifically whether (b)(6); (b)(7)(C) had obtained any**
4 **particular friends' data. So the company came out**
5 **with an estimate of up to 87 million users may be**
6 **affected. That was the number the company used in**
7 **March of 2018; is that right?**

8 A I believe that's correct.

9 **Q And as I understand the news, or**
10 **Facebook's statements about it, was because the**
11 **company couldn't say with any particular granularity**
12 **about whether a particular user's data had been**
13 **accessed or not; is that right?**

14 A I don't remember the exact reason, but

15 (b)(4)
16
17
18
19
20
21
22
23
24
25

1 (b)(4)
2
3
4
5
6

7 A Yes.

8 **Q So I'm wondering when you did disclose it**
9 **in 2018, you confirmed that this incident had taken**
10 **place and you posted your Facebook post, I'm**
11 **wondering what action could a user have taken in**
12 **March of 2018 that that user couldn't have taken in**
13 **early 2016?**

14 A I don't think that there was much. I

15 (b)(4)
16
17
18
19
20
21
22
23
24
25

1 (b)(4)
2
3
4

5 A Sure. So in order to provide the service,

6 (b)(4)
7
8

9 (b)(4)
10
11
12
13

14 **Q So if -- and it sounds like Facebook only**
15 **(b)(4) It's**
16 **not indefinite according to your understanding.**

17 A My understanding is that this may vary
18 from type of activity to type of activity. So I
19 don't know if there's -- I don't think there's a
20 single uniform policy across the whole company on
21 this.

22 **Q To the best of your knowledge, did anyone**
23 **at the time, in either December 2015 or early 2016,**

24 **(b)(4) who (b)(6);**
25 **(b)(6); (b)(7)(C) or what data (b)(6); (b)(7)(C) had obtained so**

1 (b)(4)

2

3

4 A I'm not sure.

5 **Q So I want to ask you, my review of public**

6 **media looks like you gave a number of interviews**

7 **following your Facebook post on March 21st, 2018; is**

8 **that right?**

9 A I remember giving one interview.

10 **Q I think you gave interviews to the New**

11 **York Times to Recode and to Wired. Does that sound**

12 **right?**

13 A Oh, yeah. Maybe print interviews. And

14 then I think I did one TV interview.

15 **Q Got it. So in -- in those interviews --**

16 A Yes. Now that you say that, I think I --

17 yeah, I remember the Wired one too.

18 **Q Okay. In those interviews with the New**

19 **York Times and Recode and Wired, you seem to make a**

20 **distinction between raw data and derived data in the**

21 **sense that, to the best of your understanding at the**

22 **time that, Cambridge Analytica did not obtain any**

23 **raw data from (b)(6); (b)(7)(C)**

24 **Does that sound right to you?**

25 A I'm not sure. Do you have the context on

1 that?

2 **Q I do. I'll read you the quotes and I have**

3 **the articles if you'd like to see them. You told**

4 **the New York Times: "At the time, they told us" --**

5 **meaning Cambridge Analytica -- "that they had never**

6 **gotten access to raw Facebook data."**

7 **And then to Recode you said: "And at that**

8 **time, Cambridge Analytica told us that not only do**

9 **we not have the data and it's deleted, but so we**

10 **actually never got access to raw Facebook data."**

11 **And then in Wired you are quoted as**

12 **saying: "Cambridge Analytica had actually told us**

13 **that they actually hadn't received raw Facebook data**

14 **at all. It was some kind of derivative data, but**

15 **they had deleted it and weren't making any use of**

16 **it."**

17 **Does that refresh your recollection about**

18 **the distinction you are making between raw Facebook**

19 **data --**

20 A Yes.

21 **Q -- and derived data?**

22 A Yes.

23 **Q Can you tell us what you meant by that?**

24 A So my understanding of this is that (b)(6);

25 was doing research associated with Cambridge

1 University. He built a quiz app that people chose

2 to give information to. And that part of what (b)(6);

3 was doing was then building models of what people (b)(7)(C)

4 might be interested in or how they -- personality

5 traits based off of the answers they give in the

6 poll.

7 What I believe I was referring to in those

8 interviews is the distinction with raw data is that

9 people gave their information and also gave access

10 to some of their friends' information to this app

11 developer.

12 **Q (b)(6);**

13 **(b)(7)(C)**

14 A (b)(6); (b)(7)(C) And that information is what I

15 would have called the raw, raw information or raw

16 data.

17 So I believe we were told by (b)(6); (b)(7)(C) and

18 Cambridge Analytica was that that specific data,

19 people's data from Facebook, was not passed along to

20 Cambridge Analytica. However, the models that (b)(6);

21 computed using either the poll data or the survey

22 data and maybe combined with some of the information

23 from -- that people granted access to from Facebook,

24 that -- that those models, then, may have been

25 shared.

Again, it's worth noting that I'm -- I

1 have some level of suspicion of anything that the

2 developer and that Cambridge Analytica have told us

3 in retrospect since they signed certifications for

4 us on things, and then it seemed in retrospect,

5 like, those were not true. So I just think it's

6 worth clarifying here that what I'm saying is

7 echoing what -- what I've heard, and I think what

8 some people on our team believed to be true, but I

9 think it's appropriate to have that caveat on it.

10 **Q Understood, Mr. Zuckerberg.**

11 **Just to be clear, so a raw Facebook data**

12 **would include, say, a user's name, friends' name,**

13 **their location or their birthdate or their page**

14 **likes; is that fair to say?**

15 A It could, yes. Information that a person

16 granted access to from their Facebook profile.

17 **Q And that derived data would be the models**

18 **that (b)(6); (b)(7)(C) allegedly put together involving**

19 **psychometrics or their personality scores that he**

20 **transferred to -- he transferred those scores that**

21 **were derived from Facebook data to Cambridge**

22 **Analytica.**

23 **Do I have that right?**

24 A Well, without knowing exactly what (b)(6);

25 did, I think your distinction is generally right, (b)(7)(C)

1. that it's whatever he did, not the data that came
 2. from people's Facebook profiles.
 3. **Q So in the interviews with the news**
 4. **organizations that I mentioned, correct me if I'm**
 5. **wrong, but you seem to be making a distinction sort**
 6. **of about the level of offense. That it would be**
 7. **sort of one thing if (b)(6) had transferred -- had**
 8. **admitted to Facebook that he had transferred raw**
 9. **Facebook data. And it was a different level of**
 10. **offense, perhaps a lesser one, if he had just**
 11. **transferred the derived personality scores.**

12. **Was that the distinction you were trying**
 13. **to make?**

14. A I'm not sure. It's -- I'm not sure that
 15. that's -- that that's a point that I would have been
 16. trying to make. I think it might have just been
 17. that people were interested in specifically what
 18. data had been used for which things. We received a
 19. number of questions about that, and I might have
 20. just been trying to provide clarity on that.

21. **Q I see. So you made reference to these**
 22. **certifications. Have you seen the certifications**
 23. **either from (b)(6) or Cambridge Analytica before?**

24. A Myself?

25. **Q Yes.**

1. A I'm not sure.

2. **Q When you made your post or gave interviews**
 3. **to the news organizations in March 2018, had you**
 4. **seen those certifications?**

5. A If I had, it would have been talking with
 6. a lawyer, so I assume that would have been
 7. privileged.

8. **Q So you are putting that in subjunctive?**

9. A I don't -- I don't remember, but all my
 10. discussions around that were -- and my understanding
 11. is that was handled by our legal team. So I'm --
 12. I'm trying to answer both questions.

13. **Q Whether you had and what you would have**
 14. **done --**

15. A Yes.

16. **Q -- if you had seen it?**

17. All right. I'm going to show you what I
 18. believe to be a copy of (b)(6); (b)(7)(C) certification
 19. that he provided to Facebook in or around June of
 20. 2016, previously marked as Exhibit 15. And I'm
 21. going to show you what I believe to a copy of
 22. (b)(6); (b)(7)(C) certification that he provided to
 23. Facebook in or around April of 2017. This has been
 24. marked as Exhibit 123 previously.

25. You understand that (b)(6); (b)(7)(C) was the

1. **head of SCL Group, essentially Cambridge Analytica?**

2. A Yes.

3. **Q Have you seen either -- now that I put**
 4. **them front of you, have you seen either one of those**
 5. **two documents before?**

6. A I don't remember.

7. **Q You have no recollection of seeing them**
 8. **before?**

9. A That's right. I think I -- I feel like I
 10. may have seen this. I'm not sure I've seen this,
 11. but I don't remember the context of seeing this.

12. **Q Could you say the exhibit numbers?**

13. A Yes. I may have seen the (b)(6);
 14. certification. I don't have any recollection of
 15. seeing the (b)(6); certification.

16. **Q Let's turn to Exhibit 123, the (b)(6);**
 17. **(b)(7)(C) certification. So you think you've seen (b)(6); (b)(7)(C)**
 18. **certification before. Under what circumstance?**

19. A I don't remember.

20. **Q Was it before or after March of 2018?**

21. A After, if I had. I remember seeing
 22. something like this. I don't -- this is -- I'm just
 23. trying to provide as full a context as I can, but
 24. it's a vague memory if at all.

25. **Q So (b)(6); (b)(7)(C) made reference in his**

1. **certification to Facebook user data and Facebook**
 2. **user friend data and data derived from such Facebook**
 3. **user data and Facebook user friend data. That's in**
 4. **the first paragraph under his certification.**

5. **Do you see that?**

6. A Yes.

7. **Q And you'll see in number 1 and then**
 8. **there's a paragraph below number 1. I'm going to**
 9. **read the last sentence in that paragraph.**

10. A Should I just read this?

11. **Q Yes. I'm also going to read it for the**
 12. **record while you're reading.**

13. A Okay.

14. **Q The portion I'm interested in says: "After**
 15. **Facebook contacted SCL in December 2015, we deleted**
 16. **all data we received from (b)(6); (b)(7)(C) This includes**
 17. **dropping all database tables and deleting the raw**
 18. **data stored as CSV from our encrypted file server."**

19. A Okay. What was the question?

20. **Q My question was, first of all, do you see**
 21. **the portion I just read --**

22. A Yes.

23. **Q -- referring to raw data?**

24. A Yes.

25. **Q And then that -- the fact that (b)(6);**
 (b)(7)(C)

1 sorry -- that (b)(6); (b)(7)(C) was certifying that they had
2 deleted raw data, can you tell us whether that had
3 come to your attention before you gave the
4 interviews to the -- to the news media organizations
5 on March 21st, 2018?

6 A That they had deleted any data that they
7 had?

8 Q That they had deleted raw Facebook data
9 that they had obtained from (b)(6); (b)(7)(C)

10 A I don't remember.

11 Q Is there some point later before today
12 that you became aware that (b)(6); transferred or
13 sold raw Facebook data to -- to SCL/Cambridge
14 Analytica?

15 A It's not clear to me from reading this
16 that the definition of raw data here is the same as
17 what I used earlier. So I think that's important to
18 clarify. I think in any context what people refer
19 to as raw data is the base dataset on top of which
20 they'll do some computation.

21 So in the case from (b)(6); perspective,
22 the raw data that he might have been perceived was
23 people's Facebook profiles and he might have
24 computed a model. But if (b)(6); then transferred his
25 model or some computed data to Cambridge Analytica,

1 raw and derived to point out that at least that top
2 paragraph seems to be fairly clear that they're
3 talking about both Facebook user data itself as well
4 as whatever derivation of that data (b)(6); put
5 together.

6 Do you see the distinction that I'm
7 drawing up there?

8 A Yes, I certainly see that it includes it.
9 But, I mean, again, I'm not sure, A, that I'm the
10 person that has the most context on this. But, B,
11 that that necessarily implies that that data was
12 transferred. But then, again, you know, in
13 retrospect I think we think the certification might
14 have been given falsely. So I'm not actually sure
15 how much I believe anything that he wrote here.

16 BY MR. TASHJIAN:

17 Q What investigation did Facebook do, to the
18 best of your knowledge, to figure out whether
19 Cambridge Analytica had, in fact, received only
20 derived personality scores or raw Facebook data?

21 A I'm not sure. We -- one of the things we

22 (b)(4)
23
24
25

1 then in that context they might have referred to
2 whatever data (b)(6); (b)(7)(C) transferred as the raw data to
3 them that was then stored.

4 So, again, without -- it's hard for me to
5 tell exactly what was going on from -- from this.
6 But I -- I just think it's a worthwhile
7 clarification that if they're certifying here that
8 they deleted raw data that (b)(6); have them, that
9 might not necessarily be the same thing that we were
10 talking about earlier.

11 BY MR. MEYERHOFER:

12 Q Mr. Zuckerberg, if you look up to the
13 first paragraph in the certification, maybe this
14 will help give a little more context. You see that
15 there's reference: "I, (b)(6); (b)(7)(C) on behalf of
16 SCL Elections certify that all Facebook data
17 gathered by the digital live Facebook application
18 received from or on behalf of Global Science
19 Research or (b)(6); (b)(7)(C) that's sort of a lengthy
20 intro. And then the description appears to be of
21 that data: "Including, but not limited to, Facebook
22 user data and Facebook user friend data and data
23 derived from such Facebook user data."

24 So, again, I just want to point that out
25 while we're in the context of sort of talking about

1 (b)(4)
2
3 (b)(4)
4
5
6
7
8 (b)(4)
9
10

11 Q Anything else?

12 A There may have been. But, I mean, those
13 are -- those are the main things that come to mind
14 now.

15 BY MS. DAVIS:

16 Q Can I clarify something you just said? You
17 mentioned Facebook (b)(4)
18 (b)(4)

19 2018, not in 2015, '16; is that right?

20 A That's correct.

21 BY MR. TASHJIAN:

22 Q Can we turn to (b)(6); (b)(7)(C) certification
23 that's been marked as Exhibit 15. I believe you
24 said that you can't recall whether you have seen (b)(6);
25 (b)(6); certification before; is that right?

1 A That's correct.

2 Q So being that this is a legal document,
3 I'm not going to ask your interpretation of the
4 legal parts, but there is a certification attached
5 as Exhibit 1A to the legal document. If I could ask
6 you to turn to that page. It's Bates-labeled 328 in
7 the lower right-hand corner.

8 A Okay.

9 Q And I'll represent to you that my best
10 understanding is this a certification on -- from (b)(6)
11 (b)(6); on behalf of his company Global Science
12 Research, the company that technically I guess owned
13 the -- what you've been referring to as the quiz
14 app.

15 He makes a description there on the first
16 indented paragraph under the number one about the
17 kind of data that the app collected. It included
18 name, gender, location, birthdate, page likes,
19 friends' list, each friend's name, each friend's
20 gender, each friend's location, and each friend's
21 birthdate and each friend's page likes.

22 Do you see that?

23 A Sorry. Where are you looking?

24 Q You see in number one under -- about
25 two-thirds of the way up the page.

1 A Yes.

2 Q And then he's describing for purposes of
3 the certification to Facebook the kind of data that
4 the app collected in the first paragraph.

5 A Yes.

6 Q Okay. Would you agree that the list that
7 I just read to you would fall under your definition
8 of raw Facebook data -- the name, the gender, the
9 location, friend's page likes and things like that;
10 is that fair to say?

11 A In this case, yes. Again, I think the --
12 I'm not sure how much this distinction matters, but
13 I think raw data is always what we refer to as the
14 base input. And then if you compute something or do
15 something on of top, then that's derived data. So
16 in this case if this was the data that people were
17 giving access to, then you could refer to that as
18 that.

19 Q And then on the -- you see his
20 certification continues on to the next page, several
21 more bullets. And then the last bullet on the page
22 is marked Bates label 329 is a beginning of a
23 description of who he shared or gave access to data
24 and a description of that data. If you see number 6
25 down at the bottom, I'm just trying to help you

1 track the document. The following page is blank and
2 then the following page after that has a table.

3 A Okay, yes.

4 Q In the table there's SCL. And you'll see
5 (b)(6); (b)(7)(C) in the contact information, and then
6 the third column is number unique Facebook profiles
7 involved and specific data points shared.

8 Do you see that?

9 A I'm reading it.

10 Yes.

11 Q I take it from your earlier testimony,
12 that you haven't seen this table before, or you
13 don't recall seeing it before; is that correct?

14 A Yes.

15 Q So (b)(6); (b)(7)(C) provided this certification,
16 gave it to Facebook, sometime in June 2016. Is that
17 your understanding as well?

18 A Sorry. Say that again.

19 Q (b)(6); (b)(7)(C) provided this certification
20 including this table to Facebook in June 2016; is
21 that your understanding?

22 A I don't remember the exact date.

23 Q What about the time period? Did you have
24 an understanding that (b)(6); (b)(7)(C) provided the
25 certification?

1 A It sounds like around the right time.

2 Q Sometime June 2016?

3 A I don't really know the specific month. I
4 just know that it was after 2015 and before -- well
5 before 2018.

6 Q Got it.

7 All right. If you don't mind let's take a
8 short -- a short break for just a few minutes if
9 that's all right.

10 A Sure.

11 Q Why don't we go off the record?

12 VIDEO OPERATOR: Going off the record. The
13 time is 2:13 p.m.

14 (A brief recess was taken.)

15 VIDEO OPERATOR: We're back on the record
16 at 2:28 p.m.

17 (SEC Exhibit No. 229 was marked
18 for identification.)

19 BY MR. TASHJIAN:

20 Q Mr. Zuckerberg, would you confirm for the
21 record that during the short break you didn't have
22 any conversations with the staff about the substance
23 of your testimony?

24 A Yes.

25 Q I'm going to hand you what's been marked

1 as Exhibit 229, an article dated July 18, 2018 in
 2 the publication Recode. The interviewer was (b)(6);
 3 (b)(7)(C);
 4 Do you remember sitting with (b)(6); (b)(7)(C)
 5 for this interview?
 6 A Yes.
 7 Q I'm going to ask you about a portion of
 8 the interview that touched on Cambridge Analytica
 9 particularly. I think the interview was fairly wide
 10 ranging. Unfortunately the pages aren't numbered,
 11 but if you turn to the page just for orientation
 12 that says "second day was better, yeah," at the top,
 13 about 15 pages in.
 14 A Okay.
 15 Q (b)(6); (b)(7)(C) asks a question down towards
 16 the bottom of that page that touches on Cambridge
 17 Analytica. And she asks: "Why didn't you see it?"
 18 What's the problem in that -- with this data that
 19 you did not see it being misused?" And then you
 20 kind of interject over each other. And then the
 21 next page starts -- she said something to the effect
 22 of "right, data portability."
 23 A Okay.
 24 Q So I really want to ask you about is some
 25 of the things on that the page that say: "Right,

1 A Yes.
 2 Q And then you continue to say: "We do spot
 3 checks where we can audit developer's servers." I
 4 think we've also touched on that. That's where
 5 Facebook would ask to see the code or the servers or
 6 do an inspection of a developer. Is that what you
 7 were referring to?
 8 A Yes.
 9 Q And then you -- you continue down and you
 10 say something about certification from (b)(6); (b)(7)(C) and
 11 Cambridge Analytica and how you had gotten a legal
 12 certification. We talked about that issue, right?
 13 A Yes.
 14 Q And then sort of the heart my question
 15 really goes to the bottom part of this page. (b)(6);
 16 (b)(7)(C) asks something that's not entirely
 17 intelligible about one of your board members and
 18 (b)(6); (b)(7)(C) Then she says: "No, but I'm just
 19 saying it creates a what the heck was going on
 20 here?"
 21 Do you see that portion of her question
 22 there?
 23 A Yes.
 24 Q And then your answer is: "Yeah, I think
 25 in retrospect, you know, we didn't know what

1 data portability."
 2 A On this page under "right, data
 3 portability."
 4 Q Exactly.
 5 A Okay.
 6 Q Her next question in the bold says: "But
 7 you have in the past caught people doing this and
 8 been much more rigorous in that."
 9 Do you see that? If you can just read
 10 your answer after that and then down to the end of
 11 the page.
 12 A Okay. Where do you want me to read until?
 13 Q Just to the bottom of the page.
 14 A Okay.
 15 Q All right. So on this page under her
 16 question that says in the past caught people doing
 17 this and been much more rigorous in that, you said:
 18 "So we do a number of things. One is we do ongoing
 19 audits and we've built technical systems to see if a
 20 developer is requesting information in weird ways."
 21 I think we've touched on that subject
 22 earlier today about Facebook's internal capabilities
 23 within dev ops to monitor app developers and the
 24 data that they are drawing. Is that -- is that what
 25 you are referring to?

1 Cambridge Analytica was there. It didn't strike us
 2 as a sketchy thing. We just had no history with
 3 them. Knowing what I know now, we obviously would
 4 not have just taken their certification at its word
 5 and gone in and done an audit then."
 6 Do you see that?
 7 A Yes.
 8 Q When you said "and done an audit then,"
 9 are you referring to the kind of audit where you ask
 10 to see their servers and inspect their -- the
 11 information that they had obtained from (b)(6); (b)(7)(C)
 12 A Potentially or whatever we thought was
 13 necessary to verify what they were certifying.
 14 Q And when you say "in retrospect," that's
 15 because at this point in July 2018, you had reason
 16 to believe that Cambridge Analytica hadn't been
 17 truthful in its certification?
 18 A As of 2018, that was the new allegation,
 19 yes. That's right.
 20 Q So you said: "We didn't know what
 21 Cambridge Analytica was there. Didn't strike us as
 22 a sketchy thing. We just had no history with them."
 23 What were you referring to? What did that mean?
 24 A Well, in 2015, I don't know that a lot had
 25 been written or discussed yet about the way that

1. Cambridge Analytica operated and a lot of the
2. questions. And we talked about this earlier today
3. about their rhetoric about what they were claiming
4. to be able to do and not necessarily being fully
5. truthful in terms of what they were actually doing
6. or overstating their capability is and some
7. shadiness in the ways that they operated, that I
8. think we'd just become more aware of and discussed
9. more publicly in the intervening period.

10. **Q It sounds like you're saying if you had
11. some history or if you had thought they were quote,
12. unquote, "sketchy" that you would have done more to
13. verify their word at the time of the Guardian
14. article?**

15. A You know, it's always impossible to go
16. back in retrospect and know what you would have
17. done, but my understanding is that if our team
18. believed that someone was not credible that we would
19. be more skeptical of them providing a certification
20. and may have demanded a more rigorous audit or
21. investigation to confirm what they were saying.

22. **Q So are you aware today that there are
23. folks -- Facebook employees on the political
24. advertising team that did, in fact, have some
25. interactions with Cambridge Analytica in 2015 prior**

1. **to the publication of the Guardian article?**

2. A I am aware today that they were an
3. advertiser.

4. **Q Are you -- and what does that mean?**

5. A That they used our ad system. I actually
6. don't have a lot of detail on whether they were
7. self-service advertiser or worked through any of
8. our -- our sales reps.

9. **Q So you're not aware of whether anyone at
10. Facebook, any Facebook employees, had any
11. interactions with Cambridge Analytica prior to the
12. publication in the Guardian article in December
13. 2015?**

14. A That's correct. I'm not sure about that.

15. **Q What does the word "sketchy" mean to you?
16. What does that imply to you?**

17. A Not necessarily ethical or honest.

18. **Q I want to show you -- are you familiar
19. with something called "a task" within the Facebook
20. system?**

21. A Yes.

22. **Q I want to show what I believe to be a task
23. that's dated December 22nd, 2015. It's posted by
24. somebody named (b)(6); (b)(7)(C). It's been previously
25. marked as Exhibit 41. I'm just interested in the**

1. **portion that he posted. There are obviously a lot
2. of comments that go back and forth after (b)(6); (b)(7)(C)
3. made the posting.**

4. **First of all, do you know who (b)(6); (b)(7)(C)
5. is?**

6. A No.

7. **Q So just so you're oriented on the page,
8. there's an email at the top of the first page of
9. Exhibit 41 between, I believe, (b)(6); (b)(7)(C) and
10. somebody else. And then he's forwarding a copy of
11. what's -- what I'm referring to as the task that's
12. dated December 22nd.**

13. **Do you see that in the lower half of the
14. first page?**

15. A Yes.

16. **Q So I'm interested in the portion that (b)(6);
17. (b)(6); -- it says: "Owner (b)(6); (b)(7)(C)**

18. **Do you know who she is?**

19. A Yes.

20. **Q She's in platform policy; is that right?**

21. A That's my understanding, yes.

22. **Q And then it says: "Created September
23. 22nd, 2015, by (b)(6); (b)(7)(C)**

24. **Do you see that?**

25. A Yes.

1. **Q He says: "Hi, (b)(6); (b)(7)(C). Our team has been
2. spending a lot of time lately attempting to clarify
3. to clients in the political space how our policies
4. apply to pitches coming from vendors regarding the
5. matching social data with loader file. You'll
6. recall Trend Poll used scraped engager, IE last
7. year, to create custom audiences. We suspect many
8. of these companies are doing similar types of
9. scraping, the largest and most aggressive on the
10. conservative side being Cambridge Analytica, a
11. sketchy, to say the least, data modeling company
12. that has penetrated our market deeply."**

13. **Do you see that?**

14. A Yes.

15. **Q Have you ever seen this before?**

16. A I don't think so.

17. **Q Were you aware that even prior to the
18. Guardian article in December 2015 that members of
19. Facebook's political advertising team had raised
20. concerns about Cambridge Analytica?**

21. A No.

22. **Q Were you aware that members of the
23. political advertising team believed that Cambridge
24. Analytica might be involved in something called
25. scrape?**

1 A That Cambridge Analytica might have?
 2 Q Yes.
 3 A I don't believe so.
 4 Q When you were at Harvard, did you take any
 5 classes from somebody named (b)(6); (b)(7)(C)
 6 A Yes.
 7 Q He's a fairly well-renowned professor in
 8 (b)(6); (b)(7)(C) at Harvard; is that right?
 9 A Yes.
 10 Q I think he was the dean of students while
 11 you were there?
 12 A I think so, yes.
 13 Q Did you consult with him in any way in
 14 some of your early ideas for developing a social
 15 graph?
 16 A I talked to him about a small project that
 17 I was working on that involved him.
 18 Q Is that an email you sent to him called
 19 Six Degrees to (b)(6); (b)(7)(C)
 20 A Yes.
 21 Q And then I understand that (b)(6); (b)(7)(C)
 22 (b)(6); has an endowed chair at Harvard. Did you
 23 contribute in any way to that endowment?
 24 A I don't know.
 25 Q Who -- who would know?

1 Cambridge Analytica from doing in 2015 initially,
 2 you said, because they weren't an advertiser. I
 3 think your team corrected you during one of the
 4 breaks.
 5 Do you recall that?
 6 A I don't remember that specifically, but I
 7 remember that I got a couple of things wrong and had
 8 to correct them.
 9 Q Okay. You testified when you came back
 10 with a correction, they caught it in time. You
 11 didn't have to do it after the fact. You said it
 12 during your testimony. You said that they actually
 13 did start as an advertiser later in 2015, so we
 14 could have, in theory, banned them.
 15 Can you give us a sense of why -- why
 16 Facebook didn't ban Cambridge Analytica from
 17 advertising on the platform after the Guardian
 18 article came out?
 19 A My understanding is that it was a mistake,
 20 and that we didn't connect the dots, that we had a
 21 (b)(4)
 22
 23
 24
 25

1 A I think he had an endowed chair before I
 2 was there.
 3 Q Have you contributed any money to that
 4 endowment as far as you know?
 5 A Not that I know.
 6 Q He has a (b)(6); (b)(7)(C) who is
 7 I think about your age. Did you know her while you
 8 were at Harvard.
 9 A I don't think so.
 10 Q She's a Facebook employee now.
 11 A Oh, I didn't know that.
 12 Q You anticipated my next question, which
 13 was did you help her get a job in any way at
 14 Facebook?
 15 A I don't believe so.
 16 Q So (b)(6); (b)(7)(C) as I understand, worked in
 17 the political advertising team. Were you aware that
 18 she, like (b)(6); (b)(7)(C) raised concerns about
 19 Cambridge Analytica prior to the publication of the
 20 article in the Guardian?
 21 A No.
 22 Q You touched on this earlier a little bit,
 23 and I want to ask you, because I think you mentioned
 24 this in your senate testimony. In your senate
 25 testimony you said that there was nothing to ban

1 Q So, I'm sorry, who should have connected
 2 the dots? If you want to talk in function rather
 3 than putting names on it.
 4 A Well, it's not clear it's any individual
 5 (b)(4)
 6
 7
 8
 9
 10
 11
 12
 13 Q When you say the dots weren't connected,
 14 which dots are you --
 15 A The fact that they were also using --
 16 (b)(4)
 17
 18
 19
 20
 21
 22
 23
 24 Q I see. So if the folks in the advertising
 25 space were aware of the (b)(6); violation of

1 transferring data to Cambridge Analytica, if the
 2 dots were all sort of self-contained within one
 3 person, sounds like -- let me try to rephrase that.
 4 If somebody in political advertising team
 5 did know that Cambridge Analytica had been alleged
 6 to have taken this data and certified that it had
 7 deleted it, that -- then you are saying that person,
 8 that team, should have blocked them?
 9 A Yeah. Whoever made the decision, wherever
 10 that was escalated, after 2015 when we looked into
 11 (b)(6); activity then reached out to Cambridge
 12 Analytica to get the certification, my understanding
 13 (b)(4)
 14
 15
 16
 17 considered that more broadly, we would have
 18 concluded that we should have stopped Cambridge
 19 Analytica from advertising then. But I think we
 20 didn't make that connection then.
 21 Q Does the term "fully managed client" mean
 22 anything to you on the advertising side?
 23 A Not really.
 24 Q Okay. I want to come back to something
 25 that I think you mentioned earlier. Tell me if I'm

1 correct. I want to put an email string I think you
 2 kicked off on January 30th, 2017, previously marked
 3 as Exhibit 104.
 4 Mr. Zuckerberg, feel free to read the
 5 whole thing. I'm going to ask you about the email
 6 that kicked it off, which I believe is on page 6 on
 7 to page 7, from you that's dated January 30th, 2017.
 8 You'll see the very first email on the top of the
 9 first page of Exhibit 104 is from (b)(6); (b)(7)(C)
 10 A Okay. Should I read this whole thing?
 11 Q Well, if you could turn to your email, I
 12 believe it's something -- if I was interpreting what
 13 you said earlier correctly, I think you made a
 14 reference to your email, this email, in your earlier
 15 testimony.
 16 A That's correct.
 17 Q So you sent an email on January 30th to a
 18 number of folks and included a link to an article
 19 and something called Motherboard. And you asked at
 20 the very end of your email: "Can someone explain to
 21 me what they actually did from an analytics and ad
 22 perspective and how advanced it actually was?"
 23 Do you see that?
 24 A Yes.
 25 Q So it sounds like this was one of your --

1 if I'm remembering correctly, it's one of your first
 2 recollections of learning about Cambridge Analytica.
 3 Perhaps you had learned about them, but it was maybe
 4 the first time you had started taking action
 5 concerning Cambridge Analytica.
 6 Do I -- do I have that right?
 7 A I think that's probably right. My guess
 8 is I heard of them before. And that this was after
 9 seeing a couple of mentions of what they were
 10 claiming to do, I wanted to ask people who I trusted
 11 what their assessment was. This was -- my guess is
 12 this is likely not the first time I'd heard of them,
 13 but early.
 14 Q All right. And you forwarded a copy of
 15 this Motherboard or linked to the Motherboard
 16 article. Can you tell me who these people are that
 17 you sent the email to?
 18 A Yes. (b)(6); (b)(7)(C)
 19 (b)(6); (b)(7)(C)
 20
 21 (b)(6); (b)(7)(C)
 22
 23
 24
 25

1 (b)(6); (b)(7)(C)
 2
 3
 4 Q And why did you send your question to that
 5 group of employees?
 6 A Well, I imagine that it was because this
 7 was a question at the intersection of data use and
 8 ads. So I wanted to ask the people who were the
 9 (b)(6); (b)(7)(C)
 10
 11 Q You also mentioned (b)(6); (b)(7)(C) I
 12 believe earlier we were talking about this?
 13 A Yes.
 14 Q Who is (b)(6); (b)(7)(C)
 15 A (b)(6); (b)(7)(C) He wasn't on
 16 this original email, but was on I guess some of the
 17 followups.
 18 Q Right. You'll see on page 5 at the top
 19 (b)(6); (b)(7)(C) He says: "Plus
 20 (b)(6); (b)(7)(C) as our political sales team supporting them
 21 might have more insight also."
 22 And then (b)(6); (b)(7)(C) looks like, reached
 23 out to (b)(6); (b)(7)(C) who responds to part -- I think
 24 (b)(6); (b)(7)(C) includes part of her email in his
 25 response. In any of this I don't think I see any

1 reference to (b)(6); (b)(7)(C) or the Guardian
 2 December '15 story.
 3 **Q** Do you have an explanation as to why --
 4 why that was?
 5 A Why I didn't ask about that?
 6 **Q** Well, I guess let's start there. Why
 7 didn't you ask about it?
 8 A I don't think I was aware of that at this
 9 time.
 10 **Q** Fair enough.
 11 And then can you tell me whether -- why it
 12 is you think that no one sort of raised that issue
 13 back to you in the context of this -- this email
 14 string?
 15 A Well, it's hard for me to speculate for
 16 them, but my guess, if I have to, is that they were
 17 just trying to answer the question that I asked. And
 18 it's a sufficiently complex question that there's,
 19 you know, a whole long email thread on this, and I
 20 think that was just the focus of the thread.
 21 **Q** So ultimately this did end up with (b)(6);
 22 (b)(6); and she helps respond to (b)(6); (b)(7)(C) Did
 23 you speak with (b)(6); about your question or
 24 about anything -- any of the questions that came up
 25 in your mind about Cambridge Analytica at the time?

1 A I don't think so.
 2 **Q** So you have no recollection of her
 3 mentioning (b)(6); to you?
 4 A That's correct.
 5 **Q** I'm going to ask you about the article
 6 that you forwarded, printout of the article from
 7 Motherboard. It's been previously marked as Exhibit
 8 102. I just have some broad questions about the
 9 article itself. But, first of all, is this the
 10 article that you forwarded that you read?
 11 A It looks like it, yes.
 12 **Q** There's a long description about someone
 13 named (b)(6); (b)(7)(C) and then it sort of
 14 transitions into a story about (b)(6); (b)(7)(C) and
 15 Cambridge Analytica and some of the claims they were
 16 making about psycho -- psychographics.
 17 Does that sort of correspond with your
 18 recollection of it?
 19 A Sorry. You said --
 20 **Q** Sure. I was just trying to give you a
 21 broad overview and see if it corresponds with your
 22 recollection of the story.
 23 A I don't remember this story that
 24 specifically, but it was, yeah, broadly about --
 25 about Cambridge Analytica.

1 **Q** Right. So on -- in the story, I'm just
 2 going to ask you about one particular part of it. It
 3 is mentioned in here -- there's a photograph in the
 4 middle of the exhibit of (b)(6); (b)(7)(C) standing in
 5 front of a stage with a large screen behind him. The
 6 caption below it says: (b)(6); (b)(7)(C) at the 2016
 7 Concordia Summit in New York."
 8 You're almost there, Mr. Zuckerberg. I
 9 think it's the next page.
 10 A Yes.
 11 **Q** The first full paragraph on the page
 12 reads -- first sentence reads: "The methodology
 13 looks quite similar to the one that (b)(6); (b)(7)(C)
 14 once developed. Cambridge Analytica also uses, (b)(6);
 15 told us, surveys on social media and Facebook data."
 16 Do you recall seeing that at the time?
 17 A I'm not sure.
 18 **Q** Just in general in your recollection of
 19 responding to the story or about other stories about
 20 Cambridge Analytica, did you ever ask anyone on your
 21 team about how -- putting aside the question of
 22 whether Cambridge Analytica was using the platform
 23 to advertise, if Cambridge Analytica was using
 24 Facebook data in some way? Did you ever ask anyone
 25 on your team?

1 A I'm not sure.
 2 **Q** Do you have any recollection of that?
 3 A No.
 4 **Q** There's -- flipping back a few pages,
 5 there's a story in Motherboard starts with kind of a
 6 description of this guy named -- I guess he's a
 7 professor -- (b)(6); (b)(7)(C)
 8 Do you know who that is?
 9 A No, I don't think so.
 10 **Q** You hadn't heard of him before?
 11 A No.
 12 **Q** There's sort of a description here about
 13 how he used Facebook likes to derive people's
 14 personality scores similar to what (b)(6); did.
 15 Did that strike you at the time?
 16 A I don't remember.
 17 **Q** And then according to the article,
 18 (b)(6); (b)(7)(C) and Cambridge Analytica were doing
 19 something similar to derive personality scores,
 20 psychometrics, of voters. Is this sort of what you
 21 were referring to before as sort of their overstated
 22 claims about what they could do.
 23 A Well, it wasn't clear to me whether they
 24 were overstated or whether they were actually doing
 25 something new. So that's what I wanted to -- to

1 understand.

2 **Q Got it.**

3 **Did you ask anyone at the time period of**

4 **the email, so late January, early February, spring**

5 **of 2017, about who Cambridge Analytica's other**

6 **clients were other than President Trump's campaign?**

7 A I'm not sure.

8 **Q You don't have any recollection of doing**

9 **that?**

10 A That specific question, I don't think so.

11 **Q Was your question focused specifically on**

12 **the Trump campaign and the 2016 election?**

13 A In the email thread that we just talked

14 about?

15 **Q Yes.**

16 A I think it was just broadly what does this

17 firm do? It wasn't necessarily for any given -- for

18 any given client.

19 **Q Did anyone raise to you the fact that**

20 **Cambridge Analytica advertised on behalf of other**

21 **clients through the Facebook platform?**

22 A I'm not sure. I think I may have had

23 different conversations about the ecosystem of the

24 political analytical firms and different things, and

25 that might have come up there. But I don't think

1 through this thread.

2 **Q All right. So let's talk about that,**

3 **those other conversations. When did those**

4 **conversations occur?**

5 A So there was a separate thread where

6 outside of Facebook in my philanthropic work at the

7 Chan Zuckerberg Initiative, we were hiring a head of

8 policy advocacy and putting together a board that

9 could advise us on that.

10 And it was -- it's important for Facebook,

11 because I don't want to do through CZI that adverse

12 to Facebook's interest. So I wanted to make sure

13 that I understood and looped in the policy leaders

14 on the Facebook side to get them involved in the

15 thinking for who and what direction we might want to

16 take that work at CZI.

17 So I asked them to put together --

18 basically help educate me on who were the people,

19 what were the different types of approaches that we

20 could take towards hiring a leader, and what the

21 rest of the ecosystem was that was out there.

22 I think through that, I think there were

23 some conversations with different firms, and

24 Cambridge Analytica may have come up. Saw a

25 document that suggested that it might have been

1 included in one of those during prep for this. But

2 I don't actually remember any specific conversation

3 about that.

4 **Q Is that something called the policy**

5 **advisory board for the Chan Zuckerberg Institute?**

6 A Yes. So it was both putting together the

7 policy advisory board and helping me figure out what

8 direction we wanted to take the advocacy strategy

9 and also what leader we should hire. So I think

10 through this process of me getting educated on this,

11 I think we made the decision to hire (b)(6); (b)(7)(C)

12 to run that as well as having (b)(6); (b)(7)(C) lead the

13 policy advisory board and put together a group of

14 folks there.

15 **Q Were there emails that you have seen (b)(6)**

16 **(b)(6); forwarding information either about (b)(6);**

17 **(b)(6); one of the figures behind Cambridge**

18 **Analytica?**

19 A I don't remember that specifically, but I

20 know that of -- I think in some of these

21 conversations around people who were taking

22 different approaches to the space I know the (b)(6);

23 names came up, but I don't -- I don't remember that

24 much. Actually, I do remember I think (b)(6) sent me

25 one article that was kind of long and I think I read

1 it, but I don't -- I don't know if we discussed it

2 further.

3 **Q Did you ever speak with (b)(6); (b)(7)(C)**

4 A I don't believe so.

5 **Q Did you invite her on to the board either**

6 **official or unofficial capacity?**

7 A I don't think so. But, again, I don't

8 remember speaking to her, so it would have been hard

9 to have invited her if I hadn't spoken to her.

10 **Q Do you know who was involved at Facebook?**

11 **Was that (b)(6); (b)(7)(C) who were also**

12 **helping you navigate the policy decisions for the**

13 **Chan Zuckerberg Institute?**

14 A They were the main people who I interfaced

15 with on the Facebook side. But it wasn't that they

16 were directing or helping me figure out what the

17 Chan Zuckerberg Initiative should do. It was more

18 just that I wanted to make sure that I understood

19 the landscape because I really wanted to make sure

20 that CZI doesn't do anything that's in any counter

21 to what we're trying to do at Facebook.

22 **Q So we got into this topic because you that**

23 **there was a separate thread other than the January**

24 **30th, 2017 thread in which Cambridge Analytica came**

25 **up. And you mentioned this thread that you had seen**

1 involving (b)(6); (b)(7)(C)

2 A Yes.

3 Q Perhaps involving (b)(6); (b)(7)(C)

4 (b)(6); is that -- is that right?

5 A Yes.

6 Q Are there any other contexts in which

7 Cambridge Analytica came up -- came up to your

8 attention through the 2016 campaign or into 2017?

9 A I don't think so.

10 Q I want to show you -- just before we put

11 away the article, the Motherboard article that's

12 Exhibit 102, again, just -- the article is about

13 somebody named (b)(6); (b)(7)(C)

14 I want to show you an email that Facebook

15 produced to us. Have it marked as an exhibit. It's

16 Bates-labeled FB CA SEC 00250627 through 62 --

17 sorry -- 676. Have this marked as the next, Exhibit

18 230.

19 (SEC Exhibit No. 230 was marked

20 for identification.)

21 BY MR. TASHJIAN:

22 Q The email is dated March 12, 2012.

23 Mr. Zuckerberg, do you recognize either

24 the email or the attachment?

25 A No, I don't remember seeing this.

1 Q Just in terms of the person who sent it to

2 you, it's sent from somebody named (b)(6); (b)(7)(C)

3 A Yes.

4 Q Who is he?

5 A He is a board member at Facebook (b)(6);

6 (b)(6);

7 Q It's sent to you and also to (b)(6); (b)(7)(C)

8 Who is (b)(6); (b)(7)(C)

9 A (b)(6); s another director on our board.

10 Q I take it you are a director also.

11 A Yes.

12 Q The subject line is Study That Just Came

13 Out.

14 Do you see that?

15 A Yes.

16 Q And then (b)(6); (b)(7)(C) wrote: "Facebook

17 public data used to infer all kinds of interesting

18 things about people." And there's an attachment

19 which I believe is included in the exhibit. Did you

20 see the -- did you read the study that's attached?

21 A I don't remember. I don't remember seeing

22 this, but it's possible. I would typically read

23 things that board directors send to me.

24 Q The study is by (b)(6); (b)(7)(C) I'll

25 note that on the top of the page.

1 And then the first line reads: "We show

2 that easily accessible digital records and behavior,

3 Facebook likes, can be used to automatically and

4 accurately predict a range of highly sensitive

5 personal attribute including sexual orientation,

6 ethnicity, religious and political views,

7 personality traits, intelligence, happiness, use of

8 addictive substances, parental separation, age and

9 gender."

10 Do you see that?

11 A Yes.

12 Q Did you discuss this article with (b)(6);

13 (b)(6); (b)(7)(C) at the time?

14 A I don't remember.

15 Q Do you have any recollection as to why (b)(6);

16 (b)(6); (b)(7)(C) was sending this to you above and beyond

17 the message he sent to you in the email?

18 A No. He sends me a lot of interesting

19 things.

20 Q Does Facebook -- Facebook has a research

21 department, for lack of a better word; is that

22 right?

23 A I'm -- yes, but I'm not sure what you are

24 referring to. Academic research? I mean, you can

25 think about a lot of our engineering as research and

1 development. So I want to be clear.

2 Q Fair enough. I guess academic research,

3 then. Was there any -- are you aware of anyone at

4 Facebook being interested in (b)(6); (b)(7)(C) study

5 and using it to develop -- or to develop possible

6 Facebook products?

7 A I'm not sure.

8 Q Did you ever ask anyone to look into that?

9 A No, I don't think so.

10 Q I'd like to show you an article dated

11 March 30th, 2017, in a publication called The

12 Intercept marked as Exhibit 19 in this matter.

13 Mr. Zuckerberg, have you seen Exhibit 19

14 before?

15 A Yes.

16 Q How did it come to your attention?

17 A Well, I've seen it preparing for this

18 testimony.

19 Q Yes.

20 A And I don't remember when or how I had

21 seen it before then.

22 Q Had you seen it before preparing for

23 today's testimony?

24 A I don't remember.

25 Q Did anyone -- do you have any recollection

1 of anyone bringing it to your attention?
2 A I don't remember specifically, although it
3 seems like the type of thing that someone could have
4 sent me, but I don't remember specifically.

5 Q Just the general subject as encapsulated
6 by its headline, "Facebook failed to protect 30
7 million users from having their data harvested by
8 Trump campaign affiliate." Do you have any
9 recollection of that subject coming to your
10 attention in the spring of 2017?

11 A I don't remember.

12 Q I have a Google alert with the same
13 headline that was provided by Facebook.

14 Can I have this marked as the next exhibit
15 in order?

(SEC Exhibit No. 231 was marked
16 for identification.)

17 BY MR. TASHJIAN:

18 Q If you could take a look at Exhibit 231.
19 It's been Bates-labeled FB CA SEC 00233811, dated
20 March 30th, 2017.

21 A It's an old Google alert. The Facebook,
22 before we changed our name.

23 Q Yeah, I can't explain that.

24 A Means I set it up in 2004.
25

1 Q I see. Got it. So I take it you do have
2 a Google alert?

3 A I guess so.

4 Q Do you have any recollection of other
5 kinds of things coming to your attention through
6 Google alert in your inbox to The Facebook?

7 A I don't remember specifically. People
8 send me a lot of links. So sometimes I read them;
9 sometimes I don't. If it seems like it's an
10 interesting from a particularly credible person,
11 I'll definitely try to read it. But there's also a
12 lot of -- a lot of links that come in on a
13 day-to-day basis.

14 Q Do you have any recollection of receiving
15 this alert on or about March 30th, 2017?

16 A I don't.

17 BY MR. MEYERHOFER:

18 Q Do you have an opinion of The Intercept as
19 a publication? Quality; not quality. Credible; not
20 credible. Anything like that?

21 A Not a very strong association, but I think
22 that they do pretty good work.

23 Q What about the Guardian?

24 A I mean, that's a well-known institution.
25

BY MS. DAVIS:

1 Q On Exhibit 231 and also on Exhibit 19, the
2 title of the article is "Facebook fails to protect
3 30 million users from having their data harvested by
4 Trump campaign affiliate." Is that the type of
5 headline that would catch your attention ordinarily?
6 I mean, you say you read some things and other
7 things you may not read.

8 A Probably yes. I don't remember seeing the
9 headline and making a decision that I thought this
10 was not a credible thing and I shouldn't read it. I
11 may have read it. I may have not seen a link. I'm
12 not sure.

13 In general, though, there are a lot of
14 people who write quite sensationalist headlines
15 about things, and it's not always clear whether
16 something is going to be useful or interesting. But
17 I think your question before about who wrote it is a
18 pretty relevant one in deciding whether you want to
19 engage with something and consider it.

20 BY MR. TASHJIAN:

21 Q We're going to have an email string.
22 Subject line is RE Thursday draft. It's dated
23 September 20th, 2017. There's a long string. I
24 just have a question about one portion of it. It's
25 been Bates-labeled FB CA SECA 00235345 through 362.

1 May I have this marked as Exhibit 232.
2 (SEC Exhibit No. 232 was marked
3 for identification.)

4 BY MR. TASHJIAN:

5 Q If you could take a look at Exhibit 232.
6 Just to orient you, Mr. Zuckerberg, this is from the
7 late summer, early fall of 2017. It's in your email
8 here. I'm not telling you anything you don't know,
9 but I think you were coming back from (b)(6);
10 (b)(7)(C) and you were going to be doing a presentation
11 on something called Facebook Live after you came
12 back to work.

13 I have a question just about the initial
14 draft of this email that starts on the last couple
15 of pages. It actually starts on page 359.

16 A Okay. Starts on 359, okay.

17 Q You see it says from Mark Zuckerberg,
18 Saturday 16, 2017, to a number of people, and the
19 subject line is Thursday draft.

20 Do you see that?

21 A Which page are we on?

22 Q 359.

23 A Yes, okay.

24 Q You with me?

25 A Yes. What do you want me to look at?

1 Q So, first of all, can you tell me just
2 what was going on, and why you wanted to communicate
3 something from -- on Facebook Live after you came
4 back to the office from (b)(6); (b)(7)(C)

5 A Yes. So when I was on (b)(6); (b)(7)(C)
6 after (b)(6); (b)(7)(C) that was when we
7 communicated that we had found instances of ads that
8 seemed to be traced back to -- to the IRA or to
9 potential Russian actors in the election.

10 Q And why did you want to speak about that?

11 A Because that's very serious. People had
12 been -- there had been some questions about whether
13 Russia had tried to interfere in the election by
14 doing things that they shouldn't have done. And I
15 wanted to make sure that I addressed what we knew
16 and the steps that we were taking to make sure that
17 it would be difficult for nation states to interfere
18 in similar or other ways in the future.

19 Q So the text below the dots on page 359
20 starts: "Hey, everyone. Today is my first day back
21 in the office." Continues on for a couple of pages.
22 Was this written by you or do you have a team of
23 folks that write something?

24 A I wrote it and ran it by a number of
25 people that would offer edits.

1 election on Facebook, and I want to share some more
2 detail on our investigation."

3 Do you see that?

4 A Yes.

5 Q Does that sound like something you wrote?

6 A Yes.

7 Q Then after the in line caps in brackets,
8 it looks like you wrote: "We are already looking
9 into foreign actors including Russian intelligence,
10 actors in other former Soviet states and
11 organizations like Cambridge Analytica."

12 Do you see that?

13 A Yes.

14 Q Is that something that you wrote at the
15 time?

16 A I believe that that was the first draft of
17 what I wrote, yes.

18 Q So what I'm wondering about is what

19 (b)(4)
20 referring to.

21 A So my understanding is that when we became

22 (b)(4)

23 (b)(4)
24 (b)(4)
25 (b)(4)

1 Q Just so -- I think we're on the same page.
2 One of the people you sent it to is somebody named
3 (b)(6); (b)(7)(C) Who is that? (b)(6); (b)(7)(C)

4 A (b)(6); (b)(7)(C)

5 Q Got it. So he -- just to orient you, I
6 think he responds. And then he says "I have
7 also" -- and also he has some notes in line in caps.
8 So I think in the portion I'm going to read you, the
9 portion that are in all caps in brackets seem to be
10 coming from (b)(6); (b)(7)(C) Is that a fair assumption?

11 If you look at page 358, the very top,
12 there's a long bullet list. At the very top he
13 says: "Here's our consolidated feedback." And also
14 some notes in line in caps.

15 A Okay. Then, yes.

16 Q I just wanted to distinguish what you
17 wrote and what (b)(6); put in. So the part that
18 I'm interested in is at page 360 at the bottom.

19 A Okay.

20 Q The very last paragraph that starts
21 "first." Do you see that?

22 A Yes.

23 Q So I'll just read it and then you tell me
24 if you wrote it and what it means. "So, first, it's
25 important to understand what happened in our

1 (b)(4)
2 (b)(4)
3 (b)(4)

4 Q Was there -- to the best of your
5 knowledge, was there an investigation into Cambridge
6 Analytica at the time? Did that refer to anything
7 in particular?

8 (b)(4)
9 (b)(4)
10 (b)(4)
11 (b)(4)
12 (b)(4)
13 (b)(4)
14 (b)(4)
15 (b)(4)
16 (b)(4)
17 (b)(4)
18 (b)(4)
19 (b)(4)
20 (b)(4)

21 Q I see. So you anticipated my next
22 question which was you didn't make a mention of
23 Cambridge Analytica when you went live, at least
24 according to the transcript that we have?

25 A That's my understanding.

1 **Q Can you tell us why -- why you took out**
 2 **the reference to Cambridge Analytica?**
 3 A I think (b)(6) had a comment later that he
 4 thought that we shouldn't be referencing specific
 5 organizations. I don't remember exactly, but
 6 that's -- that's my recollection.
 7 **Q Were you just referring to (b)(6); (b)(7)(C)**
 8 A Yes.
 9 **Q Did you -- did you recall any kind of**
 10 **pushback within Facebook particularly around**
 11 **mentioning Cambridge Analytica?**
 12 A I don't -- I don't remember. I mean, it's
 13 pretty normal, though, when I'll write a first draft
 14 of something it's more "here's everything I'm
 15 thinking about on this." And then people will offer
 16 a bunch of feedback. And this was not something I
 17 think was particularly important to the overall
 18 communication. So I think when people raised this,
 19 I just took it out.
 20 **Q Got it.**
 21 BY MR. MEYERHOFER:
 22 **Q What were you specifically aware of at**
 23 **that time about Cambridge Analytica that caused you**
 24 **to put it into that first draft?**
 25 A I don't -- I don't know. I don't

1 **out there that advertise on Facebook but you chose**
 2 **to single out Cambridge Analytica. And (b)(6); (b)(7)(C)**
 3 **writes "that storyline has been out there for a long**
 4 **time."**
 5 **So what other issues about Cambridge**
 6 **Analytica were you aware of or did you discuss with**
 7 **your group that you sort of alluded to?**
 8 A I don't think I have any more context or
 9 memory besides what I've testified to on this.
 10 **Q Okay. When you said that you -- I think**
 11 **you alluded to a group of -- you had sort of talked**
 12 **about Cambridge Analytica and you didn't recall any**
 13 **more detail. Who was the group that you had**
 14 **discussed Cambridge Analytica with?**
 15 A I don't remember. I assume that it would
 16 have included (b)(6); probably (b)(6) probably folks
 17 on our security team who have been involved in doing
 18 these type of investigations, but I don't remember
 19 specifically.
 20 **Q What types of investigation would your**
 21 **security team have been doing?**
 22 A (b)(4)
 23 (b)(4)
 24 (b)(4)
 25 (b)(4)

1 remember. I think my best guess is that is what I
 2 just testified to a moment ago, that we had some
 3 internal conversations about (b)(4)
 4 (b)(4)
 5 (b)(4)
 6 (b)(4)
 7 (b)(4)
 8 (b)(4)
 9 (b)(4)
 10 (b)(4)
 11 (b)(4)
 12 BY MS. DAVIS:
 13 **Q (b)(6); (b)(7)(C) parenthetical there in all caps**
 14 **says -- after you write about Cambridge Analytica,**
 15 **he says: "This feels like a surprise that we are**
 16 **only just now looking into Cambridge**
 17 **Analytica...that storyline has been out there for a**
 18 **long time."**
 19 **So did you do -- did you do anything at**
 20 **that point in response to (b)(6); (b)(7)(C) comment there**
 21 **in terms of Cambridge Analytica, it would have been**
 22 **out there about Cambridge Analytica?**
 23 A I don't -- I don't know.
 24 **Q And to Mr. Meyerhofer's point, there were**
 25 **a number of different organizations and companies**

1 (b)(4)
 2 (b)(4)
 3 **Q Did Cambridge Analytica fit into that**
 4 **category as a September 2017?**
 5 A I'm not sure. I think the question is
 6 whether we -- this is a very vague recollection I'm
 7 just putting out here for -- for completeness and,
 8 to some extent, conjecture as to how this got here.
 9 (b)(4)
 10 (b)(4)
 11 (b)(4)
 12 BY MR. TASHJIAN:
 13 **Q So I have two more I think fairly brief**
 14 **topics, and perhaps we can take a short break and**
 15 **assess where we are. Shouldn't take terribly long**
 16 **here.**
 17 **So correct me if I'm wrong, it sounds like**
 18 **you generally became aware following the 2016**
 19 **general election of reports in the media about**
 20 **Cambridge Analytica and perhaps some of the claims**
 21 **that Cambridge Analytica was making at the time.**
 22 A Sorry. Say that again.
 23 **Q So after the election, after November**
 24 **2016, it sounds based on your -- like, based on your**
 25 **2016, it sounds based on your -- like, based on your**

1 earlier testimony, that you became sort of generally
2 aware of media reports about Cambridge Analytica and
3 the kinds of claims that the company was making; is
4 that fair to say?

5 A Yes.

6 Q I also take it from your testimony that at
7 that time you were -- you don't have a recollection
8 of being aware of the (b)(6); Cambridge Analytica data
9 transfer that was reported in December 2015?

10 A What is that time?

11 Q Sorry. In --

12 A When I learned about Cambridge Analytica
13 in the first place?

14 Q That's right.

15 A Yes.

16 Q So can you tell us why in the spring of
17 2017, why you believe that Facebook didn't put out a
18 statement disclosing something similar to what you
19 disclosed in your post on March 21st, 2018 about
20 what it knew about Cambridge Analytica, the data
21 that it had obtained, and the certifications that
22 you believed the company had made to you?

23 A You're asking why we didn't put out a
24 communication like that?

25 Q Yes, that's right.

1 from the platform, and then got these certifications
2 that the data wasn't being used and had been
3 deleted.

4 So internally my understanding is we
5 considered this a closed case until 2018 when new
6 allegations came up that suggested that maybe
7 Cambridge Analytica had lied to us in their
8 disclosure, and there was more action that needed to
9 be taken.

10 Q Just as a factual matter, did you have any
11 discussions in the spring of 2017 about disclosing
12 what Facebook knew about the prior certification?

13 A I don't believe so, because I don't
14 believe I talked about this topic overall, the
15 Cambridge Analytica data access with (b)(6); until
16 the March 2018 articles came out.

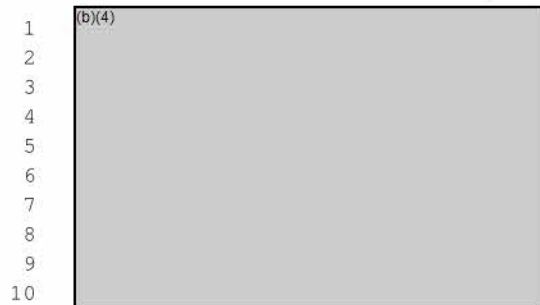
17 Q The other topic I want to touch on briefly
18 is I believe you -- Facebook published in print an
19 apology from you in March 2018, some sort of apology
20 that was printed out.

21 Do I have that right?

22 A I think so, yes.

23 Q Can you just tell me what -- what were you
24 apologizing for?

25 A Well, people were -- people were upset



1 (b)(4)
2
3
4
5
6
7
8
9
10
11 Q I understand. We looked at, though, The
12 Intercept article that talks about Cambridge
13 Analytica harvesting data from Facebook users and
14 using that. So that was something that was in the
15 public sphere even if you weren't quite aware of
16 that particular article.

17 I'm just wondering what your best
18 testimony is about why you think the company at the
19 time, in the spring of 2017, didn't disclose what it
20 knew about the prior incident that had occurred and
21 been reported in December 2015.

22 A Yeah. My best understanding of this is
23 that we became aware of this as an organization in
24 2015, took the actions that we thought needed to
25 happen, so that we terminated the developer's access

1 that we hadn't prevented this bad action from
2 happening. And I think that in retrospect in 2014,
3 we took steps that would have prevented -- or we
4 announced the steps in the platform that we then
5 rolled out over the next year that would have
6 prevented something like the (b)(6); app from being
7 able to access the data that it did which it then
8 sold to Cambridge Analytica.

9 And if we had made the changes faster, so
10 instead of 2014, started to roll it out over 2015,
11 if we had been a year faster at that, then we may
12 have been able to prevent this whole situation from
13 having happened. So I think people were
14 understandably upset about the idea that their data
15 might have been used in some way they didn't want
16 to.

17 And at the end of the day, even though
18 this was a developer who broke our policies, I view
19 it as our responsibility to protect people's
20 information on our service. So that's the sentiment
21 that I wanted to convey.

22 Q So if, in your opinion, Facebook had made
23 a mistake, it was in not rolling out the changeover
24 to Graph API Version 2 a year earlier. Did I
25 understand you correctly?

1 A Well, there were a number of mistakes, but
 2 I think this whole situation could have been
 3 prevented had we rolled that out sooner.
 4 **Q What were the other mistakes in your**
 5 **opinion?**
 6 A Well, we've talked about a few in terms of
 7 not connecting the dots on Cambridge Analytica using
 8 the ad system although they weren't a developer. So
 9 there were a few internal things like that. I mean,
 10 you can always do a postmortem on any big situation
 11 like this and come up with a number of things that I
 12 wished we'd handled differently.
 13 **Q It -- it just -- it sounded to me, tell me**
 14 **if I've got this wrong, push back however you like,**
 15 **but it sounded to me like from your earlier**
 16 **testimony that, at least in your opinion, based on**
 17 **what Facebook knew at the time following the**
 18 **Guardian article, that it didn't make a mistake. It**
 19 **was relying on the process that -- on the best**
 20 **information that it had at the time.**
 21 A I think that's right.
 22 **Q So I'm wondering, then, if Facebook didn't**
 23 **make a mistake in disclosing this earlier just**
 24 **beyond an earlier rollout of the Graph API Version**
 25 **2, and not connecting the dots and banning Cambridge**

1 **Analytica from the ad platform, what really in your**
 2 **opinion, then, was the mistake?**
 3 A Well, I think you need to separate out
 4 once we became aware of the issues in our
 5 organization in 2015, it does seem to me that the
 6 steps that our team made to investigate it, to
 7 terminate the developer, to get the certification,
 8 to make sure that the data was deleted, those seem
 9 like the appropriate steps to me.
 10 That's a separate thing from the fact that
 11 had we rolled out these platform changes a year
 12 sooner, we could have prevented that situation from
 13 happening completely. I don't think at the time
 14 that we learned about this in 2015, it was a mistake
 15 to not roll out the changes because we'd already
 16 announced that we were rolling out the changes. So
 17 we were already kind of doing what needed to be done
 18 to prevent this from happening again going forward.
 19 **Q All right. Why don't we go off the**
 20 **record?**
 21 VIDEO OPERATOR: Going off the record. The
 22 time is 3:29 p.m.
 23 (A brief recess was taken.)
 24 VIDEO OPERATOR: We're back on the record
 25 at 3:38 p.m.

1 BY MR. TASHJIAN:
 2 **Q Mr. Zuckerberg, during the short break can**
 3 **you confirm that you didn't speak with SEC staff**
 4 **about the substance of your testimony?**
 5 A Yes.
 6 **Q All right. We're just about wrapped up.**
 7 **I wanted to know before we go if there's**
 8 **anyone other than your attorneys with whom you have**
 9 **spoken about your testimony here today.**
 10 A No.
 11 **Q Has anyone else at Facebook spoken to you**
 12 **about their testimony or meetings with the SEC?**
 13 A Not their testimony or their meetings, no.
 14 **Q Anything else about their review of**
 15 **perhaps documents in connection with appearing**
 16 **before the SEC?**
 17 A The only person who mentioned their prep
 18 or they were going in to testify was (b)(6);
 19 (b)(6); (b)(7)(C) (b)(7)(C)
 20 A Yes.
 21 **Q What did she tell you?**
 22 A That she had testimony. Her office is
 23 right next to mine, so I could see when these guys
 24 showed up to do prep for -- for her. That was --
 25 that's most of it.

1 The only -- she flagged some document very
 2 briefly. We were having a phone conversation about
 3 something else, and she mentioned that in her prep.
 4 There was some document that I guess we'd found that
 5 I guess after a lot of the stuff she had made a note
 6 like "what is Cambridge Analytica?" Which she's,
 7 like, "okay, well, that shows that some of the stuff
 8 hadn't been raised."
 9 But other than that, that was a passing
 10 comment, I haven't really discussed any of the
 11 substance of this with anyone except the lawyers.
 12 **Q Sorry. Just to be clear, what was the**
 13 **import of that document to (b)(6); (b)(7)(C)**
 14 A I think the fact that she was asking about
 15 what Cambridge Analytica is at a certain date, she
 16 felt suggested that it was clear that something
 17 hadn't been raised to her before that. But it was a
 18 passing comment on a phone conversation while we
 19 were talking about something else.
 20 **Q Other than that one particular document**
 21 **and (b)(6); (b)(7)(C) was there anyone else you spoke**
 22 **with about coming into the SEC?**
 23 A (b)(6);
 24 (b)(6); (b)(7)(C)
 25 **Q Anyone else other than your (b)(6);**
 A I don't think so.

1 Q (b)(6); (b)(7)(C)
 2 A My assistant.
 3 Q Your assistant.
 4 A Yeah, (b)(6); (b)(7)(C) would not know what
 5 this is. They are (b)(6); (b)(7)(C)
 6 Q All right. We don't have any further
 7 questions at this point. We may be -- there may be
 8 an occasion in which we need to get in touch with
 9 you again. If we need to, we'll contact one of your
 10 lawyers and handle it that way.
 11 Do you want to clarify or add anything to
 12 your testimony?
 13 A No. I think this has been pretty
 14 complete.
 15 MR. TASHJIAN: Counsel, do you have any
 16 clarifying questions?
 17 MR. NEADERLAND: No, we do not.
 18 MR. TASHJIAN: All right. Why we go off
 19 the record?
 20 VIDEO OPERATOR: This concludes the
 21 testimony of Mark Zuckerberg. The time is 3:41 p.m.
 22 and we are going off the record.
 23 (Whereupon, at 3:41 p.m., the examination
 24 was concluded.)
 25 * * * * *

CERTIFICATE OF REPORTER

1
 2
 3
 4 I (b)(6); (b)(7)(C) a Certified Shorthand
 5 Reporter, hereby certify that the proceedings were
 6 taken down in shorthand by me, a disinterested
 7 person, at the time and place therein stated, and
 8 that the proceedings of the said proceedings were
 9 thereafter reduced to typewriting, by computer,
 10 under my direction and supervision;
 11 I further certify that I am not of
 12 counsel or attorney for either or any of the parties
 13 to the said proceedings, nor in any way interested
 14 in the event of this cause, and that I am not
 15 related to any of the parties thereto.
 16 DATED: February 24, 2019
 17
 18
 19
 20
 21 (b)(6); (b)(7)(C)
 22
 23
 24
 25

PROOFREADER'S CERTIFICATE

1
 2
 3 In the Matter of: FACEBOOK, INC.
 4 Witness: Mark Elliot Zuckerberg
 5 File Number: SF-04223-A
 6 Date: Tuesday, February 19, 2019
 7 Location: San Francisco, California
 8
 9 This is to certify that I, (b)(6); (b)(7)(C)
 10 (the undersigned), do hereby certify that the
 11 foregoing transcript is a complete, true and
 12 accurate transcription of all matters contained on
 13 the recorded proceedings of the investigative
 14 testimony.
 15
 16 _____
 17 (Proofreader's Name) (Date)
 18
 19
 20
 21
 22
 23
 24
 25