

THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

In the Matter of:                     )  
   ) File No. SF-04223-A  
FACEBOOK, INC.                     ) CONFIDENTIAL

WITNESS: Mark Elliot Zuckerberg

PAGES: 1 through 204

PLACE: Securities and Exchange Commission  
44 Montgomery Street, Suite 2800  
San Francisco, California

DATE: Tuesday, February 19, 2019

The above entitled matter came on for hearing,  
pursuant to notice, at 10:07 a.m.

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

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

9 A Within the last year.

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

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

14 **Q Second half of 2018; does that sound**  
15 **right?**

16 A Yes.

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

20 A In his new role or his old role?

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

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

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); (b)(7)(C)  
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); (b)(7)(C)**  
21 **(b)(6); (b)(7)(C) 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 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. The idea at the time was that we

17 felt like we could focus on providing some of the

18 most important functionality to help people connect

19 with their friends and the people they care about.

20 And there's no way that any company could do all of

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 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 **would you say that Facebook had a goal of making it**

23 **easy for developers or app developers to build their**

24 **the apps?**

25 A At that time specifically?

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 through mobile and not desktop. So we were mostly

14 helping to serve developers who were building mobile

15 apps rather than websites. So a bunch of things had

16 changed.

17 (b)(4)

18

19

20

21

22 **Q And did Facebook have a goal of making**

23 **that easy for developers to build their products to**

24 **bring to the Facebook platform?**

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

1 anyone who we're trying to serve. For instance,  
2 people who use our services or developers or  
3 advertisers, of course, we want to make it as easy  
4 as possible for them to do what they are trying to  
5 with our services.

6 **Q Could you talk about some of the things**  
7 **that Facebook did to help encourage developers build**  
8 **apps for the Facebook platform?**

9 A Sure. So we had a team that specifically  
10 tasked with working with developers to help answer  
11 their questions and help them build. We held a  
12 series of conferences where we educated developers  
13 on the direction that we wanted to take the  
14 platform, and what they might be able to build with  
15 it, and broadly how we were thinking about things  
16 evolving over the coming period.

17 We also tried to make the platform  
18 self-service. So that way you don't have to know  
19 someone at Facebook in order to start developing. We  
20 figured that in order for it to be an open platform,  
21 any developer around the world should be able to  
22 come and start building something.

23 **Q Was working with these app developers a**  
24 **way -- part of a strategy for Facebook to grow**  
25 **revenue for the company?**

1 A So my philosophy on how we built the  
2 company is if we build valuable services for people,  
3 then eventually they will want to use our services  
4 more. And we will be able to make money after that  
5 and figure out how to make money downstream.

6 So, you know, when you ask about our  
7 strategy, I typically don't start from if we build  
8 this, then we can make more money. It's more if we  
9 build this and we help people connect in a way that  
10 they want that we're not currently serving, then if  
11 we're creating value for people, of course,  
12 downstream we'll find a way to -- to benefit from  
13 some portion of the value we're creating.

14 **Q I want to show you --**

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

17 **Q Mr. Zuckerberg, earlier you said that one**  
18 **of the things that Facebook did was to make the**  
19 **platform self-service for app developers.**

20 **Do you recall that?**

21 A Yes.

22 **Q Can you describe what you mean by that,**  
23 **and how it was a self-service platform for app**  
24 **developers.**

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

1 (b)(4)  
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18 **Q Okay. And so how did Facebook create**

19 (b)(4)  
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1 in 2007 was very similar to the interaction for a  
2 person signing up for Facebook, or self-service  
3 advertiser when we launched that system. You had a  
4 terms of service. So people had to read that and  
5 confirm that they -- they understood we're going to  
6 comply with the rules of the system.

7 But in general, just like for a person to  
8 sign up for Facebook, you don't need to talk to  
9 someone at the company. That was true for  
10 developers as well. It's worth noting, of course,  
11 we've changed this. At the time that we were doing  
12 this in 2007, the biggest platforms in the world  
13 were things like Microsoft Windows and the web which  
14 are open platforms and where you don't really  
15 require permission to build something.

16 Now today and really ever since the iPhone  
17 took off, that model has really shifted. And closed  
18 platforms where there's just much more significant  
19 vetting by the platform provider have I think become  
20 the norm. And I think most people want to be in an  
21 environment where more of the development is being  
22 vetted.

23 **Q Just based on what you just said, is that**  
24 **true for Facebook where Facebook has been doing more**  
25 **vetting of the -- of app developers for the**

1 platform?

2 A Yes. I think around the time that  
3 we're -- the time frame that's most relevant we're  
4 talking about, we made a series of platform changes.

5 (b)(4)  
6  
7

8 But I think around that time another set  
9 of changes that we made was when an app developer,  
10 in order to request access to data, they needed to  
11 go through some certification process at Facebook  
12 where they said, okay, here's the data that I need.

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 by which you meet with other folks at Facebook about  
2 what to disclose and about those filings; is that  
3 right?

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 Yes. It depends on -- some quarters are  
13 relatively simple and not much has changed in the  
14 business, and then it's just giving an update and  
15 that can be written fairly quickly. (b)(4)

16 (b)(4)  
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24 Q The financial metrics and things like  
25 that; is that right?

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, which is that we don't charge people

1 directly for what we do. We build services. We  
2 want everyone to be able to use them.

3 So there's almost two different parts of  
4 what we do where one is just focused on delivering  
5 as much value as possible for people. And then  
6 there's another part that's focused on business,  
7 which is trying to help advertisers or other  
8 businesses interact with people and drive their  
9 business.

10 And the amount of business that we can  
11 drive is directly -- it's going to be proportional  
12 to how much value people are getting out of the  
13 consumer services. So billions of people who use  
14 the services that we build, so that creates an  
15 opportunity to build a business platform on top of  
16 that.

17 But both from a mission perspective of  
18 what we're trying to do in the world and a long-term  
19 business strategy, I've always believed that it's  
20 the right thing to first focus on the consumer  
21 services and just deliver as much value as you can  
22 through that. And then that creates the opportunity  
23 that we have to build a business platform on top of  
24 it.

25 So I think I'm probably saying something

1 pretty similar here, which is the more value we can  
2 deliver for people, whether that's through the first  
3 party work that we do or enabling a developer  
4 platform that enables broader functionality, that  
5 will create opportunities in a number of ways for us  
6 to be in positioned to grow our business over time.

7 Q Got it. You can set the exhibit aside.

8 And you may have referred to this earlier,  
9 but as part of Facebook's strategy of encouraging  
10 developers to build apps for the platform, did  
11 Facebook share user data with those developers?

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

13 What we enabled is people to share their data and  
14 the data that their friends have shared with them  
15 with developers. So we don't think about this as  
16 Facebook somehow granting developers access to  
17 people's information as much as giving people ways  
18 to bring their information or the information  
19 they've seen to have different experiences with  
20 third parties.

21 Q How does that relate to what you were  
22 referring to earlier the phrase data portability?

23 A Well, philosophically it's very connected.

24 I mean, I tend to believe that people should be able  
25 to take their data and use it in different

1 experiences if they want.

2 Q And that includes sharing it with app  
3 developers through the Facebook platform; is that  
4 what you are saying?

5 A Yes. Facebook platform is the practical  
6 way today that most people are able to bring some of  
7 the information that they -- that they have, they  
8 put on Facebook to other -- other app developers.

9 Q So it sounds like the -- maybe the slight  
10 disagreement, sort of maybe the premise of my  
11 question that you just articulated, was you don't  
12 see it as Facebook sharing user data with app  
13 developers. In your words you would allow users to  
14 share their data with app developers.

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

<p style="text-align: right;">Page 34</p> <p>1 <b>Version 2, how -- if you could give just sort of a</b>  2 <b>technical overview of how Facebook allowed users to</b>  3 <b>share their data with app developers.</b>  4 A Okay. I want to make sure I'm answering  5 the part of the question that you're asking about.  6 So the basic flow is a person shows up at an app  7 website or mobile app that they want to interact  8 with, and they log in. There's some button to  9 authenticate and then they tap on that. They get  10 some kind of dialogue that says here's the kind of  11 information that that app developer is requesting.  12 Over the years we've made those controls  13 more granular. So in the early iterations of the  14 platform a developer could just ask for a lot of  15 permissions that once without -- with a basic  16 summary. Over time we moved to separate out the  17 permissions for an app developer to be able to  18 access information versus also post or write  19 information back to your account on Facebook.  20 We made it more granular for -- so that  21 way if an app developer wants to access different  22 types of data, they have to ask for each  23 specifically, and that gets called out to the person  24 before they confirm they want to use the app.  25 Then once a person is given permission,</p>	<p style="text-align: right;">Page 36</p> <p>1 And the idea that any information that either you  2 would put it into Facebook or that you could see on  3 Facebook because a friend shared with you, you  4 should be able to transfer to a developer so that  5 they can help provide an experience.  6 And some of the rationale there was, you  7 know, if you wanted your calendar, for example, to  8 show what your friends' birthdays and their photos  9 and names on it, then you would potentially want to  10 be able grant access to your calendar, but also be  11 able to make it so a developer could see the  12 birthdays that your friends put in and shared with  13 you on their profiles that they'd given you  14 permission to be able to see.  15 So that was a pretty broad set of  16 permissions. Over time we narrowed that. We saw  17 that there were a lot of developers who were asking  18 for data that it didn't necessarily seem like they  19 needed, that the uses for people being able to pass  20 along their friend's data in addition to their own,  21 generally there weren't as many good uses as we  22 hoped upfront.  23 So we narrowed it over time so that way  24 people can still generally bring their data to app  25 developers, but have to in a more granular way say I</p>
<p style="text-align: right;">Page 35</p> <p>1 the developer can make API calls technically on the  2 back end. And we, based on the permission that has  3 been granted to that app developer, if -- if the  4 person has said that they want to be able to share  5 that data with the app developer, when we receive an  6 API request from a developer, we'll pass the data  7 along on behalf of the person. If they haven't  8 granted the request, then we won't.  9 <b>Q You just described what -- you used the</b>  10 <b>term "permission." Can you describe what permission</b>  11 <b>is?</b>  12 A Yes. It's when a person goes to log in to  13 an app, the developer asks them for permission to be  14 able to access specific types of data. And the  15 person has to give permission and say, yes, I want  16 the developer to be able to have this data.  17 <b>Q So was there -- was there a fence in some</b>  18 <b>way around sort of the outer limits of what</b>  19 <b>permissions could be granted to an app developer</b>  20 <b>prior to API version 2? Or alternatively could a</b>  21 <b>user in theory grant any kind of permission to</b>  22 <b>access the platform?</b>  23 A So this evolved over time to be more  24 granular. The earliest versions of the platform had  25 a very broad view of data portability and openness.</p>	<p style="text-align: right;">Page 37</p> <p>1 want to share my photos or I want to share this  2 personal information, not just here. You can have  3 access to my information. But in a more granular  4 way you can access -- you can give it developer  5 access to your information, and we've narrowed the  6 scope on what developers can access from other  7 people.  8 <b>Q So this narrowing process, was part of</b>  9 <b>that narrowing process the change over to Graph API</b>  10 <b>Version 2?</b>  11 A I believe so, although I don't remember  12 that specific name. I'm aware of the Graph API. I  13 don't know what was in version 2 versus version 3  14 and version 1 exactly. This was the general trend  15 as we've gone in this direction.  16 <b>Q Okay. So let me come back to that, to the</b>  17 <b>reasons why Facebook narrowed the number of</b>  18 <b>permissions and gave users more granularity over the</b>  19 <b>kind of permission that could be granted. Box that</b>  20 <b>up and we'll come back to it in a minute.</b>  21 <b>But just in general prior to, say, 2014,</b>  22 <b>could you describe the kinds of data that a user, a</b>  23 <b>Facebook user, could grant permission to just about</b>  24 <b>the user him or herself? For example, first name,</b>  25 <b>last name, birthday, things like that.</b></p>

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 different order or different design would require  
2 you to be able to bring that context.

3 Over time what we found was there actually  
4 weren't that many uses for that that people really  
5 liked, but there were a lot of apps that were  
6 requesting access to that information in ways that  
7 seemed like it wasn't that useful, and that it would  
8 have potentially created a liability for people to  
9 have that information. So we moved to the direction  
10 of restricting that over time.

11 I think around the time you are asking  
12 with the Graph API Version 2, although I don't know  
13 if it was that specifically, but I think it was  
14 around the general time that we're talking about. We  
15 made a big change to make it so that -- so that you  
16 could no longer as a developer request access to  
17 friend's information. You could only request access  
18 to a person's information specifically.

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. So checking in at a place, for  
5 example, I would imagine that we would have had an  
6 API for that.

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 -- could a user give permission to an app**  
12 **developer concerning the user's friends?**

13 A This was an area that shifted a lot, and  
14 that we've generally closed down over time. But in  
15 the earlier versions of platform, the idea was that  
16 anything that a friend had shared with you, you  
17 should be able to bring that context to another app.

18 So you can imagine when I gave the example  
19 a second ago about making your calendar more social,  
20 your friends' birthdays and pictures on it, that  
21 would require bringing some of your friends'  
22 information. If you wanted an app that had an  
23 alternate news feed, being able to bring all the  
24 content that would be in your news feed to another  
25 app so that that app could present a news feed in a

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 separate control that also governed whether --  
17 whether the information could be used with platform  
18 developers. I don't know exactly when we introduced  
19 that, but at a certain point you had the ability to  
20 share something on Facebook, but not have anyone  
21 share it with an app developer.

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 **API Version 2. Can you tell us what extended**

1 **permissions are?**

2 A I remember that term, but I'm not a  
3 hundred percent sure what it refers to. I think my  
4 guess is that there's a set of basic information on  
5 your profile. And if an app developer wanted access  
6 to anything that was more sensitive, they had to go  
7 through a separate dialogue and get permission  
8 separately.

9 **Q Is there something called ReadStream or**  
10 **Read Mailbox? Are you familiar with those**  
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 A Yeah. My guess from this is that you have  
17 the ability to give a developer the access to read  
18 your news feed or access your messages so that way  
19 you can send and receive messages from another app.

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 **Graphic 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 **that sound right to you?**

2 A We typically do a lot of research. Right?  
3 So we'll talk to people. We'll run surveys, try to  
4 get quantitative data as well, so yes.

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

8 A I don't remember specifically, but for any  
9 important product change that we're going to make,  
10 we generally try to talk to people in person and get  
11 real feedback, but then also get some sense of  
12 quantitatively over a larger portion of the  
13 community how people feel about which things are  
14 most important and try to measure the sentiment on  
15 what people want as well.

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 (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: I think (b)(6); (b)(7)(C) was  
9 running the platform teams at the time from a  
10 product and engineering perspective. I don't know  
11 who was running research, if the same woman who's  
12 running it now was running it then.

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); (b)(7)(C) 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 **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 with the idea that there were all  
9 these experiences that people might want that we  
10 weren't going to be able deliver ourselves, but that  
11 developers could help deliver for people, a lot of  
12 what developers built was very different from the  
13 types of stuff that we expected.

14 So, for example, some of the examples I  
15 mentioned today like the calendar app or different  
16 alternatives to news feed weren't really the things  
17 that primarily took off. A lot of it were games and  
18 different types of entertainment apps and not  
19 utilities. And games are great and that's a big  
20 thing that people wanted.

21 (b)(4)  
22  
23

24 (b)(4) So this enabled -- part of that is why you  
25 build a platform is because you don't expect you are

1 going to be able to build everything yourself so --  
 2 or even know what everyone is going to want. So  
 3 some of that was good.  
 4 But then we also got feedback that some  
 5 ways that developers were interacting with the  
 6 platform weren't good or that people didn't like  
 7 them. Probably the biggest example of this was that  
 8 by having a single permission for developers to be  
 9 able to access both information and to be able to  
 10 write or post to your profile, it put people in this  
 11 position where they felt like, okay, if I want to  
 12 access this game, I have to grant permission for  
 13 this app to write on my profile. And then the app  
 14 might write something to their profile that they  
 15 wouldn't like or would be embarrassed about and they  
 16 would end up feeling bad. And that would decrease  
 17 trust in the overall platform.  
 18 We obviously have a strong interest in  
 19 making sure that people trust the platform and know  
 20 that if they interact with a developer that we're  
 21 going to -- that that's going to work in a positive  
 22 way. (b)(4)  
 23 (b)(4)  
 24  
 25

1 data than they needed.  
 2 (b)(4)  
 3  
 4 (b)(4) So that way people, when  
 5 they're choosing to log into apps, have the minimal  
 6 cost of using the app. Right? They should be able  
 7 to sign into an app and not feel like they have to  
 8 grant access to more data or permissions the app  
 9 might need just because they want to use the app and  
 10 that's the only choice they have. (b)(4)  
 11 (b)(4)  
 12  
 13 **Q I see. There was an FAQ, a frequently**  
 14 **asked questions, that was posted for developers**  
 15 **around the time of this change in late April 2014 to**  
 16 **version 2 of the Graph API. And the FAQ says that**  
 17 **Facebook users -- that some Facebook users were,**  
 18 **quote, "uncomfortable knowing that their friends**  
 19 **could share their information with an app."**  
 20 **Is that -- can you give us any more color**  
 21 **or detail about what you know about that?**  
 22 **A** That was the general sense that I had, but  
 23 I -- I don't know of any specific research or any  
 24 more color on that.  
 25 **Q And, again, either the research team or**

1 they might have not wanted the developers to have.  
 2 MR. NEADERLAND: I think the specific  
 3 question was with regard to this change that ended  
 4 up happening and permissions, why the company was  
 5 seeking user feedback in advance of that. Is that a  
 6 fair?  
 7 MR. TASHJIAN: That's fair enough.  
 8 THE WITNESS: Did I not answer that?  
 9 BY MR. TASHJIAN:  
 10 **Q I think you did. Everyone has their own**  
 11 **perspective. In particular, though, I'm wondering**  
 12 **if you can tell us what kind of feedback Facebook**  
 13 **got about this surprise you referred to about**  
 14 **sharing information about their friends or concerns**  
 15 **that users had about privacy in connection with**  
 16 **these permissions that were granted to app**  
 17 **developers.**  
 18 **A** I don't remember the specific feedback,  
 19 but I just remember that there was a general sense  
 20 and concern that the way that developers could ask  
 21 for permissions in one block summary rather than  
 22 granularly, one at a time having to spell out  
 23 exactly what they wanted, was creating this dynamic  
 24 where there wasn't that much of a cost for  
 25 developers to ask for more -- for permission to more

1 **the product team would have been in charge of**  
 2 **getting that feedback?**  
 3 **A** I assume so, yes.  
 4 **Q And was that feedback important to you to**  
 5 **shift to the Version 2 of the Graph API?**  
 6 **A** I don't remember exactly, but it certainly  
 7 seems like the kind of thing I would have cared  
 8 about.  
 9 **Q Just one more quote from you. You gave an**  
 10 **interview to Wired Magazine following your -- I**  
 11 **think around the time of the 2015 F8. And you said**  
 12 **that some Facebook users were, quote, "not happy**  
 13 **with what apps ask for in terms of permissions."**  
 14 **Does that sound right to you, something**  
 15 **you would have said based on information that was**  
 16 **given to you?**  
 17 **A** Yes. I think that that's pretty in line  
 18 with what -- the summary I just gave of the feedback  
 19 we had at the time.  
 20 **Q We've been going for about an hour. Would**  
 21 **you like to take a break?**  
 22 **A** Sure.  
 23 **Q Why don't we go off the record?**  
 24 VIDEO OPERATOR: Going off the record. The  
 25 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 **you narrowed, or Facebook narrowed, the amount of**  
15 **information that app developers could request over**  
16 **time.**

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 going for was making it so that a person could sign  
25 into an app and not have to -- not feel like in

1 quite open, and over time have added more process on  
2 it to -- and responded to the feedback we've gotten.

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 A That would likely be negative for the  
19 business.

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 are referring to, but engagement overall might refer  
25 to how people are using a service that's secure

1 order to use an app they had to grant permissions  
2 for things that they didn't really want the app  
3 developer to have, but might have felt like if  
4 that's their choice, they either have to use the app  
5 or -- they either are going to use the app or not  
6 going to be able to, then they would have to grant  
7 these permissions that they don't want.

8 So there were a number of changes like  
9 that that we made over time. One that I think we  
10 talked about earlier, which is not necessarily about  
11 information, it was just about separating out the  
12 read and write permissions, that was a really big  
13 deal for people. People did not want to have to  
14 grant an app developer permission to write  
15 information to their profile or publish it into  
16 their friend's news feed in order to be able to use  
17 an app or play a game.

18 And then we've also taken additional steps  
19 over time to make it so the permissions on the read  
20 side were more granular as well. I guess the reason  
21 I don't remember exactly what was in the specific  
22 iteration, even though I think this was mostly about  
23 making the read changes more granular, is because  
24 this has been the general direction we've gone in  
25 over time. We started with the platform as being

1 counting people, on the one hand. And the other  
2 thing that really matters is what are people  
3 actually doing. Is a person just using the service  
4 once a month, which would probably show that they  
5 are getting relatively little value from it.

6 Or is it something where they are  
7 connecting with a number of people and having  
8 meaningful interactions on a daily basis, which  
9 would generally mean that we feel like we're doing a  
10 better job of fulfilling what we're supposed to be  
11 doing.

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

14 A There are a number of measures. So  
15 whether people use the services on a daily basis,  
16 how many interactions they are having with people,  
17 whether those interactions are meaningful. There  
18 are a lot of metrics that we'll look at just to both  
19 inform what the product development direction should  
20 be to make sure that we're serving people the way  
21 that we want and to just have a sense how the system  
22 is working.

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

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 changing the platform to make  
 8 it so that, first, people couldn't -- could no  
 9 longer go to an app and grant access to their  
 10 friends' information. And, second, moving to more  
 11 granular permissions on their own information.  
 12 **Q So -- and you may have referred to this a**  
 13 **little bit in your earlier testimony, but you use a**  
 14 **couple of words here that I want to ask you about.**  
 15 **You said "abusive apps" in the exhibit. And then**  
 16 **you talked about "bad actors."**  
 17 **What were you referring to?**  
 18 A Sure. So an abusive app -- I think that  
 19 if a developer is asking for more information than  
 20 they are actually going to use to deliver their  
 21 services, that is a developer being abusive.  
 22 It doesn't necessarily refer to any  
 23 specific harm or thing that they were doing with  
 24 that data. I just think that even asking for more  
 25 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 so in terms of making  
11. it so that people couldn't give access to their  
12. friends' information to app developers. 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 don't want people who are not logged in or who are

20 not using our services to try to get around our

21 systems to be able to accumulate a large amount of

22 information even if that information is public. So

23 we deploy a number of measures to try to block that.

24 But it's somewhat of arms race, whereas you have

25 folks around the world who are always building more

1 sophisticated ways to -- to try to access this

2 content.

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. So in general we want people to use

7 things in a way to help people connect and the way

8 that the services are designed. So, you know, just

9 to give an example of this we have a search feature

10 where before you log in or register for Facebook,

11 you can do a single search. Or you can do a search

12 and see if your friends are on the service.

13 For some people especially in the early

14 days knowing that the people that they wanted to

15 connect with were on the service was a valuable --

16 was a valuable thing to understand before making the

17 decision to sign up or use the service.

18 Now, someone who is a bad actor could

19 abuse that to write a program or script that maybe

20 looks like a person accessing search, but then doing

21 it hundreds of thousands or millions of times and

22 storing the results of those searches. And that's

23 just not what that was intended to be built for.

24 I don't think it's necessarily a good use

25 for a developer or someone who is not a part of the

1 community, hasn't signed up for the terms of

2 searches and how the data should be used to be able

3 to access all that information, even if it's public.

4 Even if people have said that they are okay we

5 people accessing it publicly, that's not what it was

6 built for. So we try to prevent that activity.

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 A I just think that people don't want large

12 amounts of information or for their information to

13 be included in that without them knowing what it's

14 going to be used for.

15 **Q So it's a matter of user trust with**

16 **Facebook, then, I take it.**

17 A It's a general security issue.

18 **Q Have you heard of a company called**

19 **Bridgetree?**

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 **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 A Well, we want developers to sign up for

7 that they are going to develop on the platform in a

8 way that's respectful of people, that's going to

9 protect people's privacy, and that's generally going

10 to just operate in an ethical way.

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 A Yes. But I'll also amend my last answer

16 that I think an important part of these policies is

17 also the developer giving us a license to operate

18 and to basically show their content. So we probably

19 need some -- some license there as well.

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 A Because if a person gives information to a  
 5 developer, they have a reasonable expectation that  
 6 that developer will use it in the way that they have  
 7 granted permission for it to be used.  
 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 Yes. We have a developer operations team.  
 20 **Q Is that sometimes referred to as dev ops?**  
 21 A Yes.  
 22 **Q And who does that group report up to?**  
 23 A I believe it's part of the overall --  
 24 well, I think this has changed over time. Today  
 25 we've pulled out operations from underneath

1 partnerships I think in a number of cases. But I  
 2 think at the time that we're talking about here,  
 3 this I believe reported into the partnerships  
 4 organization run by Dan Rose.  
 5 **Q And who did (b)(6); (b)(7)(C) report up to?**  
 6 A (b)(6); (b)(7)(C)  
 7 **Q**  
 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 A Well, a few things. So one is I just  
 19 spent a lot of time trying to understand what people  
 20 are worried about and their feedback of our services  
 21 overall. So that -- for the time period that we  
 22 were talking about when -- when those were common  
 23 themes that people would talk about developers  
 24 having access to more information, the way  
 25 permissions are worked, that was something I was

1 quite focused on.  
 2 I think after we put in place those  
 3 policies and started limiting the ways that  
 4 developers could ask people for information, I think  
 5 a lot of those concerns generally subsided and  
 6 weren't the biggest things people were talking  
 7 about.  
 8 (b)(4)  
 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 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 information that would come to your attention if app  
 6 developers were selling or transferring Facebook  
 7 data?  
 8 A Probably.  
 9 **Q In what sense when you say "probably"?**  
 10 A If someone was selling data at any scale,  
 11 I imagine that someone would raise that.  
 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 service and developers start building, they have to

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

1 basically certify and say that they are going to  
 2 abide by the terms that we -- that we have in place.  
 3 And if we got -- if we got feedback or complaints  
 4 from people, then we'd look into the activity of  
 5 specific developers.  
 6 **Q And was that investigation, this looking**  
 7 **into specific developers, was that done by the dev**  
 8 **ops group that you referred to earlier or by**  
 9 **somebody else within Facebook?**  
 10 A (b)(4)  
 11 (b)(4)  
 12  
 13  
 14 **Q What do you mean by the word "audit"?**  
 15 A Looking into developer activity.  
 16 **Q How did Facebook conduct these audits?**  
 17 A I don't know off the top of my head.  
 18 **Q Were there systems within the developer**  
 19 **operations unit that could monitor the amount of**  
 20 **data that an app developers was pulling from the**  
 21 **Facebook system?**  
 22 (b)(4)  
 23  
 24  
 25

1 **understanding would that entail taking -- doing a**  
 2 **spot check on those developer's servers?**  
 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 **kinds of audits, but just from your understanding,**  
 8 **did it involve going in and taking a look at the app**  
 9 **developer's servers?**  
 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 **understanding was that part of -- those were among**  
 22 **the tools in the dev op's toolkit for tracking down**  
 23 **abusive app developers?**  
 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 Q So can you give us any more detail under  
2 what sorts of circumstances would the company want  
3 to take the step of going in and doing some kind of  
4 audit?

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 -- whether or not  
11 Facebook conducted an audit of sort of a third  
12 party, either (b)(4) or another party that was  
13 related, whether Facebook conducted an audit of  
14 those servers in connection with (b)(4)

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 narrowing the kinds  
24 of permissions that were granted to app developers,  
25 app developers were still able to collect some

1 information about the users who signed up for their  
2 app; is that right?

3 A Sorry. To clarify, collect? People were  
4 able to grant access on a more granular basis to the  
5 information on their profiles to developers.

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 could still grant permission to information about  
11 themselves to the app developer; is that fair to  
12 say?

13 A Yes, I think that's right.

14 Q So if, for example, an app developer had  
15 270,000 users, they could -- they would have  
16 permission to take information about those 270,000  
17 users; is that -- is that fair to say?

18 A Well, it depends on what the people gave  
19 them permission to do. But in general if you sign  
20 into an app, you are giving the app developer  
21 permission to at least know what your name is, some  
22 basic public information, what your profile picture  
23 is. But everything else you -- anything that's kind  
24 of more specific information than that, I believe  
25 you had to specifically grant permission for

1 developer to access.

2 Q This changeover where app users were no --  
3 could no longer give permission to a developer to  
4 obtain information or see information about a user's  
5 friends, that general process was called deprecating  
6 the friend's permission. Does that sound right to  
7 you?

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

10 Q I've struggled with it.

11 A Deprecating?

12 Q Yes.

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

17 Q All right. There was a -- as I understand  
18 it (b)(4)  
19 have a different phrase for it, between April 30th,  
20 2014 and April 30th, 2015, during which time app  
21 developers who had a pre-existing app could still  
22 have permission to collect or see information about  
23 a user's friends.

24 Does that sound right to you?

25 A Yes. In general when we are making major

1 changes that will break apps unless the developer  
2 takes an action, in order to provide a stable  
3 platform so that the apps that people are using  
4 don't break and developers have some time to  
5 transition to the new rules, you give a period of  
6 transition from when you announce when a change is  
7 going to be to when the developers have to have  
8 implemented it.

9 **Q I was going to ask you why Facebook would  
10 give a transition time. Is that the reason?**

11 A Yes.

12 **Q Essentially a business reason to help some  
13 continuity for the app developers; is that right?**

14 A Yes. But probably even more important  
15 than the developers, the people using the app. It  
16 would be a pretty bad experience if all of a sudden  
17 you woke up and some apps that you relied on broke  
18 because the underlying platform changed the rules of  
19 how that app could work.

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

21 A But for developer stability too.

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 that we make. We talked earlier about how I wanted  
2 to make sure that the platform itself was open so  
3 that way everyone could access, and you didn't have  
4 to know someone at the company.

5 But at the same time there were also more  
6 specific partnerships that we can enable with  
7 companies where we do trust them and do have  
8 relationships with them. And some of these  
9 relationships are things like -- it's kind of hard  
10 to remember this before modern smartphones, but, you  
11 know, back on -- when a lot of people were using  
12 Blackberry or Windows phone or different things, you  
13 worked specifically with some of the manufacturers  
14 of those devices to build out functionality.

15 I think even the first version of iPhone  
16 had a YouTube app that Apple built. So if we wanted  
17 to have there be a Facebook experience on some of  
18 these devices, we'd work -- we'd make a partnership  
19 specifically with -- with those companies.

20 And in those cases in order to make it so  
21 the Facebook app could be fully functioning and have  
22 things like a news feed where you could access your  
23 friend's information, we had technical interfaces  
24 and APIs that were not necessarily going to be part  
25 of the public-facing Facebook platform, but that

1 **one-year transition period during which they could  
2 continue to collect or have access to friend data;  
3 is that correct?**

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 A Yes. Under -- so the question is: What  
23 do you call a developer? There's a developer of  
24 the -- on the Facebook platform using our  
25 public-facing API. And there are also partnerships

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 had access to friend permissions after the rollout  
8 of Graph API Version 2?**

9 A My understanding is that (b)(4)  
10 integrated APIs were probably the biggest category,  
11 but I think we may have had some partnerships with  
12 companies that were well-established that we felt  
13 like we knew well and trusted to deliver those kind  
14 of custom experiences as well.

15 And I think that it's important to draw  
16 the distinction between these, because partnerships  
17 I think are a different category of thing than an  
18 open developer platform. So the open developer  
19 platform, we announced the direction that it was  
20 going to go in. We did that transition. And then  
21 there's a relatively smaller, enumerable set of  
22 companies that we trusted that we continued doing  
23 partnerships with to build good experiences for  
24 people.

25 **Q Are these companies like Spotify?**

1. A Yeah, that would be an example.  
 2. Q Can you give us a ballpark number of how  
 3. many of these trusted partners there were that  
 4. continued to have access to friend permissions after  
 5. the rollout of Graph API Version 2?  
 6. A I don't know the exact number off the top  
 7. of my head, but I would imagine it would be tens,  
 8. definitely not thousands.  
 9. Q Okay. So tens. More than a hundred?  
 10. A It's -- I'd say probably on the order of  
 11. tens, maybe somewhat more than a hundred. But I  
 12. would doubt it would be in the high hundreds, and  
 13. relatively confident it would not be in the  
 14. thousands.  
 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)(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. Are you following?  
 16. A Yes.  
 17. Q The next paragraph reads: (b)(4)  
 18. (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)(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)(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. so far today about how there's the sentiment that  
 11. people were not as happy as we felt like they could  
 12. be if they -- if we made it so they didn't have to  
 13. grant so many permissions to developers at once.  
 14. And from a developer perspective it might  
 15. be easier for them to have to only ask permission  
 16. once for the full set of things that they wanted to  
 17. access, or to be able to ask for a broader set of  
 18. information.  
 19. But in terms of what value is actually  
 20. being produced for people and what the sense was of  
 21. what -- how it seemed like people wanted to use  
 22. apps, it seemed like it was the right thing to both  
 23. restrict the amount information that developers  
 24. could ask for and make it more granular in terms of  
 25. how they had to ask for that. So that's a change

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 people. And while stability of the platform is  
 9 important in terms of making sure that the other  
 10 parts of the ecosystem can continue to invest and  
 11 serving people, at the end of the day we make all  
 12 these decisions with what's going to be best for the  
 13 people we're serving.  
 14 **Q Am I reading this email correctly? Is**  
 15 **this in connection with the rollout of Graph API**  
 16 **Version 2 and narrowing of permissions granted to**  
 17 **app developers?**  
 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 (b)(4)  
 20 (b)(4)  
 21 (b)(4)  
 22 (b)(4)  
 23 (b)(4)  
 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)(7)(C) interjection was helpful. My question (b)(6);**  
 12 **really was: Am I reading Exhibit 227 correctly? Is (b)(7)(C)**  
 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 **list would have access under this proposal we're**  
 12 **looking at to news feed, timeline feed, inbox**  
 13 **messaging, notification requests and friend**  
 14 **management, list management; is that how you read**  
 15 **this?**  
 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 the record that what was in an email from (b)(6); (b)(7)(C) as a  
2 proposal is the exact thing we did. So I can  
3 testify that we generally went in the direction of  
4 moving towards this more closed model, and generally  
5 made it so that people could not grant access to  
6 their friends' data. But in terms of each of the  
7 specific APIs, we may have handled them differently  
8 than was -- or with more nuance than is said here.

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 **Do you see that?**

15 A Yes.

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

17 A My understanding from this is that we

18 (b)(4)

19 **Q Consistent in the way we have been talking**  
20 **about -- generally about the changeover, the**  
21 **implementation Graph API Version 2?**

22 A Yes.

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 **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 (b)(4)

16 (b)(4) And then

17 at the end, I'll sign the certification.

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 A Well, it's a couple of things. (b)(4)  
 8 (b)(4)  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
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 20  
 21  
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 24  
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1 (b)(4)  
 2  
 3  
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 12  
 13  
 14

15 Q Do (b)(6); (b)(7)(C) participate  
 16 in the latter kind of meeting that you just  
 17 described around the earnings call scripts?

18 A Well, communications participates. (b)(6);  
 19 (b)(7)(C) would be involved when (b)(6); (b)(7)(C)  
 20 (b)(6); He's no longer in that role. Now (b)(6);  
 21 (b)(7)(C) is in that role. (b)(6); (b)(7)(C)  
 22 (b)(6); (b)(7)(C)  
 23  
 24  
 25

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

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

3 Q -- (b)(6); (b)(7)(C) 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 me who else participates in those quarterly  
 9 meetings. Sounds like (b)(6); (b)(7)(C) is there.

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)(7)(C)

23 A Well, I want to differentiate between two

24 (b)(4)  
 25

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

10 Q Is there a point in either -- in these  
 11 meetings you've been describing where you discuss  
 12 with legal or other folks at Facebook about issues  
 13 that should be disclosed about the company's  
 14 business, either in the filings or on the earnings  
 15 call or analysts meetings that you have afterwards?

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

25 Q Prior to 2018, without going into the

1 details of it, I'm asking about the subject, did you  
2 have any conversations with anyone at Facebook about  
3 whether the company should disclose publicly any  
4 instances where developers had misused Facebook user  
5 data?

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 you -- 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)



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: In response to those  
13 questions I believe that you indicated that one of  
14 the tools available to the company would be to audit  
15 the platform app developer.

16 Do you recall that?

17 THE WITNESS: Yes.

18 MR. NEADERLAND: Would you be able to  
19 share what you meant by the term "audit"? Did you  
20 mean a third-party forensic review of the servers of  
21 the app developer, or what did you mean?

22 THE WITNESS: A general investigation into  
23 what the app developer was doing. So it could  
24 include looking at our own server logs to look at  
25 the APIs that they pulled. It could include talking

1 to the developer's team. It could include looking  
2 at their code, but not necessarily bringing in a  
3 third party as might be the classic definition of an  
4 audit.

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 would audit or investigate possible misuse of user  
12 data by app developers.

13 A From talking to our team.

14 Q Anyone in particular?

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



17 Q Was there anyone in (b)(4) in particular  
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 Anyone in particular in (b)(4) who you  
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); (b)(7)(C)  
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 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 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 **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); (b)(7)(C)

2 (b)(6); (b)(7)(C) I think was running the ads team at the

3 time. Probably (b)(6); (b)(7)(C)

4 (b)(6); (b)(7)(C) I imagine I would have included (b)(6); (b)(7)(C)

5 (b)(6); (b)(7)(C) 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 Aleksandr Kogan. Do you**

15 **understand who Dr. Kogan is?**

16 A Today I do.

17 **Q How did you first learn about Dr. Kogan?**

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, Aleksandr Kogan, 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 Dr. Kogan.**

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 Dr. Kogan 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 Dr. Kogan 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 Dr. Kogan 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 Dr. Kogan**

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 Kogan had sold data, we terminated

1 Kogan's access as a developer. We reached out to  
 2 both Kogan 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 my first daughter  
 6 was born, and I was on paternity leave at the time.  
 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 **parental leave. So without getting -- revealing too**  
 16 **much personal information, when was your daughter**  
 17 **born?**

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

19 **Q And how long were you on parental leave?**

20 A It was about two months.

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 "Harry Davis/Guardian. Ted Cruz**  
 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 Dr. -- the**  
 17 **company reached out to Dr. Kogan and Cambridge**  
 18 **Analytica and asked them to destroy -- delete the**  
 19 **data and to certify that it had been deleted.**

20 **Did Facebook consider informing its users**  
 21 **about what it knew about the Kogan and Cambridge**  
 22 **Analytica allegations following its own internal**  
 23 **investigation into the matter either in December**  
 24 **2015 or January 2016?**

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 **of 2016. In connection with your disclosure**  
 11 **meetings internally at Facebook, did you have any**  
 12 **conversations, without going into the substance of**  
 13 **them, about whether or not Facebook should disclose**  
 14 **what it knew about Dr. Kogan and Cambridge Analytica**  
 15 **in that time period?**

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 **why -- what is your best understanding of why**  
 20 **Facebook didn't consider either informing its users**  
 21 **or the public about what it knew about Dr. Kogan and**  
 22 **Cambridge Analytica?**

23 A So my understanding now is that typically  
 24 when we disclose something to -- or when we  
 25 communicate about something to people, we use the

1 service. It's either because there's an action that  
2 they should take to protect their account, or  
3 something they might want to consider taking, or if  
4 there's an ongoing risk or -- of something that's  
5 going on.

6 And in this case my understanding is that  
7 there was no action necessarily that a person could  
8 or should take, but also that any risk had been  
9 mitigated because the parties involved had certified  
10 to us that they didn't have the data, had deleted it  
11 if they had it, and weren't using it. So there was  
12 no ongoing risk.

13 In retrospect I think given how important  
14 the issue is, we decided after the fact that we  
15 should notify people just because it's a matter of  
16 importance. So even though we didn't feel like  
17 there was an ongoing risk or an action that people  
18 should take, we still thought that was the right  
19 thing to notify people later. But that's my  
20 understanding of the rationale at the time that --  
21 that the team had.

22 **Q And how did you come to that  
23 understanding? Who gave that to you?**

24 MR. NEADERLAND: So the witness should  
25 certainly answer the question. To the extent that

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

3 **Do you see that?**

4 A Yes.

5 **Q So I guess my question for you is: Did  
6 you -- did you consider or did anyone at Facebook  
7 consider making just simply that disclosure or  
8 informing the public about those basic facts in 2015  
9 or 2016?**

10 A I'm not sure.

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

14 A That's correct.

15 BY MS. DAVIS:

16 **Q Can I clarify something you testified to  
17 earlier? Earlier you said that you understood that  
18 when Facebook learned that Kogan had sold data in  
19 violation of Facebook policies, I believe you  
20 testified that Facebook kicked him off the platform  
21 or terminated Kogan's access, and made him certify  
22 he had deleted the data; is that correct?**

23 A That's my understanding, yes.

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

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

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

10 BY MR. TASHJIAN:

11 **Q Could I ask you just to turn quickly back  
12 to your public statement that you posted on March  
13 21st. I believe it's Exhibit 226. In your post you  
14 kind of went through a chronology. You talk about  
15 2007, 2013, 2014, and then you say in 2015.**

16 **Are you following me?**

17 A Yes.

18 **Q So -- and you wrote, and I'll quote it  
19 here: "In 2015, we learned from journalists at the  
20 Guardian that Kogan had shared data from his app  
21 with Cambridge Analytica. It's against our policies  
22 for developers to share data without people's  
23 consent. So we immediately banned Kogan's app from  
24 our platform, and demanded that Kogan and Cambridge  
25 Analytica formally certify that they had deleted all**

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

3 A My understanding is 2015.

4 **Q Okay. And the same about Cambridge  
5 Analytica. Did you understand that Facebook had  
6 terminated Cambridge Analytica's access in 2015 or  
7 '16 or in 2018?**

8 A In between. So my understanding is  
9 Cambridge Analytica wasn't actually a developer in  
10 this. Kogan was the developer. So people who were  
11 using the app were using -- were interacting with  
12 Kogan's app and gave that access to the data. And  
13 then Kogan turned around and sold the data to  
14 Cambridge Analytica. So it's certainly a violation  
15 to do that.

16 So we kicked Kogan off the platform, then  
17 went to Kogan and Cambridge Analytica to certify  
18 that they didn't have access to the data, had  
19 deleted anything that they had, weren't using it.  
20 And that process was not overnight, but at some  
21 point in between 2015, and I think certainly before  
22 the articles in 2018, we got those certifications.

23 **Q Okay. But as to Cambridge Analytica, when  
24 were they -- was their access terminated from the  
25 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 more detail. So, as I recall it, you said one of  
2 the reasons that, your understanding, now why the  
3 Kogan/Cambridge Analytica incident wasn't  
4 communicated to users in 2015, was that there was no  
5 sort of remedial action that users sort of needed to  
6 take or could take in response to that incident  
7 occurring.

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 **there still really wasn't remedial action for users**  
14 **to take, the decision was, nonetheless, made to sort**  
15 **of tell users what you knew about this incident**  
16 **because it was an important incident.**

17 Again, is that a fair characterization of  
18 your testimony?

19 A Yes.

20 **Q And so when you say it was important,**  
21 **what -- can you unpack that a little bit and explain**  
22 **sort of why -- in what sense was it important such**  
23 **that you felt it was appropriate for that**  
24 **information to be communicated to users?**

25 A Yes. I mean, it had just become a matter

1 of national importance. It was written about in the  
2 press every day for a long period. People had broad  
3 awareness of it.

4 And when we are running the company on a  
5 day-to-day basis with billions of people using the  
6 products and a lot of developers and millions of  
7 advertisers, there are always going to be some  
8 violations that are happening and we take action  
9 there.

10 And as long as we feel like we're doing  
11 the appropriate thing, and there's no ongoing risk  
12 to people, we don't always communicate about  
13 violations that occur. If we did, we'd be flooding  
14 people's inboxes with things on a daily basis, and I  
15 don't that think people would appreciate that.

16 So there's some judgment involved in  
17 whether people have an action that they might want  
18 to take based on the data, or something they should  
19 do to protect their security, which in this case  
20 there was no action there. Whether -- the risk had  
21 basically been mitigated, which in this case because  
22 we got the certifications and we believed them to be  
23 true, we believed internally or the teams involved  
24 believed that there was no ongoing risk to security  
25 or -- or -- or the data use.

1 And because of the -- it was not a matter  
2 that had received a lot of attention to that point.  
3 It didn't necessarily seem like it was particularly  
4 interesting to -- to people broadly. But that  
5 changed when it became a very public matter.

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 factors there. One is that it was -- it was in the  
11 context of not just a developer on the platform, but  
12 a highly contentious election, which is very  
13 important. So I think that the connection there  
14 made it much more relevant to a lot of people, and  
15 something that I think gave it -- which made it so  
16 that a lot more people were interested in it and  
17 paid attention to it.

18 I also think that over time people's  
19 attitudes towards and understanding of privacy on  
20 the Internet has gotten more sophisticated, and  
21 people care more about some of these things now and  
22 are kind of rightfully paying attention to things  
23 that even a few years ago they may have not always  
24 in a lot of cases.

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

1 **you think this became sort of -- entered the**  
 2 **national sort of spotlight, so to speak?**  
 3 A I think those are probably the main two.  
 4 **Q Coming back to the decision to, again,**  
 5 **make some public disclosures about this matter in**  
 6 **March of 2018, was it just the fact that it had**  
 7 **become a national news story?**  
 8 A Well, in general we want to disclose and  
 9 communicate things that are what people are going to  
 10 want to care about. And I think that because it had  
 11 become public -- it's not that it was a news story.  
 12 It was that connected with that discussion -- in  
 13 connection with that discussion, I think people were  
 14 broadly interested in this and now wanted to know,  
 15 "hey, was" -- "was any of my data connected to this?"  
 16 Maybe I authorized that quiz app to use my data, but  
 17 I don't remember. You know, maybe I was a friend of  
 18 someone who -- who had given access to data with  
 19 this quiz app and I wouldn't have known."  
 20 And I think people, because it was such a  
 21 broad discussion, were interested in knowing that.  
 22 So we decided to -- to make a tool so people could  
 23 go and see what, if any, of their data could have  
 24 been accessed by this -- by this app.  
 25 BY MS. DAVIS:

1 the fact that the team felt like it had been dealt  
 2 with and that they'd gotten these certifications  
 3 that the data had been deleted, perhaps coupled with  
 4 the fact that I was out on paternity leave and not  
 5 in the office. But, again, that's speculation.  
 6 **Q Did Facebook have any controls or**  
 7 **processes in place to bring platform policy**  
 8 **violations like this, selling of Facebook user data,**  
 9 **to your attention if it met a certain threshold back**  
 10 **in 2015?**  
 11 A I don't -- I don't know about that  
 12 specifically. But I think there were -- I believe  
 13 there have been policies that if we're going to take  
 14 down a developer of a -- off the platform of a  
 15 certain scale that that will be raised to my  
 16 attention. And because this app was in the grand  
 17 scheme of things not so big, it had hundreds of  
 18 thousands of people using it, and not millions or  
 19 tens of millions like the largest apps do, it might  
 20 have just not met that threshold for something that  
 21 would need to be raised to my attention.  
 22 **Q But if there's an article back in 2015**  
 23 **that's suggesting this app developer may have**  
 24 **accessed and sold millions of Facebook data,**  
 25 **millions of Facebook user data, would that not meet**

1 **Q Before lunch there was a discussion about**  
 2 **Facebook's platform policies, and that an app**  
 3 **developer selling or transferring Facebook data user**  
 4 **would violate Facebook's platform policy back in**  
 5 **2015.**  
 6 **Do you recall that?**  
 7 A Yes.  
 8 **Q That's an accurate statement; is that**  
 9 **right?**  
 10 A I believe so, yes.  
 11 **Q And then I think at that time we also**  
 12 **talked about whether, if an app developer were**  
 13 **selling or transferring Facebook user data,**  
 14 **depending on the significance of it, it's something**  
 15 **that should come to your attention; is that right?**  
 16 A Yeah, I believe so, especially if it's an  
 17 ongoing issue and it hasn't been addressed.  
 18 **Q Is it that -- okay. So with respect to**  
 19 **the Kogan app, is it that you -- do you think that**  
 20 **it did come to your attention and you just don't**  
 21 **recall? Or do you think that it didn't meet the**  
 22 **criteria to come to your attention?**  
 23 A I don't remember it coming to my  
 24 attention, and I can speculate as to why that might  
 25 have been. My guess is it would be a combination of

1 **the threshold?**  
 2 A I'm not sure.  
 3 **Q Who would be -- who would be responsible**  
 4 **for that kind of policy, whether the scale of**  
 5 **someone -- of an app developer selling Facebook user**  
 6 **data should come to your attention?**  
 7 A At what level? It would be some  
 8 combination of the policy team. I might be involved  
 9 in a decision like that. The enforcement would  
 10 probably be done by Justin Osofsky's operations  
 11 team.  
 12 **Q Okay, thanks.**  
 13 BY MR. TASHJIAN:  
 14 **Q In 2018, when you made your post and**  
 15 **Facebook responded publicly to the New York Times**  
 16 **article, what action could users take? Was there an**  
 17 **action for users to take about the Kogan/Cambridge**  
 18 **Analytica event that had occurred almost three years**  
 19 **earlier?**  
 20 A Sorry. Can you repeat that?  
 21 **Q So you said -- let me rephrase just to**  
 22 **make sure we're on the same page.**  
 23 **I think you said that there were sort of**  
 24 **three broad reasons why you think that the company**  
 25 **didn't say anything publicly in either December 2015**

1 or early in 2016. And as I understood, those three  
2 reasons were essentially there was no action for a  
3 user to take, that the risk had been mitigated  
4 because both Kogan -- Dr. Kogan and Cambridge  
5 Analytica had said they had deleted the data, and  
6 that it didn't seem to be a subject of broad public  
7 interest.

8 **Do I have that right?**

9 A Yes. And the third, to clarify, it's more  
10 individual interest. It's because it became a  
11 public discussion or as part of becoming a public  
12 discussion, many individuals I think started to want  
13 to know whether -- whether they had used the app or  
14 whether a friend of theirs had used the app.

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 Dr. Kogan 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 we -- we had a number of logs around what -- who had  
16 used the app and who people's friends were. But I  
17 don't know if we had exact logs on when the API  
18 calls were made, so I'm not sure exactly if you  
19 became friends with a person later, but, like, was  
20 the API called before that such your data may not  
21 have actually been accessed.

22 But in the estimates of how many people's  
23 information may have included and when we did the  
24 disclosure, we erred on the conservative side of  
25 just having the largest number and, if any of your

1 you said one of the reasons -- the first reason why,  
2 at least in your judgment, Facebook didn't say  
3 anything publicly in early 2016, was because there  
4 was no action that an individual could take to deal  
5 with these allegations that Dr. Kogan had sold data  
6 to Cambridge Analytica; is that right?

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 mean, if a person had used the app, then they --  
16 there's nothing to un-log into the app. We had  
17 already taken the app down and gotten a  
18 certification that they deleted the data. So I  
19 don't believe that there was an action related to  
20 this.

21 **Q Okay. We're going to come back to that**  
22 **risk mitigation because it's an important point that**  
23 **you made. I think we're going to explore. Also,**  
24 **then I'm wondering about the public interest or**  
25 **individuals were wondering in March of 2018 whether**

1 data may have been used or seen, telling you that.

2 **Q You just made a reference to logs. Can**  
3 **you describe what those logs are?**

4 A Sure. So in order to provide the service,  
5 when a developer makes an API request, for example,  
6 we'll log that for some period of time. I don't  
7 know if we store that forever, but for some period  
8 of time.

9 So part of the investigation in this case  
10 or in other cases that we're able to do is go back  
11 and look at the patterns of activity or, in some  
12 cases, specific APIs calls that were made to  
13 understand what a developer might have done.

14 **Q So if -- and it sounds like Facebook only**  
15 **keeps those logs for a limited amount of time. 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 Dr.**  
25 **Kogan's -- or what data Dr. Kogan had obtained so**

1 that the company would -- could provide a little bit  
2 more specificity in 2015 or 2016 about which users  
3 were affected?

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 Dr. Kogan.**

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

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

1 University. He built a quiz app that people chose  
2 to give information to. And that part of what Kogan  
3 was doing was then building models of what people  
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 Kogan.**

13 A Kogan. And that information is what I  
14 would have called the raw, raw information or raw  
15 data.

16 So I believe we were told by Kogan and  
17 Cambridge Analytica was that that specific data,  
18 people's data from Facebook, was not passed along to  
19 Cambridge Analytica. However, the models that Kogan  
20 computed using either the poll data or the survey  
21 data and maybe combined with some of the information  
22 from -- that people granted access to from Facebook,  
23 that -- that those models, then, may have been  
24 shared.

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

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 Kogan  
25 was doing research associated with Cambridge

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 Dr. Kogan 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 Kogan  
25 did, I think your distinction is generally right,

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 Kogan 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 Dr. Kogan 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 Dr. Kogan's 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 Alexander Nix's 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 Alexander Nix 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 Nix  
14 certification. I don't have any recollection of  
15 seeing the Kogan certification.

16 **Q Let's turn to Exhibit 123, the Nix**  
17 **certification. So you think you've seen Mr. Nix's**  
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 Mr. Nix 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 Dr. Kogan. 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 doctor --**

1 sorry -- that Mr. Nix 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 Dr. Kogan.**

10 A I don't remember.

11 **Q Is there some point later before today  
12 that you became aware that Dr. Kogan 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 Kogan's 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 Kogan 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 Dr. Kogan 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 wanted to do was go in and do an investigation that  
23 included their -- their servers. But we yielded to  
24 the UK ICO who wanted to do their investigation  
25 first. And I'm not sure that we were ever able to

1 then in that context they might have referred to  
2 whatever data Kogan 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 Kogan gave 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, Alexander Nix, 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 Dr. Kogan" -- 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 go in after that and confirm all the things that we  
2 had wanted to ourselves.

3 **Q Other than your attempt to audit the  
4 SCL/Cambridge Analytica servers, was there anything  
5 else that Facebook did to investigate what data had  
6 been given to Cambridge Analytica?**

7 A Well, we certainly looked through all of  
8 our own logs that were available to get as much of a  
9 sense as possible of what data this app may have had  
10 access to and whose data might have been used there.

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 wanting to I guess do a deeper  
18 audit but yielded in favor of the ICO. That was in  
19 2018, not in 2015, '16; is that right?**

20 A That's correct.

21 BY MR. TASHJIAN:

22 **Q Can we turn to Dr. Kogan's certification  
23 that's been marked as Exhibit 15. I believe you  
24 said that you can't recall whether you have seen Dr.  
25 Kogan's 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 Dr.  
11 Kogan 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 Alexander Nix 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 Dr. Kogan 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 Dr. Kogan 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 Dr. Kogan 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 Kara  
3 Swisher.

4 Do you remember sitting with Ms. Swisher  
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 Ms. Swisher 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 Dr. Kogan 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. Ms.  
16 Swisher asks something that's not entirely  
17 intelligible about one of your board members and  
18 Steve Bannon. 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 Dr. Kogan?

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); (b)(7)(C) 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); (b)(7)(C) 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 platform developer operations team that was in  
 22 charge of enforcing our developer policies against  
 23 developers, and that our teams may just not have  
 24 been coordinated. And I think that that was the  
 25 internal miss.

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 person. We should have built the systems, which now  
 6 I believe we have done more, to understand all of  
 7 the interactions that we're having with partners or  
 8 different firms across any touch point at Facebook.  
 9 So whether you're advertising, you have a  
 10 page on one of our services, you are a developer,  
 11 that way the teams can understand and share signals  
 12 as to what they are seeing.  
 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 well, that on the developer side, if they had been a  
 17 developer, we almost certainly would have blocked  
 18 them, but believed there was not an action to take  
 19 there, but didn't connect that they were using  
 20 advertising so there actually was an action we could  
 21 have, and probably should have, taken then. But  
 22 because those were different teams, my understanding  
 23 is we -- we missed that connection.  
 24 **Q I see. So if the folks in the advertising**  
 25 **space were aware of the Kogan 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 Kogan's activity then reached out to Cambridge  
 12 Analytica to get the certification, my understanding  
 13 now in retrospect was that that decision was made in  
 14 the context of the developer policies and not about  
 15 other touch points and services that those firms may  
 16 have used across the company. And I think if we'd  
 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  
 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 Aleksandr Kogan 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)(7)(C) and she helps respond to (b)(6); (b)(7)(C) Did  
 23 you speak with (b)(6); (b)(7)(C) 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 Dr. Kogan 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 Michal Kosinski, and then it sort of  
 14 transitions into a story about Alexander Nix 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 Alexander Nix standing in  
 5 front of a stage with a large screen behind him. The  
 6 caption below it says: "Alexander Nix 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 Michal Kosinski  
 14 once developed. Cambridge Analytica also uses, Nix  
 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 -- Michal Kosinski.  
 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 Dr. Kogan did.  
 15 Did that strike you at the time?  
 16 A I don't remember.  
 17 **Q** And then according to the article,  
 18 Alexander Nix 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 David Plouffe

12 to run that as well as having Ken Mehlman lead the

13 policy advisory board and put together a group of

14 folks there.

15 **Q Were there emails that you have seen Mr.**

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

17 **(b)(7)(C); (b)(6); (b)(7)(C);**

18 **one of the figures behind Cambridge**

19 **Analytica?**

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

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

22 conversations around people who were taking

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

24 names came up, but I don't -- I don't remember that (b)(7)(C);

25 much. Actually, I do remember I think Ken sent me

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); (b)(7)(C) 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 Michal Kosinski.

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); (b)(7)(C)

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); (b)(7)(C) is 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 Michal Kosinski. 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); (b)(7)(C)

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); (b)(7)(C)

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 Mr. Kosinski's 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?

16 (SEC Exhibit No. 231 was marked  
17 for identification.)

18 BY MR. TASHJIAN:

19 Q If you could take a look at Exhibit 231.  
20 It's been Bates-labeled FB CA SEC 00233811, dated  
21 March 30th, 2017.

22 A It's an old Google alert. The Facebook,  
23 before we changed our name.

24 Q Yeah, I can't explain that.

25 A Means I set it up in 2004.

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 parental  
10 leave, 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 your parental leave.

5 A Yes. So when I was on parental leave  
6 after my second daughter was born, 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 investigations into Cambridge Analytica you were  
20 referring to.

21 A So my understanding is that when we became  
22 aware of these Russian ads, we wanted to know what  
23 else was going on on the platform like that. So we  
24 looked into a set of other organizations, whether  
25 Russia or other former Soviet states were doing

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); (b)(7)(C) 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 similar things, whether any other actors, even if  
2 they had been presumed to be legitimate, were  
3 engaging in a similar pattern of activity.

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 A I think what this was referring to was we  
9 had a number of conversations around next steps that  
10 we would take internally. And then I just wrote  
11 that out as a draft and what I would say. I think  
12 for a number of reasons we ended up not including  
13 this in the final copy because we didn't want to  
14 single out specific organizations or -- or name  
15 specific folks we were looking into.

16 But I don't know that this inclusion was  
17 based on much more than just the internal  
18 conversations we had about leads for people or  
19 organizations or governments that we thought that we  
20 should look into further.

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); (b)(7)(C) 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 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 other risk areas where  
4 there might be organizations or governments that  
5 could be doing something similar to what we had  
6 found that Russia had done. And we wanted to make  
7 sure we tracked all of that down. I think one of  
8 the leads that someone might have mentioned was  
9 Cambridge Analytica. I don't remember what basis  
10 for that was. I don't -- I don't really have any  
11 more context than that.

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 **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); (b)(7)(C) probably (b)(6); (b)(7)(C) 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 Trying to find patterns of activity in --  
23 in terms of trying to find actors who might have  
24 been doing something that they weren't supposed to  
25 be by basically using having our systems detect

1 abnormal patterns of activity and what they were  
2 doing.

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 But I think that these were intended to be  
10 organizations or governments or places that we  
11 should look into, not that we concluded those  
12 investigations.

13 BY MR. TASHJIAN:

14 **Q So I have two more I think fairly brief**  
15 **topics, and perhaps we can take a short break and**  
16 **assess where we are. Shouldn't take terribly long**  
17 **here.**

18 **So correct me if I'm wrong, it sounds like**  
19 **you generally became aware following the 2016**  
20 **general election of reports in the media about**  
21 **Cambridge Analytica and perhaps some of the claims**  
22 **that Cambridge Analytica was making at the time.**

23 A Sorry. Say that again.

24 **Q So after the election, after November**  
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 Kogan/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 A I don't think that that was a thing that a  
2 lot of people were asking about. So I'm not sure  
3 that it would have made sense to communicate about  
4 that then.

5 There were are two different kind of  
6 threads here. One is what they were doing on the  
7 advertising side and what happened on the data  
8 access side. And I think they were both relevant  
9 things for us to understand and look into, but  
10 they're not necessarily the same -- the same topic.

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 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 Kogan, 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 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 Kogan 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)(7)(C).  
 20 **Q (b)(6); (b)(7)(C)**  
 21 A Yes.  
 22 **Q What did she tell you?**  
 23 A That she had testimony. Her office is  
 24 right next to mine, so I could see when these guys  
 25 showed up to do prep for -- for her. That was --  
 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); (b)(7)(C)  
 24 **Q Anyone else other than your (b)(6);**  
 25 **(b)(7)(C)**  
 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 \* \* \* \* \*

1 CERTIFICATE OF REPORTER  
 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

1 PROOFREADER'S CERTIFICATE  
 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)  
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Withheld pursuant to exemption

Non Responsive Record

of the Freedom of Information and Privacy Act

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