

Diamond, Joshua

From: Kia Floyd <floydkd@fb.com>
Sent: Friday, October 11, 2019 4:44 PM
To: Donovan, Thomas
Cc: Diamond, Joshua; Sudbay, William; maggieATleoninepublicaffairs.com
Subject: Meeting in Burlington- Facebook

Dear Attorney General Donovan:

I want to personally thank you, Josh Diamond, and Will Sudbay for meeting with me in Burlington last week. I want to reiterate my appreciation for your office's collaborative approach to working with stakeholders last session and express my hope that this continues into the next session and beyond.

We look forward to working proactively with your office on initiatives that aim to protect Vermonters while encouraging tech industry innovation. If you have any ideas that you'd like to run by us, please do not hesitate to reach out to me, or to our Vermont lobbyists Clare Buckley and Maggie Lenz at Leonine Public Affairs. Facebook values our relationship with the AGO and the state of Vermont and we look forward to continuing to work together.

Thank you.

Sincerely,



Kia Floyd | Head of Public Policy, Northeast
facebook
202.368.7469

Kruger, Ryan

From: Curtis, Christopher
Sent: Thursday, October 10, 2019 11:16 AM
To: Will Castleberry; Kriger, Ryan
Cc: Aaron Ting; Jess Leinwand
Subject: RE: Vermont Data Broker Registry

Hi Will,

Thank you for getting back to us. And, sorry for the delay on my end in responding to the information below. I expect that Facebook will continue to monitor its practices with respect to third party data it possesses (to the extent that you have explored, or may explore in the future) certain uses of that data. Should Facebook trigger the definition of "data broker" pursuant to Vermont law we would reasonably anticipate compliance with the law by simply making the required filing with the Vermont Secretary of State.

Thank you for your time and consideration.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

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From: Will Castleberry <wcastleberry@fb.com>
Sent: Wednesday, September 18, 2019 12:26 PM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Chris and Ryan,

Sorry for taking a bit to get back to you about if and how we share a non-FB user's personal information with third parties for advertising purposes.

In short, we don't currently but have explored this in the past. Even in these instances, we would only report to third parties *aggregate* analytics that might encompass non-FB user data. Here is how it worked.

- We tested ads on third party websites that were viewable by non-FB users. We measured the effectiveness of these ads (e.g., impressions) and provided some of this information in aggregate form to our advertisers (via surfaces like our Ads Manager dashboard). These analytics do not provide individual user-level granularity and our aggregation methodology prevents reporting on an individual or even a group of individuals below a certain minimum threshold. We no longer display these ads to non-users but don't believe those practices would require us to register as a Data Broker in VT.

Thanks again for your time and please let me know if you have any questions.

Thanks,

Will
202.4200173

From: Kriger, Ryan <ryan.kriger@vermont.gov>
Sent: Tuesday, August 20, 2019 12:31 PM
To: Will Castleberry <wcastleberry@fb.com>; Curtis, Christopher <Christopher.Curtis@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Will,

We are pretty open Wednesday through Friday of this week. Any time except Wednesday 1-2 PM or Thursday 2-3 PM EST should work.

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

ph: (802) 828-3170
ryan.kriger@vermont.gov

From: Will Castleberry <wcastleberry@fb.com>
Sent: Tuesday, August 20, 2019 12:01 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Kriger, Ryan <ryan.kriger@vermont.gov>
Cc: Aaron Ting <aaron.ting@Oculus.com>; Jess Leinwand <jessleinwand@fb.com>
Subject: RE: Vermont Data Broker Registry

Thank Christopher,

Sorry about the confusion but, yes, we do not believe we qualify as a data broker under the law. Can you give us a few date which may work for a call?

Thanks,

Will
202.4200173

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Sent: Tuesday, August 20, 2019 9:41 AM
To: Kriger, Ryan <ryan.kriger@vermont.gov>; Will Castleberry <wcastleberry@fb.com>
Subject: RE: Vermont Data Broker Registry

Hi Will,

What would be great is a conference call, assuming the company's position is that the new law does not apply to it, so that we can have a conversation about how, or if, the law does in fact apply. I realize there has been a great deal of reporting on the issue of third party data brokers and Vermont's new law. And, despite our efforts at outreach (publicity, letters, etc. to reach a wide audience) and offering a guidance there may still be confusion about whether, or if, the law applies to a particular entity. We know Maggie, of course, and she is welcome to participate in a conference call. But, we also thought it might serve to have counsel participate since this really is about the legal definition set out in the new statute. As always, happy to continue the conversation so if additional context helps before setting up a call feel free to call me or Ryan directly.

Thanks, and hope you're enjoying summer.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

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Kruger, Ryan

From: Kriger, Ryan
Sent: Tuesday, August 20, 2019 9:34 AM
To: wcastleberry@fb.com
Cc: Curtis, Christopher
Subject: Vermont Data Broker Registry

Will,

I would like to speak with Facebook's counsel about its failure to register with Vermont's Data Broker Registry. I wrote to Facebook in late May about this issue and have spoken about it to Facebook's local representative, Maggie Lenz. The penalty for failure to register is \$50/day, up to \$10,000 per year.

So far, no one has responded to my inquiries. It is now over 200 days past the January 31, 2019 deadline to register, which means the penalty has maxed out at \$10,000 for this year. Please have someone from your counsel's office contact me as soon as possible.

Thank you,

-Ryan

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kriger@vermont.gov

9:00 AM **S. 162 - An act relating to promoting economic development**

David Hall, Legislative Counsel, Office of
Legislative Council - Invited

10:30 AM **TBA**

12:00 PM **Lunch**

1:00 PM **House Floor**

10 min. after Floor **TBA**

Friday, May 10, 2019

9:00 AM **Committee Discussion**

9:30 AM **House Floor**

10 min. after Floor **TBA**

12:00 PM **Lunch**

1:00 PM **TBA**

Liz First Raddock
Legislative Committee Assistant
House Commerce and Economic Development Committee
802-828-2255
lraddock@leg.state.vt.us

From: Michael Marcotte
Sent: Monday, May 06, 2019 3:23 PM
To: Maggie Lenz <maggie@leoninepublicaffairs.com>; Ryan.Kruger@vermont.gov; Liz Raddock <LRaddock@leg.state.vt.us>
Subject: Re: S.110

I'm fine with 24 hours longer.

Mike

From: Maggie Lenz <maggie@leoninepublicaffairs.com>

Sent: Monday, May 6, 2019 3:19:31 PM

To: Ryan.Kruger@vermont.gov; Michael Marcotte

Subject: S.110

Assistant Attorney General Kriger and Chair Marcotte,

Facebook along with the SPSC are working on providing language for the PII data breach notice provision that would be agreeable to all parties. We know this is extremely last minute and I sincerely apologize for the headaches this has caused. If possible, we would respectfully request 24 additional hours to finish this negotiation and come to a resolution before finalizing and voting S.110 out of committee. Please let me know if this is possible.

I really appreciate the time you have both put into this and I know we are very nearly at the finish line.

Thank you for your consideration,

Maggie

Maggie Lenz

Leonine Public Affairs

[802.279.4262](tel:802.279.4262) (c) [802.229.4900](tel:802.229.4900) x. 126 (o)

leoninepublicaffairs.com

Kruger, Ryan

From: Kruger, Ryan
Sent: Monday, May 6, 2019 3:44 PM
To: Maggie Lenz; Liz Raddock
Cc: Michael Marcotte
Subject: RE: S.110

Yes that works.

Ryan G. Kriger
Assistant Attorney General
Vermont Office of the Attorney General
Public Protection Division
109 State Street
Montpelier, VT 05609-1001
ph: (802) 828-3170
ryan.kruger@vermont.gov

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:36 PM
To: Liz Raddock <LRaddock@leg.state.vt.us>
Cc: Michael Marcotte <MMarcotte@leg.state.vt.us>; Kriger, Ryan <ryan.kruger@vermont.gov>
Subject: Re: S.110

That works for me if it works for everyone else.

Sent from my iPhone

On May 6, 2019, at 3:25 PM, Liz Raddock <LRaddock@leg.state.vt.us> wrote:

Ok –
Cancel S.110, 9:30 a.m. Tues. and move to Wed. at 9:30 a.m.?

Tuesday, May 07, 2019

9:00 AM

S. 131 - An act relating to insurance and securities
House Ways and Means Amendment
Rep. Scott Beck

9:30 AM

S. 110 - An act relating to data privacy and consumer protection
Mark-up
David Hall, Legislative Counsel, Office of Legislative Council
Ryan Kriger, Assistant Attorney General, Attorney General's Office
Maggie Lenz, Lobbyist, FaceBook - Invited

10:00 AM House Floor and Caucus

10 min. after Caucus TBA

12:00 PM Lunch

1:00 PM TBA

Wednesday, May 08, 2019

9:00 AM S. 108 - An act relating to employee misclassification
Damien Leonard, Legislative Counsel, Office of Legislative Council
Joshua Diamond, Deputy Attorney General, Attorney General's Office - Invited
David Mickenberg, Lobbyist, Vermont Association for Justice
Cameron Wood, Director, Unemployment Insurance Division, Department of Labor
Dirk Anderson, General Counsel, Department of Labor

10:30 AM House Floor

10 min. after Floor TBA

12:00 PM Lunch

1:00 PM TBA

Thursday, May 09, 2019

9:00 AM S. 162 - An act relating to promoting economic development
David Hall, Legislative Counsel, Office of Legislative Council - Invited

10:30 AM TBA

12:00 PM Lunch

1:00 PM House Floor

10 min. after Floor TBA

Friday, May 10, 2019

9:00 AM Committee Discussion

9:30 AM House Floor

10 min. after Floor TBA

12:00 PM Lunch

1:00 PM TBA

Liz First Raddock
Legislative Committee Assistant
House Commerce and Economic Development Committee
802-828-2255
lraddock@leg.state.vt.us

From: Michael Marcotte
Sent: Monday, May 06, 2019 3:23 PM
To: Maggie Lenz <maggie@leoninepublicaffairs.com>; Ryan.Krigger@vermont.gov; Liz Raddock <LRaddock@leg.state.vt.us>
Subject: Re: S.110

I'm fine with 24 hours longer.

Mike

From: Maggie Lenz <maggie@leoninepublicaffairs.com>
Sent: Monday, May 6, 2019 3:19:31 PM
To: Ryan.Krigger@vermont.gov; Michael Marcotte
Subject: S.110

Assistant Attorney General Kriger and Chair Marcotte,

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I really appreciate the time you have both put into this and I know we are very nearly at the finish line.

Thank you for your consideration,

Maggie

--
Maggie Lenz

Leonine Public Affairs

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leoninepublicaffairs.com