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EXHIBIT 38



March 11, 2022

Mr. Guy Rosen
VP, Integrity
Meta

Antigone Davis
VP, Global Head of Safety
Meta

Re: Follow-up to Discussions Regarding Widespread Flaws in Meta's Reporting to the CyberTipline

Dear Mr. Rosen and Ms. Davis,

I am writing to memorialize our recent discussions with Meta raising significant concerns relating to Meta's reporting to the CyberTipline. In our previous discussions, the National Center for Missing & Exploited Children (NCMEC) raised issues we had heard from law enforcement about erroneous reports submitted to the CyberTipline by Meta. This letter is written to express NCMEC's own organizational concerns about the severe impact Meta's reporting errors are having on NCMEC's mission to help find missing children, reduce child sexual exploitation, and prevent child victimization.

NCMEC's CyberTipline is the national reporting mechanism for members of the public and electronic service providers (ESPs) to report instances of apparent child sexual exploitation. ESPs, such as Meta, are statutorily required to report apparent child sexual exploitation to NCMEC's CyberTipline when they become aware of such content on their systems. The mission of the CyberTipline and the spirit of the law relies on receiving relevant, accurate information concerning apparent child sexual exploitation so that actionable reports of exploitation can be provided to law enforcement for investigation and to aid in recovering children from abusive situations.

Meta routinely submits valid reports relating to individuals sexually exploiting children online. However, over the past several weeks, NCMEC has tracked several large-scale errors and anomalies in Meta's reporting that are compromising the mission and functionality of the CyberTipline and ultimately endangering the safety of children online. I note in particular three significant, and apparently unrelated, issues that highlight our overall concern that Meta's reporting to the CyberTipline has taken the appearance of a compliance exercise, rather than a crucial child protection mission to ensure children are safe from exploitation on its platforms.

"Compromised" Meta Accounts

In February, NCMEC raised with Meta, law enforcement complaints concerning a large volume of reports that appeared to involve compromised or hacked accounts distributing child sexual abuse material. While NCMEC has been unable to quantify the volume of reports relating to compromised Meta accounts, and Meta has not shared this information with NCMEC, based on our discussions with law enforcement, this appears to be a significant problem. Meta's solution – to include additional background information relating to the reported accounts in the CyberTipline reports – does not solve the problem. Instead, it has caused confusion among the law enforcement community around the world and, as described below, has created strain on NCMEC's operational resources.

Reports Unrelated to Child Sexual Exploitation

In February, NCMEC alerted Meta to receipt of reports submitted to the CyberTipline that were unrelated to child sexual exploitation. Along with user and account information, these reports contained imagery of political unrest, cartoons, and inanimate objects. After NCMEC brought this to Meta's attention, Meta requested that NCMEC

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flag almost 57,000 reports as erroneous. A majority of these reports had already been made available to law enforcement agencies globally.

Incomplete Reports

Earlier this month, Meta advised that over 600,000 otherwise valid reports submitted to the CyberTipline over the past 3 months were missing crucial information as a result of a Meta “bug” and needed to be resubmitted. Due to this “bug”, NCMEC and law enforcement agencies around the world will now receive, review, and respond to more than half a million additional reports. This error alone will result in a significant increased workload for law enforcement agencies who already are struggling to keep pace with the volume of reports.

Recent Meta reporting issues are endangering children and eroding trust in the CyberTipline process, a critical public service that has operated successfully for more than two decades. Reports of children who are sexually exploited, enticed, sextorted, and whose sexually abusive images are shared online are lost in the morass of reports from compromised or erroneously reported accounts or buried among incomplete, flawed reports. Law enforcement is growing reluctant to trust CyberTipline reports submitted by Meta.

Second, “bugs” in Meta’s systems seemingly have resulted in users not engaged in sharing child sexual abuse material being reported to the CyberTipline. When Meta submits reports from compromised accounts or seeks to flag erroneous reports weeks or months after submission, these reports often are already in the hands of law enforcement around the world. This creates tremendous operational strain on both NCMEC staff and on law enforcement.

Third, Meta’s continued errors and corrections to reports harm the reputation of the CyberTipline and the essential global purpose it serves. NCMEC analysts receive, analyze, and make available to law enforcement millions of reports relating to child sexual exploitation each year. Given the large volume of reports Meta submits to the CyberTipline, Meta’s flawed reporting is compromising the integrity of this process.

Fourth, NCMEC expends tremendous staff resources discussing Meta’s persistent reporting errors with law enforcement and Meta and working to mitigate these erroneous reports in NCMEC’s system. We estimate that two full-time NCMEC analysts are devoted almost exclusively to correcting Meta’s reporting errors. This tremendous burden on NCMEC deprives us of essential resources to work on reports involving real instances of child sexual exploitation submitted by companies providing accurate, actionable information.

NCMEC is gravely concerned about the impact on child safety and the potential scope and magnitude of these reporting errors, as well as Meta’s apparent inability to put an end to the continual mistakes.

NCMEC and Meta have partnered together over many years in various capacities on child protection issues. Unfortunately, we are now in a position where we are raising significant concerns that Meta’s poor reporting practices have become a hindrance to child safety, rather than a solution. We cannot allow one company’s failure to address its reporting issues to erase a CyberTipline legacy that was painstakingly earned over the past twenty years and is responsible for safeguarding children around the world.

On behalf of NCMEC and the children we serve, Meta must do better.

Sincerely,

Yiota Souras

Yiota Souras
Senior Vice President, General Counsel