

FILED UNDER SEAL

EXHIBIT 39

Message

From: Yoav Shapira [/O=THEFACEBOOK/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=]
Sent: 3/3/2020 3:23:55 AM
To: @fb.com]
Subject: Re: Age Management Decisions
Attachments: image001.png; image001.png; image001.png

Thanks :)

Yoav

On Mar 2, 2020, at 18:38, @fb.com> wrote:

Signal boost if not on your radar.

-

From: Betty Li <@fb.com>
Date: Saturday, February 29, 2020 at 9:03 AM
To: Darius Kilstein <@fb.com>
Subject: Fw: Age Management Decisions

FYI on this

From: Adam Mosseri <@fb.com>
Sent: Saturday, February 29, 2020 8:21 AM
To: Vishal Shah <@fb.com>; Justin Osofsky <@fb.com>; Max Eulenstein <@fb.com>; Brett Westervelt <@fb.com>; Betty Li <@fb.com>; @fb.com>
Subject: FW: Age Management Decisions

FYI in case not all of you have the context.

From: Fidji Simo <@fb.com>
Date: Friday, February 28, 2020 at 3:59 PM
To: Nick Clegg <@fb.com>, Adam Mosseri <@fb.com>, Vishal Shah <@fb.com>, Rob Sherman <@fb.com>
Cc: Joel Kaplan <@fb.com>, Erin Egan <@fb.com>, Andrew Bocking <@fb.com>, Guy Rosen <@fb.com>, Michel Protti <@fb.com>, Karina Newton <@fb.com>, @fb.com>, @fb.com>, @fb.com>, @fb.com>, @fb.com>, @fb.com>, @fb.com>
<@fb.com>, @fb.com>

Subject: Re: Age Management Decisions

Thanks a lot Rob for the context.

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From: Rob Sherman <[REDACTED]@fb.com>
Sent: Friday, February 28, 2020 3:12:34 PM
To: Nick Clegg <[REDACTED]@fb.com>; Fidji Simo [REDACTED]@fb.com>; Adam Mosseri <[REDACTED]@fb.com>; Vishal Shah <[REDACTED]@fb.com>
Cc: Joel Kaplan <[REDACTED]@fb.com>; Erin Egan <[REDACTED]@fb.com>; Andrew Bocking <[REDACTED]@fb.com>; Guy Rosen <[REDACTED]@fb.com>; Michel Protti <[REDACTED]@fb.com>; Karina Newton <[REDACTED]@fb.com>; [REDACTED]
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[REDACTED]@fb.com>; Javier Olivan <[REDACTED]@fb.com>; Alex Schultz <[REDACTED]@fb.com>
Subject: Re: Age Management Decisions

Hi Nick – Guy is in the best position to assess the minimum amount of time to do this work, so he should weigh in if I have this wrong. But what we’ve heard from the team is that this would take meaningful time (potentially as long as a year) to build, in part because we don’t currently have a large volume of data about FB users who are under 13, which we would use to train the classifier. This means that, whether we start now or are forced to address this later (because of controversy or upcoming legislative obligations) there will likely be a meaningful time lag before this is operational.

That said, the timeline listed in the document was intended to illustrate the middle option, which would have us start incrementally and collect data about impact/effectiveness before launching this globally. We could certainly decide to launch this globally more quickly, and we'll make that clearer in the document.

Whether or not we move more quickly, an immediate priority from the policy team's standpoint is to be able to say we are doing work in this area, which is important to not only getting to a place where our practices are more responsive to concerns, but also developing sufficient credibility to influence the regulatory obligations that are coming online in this area. (I know Guy has thoughts on additional approaches we could pursue along these lines, which we'll also plan to discuss on Tuesday.)

@Fidji, on your earlier email – we absolutely appreciate that there is real cost here, and as you know it's very rare for us to come to this group with an ask like this. This is driven by the fact that there are regulatory proposals being finalized now that will impose meaningful obligations on us around minors, in an area where we believe we're currently underinvested, and now is the opportunity if we want to influence those obligations. We'll absolutely come prepared to discuss this in more detail and will reflect these issues in the pre-read as well.

From: Nick Clegg <[REDACTED]@fb.com>
Date: Thursday, February 27, 2020 at 9:02 PM
To: Rob Sherman <[REDACTED]@fb.com>, Fidji Simo <[REDACTED]@fb.com>, Adam Mosseri <[REDACTED]@fb.com>, Vishal Shah <[REDACTED]@fb.com>
Cc: Joel Kaplan <[REDACTED]@fb.com>, Erin Egan <[REDACTED]@fb.com>, Andrew Bocking <[REDACTED]@fb.com>

The reason we're raising this for a decision is that we're seeing more aggressive policy proposals to regulate in this space, including more focused proposals to:

- require collecting ID at registration,
- require us to treat everyone as a minor if we don't "appropriately" enforce age – including adopting very restrictive privacy settings, and
- raising the age of consent (that is, the age at which parental approval is needed) to 16 or 18.

You can see more detail on the external context around this [here](#), but the key issue is that unless FB is seen as working on solutions to the problem of under-13s who falsify their age we won't have sufficient credibility to push back on this type of proposal.

I've summarized the decisions we're planning to raise more specifically below. We'll send around a full pre-read ahead of the meeting, but since you'd asked for more context on this issue when it came up earlier I wanted to flag this for you. Please let me know if you'd like more information or if it would be useful to get together to discuss ahead of the cross-family meeting.

Rob

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What we're trying to address

We're seeing increased external pressure – predominantly from policy and sales audiences – around our approach to managing age on the platform. While the specific consequences of this pressure are varied, there are two areas of focus:

1. **Under 13s.** We've set a minimum age for FB and IG, but it's perceived that we are not taking sufficient steps to enforce these rules or meet obligations to keep under 13s off FB more generally, especially given the general understanding that an unknown number of u13s are on FB and especially IG, and lying about their age.
2. **Teens.** Once people are old enough to be on FB/IG, we're not viewed as taking sufficient steps to create a protective experience for them. We've particularly faced pressure around ads and other content restrictions and setting appropriate default privacy settings.

The goal of the current escalation is to make decisions about our approach to #1, but we will need to evaluate #2 as a follow on to this discussion.

Specific questions

Within #1 above, we need to work through two categories of decisions:

1. **Neutral Age Gating.** Last half we began testing improvements to age collection at registration on FB/IG, to ensure that we make upfront efforts to enforce our age minimum (IG) and that we do so in a way that does not defeat the purpose of the age gate by clearly signaling to a child the "right answer." Based on testing, the growth team is asking to revisit our previous decision that we should require people to state their age, vs. having a default age that automatically gets them past the bar. The policy team has raised concern that making the "right answer" the default is inconsistent with existing guidance on age gating and undermines the value of asking for age.
 - a. **Next steps:**

- i. We're working through privacy escalations on this now, and it's likely that the privacy recommendation will be to use age gates that are neutral, so we'll be asking for feedback on this at Cross-Family.
- 2. **Proactive Enforcement.** Recognizing that simply asking for age at registration is increasingly not viewed as sufficient, we need to decide whether to (a) explore steps to enforce age beyond collection at registration, and (b) signal in private conversations with clients and policymakers that we are working on this, which is necessary to show responsibility in this area and gain credibility needed to influence upcoming regulation in this area.
 - a. **Specifically, we need to decide:**
 - i. **Should we build u13 classifiers to assess the number of users potentially affected, and whether classifiers could even be effective at app level age enforcement?**
 - 1. If we did this, we could decide to either (a) commit to using the classifier as a trigger for human review in our existing CO underage review flow (see details on how this would work [here](#)), or (b) defer decision on whether to use the classifier until we have data on effectiveness and impact.
 - ii. **Are there other options for proactive enforcement that we should begin evaluating in addition/instead of classifiers?**
 - 1. Guy has suggested pushing for ISPs/OS publishers to be responsible for assessing age and sending a signal if a device user is u13; we should discuss whether this is a proposal we should explore in regulatory discussions or with partners, and whether there are other implementations that should also be explored.
 - b. **Next steps:**
 - i. We'll discuss in Cross-Family on 3/3 the threshold question whether to begin work on (i) and what additional efforts should be on the list in (ii).
 - ii. Each specific proposal will then go through Privacy Review to evaluate privacy implications of the proposal, which will involve escalation to the appropriate product and privacy leaders, and potentially to Mark, if there are disagreements.