

ive and A/C Priv Research Confidential - DSS-3 ☆ @ ① ☁

## RL UXR: Guidance for Researchers on Sensitive and Attorney-Client Privileged Research

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Reality Labs UX Research conducts critical research across a breadth of populations, data types, and topics in order to drive product strategy by understanding and advocating for user needs. This often requires researchers to conduct research involving sensitive populations, data, and/or topics (referred to herein as Sensitive Categories, which includes "Sensitive Populations", "Sensitive Topics", and "Sensitive Data Types", as defined [here](#)).

This Guidance document is intended to help researchers conducting sensitive research walk through important steps and considerations when planning, conducting or managing deliverables for sensitive research. This Guidance is a supplement to existing research processes, including [Research](#)



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This Guidance document is intended to help researchers conducting sensitive research walk through important steps and considerations when planning, conducting or managing deliverables for sensitive research. This Guidance is a supplement to existing research processes, including [Research Review](#), [Privacy Review](#), and [Survey Review](#). This document also is intended to supplement existing UXR research [policies](#), including the newly launched [Protocols for Social Issues Research](#), and the [Community Engagement Expectations \(CEE\)](#).

Questions may come up that are not addressed in this Guidance. Researchers are encouraged to consult the resources available on the [RL UXR Legal Wiki](#), including the [FAQs](#). For outstanding questions, researchers should reach out to their friendly, neighborhood legal POCs:

| RL UXR Legal POCs                                                            | Product Safety Legal (PSL) POCs                                                                                      |
|------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Primary:</b><br>RL UXR Legal Intake Form; or<br>RL UXR Legal Office Hours | <b>Primary:</b><br>[REDACTED]                                                                                        |
| <b>Alternates:</b><br>[REDACTED]<br><a href="#">Kristin Zobel</a>            | <b>Alternates:</b><br>Smart Glasses/Wearables: [REDACTED]<br>VR: [REDACTED]<br>AR: [REDACTED]<br>Content: [REDACTED] |

### PLANNING FOR SENSITIVE RESEARCH

#### Consulting with UX Research POCs

When planning sensitive research, where applicable researchers should first contact one of the RL UXR POCs listed below. These RL UXR POCs have been asked to oversee certain categories of sensitive research and have extensive experience enabling them to provide practical guidance and to inform on internal procedural and policy considerations:

- [Ayfer Gokalp](#), Integrity and Youth Research
- [REDACTED], Product Safety Research (not including other Health topics)
- [REDACTED], Accessibility, Privacy & Social Acceptability, Equity & Fairness, Health (not including Product Safety topics), Well-Being, and Security Research
- [REDACTED], Metaverse Sensitive Research

Please note that Social Issues Research (which includes Integrity Research) is addressed further below. All Social Issues Research goes through additional protocols as described below and in [Protocols for Social Issues Research](#) (in addition to Integrity, this includes Fairness & Equity, Climate, Wellbeing, Civic, Politics, and Elections, and Health).

Additionally, this optional [questionnaire](#), which was created by Ayfer and her team, includes

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Additionally, this optional [questionnaire](#), which was created by Ayfer and her team, includes detailed research considerations and questions. This questionnaire is intended to help researchers begin thinking about potential areas of sensitivity. It may also help researchers prepare for conversations with their respective research manager, the RL UXR POCs, and/or RL UXR Legal or PSL POCs. However, the questionnaire is not intended to replace the [SRT Research Plan Template](#) or the [Research Plan Template for Social Issues Research](#).

#### Consulting with Legal POCs (RL UXR Legal and/or Product Safety Legal)

All RL UXR research studies involving Sensitive Categories are considered "Sensitive Research" and are subject to heightened scrutiny during the Research Review and Privacy Review processes, and may require special mitigations. In addition, sometimes research involving Sensitive Categories requires extra care and mitigations prior to submission to SRT, which may include the Legal POC making a determination about whether a study should be conducted under attorney-client privilege, whether the study should be submitted to SRT or handled offline, whether other legal XFN and/or outside counsel may need to review and approve the research, and/or whether the SRT submission details or documents should be limited in any way. Please note that if/when other legal XFN and/or outside counsel are required to review research (for instance, certain studies related to teens or U13 plus sensitive topic/data), the review process can take up to two to three weeks.

Researchers are asked to reach out to the applicable Legal POCs after contacting the RL UXR POC and prior to submitting the following types of research in SRT in order to proactively discuss any special mitigations and to review for whether to conduct the study under attorney-client privilege, in consultation with in-house Meta legal counsel, or at the direction of in-house Meta legal counsel:

#### Consult with RL UXR Legal when conducting studies involving:

- Minors under age 13; topics/subjects related to minors under age 13
- Youth aged 13-17 (where sensitive topics and/or data are involved)
- Age Verification and Youth Accounts
- People with disabilities
- Quantitative studies targeting sensitive populations, topics and/or data
- Privacy or security issues, settings, or features
- Measurement/benchmarking of privacy settings comprehension or usability
- Integrity issues, settings, or features, including but not limited to:
  - Harassment and bullying
  - Hate Speech
  - Conduct in VR Policy development and enforcement overall
  - Real-world harms or consequences of users' activity
  - Addiction and problematic use of Quest/VR/AR products, features, or designs
- Mental health and wellness
- Physical health and wellness
- Suicide and self-harm
- Competitive analysis
- Combined Sensitive Data Categories, such as sensitive topic + sensitive population

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- Combined Sensitive Data Categories, such as sensitive topic + sensitive population
- Novel data collection method, such as new on-device survey capability

Consult with Product Safety Legal (PSL) when conducting studies involving:

- Pathfinding, risk assessment, or validation for a product where a safety issue is tested or potentially raised; e.g.:
  - Use of features directly related to user safety (e.g., virtual boundaries (formerly called Guardian), Passthrough)
  - Complex interactions between virtual and physical objects (e.g., many mixed reality offerings)
  - Certain novel user experiences (e.g., mixed reality, co-location)
  - Thermal testing
  - Co-location
  - Repetitive stress injury
  - Evaluation of hardware, operating system features, or content that may give rise to a risk of injury or property damage
- Perceptual understandings and effects
- Foundational / background research for a category of products, not a specific product; e.g.:
  - Testbed for product family
  - Visually Induced Motion Sickness ("VIMS") and other comfort issues (note, these should be evaluated but many will not need to be under attorney-client privilege)

Note that Product Safety (i.e., Health & Safety) UX studies are often highly sensitive and do not typically get submitted to SRT for Research Review to protect the confidentiality of the study. Product Safety Legal determines whether a Product Safety UX study should be submitted to SRT.

**Social Issues Research**

All RL UXR studies on Social Issues topics must follow the newly implemented [Protocols for Social Issues Research](#), announced [here](#). Social Issues topics include: Integrity; Well-Being; Fairness and Equity; Civics, Politics, and Elections; Climate; and Health. For RL UXR, the most common Social Issues topics will likely be Integrity, Well-Being (which includes positively-focused research like using meditation apps), and Health (which again includes positively-focused research like fitness in VR). The Protocols are not intended to replace the existing Research Review and Research Privacy Review processes, but rather are a supplement to those processes, and are intended to ensure research into Social Issues is consistent, efficient, rigorous, and actionable. The Protocols for Social Issues Research add the following elements to the research process:

- [Research Plan Template for Social Issues Research](#)
- [Sensitivity Tiers](#)
- [Research "sponsor"](#)
- [Report Review](#)
- [Action Transparency](#)

RL UX researchers planning research on Social Issues topics should use the [Research Plan](#)

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RL UX researchers planning research on Social Issues topics should use the [Research Plan Template for Social Issues Research](#). It is important to note that selecting a social issue in SRT does not impact privacy review; in other words, researchers who select a social issue in SRT should still select any applicable Data Use & Sensitivity categories in SRT. For example, if a researcher is conducting a study about integrity, which includes collecting data about bullying and harassment, the researcher should select both the "Integrity" option under the Social Issues topics question and select "harassment/bullying" under the Data Use & Sensitivity topics section in SRT. Doing so will ensure that the research is both subject to the Social Issues Research protocols and goes through research privacy review, if applicable.

The Protocols for Social Issues Research also utilize a [Sensitivity Tier](#) system, which helps clarify how, where, and to whom Social Issues Research reports may be shared. Prior to submitting research in SRT, researchers will select an appropriate tier in the Research Plan Template for Social Issues Research based on the guidance provided on the [Sensitivity Tiers Wiki](#); however, when the research proposal is submitted to SRT, the system will cross-check the research details and may adjust the selected Sensitivity Tier. The system-approved Sensitivity Tier will show on the top of the SRT case.

As part of the Protocols, all Social Issues research must also be "sponsored" by at least one key stakeholder before submitting for Research Review. Researchers, working in conjunction with their Research Manager, should select an appropriate stakeholder, inform the stakeholder what research sponsorship entails if he or she is unaware, and request such stakeholder to sponsor the research project. The sponsor should be a product manager, team lead, and/or functional lead (e.g., Research Director, Head of Policy). Sponsors are intended to serve multiple functions prior to and after research, including:

- Working with the researcher to clearly outline the anticipated impact the research will have (i.e., the decision(s) it will help inform);
- Confirming that they are aware of the research, and are capable and willing to act on its learnings once completed; and
- Reviewing research findings to determine whether recommendations should be actioned upon.

Social Issues Research draft share-outs, including documents, posts, and decks, must go through [Report Review](#) prior to dissemination. As you may know, RL UXR already requires that research share-outs involving Sensitive Categories must be reviewed by a UXR manager prior to sharing, including sharing internally (see the [Research Report Review: Guidance for RL UXR Managers](#)). In some cases, review the Meta Legal POC may also be required per the Guidance. Therefore, the review requirement under the Social Issues Protocols is simply an iteration of existing RL UXR practices. However, as opposed to UXR managers sending draft share-outs directly to their manager or the Meta Legal POC (if applicable) for review, for Social Issues Research SRT will automatically create a link to Research Library where the researcher will attach the draft report for manager (and potentially legal review). As part of the Protocols, reports arising out of Social Issues Research that is Tier 1 need only be reviewed and approved by the researcher's manager, whereas reports arising out of Social Issues Research that is either Tier 2 or Tier 3 may also require legal review and approval. SRT will automatically assign review to the applicable reviewers based on the sensitivity tier. The share-out strategy should follow the guidance provided on the [Sensitivity Tiers Wiki](#).

Finally, the Protocols for Social Issues Research add a requirement to document any action taken in response to the research and recommendations: [Action Transparency](#). Once Report Review has been

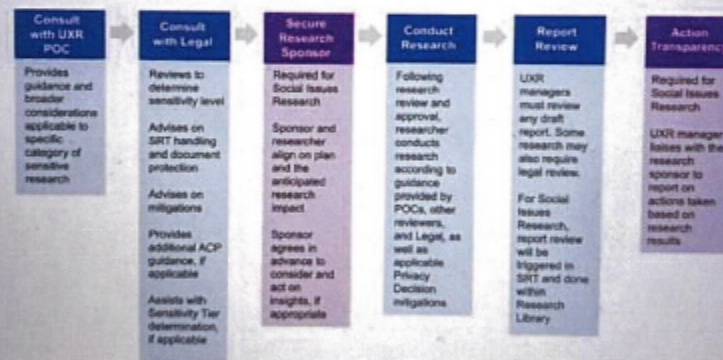
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Finally, the Protocols for Social Issues Research add a requirement to document any action taken in response to the research and recommendations: Action Transparency. Once Report Review has been completed, SRT will trigger the Action Transparency process. Research managers will receive an email notification indicating that the Action Transparency tab in SRT can be filled out. The research manager partners with the research Sponsor to describe the changes that have occurred as a result of the research or to explain why no action or different action was taken.

#### Sensitive Research Flow

The below flow chart shows the Sensitive Research process at a high level; the purple sections ("Secure Research Sponsor" and "Action Transparency") are only applicable to Social Issues Research:



#### Collaborations between H&S UXR and other RL UXR Researchers

There may be scenarios in which Human Factors UX researchers (formerly Health and Safety and HSUS) and non-Human Factors UX researchers collaborate on research; for instance, the teams may wish to collaborate and run a research study together due to a common interest in the study topic. Alternatively, researchers may want to stay informed about insights gathered by the other part of the UXR team during the course of research and/or wish to cite certain findings or insights in related research deliverables and share-outs. Additionally, there may be circumstances in which Human Factors researchers identify a potential health/safety issue in a UXR study, which may require close collaboration and/or following RL Human Factors UXR processes. In these scenarios, it is recommended to loop in both RL UXR Legal and PSL POCs so that they can review in tandem and advise on how best to proceed (after

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### Collaborations between H&S UXR and other RL UXR Researchers

There may be scenarios in which Human Factors UX researchers (formerly Health and Safety and HSUS) and non-Human Factors UX researchers collaborate on research; for instance, the teams may wish to collaborate and run a research study together due to a common interest in the study topic. Alternatively, researchers may want to stay informed about insights gathered by the other part of the UXR team during the course of research and/or wish to cite certain findings or insights in related research deliverables and share-outs. Additionally, there may be circumstances in which Human Factors researchers identify a potential health/safety issue in a UXR study, which may require close collaboration and/or following RL Human Factors UXR processes. In these scenarios, it is recommended to loop in both RL UXR Legal and PSL POCs so that they can review in tandem and advise on how best to proceed (after consulting with the UXR POC, James Lin), while facilitating as much access to information among the teams as possible.

The following represent some common crossover subjects between RL UXR and RL Human Factors UXR:

- Ergonomics & comfort
- Youth research
- Bystander LED signaling
- User experience of certain features, such as Guardian or Passthrough
- Co-location experiences
- Visual attention, cognitive load, and spatial navigation for MR, AR, AR Glasses, and Smart Glasses

### Unplanned-for Sensitive Results

Sometimes during the course of a research study, research that is not focused on Sensitive Categories may inadvertently result in the collection of sensitive data or sensitive responses. When planning research and submitting research into SRT – particularly quantitative research using open-ended questions as well as qualitative research – carefully consider the questions you plan to ask and how likely it is that some participants or respondents may supply sensitive information in response (for instance, a question geared toward understanding why a participant chose to discontinue using a certain device or playing a certain game may elicit responses related to negative experiences or safety concerns). If it is likely that the study may elicit sensitive responses, it may be necessary to reframe your questions to avoid unnecessary collection of sensitive information or to ensure that the relevant Sensitive Category is selected in SRT for proper review. If applicable, the research may also need to follow a different level of legal oversight (see below) which may include not submitting through SRT. You may also contact your RL UXR Legal or PSL POC for help thinking through and framing research questions.

However, sometimes unanticipated sensitive responses are unavoidable despite relying on the above mitigations. In those circumstances, it is best to contact your RL UXR Legal or PSL POC and seek their guidance on how to proceed with the sensitive data. As with all sensitive data that is collected, do not

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However, sometimes unanticipated sensitive responses are unavoidable despite relying on the above mitigations. In those circumstances, it is best to contact your RL UXR Legal or PSL POC and seek their guidance on how to proceed with the sensitive data. As with all sensitive data that is collected, do not share it without first consulting with your RL UXR Legal POC or PSL POC.

### OVERVIEW OF LEGAL OVERSIGHT CATEGORIES (IN CONSULTATION WITH, AT LEGAL DIRECTION, AND ATTORNEY-CLIENT PRIVILEGE)

During consultation with your Legal POC, a determination will be made as to whether the sensitive research being conducted should be pursued:

- 1) Under attorney-client privilege working under the direction of outside counsel;
- 2) At the legal direction of in-house Meta Legal Counsel; or
- 3) In consultation with in-house Meta Legal Counsel.

Your Legal POC will walk you through these processes as they apply to your individual research, and an overview of these categories and what they mean for you is included below.

It's important to note that the Sensitivity Tiers under the Protocols for Social Issues Research do not perfectly align with the Legal Oversight Categories we describe below. While Tier 1 Sensitivity Social Issues Research may be more likely to be conducted in consultation with in-house Meta Legal Counsel (and conversely, that Tier 3 Sensitivity Social Issues Research may be more likely to be conducted at the legal direction of in-house Meta Legal Counsel or under attorney-client privilege working under the direction of outside counsel), there may be circumstances in which in-house Meta Legal Counsel determines that Legal Oversight should be more or less stringent than indicated by the Sensitivity Tiers. During a researcher's initial consultation about proposed Social Issues Research with in-house Meta Legal Counsel, in-house Meta Legal Counsel can help advise on not only the Legal Oversight Category, but also the Sensitivity Tier so that researchers are clear about the processes that should be applied to their research.

### ATTORNEY-CLIENT PRIVILEGE

#### Elements of attorney-client privilege

Attorney-client privilege ("ACP") is a legal doctrine that applies to confidential communications between an attorney and a client. Generally, attorney-client privilege requires four elements:

1. One party to the communication is a client;
2. One party to the communication is an attorney who represents the client;
3. The communication between the client and attorney must be intended to be confidential (i.e., no one outside the attorney-client relationship should be included in the communication); and
4. The communication must be intended to seek or provide legal advice, assistance or services.

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#### When does research need to be conducted under attorney-client privilege?

The above lists of sensitive research topics provide a general overview of the types of research that are more likely to be considered for ACP treatment. However, whether a study should be conducted under ACP or simply in consultation with legal or at legal direction is determined by the Meta Legal POC (typically either RL UXR Legal or PSL) on a study-by-study basis.

Not all research is appropriate to be conducted under ACP and the Meta Legal POC may consider any of the following factors in determining whether the study should be conducted under ACP:

- Data, topic, or population sensitivity level
- Whether the research involves multiple Sensitive Categories
- Research sample size (e.g., quantitative studies may be higher risk than qualitative)
- Whether the research involves novel issues, novel technologies or novel legal risks
- Whether the research may result in heightened regulatory, legal or media risk, and the potential scope or impact of that risk

Sensitive research that is not appropriate to be conducted under ACP working under the direction of outside counsel will be reviewed to determine if it should be conducted at the legal direction of in-house Meta Legal POC, or in consultation with in-house Meta Legal POC.

#### Attorney-Client Privileged Research (ACP Research)

In general, subject to case-by-case analysis, ACP Research is used for subject matters where the research is being utilized to answer a legal question or make a legal risk determination. This is most common when there is a substantial risk of liability arising out of potential research outcomes. These risks may materialize in the form of lawsuits, regulatory action, or criminal penalties that could utilize this research as "evidence" of their claim or concern.

For ACP Research, the Meta Legal POC engages outside counsel who facilitates the study for the purpose of providing legal advice. With ACP Research outside counsel retains the research vendor to conduct the research, and outside counsel and Meta together provide the research objectives to the vendor and agree on the study details, including methodology. The vendor conducts the study and delivers the findings to outside counsel and the Meta Legal POC. Outside counsel renders legal advice to Meta based on study results. Most Product Safety (Health & Safety) UXR studies are conducted under ACP working under the direction of outside counsel.

#### AT LEGAL DIRECTION

##### Research at the Legal Direction of the Meta Legal POC

The Meta Legal POC may determine that a user experience study is not appropriate to be treated as ACP Research or that it does not need to be run under ACP with outside counsel, but is still sensitive enough that it should be conducted at the legal direction of in-house Meta Legal POC. This facilitates

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## AT LEGAL DIRECTION

### Research at the Legal Direction of the Meta Legal POC

The Meta Legal POC may determine that a user experience study is not appropriate to be treated as ACP Research or that it does not need to be run under ACP with outside counsel, but is still sensitive enough that it should be conducted at the legal direction of in-house Meta Legal Counsel. This facilitates the provision of ACP legal advice and counseling by the Meta Legal POC, and helps to protect confidentiality and limit risk.

For studies conducted at the legal direction of Meta Legal POC, the Meta Legal POC (typically a member of the RL UXR Legal or PSL teams) acts as counsel for the purpose of claiming and protecting the attorney-client privilege for all advice and counsel provided by the Meta Legal POC. The study itself will not be directed through counsel, and the study results will not fall under ACP though the research will be subject to additional legal review and confidentiality considerations around distribution and sharing. The Meta Legal POC will work closely with the research team at all phases of the research study to provide legal guidance and protect privileged information. The Meta Legal POC must be copied on all communications and posts, review all study-related documents prior to any distribution, and attend all meetings related to the study, including share-outs.

## IN CONSULTATION WITH LEGAL

### Research conducted In Consultation with Meta Legal

Finally, the Meta Legal POC (again, typically a member of the RL UXR Legal or PSL teams) may decide that the sensitive research does not present the level of risk that requires it be treated as ACP Research or conducted at the legal direction of Meta Legal POC, and therefore may be conducted in consultation with Meta Legal POC. This category of legal oversight requires less day-to-day oversight by the Meta Legal POC, but still allows researchers and Meta Legal POC to work together to mitigate risks associated with sensitive research during all phases of the sensitive research from planning and execution of the study, to sharing research insights.

For studies conducted in consultation with Meta Legal POC, the Meta Legal POC is available to consult with researchers during the entire research process in order to determine any additional protections that may be necessary and to minimize risk; however, the Meta Legal POC is not required to be copied on all communications and posts, nor to attend all meetings related to the study. Rather, the Meta Legal POC should be consulted at key points during the research in order to provide legal guidance; for instance, during research planning, the Meta Legal POC should review the research plan and discussion or moderator's guide. Likewise, when research is complete, the Meta Legal POC should be consulted to review the research share-out and to align on the share-out strategy.

## UNDERSTANDING PRIVILEGE

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## UNDERSTANDING PRIVILEGE

### What is Covered by ACP

ACP is intended to protect communications from being disclosed in certain situations when a client is seeking – or a lawyer is providing – legal advice, legal assistance or legal services. The intent is to enable free open discussion with counsel for the purpose of obtaining accurate legal advice. The privilege protects communications between the client and the attorney, but *not* the underlying facts. For instance, raw research data is not privileged, but your communications with the Meta Legal POC about potential legal risks and options related to the research data, are likely to be considered privileged.

Unfortunately, ACP is not a magic shield that automatically protects sensitive communications, even when those communications are with a lawyer. Simply adding the Meta Legal POC to a meeting or email, or labeling a communication as ACP is not enough to meet the requirements to establish ACP. It's also important to note that ACP cannot be applied retroactively (for instance, when a lawyer is added to an email or chat thread *after-the-fact*). Below are some examples of when ACP is likely to apply versus when it is less likely to apply. However, ACP is quite fact-specific, so please don't hesitate to reach out to your Meta Legal POC if you have any questions.

#### Likely ACP

- Internal communications (such as via email, WP chat, video conference discussion) directly with Meta Legal (or outside counsel hired by Meta Legal to represent Meta) regarding legal considerations related to research, such as methodology, research questions, draft share-outs, and share-out strategy
- Secret or closed WP groups with limited distribution and with Meta counsel as a member where Meta counsel provides legal guidance and advice within the group
- Draft documents that are under review or have been reviewed by Meta Legal (or outside counsel hired to represent Meta) (note, however, that sharing documents outside the scope of privilege would waive the privilege—more on that below)
- Internal meetings or calls between UXRs and XFNs who have a need to know the research information for the purpose of their job duties, where the Meta Legal POC is present for the purpose of providing legal guidance during such meeting/call

#### Unlikely/Not ACP

- Any communications that include third parties, such as vendors or developers
- Communications (such as chats or emails) with XFNs where counsel is not included, or where the primary purpose of the communication is to discuss business matters/decisions, and there is no discussion related to potential legal implications, legal questions, etc.
- Communication with internals who do not "need to know" the information to do their job, even where the communication includes an attorney

### Removing ACP; Waiving ACP

Under certain circumstances, it may make sense to intentionally remove a research study, or

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### Removing ACP; Waiving ACP

Under certain circumstances, it may make sense to intentionally remove a research study, or certain communications related to a research study, from ACP. ACP Research or research at the legal direction of the Meta Legal POC must go through ACP clearance with the Meta Legal POC in order to determine whether—and to what extent—removal from or waiver of ACP is appropriate. Therefore, if researchers would like to have their ACP Research removed from ACP, they should reach out to their Meta Legal POC to determine whether such removal/waiver is appropriate, and if so, to begin the review and clearance process.

Moreover, it's possible for ACP to be waived unintentionally so it is important to be careful. Recall, in order to establish ACP, we must satisfy each of the four elements discussed above. The most common ways privilege is unintentionally waived are where (1) the communication is shared outside the scope of the attorney-client relationship (for instance, to an external third-party, or an internal employee who does not need to know the content of the communications to perform their job duties); and (2) the primary purpose of the communication is not to seek or provide legal advice, but rather to seek or provide business advice. It's therefore important to ensure that ACP communications aren't shared with external third parties or internal parties outside the scope of privilege without first discussing and getting approval from the Meta Legal POC. Likewise, care should be taken to ensure that communications we intend to be covered by ACP are for the purpose of seeking or giving legal advice.

### Sharing Information About ACP Research

Certain learnings or guidance that may relate to ACP Research may be appropriate to share more broadly. To do so, a researcher should work with their Meta Legal POC to develop a guidance document that might be shared outside ACP. The Meta Legal POC will then work with appropriate stakeholders to determine whether and how the guidance can be shared and provide appropriate legal advice to the researcher.

For additional information regarding ACP, review these Meta resources:

- A/C Priv and Thoughtful Communications [Wiki](#)
- A/C Priv and Thoughtful Communications [infograph](#)

### CONDUCTING AND SHARING RESULTS OF SENSITIVE RESEARCH

Conducting Sensitive Research (including ACP Research, Research at Legal Direction of In-House Meta Legal POC, and Research in Consultation with Meta Legal POC) has practical implications within each of the various stages of research, which are outlined below:

|             | In Consultation with Meta Legal POC                                                  | At Legal Direction of In-House Meta Legal POC                                          |
|-------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Examples of | <ul style="list-style-type: none"> <li>• Any research involving Sensitive</li> </ul> | <ul style="list-style-type: none"> <li>• Studies—especially medium to large</li> </ul> |

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| CONDUCTING AND SHARING RESULTS OF SENSITIVE RESEARCH                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                              |
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| <p>Conducting Sensitive Research (Including ACP Research, Research at Legal Direction of In-House Meta Legal POC, and Research in Consultation with Meta Legal POC) has practical implications within each of the various stages of research, which are outlined below:</p> |                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                                                                                                                                                                                             | In Consultation with Meta Legal POC                                                                                                                                                                                                                                                                                                                                                            | At Legal Direction of In-House Meta Legal POC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ACP Research (Working Under the Direction of Outside Counsel)                                                                                                                                                                                                                                                                                                |
| <b>Examples of Sensitive Research</b><br><br>*These examples are for illustrative purposes only, and not exhaustive. Studies will be reviewed on a case-by-case basis for treatment decision                                                                                | <ul style="list-style-type: none"> <li>Any research involving Sensitive Categories</li> </ul>                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Studies—especially medium to large quantitative studies—measuring prevalence of comprehension or usability of privacy settings / benchmarking</li> <li>Qualitative or quantitative studies on novel privacy concepts or settings, such as face and eye tracking, or bystander LED notifications</li> <li>Research on higher sensitivity subjects, such as low integrity incidents, research involving teens + another sensitive topic or data types</li> </ul>                                                                                                | <ul style="list-style-type: none"> <li>Most H&amp;S UXR / product safety studies</li> <li>Accessibility studies conducted in anticipation of a claim or conducted for the purpose of performing gap analyses</li> <li>Teen/youth research on higher sensitivity subjects, such as health / mental health</li> <li>Studies related to U13 subjects</li> </ul> |
| <b>SRT</b>                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Studies (including Social Issues Research) are submitted and reviewed in SRT.</li> <li>Research plans and discussion guides may be attached to the SRT and are not required to be access-restricted.</li> <li>Prior to or during the SRT process, the Legal POC may work with the research team regarding framing of research and questions.</li> </ul> | <ul style="list-style-type: none"> <li>Studies (including Social Issues Research) are submitted and reviewed in SRT with mitigations (see below bullets).</li> <li>SRT submission details are kept high level so as to not disclose any privileged information in the tool.</li> <li>Research plans and discussion guides may be attached within SRT (unless instructed by Meta Legal POC to not attach documents in SRT); however, they must be access restricted so that only SRT reviewers, the immediate research team, and members of the ROAR team are able to access the documents</li> </ul> | <ul style="list-style-type: none"> <li>Studies are not submitted in SRT.</li> <li>Research plans and discussion guides are provided to the Legal POC and any other reviewers who would be assigned in SRT offline (i.e., via e-mail) for review and discussion.</li> </ul>                                                                                   |
| <b>Documents</b>                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Documents are not required to be access-restricted.</li> </ul>                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>All documents should be access-restricted so that only the Meta Legal POC, SRT reviewers, and individuals who need</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>All documents should be access-restricted so that only the Meta Legal POC, research reviewers, and individuals who need</li> </ul>                                                                                                                                                                                    |

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| Documents                            | <ul style="list-style-type: none"> <li>Documents are not required to be access-restricted.</li> <li>Researchers are encouraged to label documents as "Confidential; For Internal Use Only"</li> </ul>                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>All documents should be access-restricted so that only the Meta Legal POC, SRT reviewers, and individuals who need access to the documents in order to conduct the research are allowed access.</li> <li>All documents and emails regarding the study should be labeled "Attorney-Client Privileged and Confidential; For Internal Use Only" and should be provided to the Meta Legal POC for review and guidance.</li> </ul> | <ul style="list-style-type: none"> <li>All documents should be access-restricted so that only the Meta Legal POC, research reviewers, and individuals who need access to the documents in order to conduct the research are allowed access.</li> <li>All documents and emails regarding the study should be labeled "Attorney-Client Privileged and Confidential; For Internal Use Only" and should be provided to outside counsel for review and guidance.</li> </ul> |
| Communications                       | <ul style="list-style-type: none"> <li>Legal POCs are not required to be included in communications with the research team during planning or research.</li> <li>Researchers are encouraged to limit communication about sensitive studies to individuals and teams who are involved in the research and/or need access to the research for the purposes of their work/project.</li> </ul>                                                                                      | <ul style="list-style-type: none"> <li>Internal communications regarding the research should include the Meta Legal POC for the purpose of providing legal guidance (i.e., emails, chats, meetings, calls and VCs).</li> <li>Workplace chats regarding the study seeking legal advice should include the Meta Legal POC and should be labeled as ACP in the title of the chat.</li> </ul>                                                                            | <ul style="list-style-type: none"> <li>Outside counsel should be involved in all communications between the vendor and the Meta research team, with copies to in-house counsel until research is complete.</li> <li>To facilitate accuracy and comprehension, Meta's technical/product employees may be included on communications with in-house Meta Legal POC and outside counsel.</li> </ul>                                                                        |
| Research Findings                    | <ul style="list-style-type: none"> <li>Meta Legal POC does not need to review the raw research findings, unless requested to do so by the researcher/research team.</li> <li>UXR Managers will need to review draft share-outs/deliverables prior to distribution beyond the immediate research team. In some cases, Managers should also loop in the Meta Legal POC to review the draft (see linked Guidance and "Research Share-Outs and Deliverables" row, below)</li> </ul> | <ul style="list-style-type: none"> <li>For vendor-conducted studies, research deliverables/findings should be shared with the Meta researchers and the Meta Legal POC for review.</li> <li>Meta Legal POC will review the study results and provide legal advice based on the findings.</li> </ul>                                                                                                                                                                   | <ul style="list-style-type: none"> <li>The research vendor will provide research deliverables to outside counsel and Meta Legal POC.</li> <li>Outside counsel will review the study results and provide legal advice based on the findings.</li> </ul>                                                                                                                                                                                                                 |
| Research Share-Outs and Deliverables | <ul style="list-style-type: none"> <li>All research share-outs involving Sensitive Categories must be reviewed by the applicable UXR manager prior to sharing, including sharing internally. In some cases, the manager must also loop in the Meta Legal POC to review the draft. See <a href="#">Guidance doc</a>.</li> <li>The UXR manager should work with the researcher on framing and sharing strategy (and, where applicable, consult with the</li> </ul>                | <ul style="list-style-type: none"> <li>All share-outs must be submitted to the Meta Legal POC for review prior to sharing, including sharing internally.</li> <li>Meta Legal POC will work with the researcher on framing and sharing strategy.</li> <li>Generally, findings are shared in small, closed ACP groups, secret groups, via small read-out sessions, and/or to small</li> </ul>                                                                          | <ul style="list-style-type: none"> <li>After findings are reviewed by outside counsel, the Meta Legal POC will review and work closely with the Meta researchers to determine how and to whom findings may be shared.</li> <li>Typically, findings are shared verbally with stakeholders and/or written findings may be shared with a limited number of Meta</li> </ul>                                                                                                |

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| ers Conducting Sensitive and A/C Priv Research <span>Confidential - OSS-3</span> <span>☆</span> <span>🔒</span> <span>📄</span> <span>🔗</span> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <span>Request edit access</span> <span>🔒 Share</span>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                                                                                                                              | the Meta Legal POC to review the draft (see linked Guidance and "Research Share-Outs and Deliverables" row, below)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | the findings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Research Share-Outs and Deliverables</b>                                                                                                  | <ul style="list-style-type: none"> <li>• All research share-outs involving Sensitive Categories must be reviewed by the applicable UXR manager prior to sharing, including sharing internally. In some cases, the manager must also loop in the Meta Legal POC to review the draft. See <a href="#">Guidance doc</a>.</li> <li>• The UXR manager should work with the researcher on framing and sharing strategy (and, where applicable, consult with the Meta Legal POC for additional review).</li> <li>• Generally, share-outs should be limited to smaller, closed or secret groups.</li> <li>• Share-out documents, decks and research artifacts should be access-restricted.</li> <li>• Follow the <a href="#">Research Communication Guidelines</a>.</li> <li>• All Social Issues Research must go through Report Review, and comply with the guidance applicable to the research Sensitivity Tier around how, where, and to whom research reports may be shared.</li> </ul> | <ul style="list-style-type: none"> <li>• All share-outs must be submitted to the Meta Legal POC for review prior to sharing, including sharing internally.</li> <li>• Meta Legal POC will work with the researcher on framing and sharing strategy.</li> <li>• Generally, findings are shared in small, closed ACP groups, secret groups, via small read-out sessions, and/or to small groups of XFNs and stakeholders who have a legitimate need to know as part of their job duties.</li> <li>• Share-out documents, decks and research artifacts should be access-restricted.</li> <li>• Findings and reports stored on Research Library must be access-restricted so only accessible to individuals who have a legitimate need to know as part of their job duties.</li> <li>• Follow the <a href="#">Research Communication Guidelines</a>.</li> <li>• All Social Issues Research must go through Report Review, and comply with the guidance applicable to the research Sensitivity Tier around how, where, and to whom research reports may be shared.</li> </ul> | <ul style="list-style-type: none"> <li>• After findings are reviewed by outside counsel, the Meta Legal POC will review and work closely with the Meta researchers to determine how and to whom findings may be shared.</li> <li>• Typically, findings are shared verbally with stakeholders and/or written findings may be shared with a limited number of Meta employees who have a legitimate need to know as a part of their job duties.</li> <li>• In certain circumstances, the Meta Legal POC may approve a short summary, which provides information to stakeholders. The document or slide should not reference the research study, but only discuss topline insights or recommendations. The researcher is responsible for putting together the proposed document/slide, which will be reviewed by Meta Legal POC and outside counsel prior to sharing.</li> <li>• Findings are not stored on Research Library, which is publicly accessible by internal research teams.</li> <li>• Follow the <a href="#">Research Communication Guidelines</a>.</li> <li>• All Social Issues Research must go through Report Review, and comply with the guidance applicable to the research Sensitivity Tier around how, where, and to whom research reports may be shared.</li> </ul> |

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