

Best Practices for **Sensitive Research and A/C Privilege**

Reality Labs UXR

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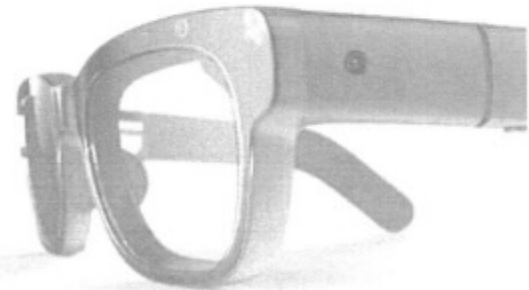
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*“ We have an industry-leading research program so that **we can identify the important issues and work on them.** It’s disheartening to see ... **work taken out of context** and used to construct a false narrative we’re going to **keep doing research** because it’s the **right thing to do.** ”*

- Mark Zuckerberg



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01 Confidentiality



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Confidentiality

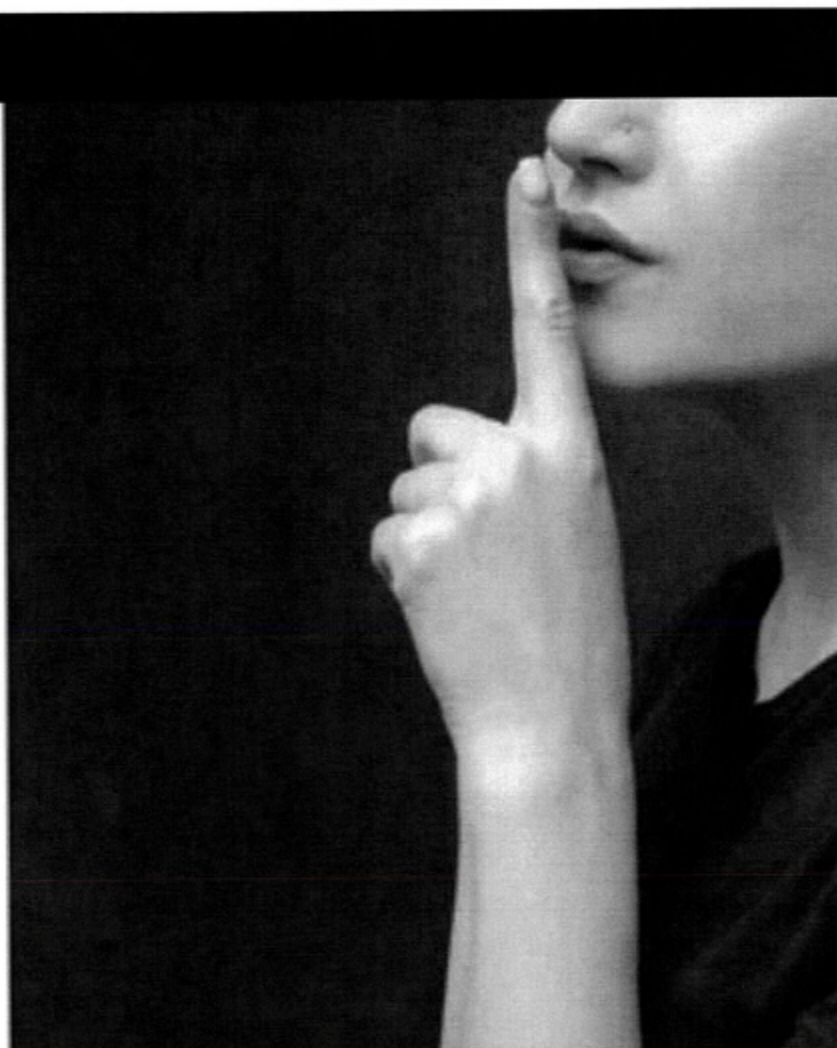
Confidentiality and user studies

"Confidential" means all non-public business information.

It's critically important to maintain the confidentiality of all user studies:

- To protect the privacy of all individuals who volunteer to participate in our studies
- To maintain ethical standards and integrity of the research process

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02 Sensitive research



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What makes research sensitive?

Sensitive means research that may have **comms, policy, or legal risks**



Sensitive Populations

- U13 (under 13) children
- U18 (under 18) teens
- specific race/ethnicity
- political/economic group
- health or disability traits
- sexual orientation, gender identity



Sensitive Topics

- elections
- alcohol / drugs / tobacco
- privacy settings
- accessibility
- health and safety
- integrity (e.g. online abuse, suicide, harassment, bullying, mental health, trafficking, CEI)



Sensitive Data Types

- biometric data, face recognition, voice recognition
- geolocation data
- employee data
- third party data
- off-platform tracking
- user-generated content (UGC)
- WhatsApp data

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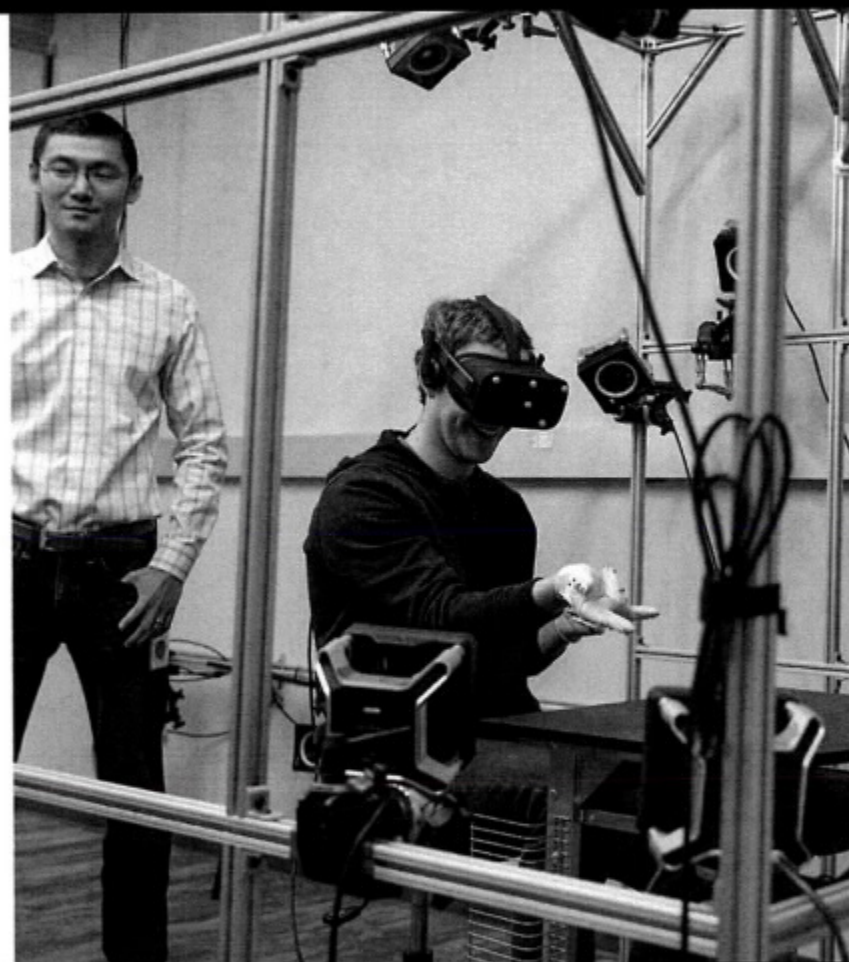
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Sensitive research

For sensitive research, we can mitigate the risk in two ways:

- Be mindful about how we structure the research and communicate the findings
- Conduct highly-sensitive research under attorney-client privilege

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03 Attorney-client privilege



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What is Attorney-Client Privilege (A/C Priv)?

A/C Priv protects communications between a client and their counsel from adverse parties in order to allow clients to speak more freely to their counsel for obtaining effective legal advice.

In order to be considered A/C privileged, it must be:

1. a **communication**
2. between an **attorney and client**
3. made in **confidence**; and
4. for the purpose of seeking or providing **legal advice**

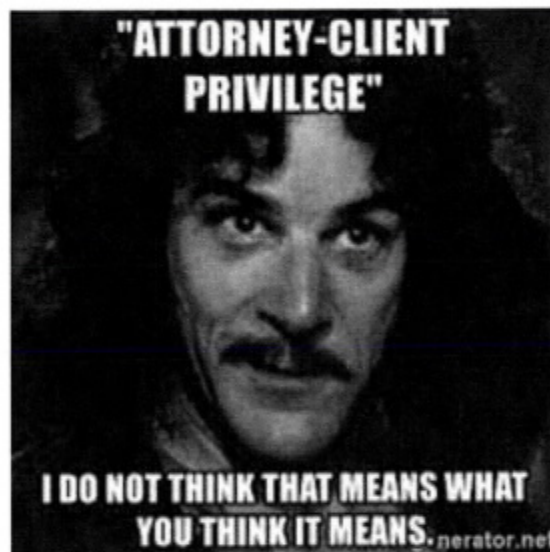
In practice, your attorney will make the determination as to whether a/c priv applies to communications and/or research.



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Attorney-client privilege



Limits of A/C Privilege?

- May be waived by disclosing too broadly – to third parties or even internally beyond “need-to-know” basis
- Does not apply retroactively
- Does not apply to underlying facts (i.e. if the facts can be obtained from another non-privileged source)

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How do we preserve A/C Privilege?

1. **UX Research Counsel** must be included in all communications related to the a/c priv study
2. **Use email** to circulate sensitive materials for XFN review, incl. Research Briefs or Plans instead of attaching in SRT
3. **Label** all materials with "Attorney-Client Privileged; For Internal Use Only"
4. **Ensure Legal review** before sharing out and posting research findings
5. **Restrict circulation** on a "need-to-know" basis

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04 Best practices for framing and sharing research



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When framing sensitive research findings, **DO:**

Do's	Examples
Use precise language	• Instead of "women liked this button," use more precise phrases like "few," "some," "most," "the majority of," or "88% of participants responding for accuracy" • Use quotations when quoting research participants • Clearly differentiate between actual Meta practices vs. inaccurate participant perceptions of Meta practices
Distinguish internal research from external research	• Make clear when you're citing from external research (include source link or citation)
Be careful when reaching conclusions	• Provide context and stick to the facts

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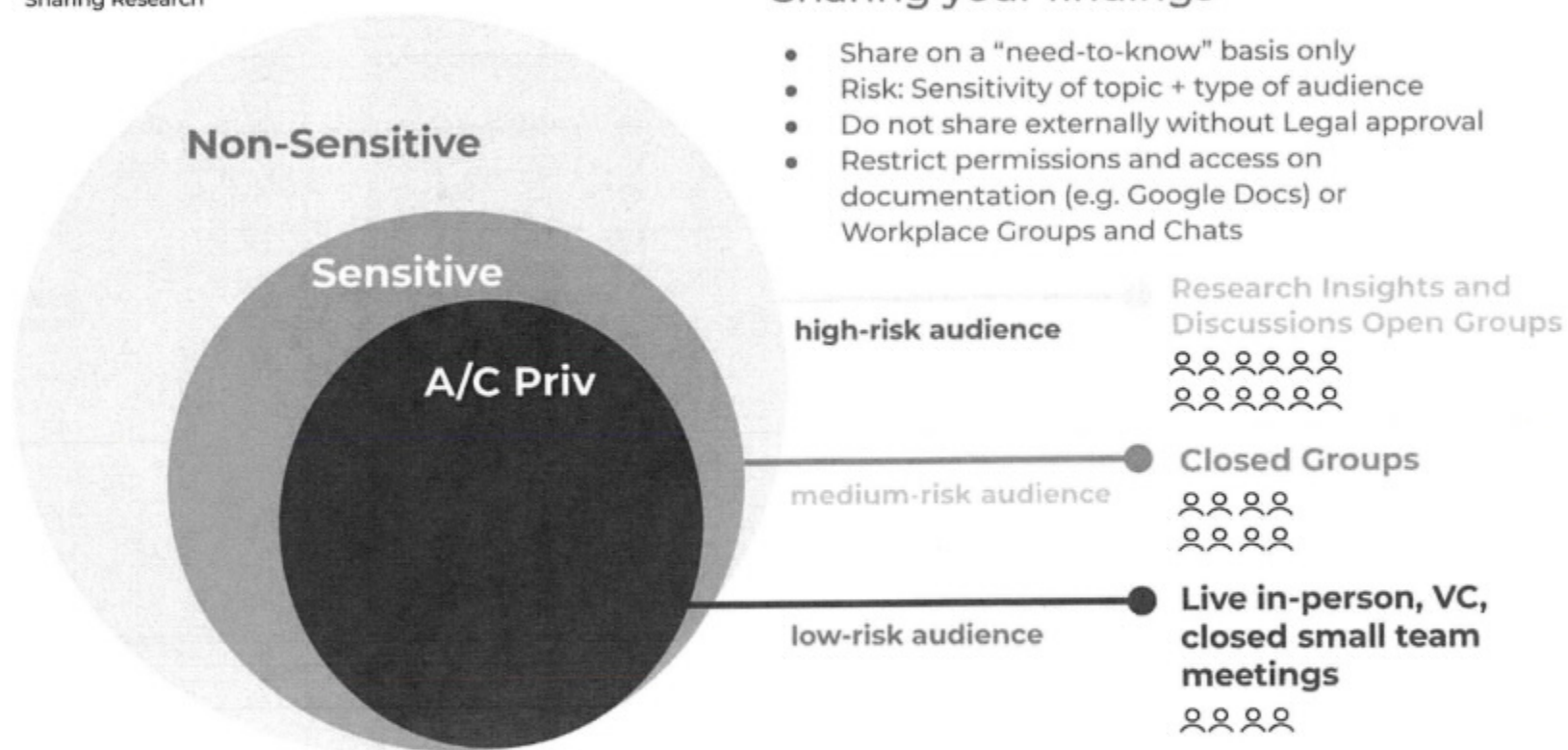
When framing sensitive research findings, **DON'T:**

Don'ts	Examples
Avoid vague terms or overgeneralizing research results	• Terms like "people" or "users", which suggests that everyone globally holds the same view • Absolutes and hyperbole, like "always" or "never" can be misrepresentative
Avoid use of legal terminology or making legal conclusions	• Terms like "not compliant", "illegal" or "violates" a specific law, as that's a legal determination to make; when in doubt, consult Legal
Avoid clickbait or sensationalized statements or claims	• Be mindful of buzzwords or triggering phrases • Stick to the objective facts

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Sharing Research



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UXR Legal Resources

- Dedicated UXR Legal team
(separate and distinct from Product Legal & Privacy Legal)
- Legal Intake Form
- Email
- Chat
- Tag us in posts
- Comms from Legal
 - UXR Workplace Groups
 - Email Updates to Managers
 - Team Meetings - invite us, pretty please!
- Legal Contacts per this post



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Thank you



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