

Mr. Tim Cook
Chief Executive Officer
Apple
One Apple Park Way
Cupertino, CA 95014

Dear Mr. Cook,

We, the undersigned civil and human rights organizations, are writing to express our disappointment that Apple is delaying the full implementation of iOS 14's anti-tracking features until early 2021.¹ These features will constitute a vital policy improvement with the potential to strengthen respect for privacy across the industry. Apple should implement these features as expeditiously as possible.

We were heartened by Apple's announcement that starting with the iOS 14 update, all app developers will be required to provide information that will help users understand the privacy implications of an app before they install it, within the App Store interface.² We were also pleased that iOS 14 users would be required to affirmatively opt in to app tracking, on an app-by-app basis.³ Along with these changes, we urge Apple to verify the accuracy of app policies, and to publish transparency reports showing the number of apps that are rejected and/or removed from the App Store due to inadequate or inaccurate policies.

As Apple knows well, the widespread practice of tracking technology users' online activity without their informed consent violates the fundamental human right to privacy, and further enables endemic data-based discrimination, including disparate impacts that may be illegal in various jurisdictions. Apple is uniquely positioned to protect users from invasion of privacy by other companies, and consequently by governments that access corporate data through extra-legal channels.

This is why we were so disappointed to learn that the full implementation of the AppTrackingTransparency Framework would be delayed to early 2021. This means that these privacy protections will not be available during the critical weeks leading up to and following the 2020 U.S. elections, when people's data can be used to target them with personalized political ads. It will also leave iOS users vulnerable to rising levels of government surveillance triggered by the ongoing COVID-19 pandemic. Finally, we are particularly concerned by reports that the delay—which Apple says will give developers time to make the necessary changes—was due to pressure from Facebook and other companies whose business models are rooted in nonconsensual data collection at a global scale, and the discriminatory practices that this data enables.⁴ Apple prides itself on a business model that does not rely on the commodification of user data, yet the decision

¹ Apple. 2020 (Sept. 3). *Details for app privacy questions now available.*

<https://developer.apple.com/news/?id=hx9s63c5>

² Apple. 2020. *App privacy details on the App Store.* <https://developer.apple.com/support/app-privacy-on-the-app-store/>

³ Apple. 2020. *User privacy and data use.* <https://developer.apple.com/app-store/user-privacy-and-data-use/>

⁴ Maréchal, Nathalie, and Ellery Roberts Biddle. 2020. *It's Not Just the Content, It's the Business Model: Democracy's Online Speech Challenge - A Report from Ranking Digital Rights.* Washington D.C.: New America. <http://newamerica.org/oti/reports/its-not-just-content-its-business-model/>.

to delay will in practice continue to enable other companies' mass privacy violations. This is a great disappointment to the civil and human rights community. Apple's users want more and better privacy. Instead of backing down because the business models of other companies rely on nonconsensual data collection, Apple should stand up for its users' right to privacy.

Apple has consistently led the industry in improving data privacy practices, as documented by Ranking Digital Rights. Among U.S. tech giants, Apple has relatively strong policies and practices protecting user privacy and security. But the company's commitments to protecting freedom of expression have been considerably weaker than those of its peers.⁵ With the August announcement of its Human Rights Policy, Apple has taken an important step toward fully respecting its obligation under the UN Guiding Principles on Business and Human Rights to respect freedom of expression. The undersigned civil society organizations congratulate you on this milestone, and look forward to continued engagement with Apple as the company operationalizes this commitment.

We call on Apple to fully implement the announced anti-tracking features in iOS 14, with no further delay. As Apple's Human Rights Policy⁶ states, your company's "uncompromising commitment to security and user privacy" sets a high bar for minimizing personal data collection. Implementing and fully enforcing this policy would position Apple as a standard-setter in the industry, allowing the company not only to make high-level commitments to safeguard privacy, but also to actually fulfill them.

Access Now
Amnesty International
Electronic Frontier Foundation
Human Rights Watch
National Hispanic Media Coalition
New America's Open Technology Institute
Open MIC (Open Media and Information Companies Initiative)
Ranking Digital Rights

⁵ Ranking Digital Rights. 2019. *Corporate Accountability Index*. Washington, DC: New America. <https://rankingdigitalrights.org/index2019/>.

⁶ Apple. 2020. *Our Commitment to Human Rights*. https://s2.q4cdn.com/470004039/files/doc_downloads/gov_docs/2020/Apple-Human-Rights-Policy.pdf.