



Dear State Attorneys General,

Thank you for your June 16, 2020 letter regarding exposure notification apps and contact tracing apps. We agree with your statement that apps can play an important role in helping stop the spread of COVID-19, and that protecting consumer's personal information is key to this effort.

As you know, at Apple, we believe that privacy is a fundamental human right, and we design our products to protect customer information and empower our customers to choose what to share and with whom. Those beliefs are reflected in the requirements we place upon those who offer apps on our App Store, as you will see from our responses below. We have also adopted specific policies and technical requirements for both contact tracing and exposure notification apps using the exposure notification API jointly developed by Apple and Google. We appreciate this opportunity to address the concerns you raised.

It is important to note that in providing this response, and remaining available to address any concerns you have on this important issue, it is simply not accurate to state (as you did in the very first paragraph of your letter) that there is a "proliferation of contact tracing apps on your platforms that do not sufficiently protect consumers' personal information." As we hope the information we provide you demonstrates, protecting consumer privacy is extremely important to Apple and from the inception of contact tracing apps we have taken steps to avoid on iOS the very proliferation about which you expressed concerns.

We will first describe Apple's policies for contact tracing apps and exposure notification apps that protect consumers' privacy; then address the app entitled Contact Tracing offered by the developer Piusworks, LLC; and then respond directly to the concerns highlighted in your letter.

A. Policies for contract tracing and exposure notification apps.

In recognition of the serious risks to consumer health and safety posed by COVID-19 apps, and to help ensure that only high-quality COVID-19 apps are available on the App Store, Apple mandates that only appropriate entities may offer such apps. Apple's policy, available at <https://developer.apple.com/news/?id=03142020a>, states:

The App Store should always be a safe and trusted place for users to download apps. Now more than ever that commitment takes on special significance as the world fights the COVID-19 pandemic. Communities around the world are depending on apps to be credible news sources — helping users understand the latest health innovations, find out where they can get help if needed or provide assistance to their neighbors.

To help fulfill these expectations, we're evaluating apps critically to ensure data sources are reputable and that developers presenting these apps are from recognized entities such as government organizations, health-focused NGOs, companies deeply credentialed in health issues, and medical or educational institutions. Only developers from one of these

recognized entities should submit an app related to COVID-19. Entertainment or game apps with COVID-19 as their theme will not be allowed.

Apple's requirements for contact tracing and exposure notification apps are even more strict — they must be submitted or endorsed by a government entity. Furthermore, exposure notification apps may only be offered by public health authorities verified by Apple.

We take this policy and our commitment to customers seriously, and as a result there are very few COVID-19 apps available on the App Store. In fact, as of today, there are only seven contact tracing apps intended for use in the United States available on the App Store, and no exposure notification apps. The details of these apps are listed below:

Endorsing Govt. Entity	App Title	Developer
New York, Florida, Puerto Rico	PathCheck SafePlaces	Path Check, Inc.
North Dakota	Care19	State of North Dakota
Pittsburgh, PA	NOVID	Expil, Inc
Rhode Island	CRUSH COVID RI	State Of Rhode Island, Department of Administration
San Joaquin Country, CA	Citizen SafeTrace	sp0n, Inc
Utah	Healthy Together - COVID-19	Twenty Holdings, Inc.
Daly City, CA	Contact Tracing	Piusworks LLC

As part of our careful review process, Apple's Government Affairs team contacts the developer of each contact tracing app to verify that it is endorsed by an appropriate government or municipality. Such verification may be delivered via documentation or a telephone call with an authorized individual.

Furthermore, like all apps offered on the App Store, contact tracing apps and exposure notification apps must comply with the App Store Review Guidelines, available at <https://developer.apple.com/app-store/review/guidelines/>. The Guidelines provide a number of rules related to privacy that developers must follow, including:

- Identify the data the app collects, how it collects that data, and all uses of that data.
- Apps are prohibited from using, transmitting, or sharing personal data without obtaining the user's permission.
- Apps may not use or disclose to third parties data gathered in the health, fitness, and medical research context for advertising, marketing, or other use-based data mining purposes other than improving health management, or for the purpose of health research, and then only with permission.

Apple imposed yet additional safeguards to protect user privacy for exposure notification apps, requiring developers who wish to access the Exposure Notification API to accept the Exposure Notification APIs Addendum to the License Agreement, which contains the following obligations related to data privacy:

- Section 3.1 prohibits exposure notification apps from (i) requiring a user to enter user data to receive notifications of exposure to COVID-19; and (ii) using or disclosing data from the Exposure Notification APIs, or any other data entered by a user, for any purpose not related to COVID-19 response efforts, and any such use or disclosure must be with user consent.
- Section 3.2 prohibits exposure notification apps from collecting or using the Advertising Identifier and must not include any advertising, product promotion, or marketing.
- Section 3.5 prohibits exposure notification apps from combining, correlating, linking, using or otherwise associating any user data collected in another app with user data collected or otherwise obtained in the exposure notification app, unless otherwise agreed by Apple and with user consent (e.g., for purposes of moving from an existing contact tracing app to an exposure notification app).

B. Contact Tracing offered by the developer Piusworks, LLC

Your letter notes NAAG's concern about "purportedly 'free' apps that utilize GPS tracking, contain advertisements and/or in-app purchases, and are not affiliated with any public health authority or legitimate research institution." To illustrate this concern, you discuss the app Contact Tracing, offered by the developer Piusworks, LLC, and state that "[a]ccording to the app information previously disclosed on Google Play, Contact Tracing uses geolocation tracking, contains ads, and offers in-app purchase....The app has since been removed from Google Play but is still available on the App Store." As we will explain in detail below, Contact Tracing does not, at this time, contain ads or offer in-app purchases, and is in compliance with Apple's policies and technical requirements.

Contact Tracing was approved by Apple's App Review team on May 9, 2020. Consistent with Apple's policy for contact tracing apps, Contract Tracing is endorsed by two government entities – Daly City, California and Quezon City municipality in Philippines.

With regard to location tracking, Contact Tracing adheres to all relevant Apple technical controls. Apple's iOS operating system prevents third party apps from accessing location data without asking for and obtaining the user's explicit permission. Furthermore, customers must enable Location Services during device setup or in Settings before an app can even ask to use location data. Consistent with Apple's position on privacy, the choice of whether to take advantage of location-based services is solely up to the user; iOS does not set a default choice. Apple also requires apps to tell the customer about the purpose for accessing such data. This means, for example, that Apple does not decide if a third party app can access the device's location capabilities, the user does. iOS requires that third party apps request access to location information via a just-in-time pop-up notification. iOS also includes controls that allow users to withdraw an app's permission to access user or sensor data at any time by visiting Settings > Privacy > Location Services. To be clear, if a user does not enable Location Services, does not give an app permission to access location data, revokes the app's permission to access location data, or turns off Location Services, the app developer does not get access to customer location data.

Below is a screenshot of the just-in-time pop-up notification used by Contact Tracing to secure user consent to access and use geolocation information. Unless the user consents by clicking “Allow While Using App” or “Allow Once,” the developer will not have access to such information.

On May 27, 2020, Version 1.4.1 of the app was escalated by App Review after it was determined that the app contained advertisements, and added in-app purchase to remove such advertisements. These additions conflict with the policy set forth by Apple in its March 14, 2020 message to developers entitled “Ensuring the Credibility of Health & Safety Information” (<https://developer.apple.com/news/?id=03142020a>):

“The App Store should always be a safe and trusted place for users to download apps. Now more than ever that commitment takes on special significance as the world fights the

COVID-19 pandemic. Communities around the world are depending on apps to be credible news sources — helping users understand the latest health innovations, find out where they can get help if needed or provide assistance to their neighbors.

To help fulfill these expectations, we're evaluating apps critically to ensure data sources are reputable and that developers presenting these apps are from recognized entities such as government organizations, health-focused NGOs, companies deeply credentialed in health issues, and medical or educational institutions. Only developers from one of these recognized entities should submit an app related to COVID-19. Entertainment or game apps with COVID-19 as their theme will not be allowed.”

We informed Piusworks, LLC on May 28, 2020 that Contact Tracing would be rejected from the App Store under Guideline 1.1 (which prohibits objectionable content) due to its attempt to profit from COVID-19 in contravention of the policy referenced above.

On June 4, 2020, Piusworks, LLC submitted a new version of Contact Tracing which removed the advertisements and in-app purchase. We approved the app the same day.

As of this time, Contact Tracing is in compliance with Apple guidelines, policies, and technical requirements.

C. Responses to concerns highlighted in June 16, 2020 letter.

Your letter asks that Apple take certain steps to ensure that both exposure notification apps and contact tracing apps protect consumer information, and that users can provide informed consent. I address each of these requests in turn below:

1. Verify that every app labeled or marketed as related to contact tracing, COVID-19 contact tracing, or coronavirus contact tracing or exposure notification is affiliated with a municipal, county, state or federal public health authority, or a hospital or university in the U.S. that is working with such public health authorities;

As explained above, pursuant to Apple policy, contact tracing and exposure notification apps can only be offered in the App Store to consumers by public health authorities verified by Apple. Contact tracing apps must be submitted or endorsed by a government entity.

2. Remove any app that cannot be verified consistent with the above; and

As stated above, there are no apps offered to consumers on the App Store as of this date that do not meet this standard.

3. Pledge to remove all COVID-19 / coronavirus related exposure notification and contact tracing apps, including those that utilize your new APIs, from Google Play and the App Store once the COVID-19 national emergency ends. In addition, provide written confirmation to our offices that the apps have been removed or an explanation why removal of a particular app or apps would impair the public health authorities affiliated with each app.

As described above, Apple's policies have resulted in very few COVID-19 apps available on the App Store for United States consumers — to date, only seven contact tracing apps and no exposure notification apps. We have worked hard to approve only high-quality contact tracing apps endorsed by government entities for distribution on the App Store, and we hope to distribute exposure notification apps offered by United States public health authorities soon. Because Apple

has exercised care in deciding which COVID-19 apps are appropriate to distribute, we are well-positioned to manage the removal of these apps. That said, we believe that the government entities and PHAs managing the COVID-19 crisis in the United States are best positioned to determine when these apps are no longer necessary, and we will work with them to initiate takedowns at the appropriate time.

We thank you for your letter, and remain available to address any additional questions you may have on this topic.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Adams". The signature is fluid and cursive, with the first name "Kate" and last name "Adams" clearly distinguishable.

Kate Adams
SVP & General Counsel
Apple Inc.