

April 19, 2021



The Honorable Mike Lee
United States Senate
361A Russell Senate Office Building

The Honorable Ken Buck
United States House of Representatives
2455 Rayburn House Office Building

Dear Senator Lee and Congressman Buck,

I am writing in response to your letter of March 31, 2021, in which you requested additional information about Apple's decision to remove the Parler app from the App Store.

Content Policy

The guiding principle of the App Store is simple: Apple wants to provide a safe experience for users to get apps and a great opportunity for all developers to be successful. Apple does this in part by curating the App Store, including by reviewing apps to ensure compliance with all App Store Review Guidelines, which among other things set forth standards for privacy, safety, security, and performance of apps in the App Store. Today, nearly 2 million apps that comply with our Guidelines are available on the App Store. Below, we cite and describe the particular Guidelines most applicable to Apple's decision to remove the Parler app from the App Store.

Review Process

App reviews are initiated by developers before an app goes into the App Store or whenever the developer updates an app. A review may also be initiated when particular issues are brought to Apple's attention, including through customer complaints, reports from authorities, posts on social media or press reports. This work is done by an App Review Team that consists of hundreds of full-time Apple employees who review apps in over 80 languages across three time zones. Reviews also are assisted by automated systems that are used to screen app submissions for data that would indicate non-compliance with certain Guidelines, for example if an app submission included information indicating that it violated sanctions requirements or if it included software code suggesting the possibility of malware or raising privacy concerns.

Apple reviews more than 100,000 submissions per week, and Apple rejects about 40% of them due to various Guidelines compliance issues. Most of these rejections are for quality issues, i.e. the apps have bugs, or crash after launching. Of those rejected apps, approximately 80% make the required changes and are approved for release on the App Store. In 2020, approximately 30,000 apps were rejected from the App Store because of issues with Guidelines 1.1.1 or 1.2, which are described below as relevant here. Of those apps, the majority were ultimately approved for distribution on the App Store.

Where an app is at risk of being rejected from the App Store, the app review process typically involves dialogue between Apple and the developer, during the course of which

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Apple notifies the developer of issues and then may work with the developer as appropriate to resolve those issues. The app review process may differ based on the circumstances of a particular case; for example, Apple has a team that works closely with law enforcement officials where appropriate, such as in cases involving money laundering, human trafficking, child exploitation, and other crimes, and the nature and extent of Apple's communications with developers may vary accordingly.

Notice, Cure, Termination, and Appeal Process

Appreciating that developers are key to the App Store's success, Apple works hard to make it as easy and compelling as practicable for them to develop apps for the App Store, including by striving to make the review process as fair, transparent, efficient, and responsive to developers as possible. In a typical week, Apple makes thousands of communications to developers to assist them in resolving issues, and the vast majority of apps are reviewed within 48 hours, with about half reviewed within 24 hours. In most circumstances, the developer is notified of an app's failure to meet App Store requirements and advised to resolve the issues with a revised app submission or they may be given a period of time in which to come into compliance.

Apple offers an appeal process for apps that are rejected from the App Store. If the App Review team rejects a submission, the App Review Team member sends a message to the developer describing the guidelines that the app violates, and the reasons for the rejection. Developers can appeal to the App Review Board (ARB), which consists of investigators who review the history of the relevant app and make a determination as to whether to uphold or reverse the App Review Team's initial rejection of the app or refer the developer to a member of Apple's developer services team to further assist the developer. Apps that raise especially complex or novel issues that may set new precedents affecting App Store policy may be reviewed by an Executive Review Board (ERB) consisting of experts and senior Apple employees.

Parler

Apple has in the past communicated with Parler regarding failures in its content moderation efforts, as well as its desire stated at various times to not moderate content at all. Earlier this year Apple was again alerted to posts in the Parler app that violated Apple's policies with respect to user generated content. In particular, Guideline 1.1.1 ("Objectionable Content") states in relevant part that apps should not include offensive or discriminatory content, including that which is likely to humiliate, intimidate, or harm a targeted individual or group. Guideline 1.2 ("User Generated Content") requires apps with user-generated content to include the following features to prevent abuse:

- a method for filtering objectionable material from being posted to the app;
- a mechanism to report offensive content and timely responses to concerns;
- the ability to block abusive users from the service; and
- published contact information so users can easily reach the developer.

Apple's App Review Team found a significant number of posts on the Parler app that clearly violated Guideline 1.1.1, including posts that encouraged violence, denigrated various ethnic groups, races and religions, glorified Nazism, and called for violence

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against specific people. Apple has provided some examples of these posts to your staff. The volume and types of prohibited content available in the Parler app further indicated that Parler also was out of compliance with Guideline 1.2 since their moderation practices were clearly inadequate to protect users from this harmful and dangerous content.

On January 8, 2021, Apple sent a communication to Parler, requesting that it remove specifically identified prohibited content, as well as any similar content. Apple also asked Parler to explain how Parler would improve its content moderation practices to comply with the Guidelines. Given that Apple had previously notified Parler of similar compliance failures on multiple occasions, and in light of the egregiousness of the violations and ongoing potential for further harm, Apple asked Parler to respond within 24 hours. This private developer communication, which is on a secure portal available only to the developer, became public when it was first reported by The Federalist and shared on Twitter by individuals associated with Parler.

In response, Parler did not communicate a sufficient plan to improve its moderation of user-generated content in the app. Thereafter, and consistent with standard app review processes, Apple's app review team, ARB, and ERB decided to remove the Parler app from the App Store for non-compliance with the Guidelines. Customers who had already downloaded the Parler app prior to its removal from the App Store could still access the app, and Apple understands that Parler's website is accessible on the Internet, including through a web browser on an Apple device.

In the period since Apple removed the Parler app from the App Store, Apple's App Review Team has engaged in substantial conversations with Parler in an effort to bring the Parler app into compliance with the Guidelines and reinstate it in the App Store. As a result of those conversations, Parler has proposed updates to its app and the app's content moderation practices, and the App Review Team has informed Parler as of April 14, 2021 that its proposed updated app will be approved for reinstatement to the App Store. Apple anticipates that the updated Parler app will become available immediately upon Parler releasing it.

Coordination of Action

Apple made an independent decision to remove Parler for non-compliance with the Guidelines, and it did not coordinate or otherwise consult with Google or Amazon with respect to that decision. Apple stands by that decision.

Sincerely,



Timothy Powderly
Senior Director, Government Affairs, Americas

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