



June 8, 2022

**TO:** Vijaya Gadde, Head of Legal, Policy, and Trust  
Twitter, Inc.  
1355 Market Street, Suite 900  
San Francisco, CA 94103

**CC:** The Honorable Maria Cantwell, Chair  
The Honorable Roger Wicker, Ranking Member  
U.S. Senate Committee on Commerce, Science, and Transportation  
254 Russell Senate Office Building  
Washington, DC 20510

The Honorable Frank Pallone Jr., Chair  
The Honorable Cathy McMorris Rodgers, Ranking Member  
U.S. House Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Dear Ms. Gadde,

We write to express deep concern over the news that Twitter, Inc. is planning to capitulate to Elon Musk's demands for direct access to the company's vast troves of sensitive user data<sup>1</sup>. Doing so would threaten the privacy and security of users worldwide, and set a dangerous precedent as Mr. Musk continues to exploit his leverage in an attempt to drive down Twitter's share price. We strongly urge you not to acquiesce.

Mr. Musk's demands have been made in obvious bad faith. His lawyers have retrofitted a tenuous legal justification for the weeks-long campaign Mr. Musk has been waging to renegotiate this deal on better terms under false pretenses. Twitter clearly knows as much, as they had rebuffed this exact ploy until Mr. Musk formally threatened to walk away in a letter filed Monday with the SEC.<sup>2</sup> Now, the company's leadership seems willing to sacrifice the wellbeing of its users, advertisers, and shareholders in pursuit of keeping Mr. Musk happy.

Mr. Musk does not yet own Twitter. And while he has ostensibly committed to limitations on how he may utilize sensitive data under Section 6.4 of the merger agreement – which Mr. Musk's lawyers insist he'll abide by – he has demonstrated a consistent and flagrant disregard for such requirements throughout his dealings with Twitter and throughout his career. Indeed, he tweeted that your legal department called to chide him for violating this very provision just last month.<sup>3</sup>

In addition to that transgression, as you well know, Mr. Musk has already breached<sup>4</sup> his contractual obligation to refrain from any tweets that “disparage [Twitter] or any of its

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<sup>1</sup> <https://www.washingtonpost.com/technology/2022/06/08/elon-musk-twitter-bot-data/>

<sup>2</sup> [https://www.sec.gov/Archives/edgar/data/1418091/000110465922068347/tm2217761d1\\_ex99-o.htm](https://www.sec.gov/Archives/edgar/data/1418091/000110465922068347/tm2217761d1_ex99-o.htm)

<sup>3</sup> [https://twitter.com/elonmusk/status/1525615849167589380?s=11&t=AkJX9wPQByYVZtyfovx\\_tg](https://twitter.com/elonmusk/status/1525615849167589380?s=11&t=AkJX9wPQByYVZtyfovx_tg)

<sup>4</sup>

<https://www.nbcnews.com/business/business-news/elon-musk-slams-twitter-after-acquisition-deal-announced-rcn-a26244>



Representatives,” per Section 6.9 of the merger agreement. Mr. Musk dispensed with his previous standstill agreement after four days<sup>5</sup> and is under investigation by both the SEC<sup>6</sup> and the Federal Trade Commission (FTC)<sup>7</sup> for various infractions, from falsely representing himself as a “passive investor” in Twitter, to unlawfully failing to disclose his massive stock purchase.

Moreover, Mr. Musk’s behavior as CEO of Tesla indicates he is more than willing to exploit access to people’s personal data and online activities. During his tenure as CEO, Tesla reportedly paid a public relations firm to surveil employees’ social media accounts as they sought to unionize. Tesla also rolled back privacy protections last year, leaving customers with little option but to submit to the company’s collection of in-car video and voice recordings along with precise location data<sup>8</sup> – the kind of data that could soon be weaponized by law enforcement and bounty hunters to prosecute people seeking reproductive care.<sup>9</sup>

The stakes for Twitter users couldn’t be higher, and the company must uphold its commitments to users. Just weeks ago, after reaching a settlement with the FTC over past violations, the company vowed “to ensure that people’s personal data remains secure and their privacy protected,” noting that this “is something we take extremely seriously.”<sup>10</sup>

We know you don’t take this issue lightly. You have personally been at the forefront of efforts to protect users’ personal information from bad actors around the world, even in the face of menacing legal threats.<sup>11</sup> Now, we implore you to exhibit that same conviction and resist Mr. Musk’s attempts to improperly exploit his financial leverage to bully Twitter into handing him troves of sensitive data.

If Twitter does choose to expose its users to Mr. Musk, we believe Congress should investigate to ensure Mr. Musk does not misuse the data to unfairly advantage his other business holdings or to expose Americans to targeted abuse and harassment. Twitter is a public company, and handing over this sensitive data to Mr. Musk subjects its users and shareholders, advertising partners, and the general public to a myriad of potential harms.

Sincerely,

Nicole Gill, Co-founder and Executive Director  
Jesse Lehrich, Co-founder and Senior Advisor  
Accountable Tech

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<sup>5</sup> <https://www.sec.gov/Archives/edgar/data/1418091/000119312522095651/d342257dex101.htm>

<sup>6</sup> <https://www.nytimes.com/2022/05/27/technology/sec-elon-musk-twitter.html>

<sup>7</sup> <https://www.theinformation.com/articles/elon-musks-early-twitter-purchase-under-ftc-scrutiny?rc=iyooh>

<sup>8</sup> <https://www.cnn.com/2021/10/21/cars/tesla-fsd-privacy/index.html>

<sup>9</sup> <https://www.vice.com/en/article/m7vzjb/location-data-abortion-clinics-safegraph-planned-parenthood>

<sup>10</sup> [https://blog.twitter.com/en\\_us/topics/company/2022/ftc-settlement-twitter](https://blog.twitter.com/en_us/topics/company/2022/ftc-settlement-twitter)

<sup>11</sup>

<https://www.politico.com/news/magazine/2020/10/28/twitter-vijaya-gadde-free-speech-policies-technology-social-media-429221>