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April 16, 2021

The Honorable Ken Buck
Ranking Member, House Judiciary Subcommittee on Antitrust, Commercial & Administrative Law
2455 Rayburn House Office Building
Washington, DC 20515

The Honorable Mike Lee
Ranking Member, Senate Judiciary Subcommittee on Competition Policy, Antitrust & Consumer Rights
361A Russell Senate Office Building
Washington, DC 20515

Dear Ranking Member Buck and Ranking Member Lee:

We thank you for the opportunity to respond to your letter dated March 31, 2021, regarding our suspension of Parler from the Google Play Store for violating our longstanding User Generated Content policies and failing to take remedial action when apprised.

Keeping users safe and secure on our platforms is a top priority for us. The events of January 6, 2021, were unprecedented and tragic. We strongly condemn these violent attacks on our democracy. And we responded by taking action across our key products and platforms to remove content violating those policies fundamental to user safety. Among other actions, and within this context, we suspended the Parler app from the Play Store.

Your letter raises important questions about procedural fairness and about whether we coordinated with Apple or Amazon with regard to the actions we took. Let us be clear at the outset: we have long had policies regarding apps that feature User Generated Content, which you can find at <https://support.google.com/googleplay/android-developer/answer/9876937?hl=en>.

Those policies are transparent, we apply them consistently no matter who the developer is, and we make our decisions independently. We did not coordinate with Apple or Amazon regarding our decision to suspend the Parler app.

It is also important to note that the Parler app is not subject to a permanent ban. The Parler app can come back to our platform – assuming Parler, like developers of other apps featuring user generated content, takes steps to moderate their content pursuant to our policies.

We also want to make clear that we do not silence anyone based on their political ideology – in fact, our platforms have empowered people and organizations across the political spectrum to have a voice and reach their audiences. We have clear policies, which we apply equally to developers on our Play Store without consideration of their ideology, and which require reasonable content moderation policies to protect users.

Here, we applied our policies to Parler’s app as we would any other developer. For example, we have warned many other apps about the need to comply with our User Generated Content policies. The developers of those apps typically remedy their violations - such as by adding content moderation processes that meet the standards we apply to protect our users. Those developers' apps are live today as a result.

Parler chose not to comply with our policies. Despite our warning, Parler failed to implement effective content moderation practices in compliance with our policies. We could not accept a lack of enforcement on hate speech, incitement to violence, and threats to elected officials and so we were forced to suspend the Parler app from Google Play for violating our policies. Parler’s app has not yet complied with those policies, and that is why it remains suspended.

We are proponents of free speech and we want a vibrant Play Store. But we have also always had rules when it comes to protecting users from potentially harmful content. We have clear policies and we expect all developers to adhere to them. We will not tolerate incitement to violence or hate speech being left unaddressed. Other developers, including developers of apps identifying themselves as protective of free speech principles, have demonstrated they can protect free speech while complying with our policies. If and when Parler expresses an interest in doing so, we stand ready to re-engage with them.

With this background and context, we turn to your more specific questions below. For ease of understanding, we have provided a narrative response detailing our content policies (including how we enforce those policies), our review and appeals process, and our application of our policies and review processes to Parler’s app.

Our Content Policies

We have clear policies that we apply without bias to developers on our Play Store. These include policies requiring apps featuring user generated content to have their own reasonable content moderation policies in place to protect users. For example, our publicly-available Google Play User Generated Content Policy (which is available at <https://support.google.com/googleplay/android-developer/answer/9876937?hl=en>) provides clear guidance to app publishers regarding the policies they need to adopt in order to be made available on the Play Store:

User-generated content (UGC) is content that users contribute to an app, and that is visible to or accessible by at least a subset of the app's users.

Apps that contain or feature UGC must:

- *require that users accept the app's terms of use and/or user policy before users can create or upload UGC;*
- *define objectionable content and behaviors (in a way that complies with Play's Developer Program Policies), and prohibit them in the app's terms of use or user policies;*
- *implement robust, effective and ongoing UGC moderation, as is reasonable and consistent with the type of UGC hosted by the app*
 - *In the case of live-streaming apps, objectionable UGC must be removed as close to real-time as reasonably possible;*
 - *In the case of augmented reality (AR) apps, UGC moderation (including the in-app reporting system) must account for both objectionable AR UGC (e.g. a sexually explicit AR image) and sensitive AR anchoring location (e.g. AR content anchored to a restricted area, such as a military base, or a private property where AR anchoring may cause issues for the property owner);*
- *provide a user-friendly, in-app system for reporting objectionable UGC and take action against that UGC where appropriate;*
- *remove or block abusive users who violate the app's terms of use and/or user policy;*
- *provide safeguards to prevent in-app monetization from encouraging objectionable user behavior.*

Apps whose primary purpose is featuring objectionable UGC will be removed from Google Play. Similarly, apps that end up being used primarily for hosting objectionable UGC, or that develop a reputation among users of being a place where such content thrives, will also be removed from Google Play.

We also require all Android apps distributed through Google Play to comply with our Google Play Developer Distribution Agreement (available at <https://play.google.com/about/developer-distribution-agreement.html>) and Google Play Developer Program Policies (available at <https://support.google.com/googleplay/android-developer/answer/10355942?hl=en>).

Our Review, Enforcement, and Appeals Processes

Protecting our users is a top priority. And our interests in the app review process are closely aligned with both developers and consumers: Android users want a variety of high-quality apps. We and developers benefit when more users are happy with the Android experience.

To protect our users and the broader ecosystem, we review thousands of apps globally everyday, including new apps and all updates of existing apps. When a new app or app version is submitted to Google Play, we review the app for violations of Google Play's Developer Program Policies. To undertake this review, we use both machine classifiers and human reviewers. If we determine there has been a policy violation before the app is published to Google Play, we require the developer to remediate the violation. If the issue cannot be remediated, the submission is rejected and the app (or app update) is not published to Google Play.

If we learn of a policy violation after an app becomes available on Google Play — which is not uncommon for user generated content apps where the underlying content constantly changes — there are a number of steps we may take. In the case of serious violations of our policies that put users or their devices at risk, we remove the app immediately from Google Play. In other cases, we may warn developers and require them to fix the policy violation within a certain, specified, amount of time before we remove the app from Google Play.

Our publicly-available policies (available at https://support.google.com/googleplay/android-developer/answer/9899234?hl=en&ref_topic=9877468) provide even greater detail regarding the various types of actions to enforce our policies:

Rejection

- A new app or app update submitted for review will not be made available on Google Play.
- If an update to an existing app was rejected, the app version published prior to the update will remain available on Google Play.
- Rejections do not impact your access to a rejected app's existing user installs, statistics, and ratings.
- Rejections do not impact the standing of your Google Play Developer account.

Removal

- The app, along with any previous versions of that app, are removed from Google Play and will no longer be available for users to download.
- Because the app is removed, users will not be able to see the app's Store listing, user installs, statistics, and ratings. This information will be restored once you submit a policy-compliant update for the removed app.
- Users may not be able to make any in-app purchases, or utilize any in-app billing features in the app until a policy-compliant version is approved by Google Play.
- Removals do not immediately impact the standing of your Google Play Developer account, but multiple removals may result in a suspension.

Suspension

- The app, along with any previous versions of that app, are removed from Google Play and will no longer be available for users to download.
- Suspension can occur as the result of egregious or multiple policy violations, as well as repeated app rejections or removals.
- Because the app is suspended, users will not be able to see the app's Store listing, existing user installs, statistics, and ratings. This information will be restored once you submit a policy-compliant update.
- You can no longer use a suspended app's APK or app bundle.
- Users will not be able to make any in-app purchases, or utilize any in-app billing features in the app until a policy-compliant version is approved by Google Play.

- Suspensions count as strikes against the good standing of your Google Play Developer account. Multiple strikes can result in the termination of individual and related Google Play Developer accounts.

Limited Visibility

- Your app's discoverability on Google Play is restricted. Your app will remain available on Google Play and can be accessed by users with a direct link to the app's Play store listing.
- Having your app placed in a Limited Visibility state does not impact the standing of your Google Play Developer account.
- Having your app placed in a Limited Visibility state does not impact users' ability to see the app's existing Store listing, user installs, statistics, and ratings.

Account Termination

- When your developer account is terminated, all apps in your catalog will be removed from Google Play and you will no longer be able to publish new apps. This also means that any related Google Play developer accounts will also be permanently suspended.
- Multiple suspensions or suspensions for egregious policy violations may also result in the termination of your Play Console account.
- Because the apps within the terminated account are removed, users will not be able to see the apps' Store listings, existing user installs, statistics, or ratings.

We notify developers via email if we take any of these actions against their app because it does not meet the criteria in our Developer Distribution Agreement (available here: <https://play.google.com/about/developer-distribution-agreement.html>) or Developer Program Policies (available here: <https://support.google.com/googleplay/android-developer/answer/2985876>).

Developers then have the opportunity to fix the issue. If a developer has questions regarding the reason for removal or they believe our enforcement decision was made in error, they can submit an appeal. The appeal process is explained both in the email notification sent to developers informing them of the policy violation, and on the Play Console help center page at all times (available at <https://support.google.com/googleplay/android-developer/answer/9899142>).

We will reinstate apps or accounts in appropriate circumstances, such as if an error was made or based on new information provided by the developer we find that the app does not violate the Google Play Developer Program Policies and the Developer Distribution Agreement. Even if an appeal is unsuccessful, a developer may upload a new, policy-compliant version of its app if the developer's account is still in good standing.

If the developer refuses to fix the problem, the problem cannot be fixed (e.g., pirated software), or the developer has engaged in serious or repeated violations, then the enforcement action taken (e.g., removal from Google Play) will remain in effect.

Our Suspension of Parler

To reiterate, we did not coordinate with Apple or Amazon regarding the removal of the Parler app from Google Play. We applied our policies independently like we would for any other publisher.

The Google Play store has millions of developers - all of whose apps are subject to review when initially published or when we become aware of potential policy violations. We have taken down hundreds of thousands of apps in this past year alone. And nearly 1,500 apps were either warned or removed based on the same User Generated Content policy relevant to the removal of Parler's app. Most developers promptly remedy their violations after receiving a warning.

Consistent with the processes explained in our policies (as noted above), and despite our warning, Parler failed to implement effective content moderation practices required by our policies. Once again, Parler's app may come back to our platform assuming it complies with our policies. So far Parler has declined to do so.

Thank you again for the opportunity to discuss these important topics with you.

Sincerely,



Mark Isakowitz
Vice President
Government Affairs and Public Policy