



STATE OF FLORIDA

ASHLEY MOODY
ATTORNEY GENERAL

February 21, 2023

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

Re: App Store Designations for Foreign Developed and Owned (“Foreign-Based”) Applications

Dear Mr. Cook,

Recent events have underscored the importance of safeguarding private information. These concerns extend not only to our country’s national security interests, but also to our private citizens’ data, information and mobile application experiences. Earlier this month, a spy balloon from China carrying equipment capable of intercepting communications and collecting other intelligence traversed the United States before finally being shot down over U.S. territory off the coast of South Carolina. More recently, the U.S. shot down a second “high-altitude object”,¹ and the U.S. military, in connection with North American Aerospace Defense Command activities, shot down an additional “unidentified object,” this time over Canada.²

These incidents are not “one-offs” and emphasize the importance of adding additional protections to software products, especially mobile applications, so that consumers can make informed decisions regarding accepting or declining the potential risks associated with such apps, including the nature and scope of information they choose to share. In addition, such disclaimers would also

¹ Jim Garamone, DOD News, *Air Force Shoots Down 'High-Altitude Object' off Alaskan Coast* (Feb. 10, 2023), <https://www.defense.gov/News/News-Stories/Article/Article/3295813/air-force-shoots-down-high-altitude-object-off-alaskan-coast/>

² Michael Lee, *Norad shoots down 'unidentified object' over Yukon, PM Trudeau says*, CTV News (Feb. 11, 2023), <https://www.ctvnews.ca/canada/norad-monitoring-high-altitude-object-flying-over-northern-canada-1.6270114>

serve to protect consumers from exposure to other harms, including algorithmic content amplification and other in-app experiences.

I write to urge you to take immediate action and add an App Store designation for applications that are foreign-owned and/or developed (“Foreign-Based”) in countries or by entities that pose a national security risk. Additional countries may also be those found or designated by the U.S. Department of State as “Countries of Particular Concern” and the “Special Watch List,” or are entities designated as “Entities of Particular Concern.”³ This may also include those entities and foreign persons found on the U.S. Department of Commerce’s Bureau of Industry and Security Entity List, which “identifies entities reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States.”⁴

Consumers have a right to know if these countries are related to the origination, development, or ownership of these applications. Informing consumers of this foreign-based status allows consumers to decide whether or not they want to subject themselves, or this country, to the inherent and increased risks associated with such foreign applications.

Adding an App Store designation for these foreign applications would provide consumers with the incredibly important information they need to make a fully informed decision prior to downloading such apps.

Foreign-owned applications such as TikTok, which is owned by Chinese company ByteDance, have been flagged by national security experts as posing a risk to both privacy and user information. In addition to data collection and unauthorized access concerns, such apps may also pose undue risks to users due to algorithmic recommendations, which can be used to carry out influence operations. Consumers cannot be expected to be aware of such risks without disclosure. Other entities, such as Russian-headquartered software company, Pushwoosh, developed code that was found in thousands of apps in both Apple and Google’s online stores, and which were downloaded and used by the U.S. military and the Centers for Disease Control and Prevention.⁵ Further, it is alarming that out of the top apps in Apple’s App Store, the top three are China-based,⁶ thus equating to hundreds of millions of downloads domestically and billions worldwide.

³ See *Countries of Particular Concern, Special Watch List Countries, Entities of Particular Concern*, U.S. Department of State, <https://www.state.gov/countries-of-particular-concern-special-watch-list-countries-entities-of-particular-concern/#CountriesofParticularConcern>

⁴ Department of Commerce, Bureau of Industry and Security, 15 C.F.R. Part 744, Final Rule: Addition of Certain Entities to the Entity List, <https://www.federalregister.gov/documents/2019/10/09/2019-22210/addition-of-certain-entities-to-the-entity-list>

⁵ James Pearson and Marisa Taylor, *EXCLUSIVE Russian software disguised as American finds its way into U.S. Army, CDC apps*, Reuters (Nov. 16, 2022), <https://www.reuters.com/technology/exclusive-russian-software-disguised-american-finds-its-way-into-us-army-cdc-2022-11-14/>; Brian Krebs, *U.S. Govt. Apps Bundled Russian Code With Ties to Mobile Malware Developer*, Krebs on Security (Nov. 28, 2022), <https://krebsonsecurity.com/2022/11/u-s-govt-apps-bundled-russian-code-with-ties-to-mobile-malware-developer/>

⁶ See <https://apps.apple.com/us/charts/iphone> (Temu; CapCut; TikTok). On Sunday, Temu aired its advertisement during the Super Bowl.

As part of the consumer protection laws my office is tasked with enforcing, proper consumer disclosures are an essential and integral element of responsible business practices. Without such disclosures, reasonable consumers cannot avoid certain harms posed by these applications. This is particularly important where such applications not only threaten our national security, but also our consumers' privacy and safety.

These are serious concerns that should not be overlooked by your company. Consumers deserve the highest level of transparency when choosing to download an application to their phones. This can be achieved by adding a foreign-owned and/or developed designation to applications related to these countries.

I strongly urge you to take immediate action and add this designation to the App Store so that consumers can make informed decisions about their personal information and application experiences.

Sincerely,



Ashley Moody
Florida Attorney General