

United States Senate
WASHINGTON, DC 20510

June 6, 2023

Mr. Shou Zi Chew
Chief Executive Officer
TikTok
5800 Bristol Parkway, Suite 100
Culver City, CA 90230

Dear Mr. Chew:

We write regarding recent reports that TikTok allowed private data about American users to be stored and accessed in China, despite repeated public assurances and Congressional testimony that TikTok data was kept in the United States. We are disturbed by TikTok's pattern of misleading or inaccurate responses regarding serious matters related to users' safety and national security, and request that TikTok correct and explain its previous, incorrect claims.

According to a *Forbes* report from Alexandra Levine published in May 2023, for several years, TikTok has stored the sensitive financial information of U.S. TikTok creators in China, including social security numbers and tax information.¹ The TikTok's "Creators Fund," which seeks to promote new content on its platform through paying popular users, provides no disclosure or explanation about why it would store this highly sensitive data in China. Additionally, a New York Times report recently found that TikTok employees regularly share user data on an internal messaging app owned and controlled by ByteDance, a tool named Lark. According to this report, "[the] profusion of user data on Lark alarmed some TikTok employees, especially since ByteDance workers in China and elsewhere could easily see the material." The report also noted that Lark data was stored on servers in China.² These disclosures follow other recent reports and admissions regarding ByteDance employees spying on American journalists,³ ties between

¹ Alexandra S. Levine, *TikTok Creators' Financial Info, Social Security Numbers Have Been Stored in China*, *Forbes* (May 30, 2023), <https://www.forbes.com/sites/alexandralevine/2023/05/30/tiktok-creators-data-security-china/?sh=3617eb127048>.

² Sapna Maheshwari and Ryan Mac, *Driver's Licenses, Addresses, Photos: Inside How TikTok Shares User Data*, *New York Times* (May 24, 2023), <https://www.nytimes.com/2023/05/24/technology/inside-how-tiktok-shares-user-data-lark.html>.

³ Emily Baker-White, *TikTok Parent ByteDance Planned To Use TikTok To Monitor The Physical Location Of Specific American Citizens*, *Forbes* (Oct. 20, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/10/20/tiktok-bytedance-surveillance-american-user-data/?sh=12687d7f6c2d>.

TikTok and Chinese state propaganda entities,⁴ and concerns around content moderation practices.⁵

These reports directly contradict statements you and other TikTok representatives have made to the public and under oath before Congress about where TikTok stores U.S. user data and the ability of employees in China to access that information. For example, Michael Beckerman—Head of Public Policy at TikTok—testified before the Senate Commerce Subcommittee on Consumer Protection, Product Safety, and Data Security in October 2021. In response to questioning from Senator Blackburn, Mr. Beckerman said that “U.S. user data is stored in the United States. Our backups are in Singapore.”⁶ Mr. Beckerman doubled down on this in response to questioning from Senator Thune, saying that TikTok’s “servers with U.S. data are stored in United States.”⁷

Mr. Beckerman’s responses follow a pattern of misleading or inaccurate responses from TikTok to Congressional oversight. When you testified before the House Committee on Energy and Commerce in March 2023, you similarly said that TikTok user data “has always been stored in Virginia and Singapore in the past.”⁸ Additionally, in a letter last year, several members of the Senate Commerce Committee asked you to provide the locations of the servers and data centers overseas where TikTok transmits U.S. user data. In your response, you said that “TikTok has long stored U.S. user data in data centers in the U.S. and Singapore, as well as in cloud-based services offered by AWS, the Google Cloud Platform, and Azure... 100 percent of U.S user data is now being routed to Oracle Cloud Infrastructure.”⁹ Nowhere in your response did you mention that TikTok stores user data in China, or that information about U.S. users— including sensitive information like photos and driver’s licenses or reports containing illegal materials like child sexual abuse materials — would be shared on Lark, and therefore accessible to ByteDance employees.

TikTok has also repeatedly made misleading and inaccurate representations to the American public about the security of private information. For example, in a blogpost from June 2022, TikTok assured that “TikTok has long stored US user data in our own data centers in the US and Singapore” and “100% of US user traffic is being routed to Oracle Cloud Infrastructure.” In a

⁴ Raffaele Huang, *TikTok’s Efforts to Distance Itself From Chinese Parent Stumble Over Talent*, Wall Street Journal (Dec. 16, 2022), <https://www.wsj.com/articles/tiktoks-efforts-to-cut-ties-with-chinese-parent-stumble-over-talent-11671186110>; Salvador Rodriguez, *TikTok insiders say social media company is tightly controlled by Chinese parent ByteDance*, CNBC (June 25, 2021), <https://www.cnbc.com/2021/06/25/tiktok-insiders-say-chinese-parent-bytedance-in-control.html>.

⁵ Alexandra S. Levine, *TikTok Parent ByteDance’s ‘Sensitive Words’ Tool Monitors Discussion of China, Trump, Uyghurs*, Forbes (May 1, 2023), <https://www.forbes.com/sites/alexandralevine/2023/05/01/tiktok-bytedance-suppression-tool-trump-china-uyghurs/?sh=6b025619434c>

⁶ Protecting Kids Online: Snapchat, TikTok, and YouTube, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, and Data Security (Oct. 26, 2021).

⁷ *Id.*

⁸ TikTok: How Congress Can Safeguard American Data Privacy and Protect Children from Online Harms, House Energy and Commerce Committee (Mar. 23, 2023).

⁹ Letter from Shou Zi Chew, CEO, TikTok, to Marsha Blackburn et.al (June 30, 2022).

“Myths vs. Fact” document published about Project Texas, its attempt to allay concerns about spying from China, TikTok states that “employees of [ByteDance] are restricted from access to U.S. user databases, with no exceptions.” Again, these claims to not appear to be accurate.

We are deeply troubled by TikTok’s recurring pattern of providing misleading, inaccurate, or false information to Congress and its users in the United States, including in response to us during oversight hearings and letters. We request answers to the following questions by June 16, 2023:

1. Under what conditions does TikTok currently store information or personal data about American users on servers located in China, or allow employees that are based in China or associated with ByteDance to access that data?
2. At the time that Mr. Beckerman testified in October 2021 that “U.S. user data is stored in the United States,” what American data was stored by, or accessible to, China or ByteDance?
3. Is there anything from Mr. Beckerman’s testimony in October 2021 or your testimony in March 2023 that TikTok believes merits correction?
4. Why did you and Mr. Beckerman previously testify that TikTok does not store user data in China when *Forbes* and *New York Times* reports have clearly found otherwise?
5. Did TikTok notify CFIUS that it continued to store U.S. user data on servers in China, and if so, when?
6. For how long has the user data related to the TikTok Creator Fund referenced in the *Forbes* report been stored in China and why did TikTok store that data in China?
7. Detail the scope of the U.S. user information stored on servers in China related to the TikTok Creator Fund or any other programs. The *Forbes* report references “sensitive financial information, including social security numbers and tax IDs.”
8. According to the *New York Times* report, U.S. TikTok user data shared on Lark was stored on servers in China as recently as late 2022. For how long was that user data being stored in China and is any Lark data from U.S. users still stored or retained on servers in China?
9. China’s National Intelligence Law requires organizations and citizens to “support, assist and cooperate with the state intelligence work.” Can ByteDance or TikTok be compelled to share U.S. user data stored in China to Beijing?

10. Has TikTok taken any steps to investigate whether data related to the TikTok Creator Fund or any other U.S. user data stored in China or accessible to ByteDance employees was shared with officials of the Chinese Communist Party or the Chinese government?
11. Has TikTok and/or ByteDance deleted the U.S. user data referenced in the *New York Times* and *Forbes* reports from its servers in China? Do you intend to maintain those as backup to the cloud infrastructure, as well?
12. Are TikTok employees still using Lark for internal messaging and management functions? Is ByteDance still involved in the development and maintenance of this data sharing tool?
13. The *New York Times* report mentioned the sharing between employees on Lark of sexually explicit images of children as young as 3 years old. We previously wrote to TikTok to ask a series of questions about how the company handles the moderation of such content.¹⁰ What protocols do you use to ensure the appropriate handling and reporting of these unlawful materials?
14. What oversight, involvement, or role does TikTok have with other products offered by ByteDance to users in the United States, such as Lemon8 or CapCut?

Sincerely,



Marsha Blackburn
United States Senator



Richard Blumenthal
United States Senator

¹⁰ Letter to Shou Zi Chew, CEO, TikTok, from Senators Marsha Blackburn and Richard Blumenthal (Aug. 18, 2022).