

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL**



**Karl A. Racine  
Attorney General**

**Office of Consumer Protection**

**In the Matter of  
Facebook Vaccine Misinformation**

**DEMAND FOR PRODUCTION  
OF DOCUMENTS**

To: Facebook, Inc.  
1601 Willow Road  
Menlo Park, CA 94025

Serve On: Corporation Service Company  
1090 Vermont Ave. NW  
Washington, D.C. 20005  
info@cscglobal.com

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The Office of the Attorney General for the District of Columbia is investigating whether Facebook, Inc., its affiliates, or others may have violated one or more of the provisions of the District of Columbia Consumer Protection Procedures Act, D.C. Code § 28-3901, *et seq.*, in connection with representations regarding efforts to prevent and remove vaccine misinformation from the Facebook platform.

Pursuant to D.C. Code § 28-3910, and by the authority vested in the Attorney General for the District of Columbia, you are hereby required to produce the documents and information requested below, on or before July 9, 2021, via electronic production to the attention of:

Office of the Attorney General for the District of Columbia  
Attn: Kenneth Barrington, Investigator  
400 Sixth Street NW, 10th Floor  
Washington, DC 20001  
Email: [Kenneth.Barrington2@dc.gov](mailto:Kenneth.Barrington2@dc.gov)

Questions regarding this subpoena should be directed to the Director of the Office of Consumer Protection Benjamin Wiseman at [benjamin.wiseman@dc.gov](mailto:benjamin.wiseman@dc.gov).

## **I. DEFINITIONS**

1. “**And**” and “**or**” are terms of inclusion and not of exclusion and shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this subpoena any document or information that might otherwise be construed to be outside its scope.
2. “**Document(s)**” means written, recorded and graphic material of every kind, including all Electronically Stored Information. The term “document(s)” includes electronic correspondence, drafts of documents, and copies of documents that are not identical duplicates of the originals. Document(s) includes the labels or metadata associated with each original or copy.
3. “**Electronically Stored Information,**” or “**ESI,**” means the complete original and any non-identical copy (whether different from the original because of notations, different metadata, or otherwise) of any electronically created or stored information, including but not limited to e-mail, instant messaging, videoconferencing, SMS, MMS, or other text messaging, and other electronic correspondence (whether active, archived, unsent, or in a sent or deleted-items folder), word-processing files, spreadsheets, databases, unorganized data, document metadata, presentation files, and sound recordings, regardless of how or where the information is stored, including if it is on a mobile device.
4. “**You,**” “**your,**” and “**Facebook**” means Facebook, Inc., any parent entities, affiliated entities, predecessor entities, and all of its past and present officers and employees, whether assigned to its principal offices or any of its fields or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of its headquarters, regional, zone and other offices and its employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (*e.g.*, employee of a consultant) by or under the control of Facebook, Inc. (Including all business units and persons previously referred to).

## **II. INSTRUCTIONS**

1. **Documents No Longer in Possession of Respondent/Destroyed Documents:** If any responsive document was, but no longer is, in your possession, custody or control, produce a description of each such document. The description shall include the following:
  - (a) the name of each author, sender, creator, and initiator of such document;
  - (b) the name of each recipient, addressee, or party for whom such document was intended;
  - (c) the date the document was created;
  - (d) the date(s) the document was in use;
  - (e) a detailed description of the content of the document;
  - (f) the reason it is no longer in your possession, custody or control; and
  - (g) the document’s current location.

If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the disposal.

2. **Format and Organization of Responses:** If your response to the subpoena, in total, will exceed 1,000 pages, documents shall be produced in the following searchable electronic format that can be loaded into a document review program: single-page Tagged Image Format files (.tiff), an index file containing relevant metadata, and all file, record, instructions, codes, or other information necessary to retrieve or interpret the data. If your response, in total, will be less than 1,000 pages, documents may be produced as individual, searchable PDF files.

If any portion of your production consists of ESI and cannot be produced in the above-format, those documents should be produced in their native format. You should take reasonable steps to maintain any responsive ESI in its original native format. For responsive information contained in databases, produce the database in its native format as well as converted into in Excel spreadsheet format (.xls), or if not possible, a comma-separated text file (.csv) format.

Regardless of the format of production, all documents must be marked with a unique, consecutive control number (*i.e.* Bates stamp). Responsive documents shall also be accompanied by an index that identifies: (i) the name of the custodian of the document; (ii) the full Bates-range for that document; (iii) the request or requests to which the document responds; and (iv) the format of the original document (such as hardcopy, email, electronic document, etc.).

You must submit each separate production via an electronic medium, or if one is not available on a CD, DVD, USB thumb drive or hard drive, using the media requiring the least number of deliverables. Each production should be accompanied by a cover letter setting out the Bates-range for the production, a list of each piece of media included in the production, and an updated document index required by the prior paragraph.

If you have any questions about these instructions, or would like to discuss alternative formats for any portions of your production, please contact the Assistant Attorney General identified on the first page of this subpoena.

3. **Privileged Documents:** If any responsive document is withheld under any claim of privilege, provide a detailed privilege log that contains at least the following information for each document that you have withheld:
  - (a) the name of each author, writer, sender, creator, or initiator of such document;
  - (b) the name of each recipient, addressee, or party for whom such document was intended;
  - (c) the date of such document, or an estimate thereof if no date appears on the document;
  - (d) the general subject matter of the document; and

- (e) the claimed grounds for withholding the document, including—but not limited to—the nature of any claimed privilege and grounds in support.
4. **Duty to Supplement:** All document requests are continuing in nature so as to require the supplementary production if you obtain further responsive documents or information. You are also required to amend your responses to the requests contained within this subpoena if you discover that the previous response was incorrect or incomplete.
  5. **Relevant Time Period:** Unless otherwise noted, the relevant time period for which documents are requested is from January 1, 2020 to the present. In each instance in which a document is produced in response to a request, the current edition should be produced together with all earlier editions, or predecessor documents during the relevant time period, even though the title of earlier documents may differ from current versions.
  6. **Duty to Preserve Documents:** All documents and/or other data which relate to the subject matter or requests of this subpoena must be preserved. Any destruction involving such documents must cease, even if it is your normal or routine course of business to delete or destroy such documents or data and even if you believe such documents or data are privileged or otherwise need not be produced.
  7. **Certification:** The person to whom the Subpoena is directed or, if it is directed to an entity, any person having knowledge of the facts and circumstances relating to the production, must certify that the response to this Subpoena is true and complete, and that all documents produced were records of regularly conducted business activity. This certification must be made on the form declaration included with this Subpoena.
  8. **Notice of Rights:** Any person to whom a subpoena has been issued under the Consumer Protection Procedures Act, D.C. Code § 28-3901, *et seq.* may exercise the privileges enjoyed by all witnesses, including moving to quash or modify the subpoena in the Superior Court of the District of Columbia on grounds including: (1) the Attorney General failed to follow or satisfy the procedures set forth in this section for the issuance of a subpoena; or (2) any grounds that exist under statute or common law for quashing or modifying a subpoena. In the case of refusal to obey a subpoena issued under this section, the Attorney General may petition the Superior Court of the District of Columbia for an order requiring compliance. Any failure to obey the order of the court may be treated by the court as contempt.

### **III. DOCUMENTS AND INFORMATION REQUESTED**

1. All documents, including communications, that refer or relate to any internal study, analysis, or experimental work regarding COVID-19 vaccines or vaccine hesitancy, including, but not limited to, documents that refer or relate to the experimental work identified by the Washington Post on March 14, 2021.<sup>1</sup>
2. Documents sufficient to identify all Facebook groups, pages, and accounts that have violated Facebook's COVID-19 misinformation policy with respect to content

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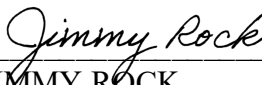
<sup>1</sup> See <https://www.washingtonpost.com/technology/2021/03/14/facebook-vaccine-hesitancy-qanon/>

concerning vaccines, including the identify of any individuals or entities associated with the groups, pages, and accounts; the nature of the violation(s); and the consequences imposed by Facebook for the violation, including whether content was removed or banned from these sources.

3. Documents sufficient to identify the total volume of content that has been removed or demoted by Facebook for violating Facebook's COVID-19 misinformation policy with respect to content concerning vaccines.
4. Documents sufficient to identify (i) the volume of content "in queue" for fact checking review related to COVID-19 vaccine misinformation as of January 1, 2021; (ii) the volume of such content added to the queue between January 2, 2021- June, 1 2021; (iii) the volume of such content reviewed between January 2, 2021- June 1, 2021; (iv) the volume of such content flagged for demotion or removal for violating Facebook's COVID-19 misinformation policy with respect to content concerning vaccines between January 1, 2021- June 1, 2021; (v) the volume of such content actually demoted or removed for violating Facebook's COVID-19 misinformation policy with respect to content concerning vaccines between January 1, 2021- June 1, 2021; and (vi) the volume of content in queue for fact checking review related to COVID-19 vaccine misinformation as of April 2, 2021.

Date: June 21, 2021

KARL A. RACINE  
Attorney General for the District of Columbia

Issued:   
JIMMY ROCK  
Assistant Deputy Attorney General  
Public Advocacy Division

BENJAMIN M. WISEMAN  
Director, Office of Consumer Protection  
Public Advocacy Division  
Office of the Attorney General  
400 Sixth Street, N.W., 10th Floor  
Washington, D.C. 20001  
(202) 741-5226 | benjamin.wiseman@dc.gov

**FORM OF CERTIFICATE OF COMPLIANCE**

I/We have knowledge of the facts and circumstances relating to the production of the information and documents required by the Subpoena to Facebook, Inc. I/We do hereby certify that all information and documents required by the Subpoena that are in the possession, custody, or control of Facebook, Inc., have been submitted to the designated representative named therein or to the District of Columbia Office of Attorney General.

If any information or documentary material otherwise responsive to this Subpoena has been withheld on the basis of objection or privilege, these objections or claims of privilege have been stated in lieu of production.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NOTARY PUBLIC