

# United States Senate

WASHINGTON, DC 20510

April 1, 2021

John Gentry  
President & Chief Executive Officer  
OpenX Technologies, Inc.  
888 East Walnut Street, 2nd Floor  
Pasadena, CA 91101

Dear Mr. Gentry:

We write to seek information about your company's sharing of Americans' personal data in order to understand how that information may be obtained and exploited by foreign governments to the detriment of our national security.

Many of the ads we see on our phones, computers, and smart TVs are curated through a process called real time bidding. In the milliseconds before digital ads are displayed, an auction takes place in which hundreds of companies are able to bid for their ad to be shown. While only one company will win the auction, hundreds of firms participating receive sensitive information about the potential recipient of the ad—device identifiers and cookies, web browsing and location data, IP addresses, and unique demographic information such as age and gender. Your company operates a major advertising auction service.


Few Americans realize that some auction participants are siphoning off and storing “bidstream” data to compile exhaustive dossiers about them. In turn, these dossiers are being openly sold to anyone with a credit card, including to hedge funds, political campaigns, and even to governments.


Over the past year, multiple reports have indicated that a number of federal agencies have purchased personal data derived from mobile apps and other online services, in ways that potentially merit closer scrutiny. But the United States is not the only government with the means and interest in acquiring Americans' personal data. This information would be a goldmine for foreign intelligence services that could exploit it to inform and supercharge hacking, blackmail, and influence campaigns. As Congress debates potential federal privacy legislation, we must understand the serious national security risks posed by the unrestricted sale of Americans' data to foreign companies and governments. To that end, please provide us with answers to the following questions by May 4, 2021:


1. Please identify the specific data elements about users, their devices, the websites they are accessing, and apps they are using that you provide to auction participants.
2. Please identify each company, foreign or domestic, to whom your firm has provided bidstream data in the past three years that is not contractually prohibited from sharing, selling, or using the data for any purpose unrelated to bidding on and delivering an ad.
3. If your firm has contractual restrictions in place prohibiting the sharing, sale, or secondary use of bidstream data, please detail all efforts to audit compliance with these contractual restrictions and the results of those audits.
4. Please identify each foreign-headquartered or foreign-majority owned company to whom your firm has provided bidstream data from users in the United States and their devices in the past three years.

Thank you for your attention to this important matter.

Sincerely,


  
Ron Wyden  
United States Senator

  
Bill Cassidy, M.D.  
United States Senator

  
Kirsten Gillibrand  
United States Senator

  
Mark R. Warner  
United States Senator

  
Sherrod Brown  
United States Senator

  
Elizabeth Warren  
United States Senator