

# EXHIBIT 1

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**BEFORE THE DIVISION OF CONSUMER PROTECTION  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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IN THE MATTER OF: TikTok, Inc.

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS**

**TO: TikTok, Inc.  
5800 Bristol Parkway  
Culver City, CA 90232**

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following papers, books, accounts, documents, electronically stored information, tangible things, and objects, and to permit their inspection, copying, testing, and/or sampling.

**AUTHORITY**

The Division of Consumer Protection (“DCP”) issues this subpoena pursuant to Utah Code § 13-2-6-(5) and Utah Code § 13-11-16(1), DCP has reason to believe that a person has engaged in, is engaging in, or is about to engage in an act or practice that violates the Utah Consumer Sales Practices Act. Utah Code § 13-11-1, *et seq.*

**NOTICES**

**Date and Time of Production:** All documents, answers, reports, and/or tangible things must be produced no later than March 8, 2023.

**Meet and Confer:** You must contact **Douglas Crapo**, counsel for the Division of Consumer Protection as soon as possible to schedule a meeting (telephonic or in person) to be held within fourteen (14) days after you receive this subpoena.

**Douglas Crapo**  
**Division Director, Assistant Attorney General**  
**White Collar and Commercial Enforcement Division**  
**160 East 300 South, 5<sup>th</sup> Floor**  
**Salt Lake City, UT 84111**  
**801-366-0310**  
**crapo@agutah.gov**

At that meeting, you may discuss with counsel any questions you have regarding this subpoena or any possible subpoena modifications that could reduce your cost, burden, or response time yet still provide the DCP with the information they need to pursue their investigations. The meeting will also address how to assert any claims of protected status (e.g.,

privilege, work-product, etc.) and the production of electronically stored information. You must make available at the meeting personnel knowledgeable about your information or records management systems, your systems for electronically stored information, custodian likely to have information responsive to this subpoena, and any other issues relevant to compliance with this subpoena. If you do not schedule and appear to meet and confer, the DCP will treat the subpoena as accepted and may enforce compliance if necessary.

**Certification of Compliance:** You or any person with knowledge of the facts and circumstances relating to the responses to this subpoena must certify that such responses are complete by signing a declaration under penalty of perjury pursuant to Utah Code § 78B-5-705.

**Certification of Records of Regularly Conducted Activity:** Attached is a Certification of Records of Regularly Conducted Activity. Please execute and return this Certification with your response. Completing this certification may reduce the need to subpoena you to testify at future proceedings to establish the admissibility of documents produced in response to this subpoena.

**Definitions and Instructions:** Please review carefully the Definitions and Instructions that accompany the Specifications. They provide important information regarding compliance with this Subpoena.

**Document Retention:** You must retain all documentary materials used in preparing responses to this subpoena. The Division may require the submission of additional documents later during this investigation. **Accordingly, you must suspend any routine procedures for document destruction and take other measures to prevent the destruction of documents** that are in any way relevant to this investigation, even if you believe those documents are protected from discovery. *See* Utah Code § 76-8-510.5.

**Enforcement:** Failure to comply with this subpoena may result in a contempt or civil enforcement action. *See* Utah Code §§ 630-4-501, 78B-6-313.

**Manner of Production:** You may send all responsive documents and tangible things to **Daniella Morreale-Prickett, 160 East 300 South, 2<sup>nd</sup> Floor, 160 East 300 South, Salt Lake City, UT 84111, [dmorreale@utah.gov](mailto:dmorreale@utah.gov)**. You must inform the Division by email or telephone how you intend to produce materials responsive to this subpoena at least five days before the return date.

**Records Classification:** Documents produced to the Division pursuant to this subpoena may be further governed by the Government Records Access and Management Act (GRAMA), and may be introduced as evidence in administrative, civil, and/or criminal proceedings.

### **Instructions**

**1. Rules of construction.** These instructions and the below demands for information and requests to produce documents should be construed to seek the broadest amount of information from respondent. Consistent with this, and without limiting any other terms used herein:

The terms “all,” “and,” “and/or,” “any,” “any and all,” “each,” “each and every,” “every,” and “or” shall be construed to seek the broadest possible information.

The term “including” means “including but not limited to.”

The terms “relating” and “relating to” mean reflecting, referring to, relating to, regarding, discussing, concerning, constituting, mentioning, pertaining to, alluding to, or associated with in any way.

The singular of each word includes the plural and vice versa; the root word and all derivations (“ing,” “ed,” etc.) shall be construed to include each other; and the masculine, feminine, and neuter (“his,” “her,” “it,” etc.) are interchangeable so as to seek the broadest possible information.

Verb tense and number should be construed to seek the broadest possible information.

The scope of each demand or request does not limit any others, but respondent may, if otherwise consistent with these instructions, specifically reference and incorporate the response to another demand or request to avoid duplication.

## 2. Definitions

The following definitions apply to this subpoena:

D-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 Investigative Demand any document or information that might otherwise be construed to be outside its scope.

D-2. **“Affiliate(d)”** means an entity that is related to another entity (e.g., a subsidiary, parent, or sibling corporation) by shareholdings or other means of control. **“Agent”** means an individual, such as a representative, who is authorized to act for or in place of another.

D-3. **“Algorithm”** means any computer-assisted process by which content is retrieved, indexed, catalogued, classified, sorted, flagged, ranked, evaluated, organized, promoted, targeted, elevated, demoted, upranked, downranked, screened, or selected for display to users.

D-4. **“Autocomplete”** means the text-prediction feature of TikTok’s search bar.

D-5. **“Any” and “All”** shall mean each and every.

D-6. **“Communication”** means any and all manner or means of disclosure, transfer, exchange or transmittal of information, whether oral or reduced to writing, whether handwritten, typewritten, recorded, or produced by electronic data processing,

irrespective of how conveyed (e.g., telephone, telegram, telegraph, e-mail, text message, chat, United States mail, private mail personal delivery or courier service, facsimile transmittal, face to face contact, video conferencing, or otherwise), including but not limited to: inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams, advertisements, or other forms of verbal intercourse, whether oral or written.

D-7. “**Content moderation**” means any action to remove content and/or content producers from a product, to reduce the visibility of content and/or content producers on a product, to raise the visibility of content and/or content producers on a product, to apply screens or pop-ups or warnings to certain content or content producers, or to monetarily reward certain content and/or content producers on a product. “Content moderation” also includes any action to recommend or suggest content to users.

D-8. “**Correspondence**” means all letters, electronic mail, telegrams, notices, messages or other written Communications or memoranda, or other records of conversations, meetings, conference or other oral Communications.

D-9. “**Device ID**” is any identifier or any system used to identify a particular users’ internet-enabled device. The term “Device ID” applies equally to an identifier set by an internet-enabled device or an identifier created and assigned by Tik- Tok or an identifier created and assigned or retrieved in any other way.

D-10. “**Document(s)**” is used in the broadest sense of the word under Utah Rules of Civil Procedure, Rule 34, and includes all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including but not limited to, papers, letters, memoranda, Correspondence, electronic Communications (existing in hard copy and/or in electronic storage), invoices, contracts, agreements, manuals, publications, photographs of all types, phonic or visual reproductions of oral statements, conversations, and including but not limited to, any manual, book, pamphlet, periodical, letter, report, memorandum, notation, or message, and all mechanical, magnetic, and electronic records or recordings of any kind, together with the codes and/or programming instructions and other materials necessary to understand and use such systems.

D-11. “**Employee**” means any current or former employee of TikTok or any parent or subsidiary, whether full-time or part-time, regardless of compensation. “Employee” includes any type of employer-employee relationship, including but not limited to independent contractors, and those in the employ of or under contract with entities with whom TikTok contracts for services.

D-12. “**For You Feed**” means a user’s main TikTok landing page, where users are presented with a stream of videos curated by TikTok, and it includes any content appearing there. “For You Feed” further includes any content or meaning commonly ascribed to this word by TikTok.

D-13. “**Manually intervene**” and “**manually alter**” mean any employee-initiated adjustment of any algorithm to alter the output visible to the user, including but not limited to altering search results, search predictions, content recommendations, advertisement targeting, data collection, and content presented on the For You Feed.

D-14. “**TikTok**” refers to the TikTok social media platform, including in any testing or beta phases or iterations, and to the incorporated business entity TikTok Inc., and any and all parents and subsidiaries of TikTok Inc., including ByteDance,<sup>20</sup> and any prior corporate status, and any present or former directors, officers, agents, partners, employees, representatives, attorneys, or any other persons (including any of TikTok Inc.’s affiliates) acting on behalf of, in affiliation with, under the control of, for the benefit of, at the request of, or in concert with TikTok Inc. at any time relevant to the information sought in a demand or request for production.

D-15. “**Officer**” means a person who holds an office of trust, authority, or command, such as a person elected or appointed by the board of directors to manage the daily operations of a corporation, such as a CEO, president, secretary, or treasurer.

D-16. “**Product**” means any broadly available consumer product, offered by TikTok or any of its parents, subsidiaries, or affiliates, in which users may search, post content, and/or view content, including (but not limited to) the TikTok platform.

D-17. Any word not defined herein shall be given its ordinary meaning.

### **3. Instructions for responding to demands for information.**

- a. For each demand contained herein, separately provide your response in writing, under oath, and supported by a completed verification. In responding, divulge all responsive information in your possession, custody, or control. Leave no answer blank: if after exercising due diligence, you cannot fully answer a demand, state the answer to the fullest extent possible and also state why you are unable to answer it more fully.
- b. When a demand for information asks you to describe or explain any of your practices or any function of your products, describe and explain not only current practices and functions but also all relevant past practices and functions.
- c. If you subsequently locate or obtain any responsive information not provided in your initial answers, promptly notify the Attorney General’s Office of this and provide supplemental, verified answers containing the additional information.

### **4. Instructions for responding to requests for producing and producing documents.**

- a. Number all documents in your submission with a unique identifier such as a Bates number. For each request for production, provide a response explaining what you are producing, withholding, and/or objecting to, and identify the specific Bates range within your production where the responsive documents to the request are located. Do not leave

any response blank—if there are no documents responsive to a request, state this in your response.

b. Produce all responsive documents in your possession, custody, or control, including documents held by any person from whom you can request documents. This also includes all drafts and other versions of responsive documents, unless a request specifies otherwise. If you cannot produce all such responsive documents, expressly state this, explain what steps you took to collect responsive documents, and produce what documents you can.

c. If you subsequently locate or obtain any responsive documents not provided in your initial responses, promptly notify the Attorney General's office of this and provide a supplemental production of the additional documents.

d. Form of Production

i. In lieu of producing originals, electronic copies of documents may be provided, so long as such reproductions/copies are accurate, complete, and legible to the same degree as the originals, and the originals from which the reproductions/copies are made are retained by their custodian(s) until the final disposition of this matter.

ii. Please produce all documents in the formant specified at the end of this Investigative Demand in Appendices I and II.

iii. Produce documents in the order in which they appear in your files or as electronically stored. If documents are removed from their original folders, binders, covers, containers, or electronic source, you must specify the folder, binder, cover, container, or electronic media or file paths from which such documents came.

iii. Produce copies of advertisements in color, and you must produce copies of other materials in color if necessary to interpret them or render them intelligible.

**5. Objecting and/or claiming privilege.**

a. If you object (on the basis of privilege or otherwise) to responding to all or some of a demand for information or request for production, or to producing all responsive documents, then state all objection(s) and their specific bases. Claims of privilege must be made in accordance with the below instructions. If only a portion of a demand or request is objected to, then also answer the portion of the demand or request to which an objection has not been made. For example, if respondent objects to any demand or request on the grounds of overbreadth, burdensomeness, vagueness, or relevance, state with specificity the manner in which the demand or request is objectionable and fully respond to the demand or request as narrowed to conform to the objection.

b. When information is withheld from disclosure on a claim that it is subject to privilege or protection as trial-preparation materials (collectively, "privileged"), the claim shall be made expressly and shall be supported by a de-scription of the nature of each withheld document that is sufficient to enable other parties to contest the claim. This shall include: (a) the name of each author, sender, preparer, or other initiator of the communication and his or her business or legal title or position; (b) the name of each actual or intended recipient or addressee of the communication and his or her business or legal title or position; (c) the date or approximate date of the communication; (d) the subject matter of the requested information or communication; and (e) the nature of any privilege asserted and the basis upon which you assert it.

c. If you refuse to provide information in response to any of the attached demands or requests because it tends to prove you committed a crime, or may subject you to fine, penalty, or forfeiture, you should affirmatively state, in every such instance, that is the reason for your refusal to provide information.

d. If a privilege or other protection can be protected by redacting rather than withholding a document, do not withhold the document entirely but rather redact and produce the redacted copy of the document. Provide information sufficient to justify the redaction, consistent with 5(b), supra.

e. Nothing herein constitutes a waiver of any argument that a particular privilege does not apply or that responsive documents or information must otherwise be turned over.

**6. Sensitive Personally Identifiable Information ("Sensitive PU") or Sensitive Health Information ("SHI"):** If any materials responsive to this subpoena contain Sensitive PII or SHI, please contact Division counsel before producing those materials to discuss whether there are steps you can take to minimize the amount of Sensitive PII or SHI you produce, and how to securely transmit such information to the Division.

**7. Modification of Specifications:** The Division Director or his designee must agree in writing to any modifications of this subpoena.

**8. Time period.** Except as otherwise noted, all requests for information and documents seek information from February 24, 2012, to the present.

### SPECIFICATIONS

A. Provide the following information:

1. Explain in detail the basis for the "12+" rating self-assigned to TikTok in Apple's App Store and the "T" for "Teen" rating self- assigned to TikTok in the Google Play store and Microsoft Store.

2. Explain in what ways TikTok "has taken industry-first steps to promote a safe and age-appropriate experience for teens."<sup>1</sup>



3. Explain whether, and if so, how, TikTok “prohibits nudity and sexual solicitation and removes accounts that redirect users to sexual content or services, including on OnlyFans.”<sup>2</sup>
4. Explain how TikTok currently identifies and removes content that violates its Community Guidelines.
5. Explain how TikTok has previously identified and removed content that violates its Community Guidelines, if at all, since the platform’s launch, and provide the date of and reason for any changes made to the Community Guidelines.
6. Provide a list of all hashtags TikTok has banned or restricted and the date on which each hashtag was banned or restricted.
7. Explain how TikTok “work[s] diligently to identify and remove content” that “encourages, promotes, or glorifies dangerous behavior that might lead to injury,” and identify all instances in which TikTok has identified and removed such content.<sup>3</sup>
8. Explain how TikTok acts to disallow “nudity, pornography, or sexually explicit content on [its] platform.”<sup>4</sup>
9. Explain how TikTok acts to disallow “[c]ontent that promotes eating habits that are likely to cause adverse health outcomes.”<sup>5</sup>
10. Explain how TikTok acts to disallow “[c]ontent that depicts a sexual fetish involving a minor.”<sup>6</sup>
11. Explain what warnings TikTok supplies parents and guardians about dangerous content on TikTok, including how TikTok ensures that these warnings reach parents and guardians of child users of TikTok.
12. Explain in detail TikTok’s decisions regarding the creation, design, and implementation of a new algorithm in July 2021, including what changed about the algorithm and the reasons for the changes.<sup>7</sup>

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<sup>1</sup> Rob Barry, et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, WALL ST. J., (Sept. 8, 2021), available at <https://on.wsj.com/3oFpPHU>.

<sup>2</sup> *Id.*

<sup>3</sup> Jack Beresford, *9-Year-Old Boy Dies While Attempting TikTok Challenge*, NEWSWEEK (Oct. 28, 2021), available at <https://bit.ly/3rDQ3wm>.

<sup>4</sup> Community Guidelines, TIKTOK, available at <https://bit.ly/3rI19Ac>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> See Eric Han, *Advancing Our Approach to User Safety*, TIKTOK (July 9, 2021), available at <https://bit.ly/3gFeEdI>.

13. Explain how, if at all, a user's access to content and other capabilities on the TikTok platform is restricted if the user registers as under the age of 21.
14. Explain how, if at all, a user's access to content and other capabilities on the TikTok platform is restricted if the user registers as under the age of 16.
15. Describe in detail what information TikTok collects from users when they create a TikTok account, including any methods of age verification.
16. Describe in detail any technology TikTok has developed, has used, or is using that would allow TikTok to estimate users' actual ages, including users under age 13 or under age 16 or under age 21.
17. Describe in detail whether any technology covered by the previous question (Demand for Information 16) has been used or is currently in use on the TikTok platform.
18. Describe in detail any knowledge TikTok possesses about the efficacy of any technology covered by the previous two questions (Demand for Information 16 and 17) in determining the actual age of an individual user, or any knowledge TikTok possesses about the likelihood that users under 13 have TikTok accounts and the number of these underage users.
19. Describe in detail any research conducted by or commissioned by or otherwise known to TikTok about any correlation between use of the TikTok platform and suicidal ideation and/or suicide among children under age 18.
20. Describe in detail any research conducted by or commissioned by or otherwise known to TikTok about any correlation between use of the TikTok platform and pornography addiction among children under age 18.
21. Describe in detail any research conducted by or commissioned by or otherwise known to TikTok about any correlation between use of the TikTok platform and eating disorders among children under age 18.
22. Explain in detail what user information is collected through the TikTok app or platform as a result of the user's use of the app or platform.
23. Explain what, if any, information is collected through the TikTok app or platform about comments, posts, direct messages or other activities that a user drafts but chooses not to send or publish, including any metadata collected about those activities or the collection of the drafted material directly.
24. To the extent TikTok collects any information pursuant to the above question (Demand for Information No. 23), explain in detail whether, and if so, how, users are informed about this data collection and give their consent.

25. Explain whether and, if so, to what extent, TikTok collects data from or conducts research on child users under age 18.
26. Explain whether and, if so, how, TikTok seeks parental consent before collecting data or conducting research on children under age 18.
27. Explain in detail any strategic intention or decision by TikTok to attract child users under age 18 to TikTok.
28. Explain in detail any employee directives, including any compensation awards, that are linked to increasing the number of child users under age 18 who use the TikTok platform or register for TikTok accounts.
29. Explain in detail any employee directives, including any compensation awards, that are linked to growing or maximizing the amount of engagement between child users under age 18 and the TikTok platform.
30. Explain in detail TikTok's understanding of parental involvement in, knowledge of, and/or control of child users' (under age 18) use of the TikTok platform. Include information about available parental controls and the percentage of accounts for users under age 18 for which parental controls are enabled or in use.
31. Explain in detail whether, and if so, to what extent, TikTok allows advertisers to target child users under age 18, including how any such targeting occurs.
32. Explain in detail whether TikTok allows advertisers to market mental health self-diagnosis tools or to promote mental health self-diagnosis to users, including but not limited to the advertisers Cerebral and Done, which purport to offer online tools for diagnosing and coping with attention deficit hyperactivity disorder (ADHD).<sup>8</sup> Include the dates on which any relevant advertisements appeared to TikTok users, the number of user impressions made, and the number of user impressions made to users under age 18.
33. Explain in detail any knowledge TikTok possesses about users, and especially child users, relating to the platform in a way that could be described as "addictive," including through "rabbit-holing," meaning the practice of using the platform for long periods of time without breaks, including but not limited to viewing content of a single type for long periods.
34. Describe in detail any knowledge, statistical or otherwise, possessed by TikTok that suggests that TikTok exacerbates mental health problems in already-vulnerable populations, including but not limited to individuals already suffering from depression, eating disorders, or suicidal ideation.

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<sup>8</sup> Olivia Long, *TikTok Is Enabling Predatory ADHD Advertisers to Target Young Users*, MEDIA MATTERS, available at <https://www.mediamatters.org/tiktok/tiktok-enabling-predatory-adhd-advertisers-target-young-users>.

35. Describe in detail any knowledge, statistical or otherwise, or research possessed by or known to TikTok that suggests that TikTok produces an addictive or addiction-like response in some or all users, including but not limited to the effects of TikTok's platform on users' attention span or dopamine responses.
36. Describe in detail any knowledge, statistical or otherwise, or research possessed by or known to TikTok that relates to the relationship between video length and user engagement, including but not limited to the length of video that maximizes user engagement on the TikTok platform.
37. Describe in detail any knowledge TikTok possesses about the way some subsets of the wider population respond to TikTok usage, including but not limited to statistical subsets of the wider population of TikTok users whose use correlates to greater experience of mental health problems even if statistics about the wider population of TikTok users would not suggest such a correlation.
38. Describe in detail how the TikTok algorithm chooses what content to promote in a user's "For You Feed."
39. State whether the TikTok algorithm chooses what content to promote in a user's "For You Feed" differently for adult users as compared to users under age 18.
40. Describe in detail how the TikTok algorithm chooses what search results to suggest or autopopulate as part of the TikTok platform's Autocomplete feature.
41. State whether the TikTok algorithm chooses what search results to suggest or autopopulate as part of the TikTok platform's Autocomplete feature differently for adult users as compared to users under age 18.
42. Explain in detail whether, and if so, to what extent, any employee of TikTok may manually intervene or manually alter any search results or the promotion of any content (advertising or otherwise) in any aspect of a user's experience with the TikTok platform.
43. Explain in detail the priorities for which the TikTok algorithm is designed as relates to search results or the promotion of any content (advertising or otherwise) in a user's "For You Feed," or any other aspect of the platform. For example, explain whether the TikTok algorithm is designed to maximize engagement (and if so, what types of engagement), time spent, quality of engagement, and/or any other priority of TikTok.
44. For any priority outlined in the question above (Demand for Information No. 43) please explain any research that supports the value of that priority for TikTok from a business perspective or otherwise.
45. Explain in detail whether all TikTok accounts are subject to the same Community Guidelines and content moderation or whether some TikTok accounts or users are exempt

from some or all of the Community Guidelines or any particular form of content moderation.

46. If not all TikTok accounts are subject to the same Community Guidelines and content moderation (see above, Demand for Information No. 45), then explain in detail which TikTok accounts or users are exempt from some or all of the Community Guidelines or any particular form of content moderation and how such TikTok accounts or users are selected for such specialized treatment.

47. List all, if any, third-party fact checkers with whom TikTok contracts for fact-checking services on the TikTok platform.

48. Explain in detail whether and, if so, how and to what extent, TikTok collects, relies on, or uses a user's geographic details (e.g., user location, user's registration address, etc.), including (but not limited to) whether and if so, how and to what extent, TikTok collects and relies on a user's geographic location in relation to that of other users (for example, recommending content to a user based on content another user has viewed after the two users spend time in the same geographic location).

49. Explain in detail what information TikTok currently collects or has collected in the past related to a user's "app and file names," "keystroke patterns or rhythms," "audio settings and connected audio devices."

50. Describe in detail whether and how TikTok "associate[s] you [the user] with information collected from devices other than those you use to log-in to the Platform."<sup>10</sup>

51. List the names of any and all employees who have been responsible for or have participated in any efforts to drive user engagement on the TikTok platform, including for users under age 18.

52. State the number of TikTok users who have more than one TikTok account.

53. Estimate the number of secondary TikTok accounts held by child users (under age 18).

54. Estimate the number of secondary TikTok accounts held by child users (under age 18) in Utah.

55. Explain how advertisers purchase advertising space or views on TikTok.

56. Explain whether advertisers' purchases of advertising space or views on TikTok take account of the existence of multiple accounts for some users, and if so, how.

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<sup>9</sup> Privacy Policy, TIKTOK, available at <https://bit.ly/3LpLcGH>.

<sup>10</sup> *Id.*

57. List and describe the filters available on TikTok now or at any time in the past that might reasonably be considered “beauty” filters meant to enhance a person’s features and include photos with and without each filter’s overlay.

58. State whether any “beauty” filters encompassed in the previous demand (Demand for Information No. 57) have been made equally available to users under age 18 as to adult users, or if any such “beauty” filters have been restricted for users under age 18; and if such “beauty filters” have been restricted at any time, the dates of any such restrictions.

59. State whether TikTok has ever instructed moderators or other employees to suppress posts from users considered “too ugly, poor, or disabled for the platform.”<sup>11</sup>

60. State whether any TikTok entities incorporated in the United States share user data or other data about platform usage with entities in the TikTok Inc. corporate family that are incorporated or located outside of the United States, including in China.

61. Describe in detail any policies or procedures according to which any TikTok entities incorporated in the United States share user data or other data about platform usage with entities in the TikTok Inc. corporate family that are incorporated or located outside of the United States, including in China.

62. List chronologically and describe any restrictions TikTok has imposed on the hashtags #thinspiration, #thinspo, #proanorexia, #ana, #thinspoooo, #proana, #bulimia, #anaismyfriend, #ednos, #bodycheck, and #bodychecking including for each hashtag the date range for each applicable restriction and the nature of that restriction (e.g., search results hidden, warning label offered, etc.).

63. For all of the hashtags listed in the preceding Demand for Information No. 62, state whether TikTok’s Autocomplete feature has ever suggested any of the listed hashtags to users when those users were typing in TikTok’s search bar, and if so, state the date ranges for which each hashtag was eligible for Autocomplete.

64. List chronologically and describe any restrictions TikTok has imposed on the hashtags #selfharm, #self-harm, #selfharn, #self-harn, #selfharmmm, #selfinjury, #selfinjuryy, #selfinjuryyy, #suicide, #depression, #MySecretFamily, #MySe-cretFamily, #blithe, and #ehtilb, including the date range for each applicable restriction and the nature of that restriction (e.g., search results hidden, warning label offered, etc.).

65. For all of the hashtags listed in the preceding Demand for Information No. 64, state whether TikTok’s Autocomplete feature has ever suggested any of the listed hashtags to users when those users were typing in TikTok’s search bar, and if so, state the date ranges for which each hashtag was eligible for Autocomplete.

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<sup>11</sup> Sam Biddle, et al., *Invisible Censorship*, THE INTERCEPT (Mar. 16, 2020), available at <https://bit.ly/3LsuRB6>.

66. List chronologically and describe any restrictions TikTok has imposed on the hashtags #skullbreakers, #skullbreakerchallenge, #deviouslicks, #deviouslickschallenge, #dryscooping, #dryscoopingchallenge, #benadryl, #bendarylchallenge, #blackout, #blackoutchallenge, #chachaslide, #chachaslidechallenge, #lugnut, and #lugnutchallenge, and for any variations of these hashtags, including the date range for each applicable restriction and the nature of that restriction (e.g., search results hidden, warning label offered, etc.).

67. For all of the hashtags listed in the preceding Demand for Information No. 66, state whether TikTok's Autocomplete feature has ever suggested any of the listed hashtags to users when those users were typing in TikTok's search bar, and if so, state the date ranges for which each hashtag was eligible for Autocomplete.

68. State whether Beijing ByteDance Technology is an "affiliate of [TikTok's] corporate group" as that term is defined in TikTok's privacy policy.<sup>12</sup>

69. State whether TikTok's parent company, ByteDance Ltd., has ever communicated with TikTok regarding the substance of content displayed on TikTok.

70. State whether any TikTok employee has ever communicated with an official or employee of either the Chinese government or the Chinese Communist Party.

71. State whether any person in China may access any data that is generated by use of TikTok within the United States. If so, state what data is accessible within China.

72. State whether information about any TikTok user has been offered to or provided to any person in China, whether or not that person is an employee of TikTok Inc.

73. Describe any and all procedures that relate to TikTok's response, if any, to border cartels using TikTok to recruit teens to drive migrants into the United States.<sup>13</sup>

74. List all third-party trackers affiliated with TikTok and describe in detail the information made accessible to each one through TikTok.

75. State whether the TikTok app complies with all policies set out by the Apple App Store, Google Play Store, and Microsoft Store.

76. State whether, once downloaded on any device by a user, the TikTok app continues to comply at all times with all policies set out by the Apple App Store, Google Play Store, and Microsoft Store. If not, describe in detail any ways in which the TikTok app has been or can be modified after downloading in a way that would violate the policies of the Apple App Store, Google Play Store, or Microsoft Store if that modification had been included in the originally downloaded version of the TikTok app.

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<sup>12</sup> Privacy Policy, TIKTOK, available at <https://bit.ly/3LpLcGH>.

<sup>13</sup> Adam Shaw & Aishah Hasnie, *Border Cartels Using TikTok, Social Media to Recruit US Teens to Smuggle Migrants*, N. Y. POST (April 21, 2021), available at <https://bit.ly/35Uqcrq>.

77. Describe each and every type of Device ID TikTok uses or has used in relation to any user or internet-enabled device, for any purpose.

78. State whether TikTok allows any third party to access any Device ID(s) or otherwise shares Device ID(s) with any third party. If so, for each such third party state: the name of the third party, the type of Device ID made available to that third party, the date range for which the type of Device ID was made available to that third party (including whether the availability is ongoing), and the approximate number of unique Device IDs made available to that third party.

79. State specifically whether any Chinese entity receives Device IDs from TikTok or can access them through the TikTok app.

80. State whether TikTok has restricted any hashtags, removed any content, or otherwise restricted any user activity because that activity commented on or otherwise related to political unrests or protests in Hong Kong. If yes, describe in detail the nature of any such restriction on user activity.

**B. Document Requests:** Produce the following documents:

1. A copy of each iteration of TikTok's Community Guidelines, from the inception of those Guidelines.
2. Any and all documents related to TikTok's decision to self-select ratings of "12+" in the Apple App Store and "T" for "Teen" in the Google Play store and Microsoft Store.
3. Any and all documents supporting how TikTok "has taken industry first steps to promote a safe and age-appropriate experience for teens."<sup>14</sup>
4. Any and all documents describing or relating to how TikTok identifies and removes content that violates its Community Guidelines (or, if past methods are different than present methods, any and all documents describing or setting out how TikTok has identified and removed content at any time since TikTok's inception).
5. Any and all documents describing or related to how TikTok identifies hashtags to restrict or eliminate (including by posting warnings or redirecting users).
6. Any and all documents related to TikTok's decision to develop and the development of a new algorithm in July 2021.
7. Any and all documents describing the ability or inability of TikTok to restrict a user's access to content or other capabilities on TikTok based on the user's age.

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<sup>14</sup> Rob Barry, et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, WALL ST. J., (Sept. 8, 2021), available at <https://on.wsj.com/3oFpPHU>.



8. Any and all documents describing the information TikTok collects (or has considered collecting) from users when they create a TikTok account, including any methods of age verification.
9. Any and all documents relating to any technology TikTok has considered or developed that would help verify the age of users.
10. Any and all documents related to the efficacy of TikTok's age verification.
11. Any and all documents about whether any technology covered by the previous question (Request No. 10) has been used or is currently in use on the TikTok platform.
12. Provide a copy of all advertisements marketing or promoting mental health self-diagnosis that TikTok has displayed to users, including a copy of all advertisements run by the advertisers Cerebral and Done.
13. Any and all documents related to research TikTok has conducted, commissioned, or is aware of regarding any correlation between the use of TikTok by children under age 18 and suicidal ideation and/or suicide.
14. Any and all documents related to research TikTok has conducted, commissioned, or is aware of regarding any correlation between the use of TikTok by children under age 18 and pornography addiction.
15. Any and all documents related to research TikTok has conducted, commissioned, or is aware of regarding any correlation between the use of TikTok by children under age 18 and eating disorders.
16. Any and all documents related to research TikTok has conducted, commissioned, or is aware of regarding any correlation between the use of TikTok by children under age 18 and depression or mental health strain.
17. Any and all documents related to information TikTok collects from users or has considered collecting from users, including metadata or data about what users type and choose not to send or post.
18. Any documents about whether and, if so, to what extent, TikTok collects data from or conducts research on child users under age 18.
19. Any documents about whether and, if so, how, TikTok seeks parental consent before collecting data or conducting research on children under age 18.
20. Any and all documents about TikTok's intention or decision or goal to attract child users under age 18 to TikTok.

21. Any and all documents that describe any testing that TikTok has conducted about what does or does not (or how to) drive user engagement on TikTok, including for users under age 18.
22. Any documents about any employee directives, including any compensation awards, that are linked to increasing the number of young people under age 18 who use the TikTok platform.
23. Any and all documents about any employee directives, including any compensation awards, that are linked to growing or maximizing the amount of engagement between young users (under age 18) and the TikTok platform.
24. Any and all documents related to TikTok's knowledge of parental involvement in, knowledge of, and/or control of young users' (under age 18 age) use of the TikTok platform.
25. Any and all documents that describe, estimate, or otherwise relate to TikTok's knowledge of the number of secondary TikTok accounts held by child users (under age 18).
26. Any and all documents that describe, estimate, or otherwise relate to TikTok's knowledge of the number of secondary TikTok accounts held by child users (under age 18) in Utah.
27. Any and all documents about or related to the ability of advertisers to target child users (under age 18).
28. Any and all documents related to TikTok's ability to target advertisements to child users (under age 18), whether or not at the direction of the advertiser.
29. Any and all documents TikTok possesses about users, especially child users, using the TikTok platform in a way that could be described as "addictive," including through "rabbit-holing."
30. Any and all documents related to TikTok's knowledge, statistical or otherwise, that TikTok exacerbates mental health problems in already-vulnerable populations, including but not limited to individuals already suffering from depression, eating disorders, or suicidal ideation.
31. Any and all documents related to TikTok's knowledge, statistical or otherwise, or research known to TikTok that suggests that TikTok produces an addictive or addiction-like response in some or all users, including but not limited to the effects of TikTok's platform on users' attention span or dopamine responses.
32. Any and all documents related to TikTok's knowledge, statistical or otherwise, or research possessed by or known to TikTok that relates to the relationship between video

length and user engagement, including but not limited to the length of video that maximizes user engagement on the TikTok platform.

33. Any and all documents related to TikTok's knowledge of the way some subsets of the wider population respond to TikTok usage, including but not limited to statistical subsets of the wider population of TikTok users whose use correlates to greater experience of mental health problems even if statistics about the wider population of TikTok users would not suggest such a correlation.

34. Any and all documents related to how the TikTok algorithm chooses what content to promote in a user's For You Feed.

35. Any and all documents related to how the TikTok algorithm chooses what content to promote in a user's For You Feed differently for adult users as compared to users under age 18, if the TikTok algorithm does promote content differently between these two groups.

36. Any and all documents related to how the TikTok algorithm chooses what search results to suggest or autopopulate as part of the TikTok platform's Autocomplete feature.

37. Any and all documents related to how the TikTok algorithm chooses what search results to suggest or autopopulate as part of the TikTok platform's Autocomplete feature differently for adult users as compared to users under age 18, if the TikTok algorithm does suggest results differently between these two groups.

38. Any and all documents related to how any employee of TikTok may manually intervene or manually alter any search results or the promotion of any content (advertising or otherwise) in any aspect of a user's experience with the TikTok platform.

39. Any and all documents related to the priorities for which TikTok designs its algorithm, including, if applicable, user engagement.

40. Any and all documents related to whether all accounts are subject to the same Community Guidelines and content moderation, and if not, which accounts are not and how those accounts are selected for special treatment.

41. Any and all documents relating to TikTok's relationship with third-party fact checkers with whom TikTok contracts for fact-checking services on the TikTok platform, if any.

42. Any and all documents relating to how TikTok collects, uses, or relies on geographic information collected from users.

43. Any and all documents relating to how advertisers purchase space or views on TikTok.

44. Any and all documents related to designing and making available on TikTok now, or at any time in the past, filters that might reasonably be considered “beauty” filters meant to enhance a person’s features.

45. Any and all documents related to any effort or directive at any time to suppress content from users considered too ugly, unattractive, poor, or disabled for the TikTok platform.

46. Any and all documents related to the practice of TikTok entities incorporated in the United States sharing user data or other data about platform usage with entities in the TikTok Inc. corporate family that are incorporated or located outside of the United States, including in China.

47. Any and all documents related to any content moderation decisions TikTok has made that have imposed restrictions on the hashtags #thinspiration, #thinspo, #proanorexia, #ana, #thinspoooo, #proana, #bulimia, #anaismyfriend, #ednos, #bodycheck, and #bodychecking.

48. Any and all documents related to any content moderation decisions TikTok has made that have imposed restrictions on the hashtags #selfharm, #self-harm, #selfharn, #self-harn, #selfharmmm, #selfinjury, #selfinjuryy, #selfinjuryyy, #suicide, #depression, #MySecretFamily, #MySe-cretFamily, #blithe, and #ehtilb.

49. Any and all documents related to any content moderation decisions TikTok has made that have imposed restrictions on the hashtags #skull- breakers, #skullbreakerchallenge, #deviouslicks, #deviouslickschallenge, #dryscooping, #dryscoopingchallenge, #benadryl, #bendarylchallenge, #blackout, #blackoutchallenge, #chachaslide, #chachaslidechallenge, #lugnut, and #lugnutchallenge, and for any variations of these hashtags.

50. Any and all communications between TikTok and Beijing ByteDance Technology, the domestic subsidiary of ByteDance Ltd.

51. Any and all communications involving both TikTok and an official or employee of the Chinese government, including communications relayed through ByteDance Ltd. or any other person or entity.

52. Any and all documents that relate to TikTok’s response, if any, to border cartels or other human smugglers using TikTok to recruit teens or other users to drive or otherwise transport migrants into the United States.

53. Any and all documents that refer or relate in any way to the Wall Street Journal's coverage of TikTok in July or September 2021, and any and all documents that refer or relate in any way to coverage by other news outlets concerning the Wall Street Journal’s reporting on TikTok from in July or September 2021.

54. Any and all documents provided to any state or state investigative body or federal agency or Congress in relation to any investigation of unfair or deceptive trade practices as defined by any state or federal laws.

55. Any and all documents related to the origination and development of TikTok's Community Guidelines.

### INSTRUCTIONS

If you have any questions about the demands of this subpoena, please call Daniella Morreale-Prickett at (801) 530-6345 during business hours.

**SO ORDERED** this 6th day of February 2023.

UTAH DIVISION OF CONSUMER  
PROTECTION



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Katherine Hart, Division Director



## Appendix I. Electronic Document Production Specifications

Unless otherwise agreed to by the Montana Attorney General's Office, all responsive documents must be produced in accordance with the following instructions.

1. Concordance Production Components:
  - A. **Metadata Load File.** A delimited text file that lists the required metadata for each produced document.
  - B. **Extracted or OCR Text Files.** Document-level extracted text for each produced document or document-level optical character recognition ("OCR") text where extracted text is not available.
  - C. **Single-Page Image Files.** Individual images of the produced documents in tagged image file format ("TIF"), with page-level Bates number endorsements.
  - D. **Opticon Load File.** A comma delimited text file that lists the single- page TIF files for each produced document and defines (i) the relative location of the TIF files on the production media and (ii) each document break.
  - E. **Native Files.** Native format versions of non-printable or non-print friendly produced documents.
2. Production Folder Structure. The production must be organized according to the following standard folder structure with a limit of 1000 files per subfolder:
  - data\ (contains production load files)
  - images\ (contains single-page TIF files, with subfolder organization)\0001, \0002, \0003...
  - native files\ (contains native files, with subfolder organization)\0001, \0002, \0003...
  - text\ (contains text files, with subfolder organization)\0001, \0002, \0003...
3. De-Duplication. You may perform global de-duplication of stand-alone documents and email families against any prior productions pursuant to this or previously related Investigative Demands.
4. Paper or Scanned Documents. Documents that exist only in paper format must be scanned to single-page TIF files and OCR'd. The resulting electronic files should be produced in Concordance format pursuant to these instructions. You must contact the Assistant Attorney General whose telephone number appears on the Investigative Demand to discuss (i) any documents that cannot be scanned, and (ii) how information for scanned documents should be represented in the metadata load file.
5. Structured Data. Before producing structured data, including but not limited to relational databases, transactional data, and xml pages, you must first speak to the

Assistant Attorney General whose telephone number appears on this Investigative Demand. Spreadsheets are not considered structured data.

6. Media and Encryption. All documents must be delivered on encrypted media. Encrypted flash drives or encrypted external hard drives are the preferred deliverable media.

7. Production File Requirements.

**A. Metadata Load File**

- Required file format:
  - ASCII or UTF-8
  - Windows formatted CR + LF end of line characters, including full CR+ LF on last record in file.
  - .dat file extension
  - Field delimiter: (ASCII decimal character 20)
  - Text Qualifier: p (ASCII decimal character 254). Date and pure numeric value fields do not require qualifiers.
  - Multiple value field delimiter: (ASCII decimal character 59)
- The first line of the metadata load file must list all included fields. All required fields are listed in Attachment 2.
- Fields with no values must be represented by empty columns maintaining delimiters and qualifiers.
- All documents must have page-level Bates numbering (except documents produced only in native format, which must be assigned a document-level Bates number). The metadata load file must list the beginning and ending Bates numbers (BEGDOC and ENDDOC) for each document.
- For document families, including but not limited to emails and attachments, compound documents, the metadata load file must also list the Bates range of the entire document family in the BEG\_ATTACH and END\_ATTACH fields beginning with the first Bates number (BEGDOC) of the "parent" document and ending with the last Bates number (ENDDOC) assigned to the last "child" in the document family.
- Date and Time metadata must be provided in separate fields.
- Accepted date formats:
  - mm/dd/yyyy
  - yyyy/mm/dd
  - yyyymmdd
- Accepted time formats:
  - hh:mm:ss (if not in 24-hour format, you must indicate am/pm)
  - hh:mm:ss:mmm

**B. Extracted or OCR Text Files**

- You must produce individual document-level text files containing the full extracted text for each produced document.

- When extracted text is not available you must provide individual document-level text files containing the document's full OCR text.
- The filename for each text file must match the document's beginning Bates number (BEGDOC) listed in the metadata load file.

### **C. Single-Page Image Files**

- Where possible, all produced documents must be converted into single-page tagged image format ("TIF") files. See Section E below for instructions on producing native versions of documents you are unable to convert.
- Each single-page TIF file must be endorsed with a unique Bates number.
- The filename for each single-page TIF file must match the unique page-level Bates number (or document-level Bates number for documents produced only in native format).
- Required image file format:
  - CCITT Group 4 compression
  - 2-Bit black and white
  - 300 dpi
  - Either .tif or .jpg (for color images) extensions
- Where possible documents should not span multiple subfolders.

### **D. Opticon Load File**

- Required file format:
  - ASCII
  - Windows formatted CR + LF end of line characters
  - Field delimiter: , (ASCII decimal character 44)
  - No Text Qualifier
  - .opt or .log file extension
- The comma-delimited Opticon load file must contain the following seven fields (as indicated below, values for certain fields may be left blank):
  - ALIAS or IMAGEKEY: the unique Bates number assigned to each page of the production.
  - VOLUME: this value is optional and may be left blank.
  - RELATIVE PATH: the filepath to each single-page image file on the production media.
  - DOCUMENT BREAK: defines the first page of a document. The only possible values for this field are "Y" or blank.
  - FOLDER BREAK: defines the first page of a folder. The only possible values for this field are "Y" or blank.
  - BOX BREAK: defines the first page of a box. The only possible values for this field are "Y" or blank.
  - PAGE COUNT: this value is optional and may be left blank.
- Opticon Load File Example:  
 ABC00001,,IMAGES\0001\ABC00001.tif,Y,,,2  
 ABC00002,,IMAGES\0001\ABC00002.tif,,,,



ABC00003,,IMAGES\0002\ABC00003.tif,Y,,,1  
ABC00004,,IMAGES\0002\ABC00004.tif,Y,,,1

**E. Native Files**

- Non-printable or non–print friendly documents (including but not limited to spreadsheets, audio files, video files and documents for which color has significance to document fidelity) must be produced in their native format.
- The filename of each native file must match the document’s beginning Bates number (BEGDOC) in the metadata load file and retain the original file extension.
- For documents produced only in native format, you must assign a single document-level Bates number and provide an image file placeholder that states “Document produced only in native for- mat.”
- The relative paths to all native files on the production media must be listed in the FILEPATH field of the metadata load file.
- You may be required to supply a software license for proprietary documents produced only in native format.

## Appendix II. Required Fields for Metadata Load File

Field Name	Description	Example
BEGDOC	Beginning document number	DOCID-0000021
ENDDOC	Ending document number	DOCID-0000021
BEGATT	Beginning Bates number of family group	DOCID-0000001
ENDATT	Ending Bates number of family group	DOCID-0000044
PARENT_ATT EXCEPTION	Parent or attachment flag Flag to denote an error occurred during processing	A Y
FILENAME	Name of the file	filename.docx
ORIGINAL_LOC	Original file location	\\server\folder\...\file-name
FILE_EXT	Extension of file	DOCX
DOC_DESC	Description of file type	MS Office Word 2010
DOCTYPE	Type of document processed	eAttach
FILESIZE	Storage size of file	95 KB
ATTACH_COUNT	Number of documents attached	0
PAGE_COUNT	Number of pages in document	19
AUTHOR	Author field as listed in Microsoft Office Properties	User name
TITLE	Title field as listed in Microsoft Office Properties	Doc title
SUBJECT	(MS) Subject or email subject line	FW: Recent Title 15 Actions

<b>Field Name</b>	<b>Description</b>	<b>Example</b>
FROM	Email sender	Doe, John <John.Doe@mydo- main.com>
TO	Email recipients	Doe, John <John.Doe@mydo- main.com>
CC	Carbon copy recipients	Doe, John <John.Doe@mydo- main.com>
BCC	Blind carbon copy recipients	Doe, John <John.Doe@mydo- main.com>
DATE_SENT	Date email was sent	11/09/2015
TIME_SENT	Time email was sent	03:46:01 PM
DATE_RCVD	Date email was received	11/09/2015
TIME_RCVD	Time email was received	03:46:01 PM
DATE_CREATED	Date file was created	11/09/2015
TIME_CREATED	Time file was created	03:46:01 PM
DATELASTMOD	Date file was last modified	11/09/2015
TIMELASTMOD	Time file was last modified	03:46:01 PM
CONV_TOPIC	Email conversation topic	Title 15 Report
CONV_INDEX	Index of email conversation string	01D11B4084D62935991 0ABD34543A33E81C11 4243C2C
MD5_HASH	MD5 file signature	EB6A55A6F8EE7DDD95 2921AE0D382B8B
FILEPATH	Relative location of native file on delivery media	\folder...\filename
CUST	Custodian name	Doe, John

# EXHIBIT 2



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## [Ext] Utah / TikTok CIDs

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Theo Benjamin <tbenjamin@edelson.com>

Fri, May 26, 2023 at 10:18 AM

To: "Beckley, Shamis" <SBeckley@cooley.com>

Cc: "jrock@edelson.com" <jrock@edelson.com>, "epenkowski@edelson.com" <epenkowski@edelson.com>, "mgadd@agutah.gov" <mgadd@agutah.gov>, "crapo@agutah.gov" <crapo@agutah.gov>, "Grooms, Daniel" <dgrooms@cooley.com>, "Rogers, Shane K" <srogers@cooley.com>, "Gohlke, Melissa" <MGohlke@cooley.com>, "LeBlanc, Travis" <tbleblanc@cooley.com>, "TenBroeck, Craig" <ctenbroeck@cooley.com>, Caitlin Vaughn <cvaughn@edelson.com>

Shamis, Daniel:

Thank you for the call yesterday. We found this helpful. To close the loop on our conversation, below is a short summary of the next steps and action items we identified:

1. **Specifications:** TikTok will respond to these in full, or substantially in full, by June 19.
2. **Native Documents:** We agreed to provide TikTok with certain categories of documents that are difficult to read or cut off in some form. We've identified that .docx or .doc files with internal comments, and .pptx or .ppt files are consistently difficult to read or have information that is cut off. You agreed to take Utah's requests that these be produced natively back to TikTok, and determine whether this is feasible.
3. **Relevant Time Period:** TikTok said it was prioritizing producing documents from 2018-2021, but acknowledged that Utah may require documents prior to that time frame for its investigation. We agreed to provide TikTok with certain categories of document requests that would require searching prior to 2018. You agreed to take this proposal back to the company. We also requested search term hit counts for 2016 to 2018, to assist us with narrowing it down, which you also stated you would take back to the company.
4. **Lark Chats:** You stated TikTok is still working with a third-party vendor to download these in HTML (or some other more readable format), but could not confirm a date for production. You agreed to let us know when you have a better understanding for when these documents will be produced.
5. **Filepaths:** You agreed to take back whether the company would provide URLs, and whether any folder system exists in Lark/Feishu that would be equivalent to a filepath.
6. **Org Charts:** You stated that TikTok uses certain Lark tools for organization purposes, but that these tools have varying accuracy. You agreed to find out more about these organizational tools and further to provide Utah with a presentation about the company's organization. You stated you would confirm a time, including potentially next Thursday during our check-in meeting, for a presentation.
7. **Privilege Log:** You indicated you have produced a privilege log to the multistate, but are not planning to produce rolling logs in the ordinary course. We agreed to receive that existing log and evaluate next steps based on that.
8. **Search Terms/Custodians:** You agreed to produce search terms and custodians used for the productions to date by the end of the month.
9. **Investigative Depositions:** You stated you would let us know by the end of the week if TikTok will accept service for Xingyu Chen and Kitty Du. Utah will otherwise proceed with coordinating individual service.

Thank you,

Theo

[Quoted text hidden]

[Quoted text hidden]

# EXHIBIT 3

Submitted *in camera*

# EXHIBIT 4



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## Utah / TikTok CIDs @ Thu, Jun 15, 2023 3:30pm – 4:00pm (GMT-04)

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Emily Penkowski <epenkowski@edelson.com>

Tue, Jun 20, 2023 at 4:40 PM

To: Jimmy Rock <jrock@edelson.com>

Cc: "Beckley, Shamis" <SBeckley@cooley.com>, Caitlin Vaughn <cvaughn@edelson.com>, Chris Campbell <ccampbell@edelson.com>, Douglas Crapo <crapo@agutah.gov>, "Grooms, Daniel" <dgrooms@cooley.com>, "LeBlanc, Travis" <tbleblanc@cooley.com>, Michael Gadd <mgadd@agutah.gov>, Peishen Zhou <peishenzhou@agutah.gov>, "TenBroeck, Craig" <ctenbroeck@cooley.com>, Theo Benjamin <tbenjamin@edelson.com>

Thanks Shamis. We agree that the Corporate Organization presentation raised a lot of questions about how the company is actually organized. We will follow up with those concerns under separate cover. We hope that the questions we raised during that presentation and that you promised to take back will be addressed soon. If you cannot provide those answers by this week's standing Thursday meeting on June 22, please tell us what you propose as a reasonable deadline.

On the specific discovery requests discussed below, your email twists the investigative record to date (which was initiated over four months ago) and contains a number of inaccuracies that are corrected below. Please note that we are mainly asking for updates, as would have normally occurred during the weekly meet and confer this week you canceled, and deadlines so that these requests do not continue to linger. Please see below:

- **Native Documents**: This request has been pending for three weeks. We initially advised TikTok that several types of documents produced were unreadable, including .doc, .docx, and .ppt. This request is not limited to specific documents: production of native documents in this format is standard in discovery and specified in each CID we have sent beginning in February. You agreed on May 25 to take our request to produce these documents back to the company. We still have heard no update. We do not view this as a controversial issue, and your delay is troubling. Please come prepared to the next meeting this Thursday with the company's position on whether it will produce readable ESI by providing the three requested documents in native form.
- **Relevant Time period**: Your offer to raise hit counts with your client has been pending for three weeks. As we have said on calls, we are not able to assess which categories of documents from this time period are most helpful without hit counts—offering to limit our searches in this way is a courtesy to you. Because we understand these hit counts already exist, we believe June 22 is a reasonable date for providing these without burden.
- **Lark Chats**: We last received an update on this work on June 8, our prior call with Daniel Grooms. We understand that the third-party vendor has figured out export, and is working on scalability. Recognize that we are proceeding with some level of skepticism that it is this difficult to create a script that will export messages to HTML format (considering both the ubiquity of HTML, and the fact that ByteDance owns Lark). However, we can accept that a concrete timeline will not be available for two more weeks, and we will expect to receive a proposal for that and a timeline for production on June 29.
- **Filepaths**: It has been three weeks since we first raised this issue. We will note we discussed this at each subsequent meet and confer to ensure the company fully understood our concerns. As we have specified, we would like filepaths or filepath equivalents, including URLs where available. We have asked for a proposed timeline. Since TikTok has not decided whether they will produce these, please let us know the answer and provide a timeline by our next meet and confer on June 22.
- **Privilege Log**: Thank you for providing the privilege logs—though we will note it took three weeks to provide logs that were already produced to other states. We are currently reviewing these and have identified several preliminary issues that we will raise under separate cover. Thank you for agreeing to rolling log productions. At our next weekly meeting, we'd like to discuss our respective expectations for when subsequent logs will be produced.
- **Third CID**: We were disappointed by TikTok's failure to provide specific objections to the Third CID when due last Friday. We also cannot accept the company's proposed schedule, as the proposed dates do not fall within a reasonable timeframe for subpoena responses in Utah (nor would they remotely be in compliance). We see that TikTok is proposing a topic-based prioritization, rather than focusing on providing first its written objections and responses, and then producing documents in parallel. This is an interesting approach, however, TikTok is proposing it takes more than an additional month to draft written responses to two specifications and eight document requests. The State finds this concerning, particularly considering the status of the above negotiations.

We have been stressing since this CID was served in late May that it is a priority for Utah, and it is incumbent on the company to bring the resources to bear to respond to it. TikTok cannot just say the CID is unreasonable or a burden—a “party subject to [an investigative] subpoena must show that producing the documents would seriously disrupt its normal business operations” in order to sustain an objection about burden. See *E.E.O.C. v. Maryland Cup Corp.*, 785 F.2d 471, 477 (4th Cir. 1986); *E.E.O.C. v. Citicorp Diners Club, Inc.*, 985 F.2d 1036, 1040 (10th Cir. 1993) (adopting the rule from *E.E.O.C. v. Maryland Cup Corp.*); *United States v. 400 Acres of Land*, No. 2:18-MC-586 RJS, 2018 WL 3862758, at \*2 (D. Utah Aug. 14, 2018) (same). Given that, we propose the following schedule:

- TikTok will provide its objections and written responses to document requests by next Friday, June 23.
- TikTok will propose custodians and search terms for those document requests by Friday, June 30. Hit counts will also be provided. Utah will respond by July 5. If the parties are not in agreement, we can meet and confer on July 6 to discuss lingering issues.
- TikTok will provide objections and written responses to the Specifications by July 15.
- TikTok will begin rolling productions for the time period 2016 through 2022 by July 15 and complete those productions by August 15 along with a privilege log.

Please let us know if you have any questions.

Best,  
Emily

[Quoted text hidden]

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**Edelson**<sub>PC</sub>

**Emily Penkowski Perez**

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# EXHIBIT 5



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## [Ext] February 6, 2023 Subpoena Narrative Responses

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Grooms, Daniel <dgrooms@cooley.com>

Thu, Jun 29, 2023 at 11:47 AM

To: Theo Benjamin <tbenjamin@edelson.com>

Cc: Jimmy Rock <jrock@edelson.com>, Douglas Crapo <crapo@agutah.gov>, Chris Campbell <ccampbell@edelson.com>, "TenBroeck, Craig" <ctenbroeck@cooley.com>, Caitlin Vaughn <cvaughn@edelson.com>, Michael Gadd <mgadd@agutah.gov>, Peishen Zhou <peishenzhou@agutah.gov>, "LeBlanc, Travis" <tbleblanc@cooley.com>, "Beckley, Shamis" <SBeckley@cooley.com>, Emily Penkowski <epenkowski@edelson.com>

Theo,

Thank you for your email. In advance of our call today, we want to address and correct or clarify some points here. As expressed during our last call, I had hoped this was something we could avoid repeating after every meet and confer. Unfortunately, it seems we need to continue to correct the record. Specifically, in your email below, you state that "[y]ou agreed to produce search terms by next week . . . ." As we made clear multiple times during our discussion about search terms and custodians for the third subpoena, we agreed we would make our best efforts to provide search terms and custodians as soon as possible. We expressed our hope that we would be in a position to provide proposed search terms and custodians this week, but we were clear that we could not commit to providing them by June 30. We continue to work in good faith to be able to provide you with our proposals as soon as possible, and in fact we expect to do so by the end of this week. We will keep you posted on timing.

This likewise remains true for the RFIs (specifications) from Utah's first subpoena for which we provided responses on June 19. As stated during the call and in prior calls leading up to June 19, we were clear that we would respond to a substantial majority of requests by that date (which we did) and that we are committed to responding to the remainder as soon as possible. I expect we will be responding to a number of additional RFIs this week and will continue to supplement our responses until that process is complete.

On the broader issue, we continue to work in good faith to respond not only to all of Utah's requests but, as you are aware, the requests of nearly every other state as well. The subject matters of these investigations overlap significantly, and we continue to look for opportunities to leverage that overlap to provide Utah, as well as other states, information sought by these investigations. Notwithstanding your suggestion, and as I have now emphasized in both of our last two calls, the company is devoting extensive internal and external resources, including both personnel and technical resources, to respond to an unprecedented and significantly burdensome volume of requests.

To date, Utah has served three company subpoenas on TikTok, and over the past two months, we have fully responded to one of those subpoenas and provided multiple productions responsive to a second of those, including and in addition to the RFI responses discussed above. We are now engaged in that same process for the third subpoena and will continue to make productions and respond to all outstanding requests as quickly as possible. We do not agree that the third subpoena is "fairly narrow." Indeed, as Mr. Rock made clear, this third subpoena was intentionally crafted to go beyond and seek information in addition to what is covered by the already expansive requests of the first subpoena. In proposing a response schedule, we have tried to acknowledge the reality that the responses to these requests, in addition to all other pending requests, will take significant time. We are committed to responding but, as noted, cannot commit to doing so on timelines that we know are not feasible.

Finally, we continue to make efforts to address other outstanding issues you have raised and mention below. We will be happy to discuss those topics in more detail during our meet & confer call, but I will note that we have had some developments on this end that I am hopeful will move us toward resolution on some or all of these issues. The exception I am compelled to note here to correct what we believe to be a misunderstanding is the relevant time period request. As we have said, we believe 2018-present is the appropriate and relevant time period for our responses, not least because it is consistent with the approach being followed across all other state investigations. We understand that you continue to request information about the time period prior to that date range (specifically 2016-2017), but we are not on the same page in terms of expectations about the potential relevance and responsiveness of searches directed at that time period. Most importantly, in your email, you

repeat what was said on the call that your basis for this request is that “TikTok launched in the US in 2016.” We want to clarify this point, because it is not correct. TikTok was launched in the United States and other countries around the world in 2017. Later in 2017, TikTok’s ultimate parent company ByteDance Ltd. acquired [musical.ly](#) Ltd., which operated a video sharing platform called [musical.ly](#). During the first half of 2018, the [musical.ly](#) platform was consolidated with the original version of TikTok, and the app we know today as TikTok was re-launched in the United States in August 2018. Accordingly, it is clear to us that the overwhelmingly relevant time period likely to produce responsive information should begin in 2018.

Thank you,

Danny

**Daniel Grooms**

Partner

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# EXHIBIT 6



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## [Ext] February 6, 2023 Subpoena Narrative Responses

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Theo Benjamin <tbenjamin@edelson.com>

Thu, Jul 6, 2023 at 7:40 PM

To: "Grooms, Daniel" <dgrooms@cooley.com>

Cc: Emily Penkowski Perez <epenkowski@edelson.com>, Jimmy Rock <jrock@edelson.com>, Douglas Crapo <crapo@agutah.gov>, Chris Campbell <ccampbell@edelson.com>, "TenBroeck, Craig" <ctenbroeck@cooley.com>, Caitlin Vaughn <cvaughn@edelson.com>, Michael Gadd <mgadd@agutah.gov>, Peishen Zhou <peishenzhou@agutah.gov>, "LeBlanc, Travis" <tbleblanc@cooley.com>, "Beckley, Shamis" <SBeckley@cooley.com>, "Skinner, Jacey" <SkinnerJ@ballardspahr.com>, "Rogers, Shane K" <srogers@cooley.com>

Danny, Shamis, and Jacey:

Thank you for the call. There are a few issues we wanted to memorialize from today's call, below:

- **Upcoming Interview (July 18).** We appreciate TikTok providing additional clarity on the scope of Mr. Chen's knowledge. We also believe the parties are on the same page with ensuring an efficient remote interview process on the 18th. As discussed, we intend to share any documents in real-time with Mr. Chen, either through Exhibit-share or directly via chat in Zoom. We intend to share remote access details next week once you confirm a few details with your client: 1) whether TikTok is okay with both stenographic and video recording of the deposition; 2) a reasonable start time for everyone; and 3) provide the email addresses of all attendees. We remain flexible on startime but would appreciate it if times before 8:30 AM CT were avoided. Please let us know about these two points by Tuesday. We also asked if you could provide which subgroups of users Mr. Chen's work focused on.
- **Confidentiality agreement:** We have agreed in principle that Utah may share information with the multistate, so long as the multistate agrees to treat that information as confidential under the multistate's confidentiality agreement with TikTok. We will work with the multistate to memorialize this agreement in writing.
- **2016-2018 Time Period.** We find it unfortunate that after 6 weeks of conferrals, you still have no answer from TikTok about whether it will agree to generate something as basic a hit report on the 2016-2018 time period for agreed-upon custodians. The relevant time period of Utah's CIDs date 2012-present, and we view going back only to 2016 as a significant concession. You stated that the company's position is that they don't believe this time period is relevant. In response, we have given several reasons for the relevancy—including that we believe the algorithm underlying TikTok's recommendation system, which is one key subject of Utah's investigation, was developed well before 2018 in conjunction with the the launch of TikTok's sister app Douyin. As an initial compromise, we asked that TikTok produce a hit report from 2016-2018 to substantiate its claims that this time period is not relevant. You have, more or less, refused this request. You have also refused to explain your assertions that this request poses a burden on the company. Today, you further stated you believed this discussion is better suited for the multistate meet and confers. We explained the statute of limitations make Utah unique. As you're aware, Utah's investigation does not overlap entirely with the multistate. Because you have not established any burden to the company (or even agreed to substantiate the claims of relevancy) we will consider appropriate other means to obtain this information.
- **Third CID.** We have made clear that the timeline proposed by TikTok, which includes a four-month delay in even completing answers to specifications, is unreasonable, and the company has provided no counter to our subsequent proposed schedule. We will also note that you have had Utah's Third CID for over a month. Our view is that the parties are at an impasse on the issue of a reasonable schedule for a full response to this CID. We otherwise look forward to receiving confirmation or additional edits to the search terms and custodians we sent to TikTok on July 5.
- **Verifications.** We continue to view the request for TikTok to verify the specifications it has answered so far as noncontroversial—presumably, TikTok employees with personal knowledge of the matters within the responses have reviewed each answer for accuracy and completeness, and either they or a corporate representative can attest they are accurate.

Thank you,  
Theo

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