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SAN FRANCISCO, CA 94105

Via Federal Express and e-mail

August 26, 2016

The Honorable Al Franken  
United States Senate  
Suite SH-309  
Washington DC, 20510-2309

Dear Senator Franken:

Niantic, Inc. ("Niantic") welcomes the opportunity to respond to your letter dated July 12, 2016, and to share with your office more information about the Pokémon GO mobile application ("Pokémon GO" or "the app") and Niantic's business and privacy practices.

To provide context for our responses to your questions, we begin with a short overview of Niantic and its recently-released Pokémon GO app. We then address your questions in two sections, first those regarding Pokémon GO's user information collection, use, and storage practices, including location information and information from children under the age of 13; and second, those questions regarding the sharing of user information with third parties.

As mentioned in our phone call with Leslie Hylton of your staff, we would be happy to follow up with you in person to further discuss our responses below.

#### **I. Overview of Niantic, Inc. and Pokémon GO**

Since its start as an internal lab within Google Inc., the Niantic team has been working to build applications that use mobile phones and geospatial technology to create near-real time, location-based gaming environments. In October 2015, the lab project spun out as an independent company, Niantic, Inc. The company's principal investors are Nintendo Co., Ltd., The Pokémon Company, The Pokémon Company International, and Google Inc.

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The Niantic team has been developing innovative mobile experiences with the belief that location-based games can help people explore and re-discover the world around them. These products can – in the spirit of play – encourage us to stay active and explore our surroundings, whether at our local Main street, public parks, or far beyond. They also encourage people to play with family and friends, and to forge new connections and community with fellow players. As you no doubt agree, technology, such as the technologies used by the Niantic team, has tremendous potential to enhance, enrich, and transform our lives. At Niantic, we believe that real-world augmented reality applications will be at the center of that transformation.

On July 6, 2016, Niantic launched the Pokémon GO mobile app in Australia, New Zealand and the United States. The app is now launched in over 100 countries, and has been downloaded from the Google Play Store and Apple App Store by hundreds of millions of users. Pokémon GO is the latest incarnation of the well-loved and internationally successful Pokémon franchise that was originally released as a GameBoy video game by Nintendo in 1990.

The premise of the traditional Pokémon game is that human players (known as “Trainers”) try to capture and collect all of the Pokémon in order to fill their “Pokédex.” To advance in the game, players catch and evolve their Pokémon, and train them to compete against other Trainers and teams. The exciting innovation of Pokémon GO is that it takes place in the real world, based on a Trainer’s actual location. Pokémon and associated game elements such as PokéStops and Gyms<sup>1</sup> appear at locations such as historical or architectural places of interest, parks, and public art installations. Trainers move around the real world to discover and capture these resources, and must walk certain distances to unlock those resources and achieve other game goals. Pokémon Go has already been praised by public health officials, teachers, mental health workers, parents, park officials, and ordinary citizens around the world as an app that promotes healthy play and discovery.

The screen shots on the following page illustrate the interaction between real-world and game elements in Pokémon GO.

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<sup>1</sup> Pokéstops are locations Trainers visit to collect game resources such as Pokéballs and incense. Pokéstops typically display a photo and brief description of the real-world location, such as a historical marker, to which they are attached. Gyms are also associated with real-world locations, and are visited by Trainers to “train” their Pokémon and battle with other players.

On setup, a player creates a Trainer avatar (Fig. 1) and then sets out into the world to explore. The Trainer avatar and Pokémon are overlaid on an animated map, (Fig. 2) guiding Trainers to Pokémon, Pokéstops and Gyms. As Trainers explore, they discover and learn about interesting local landmarks. (Fig. 3)



Fig. 1



Fig. 2



Fig. 3

Trainers can choose to see Pokémon on the screen in their real-world setting (Fig. 4), or (with the app's "AR" setting turned off) experience them in the game's animated world (Fig. 5).



Fig. 4



Fig. 5

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## II. Playing Pokémon GO and our privacy practices

Pokémon GO is available on both the Android and Apple iOS platforms, and it uses the permissions infrastructure of those two platforms to access phone resources that are used in the game. The two platforms present these permissions differently, but the purpose is the same, which is to notify users and obtain their consent for the phone features Pokémon GO uses. For example, when a user installs Pokémon GO for Android, she is asked for specific opt-in consent for the app to access the mobile device's location services, photo, media and files on the device, camera, and contacts.<sup>2</sup>

These permissions enable Pokémon GO to function – for example, locating the Trainer on the map (location service setting), and displaying Pokémon “in the real world” (camera setting) as illustrated in the screen shots above. Trainers can change these consents later through the permissions controls enabled by the platform, although disabling certain settings (such as location services) will not permit game play.

After obtaining platform consents, Pokémon GO launches, and asks the user for her date of birth. Users who enter a date of birth under age 13 are directed to the Pokémon Trainer Club in order to obtain verifiable parental consent as required by the Children's Online Privacy Protection Act. (See Section B below for a description of the sign-up process for users under age 13.) On the next screen, users above the age of 13 are presented with a link to the Pokémon GO Privacy Policy.

Over-13 users have a choice to use Pokémon GO by authenticating using an existing Google account or their Pokémon Trainer Club account. Through this authentication process, for over-13 users, Niantic receives either the user's Google email address or the screen name the user has selected for herself in the Pokémon Trainer Club, and a unique identifier. For under-13 users signing in with a Pokémon Trainer Club account, Niantic receives the parent's email address associated with the child's account, a unique identifier for the child, and the child's Pokémon Trainer Club screen name.

After authenticating (“signing in”), the user is presented with and consents to the Terms of Service and Privacy Policy, by clicking “Accept” or “Decline,” and indicates her preference for receiving promotional emails and communications from Niantic.<sup>3</sup> When a user accepts, a Pokémon GO account is registered, and she is now ready to start the game.

### A. Exploring the world with Pokémon GO

As noted above, a core aspect of Pokémon GO innovation and the user experience is having Trainers move through the real world while playing the game. The app collects and stores certain information and interacts with various settings on the Trainer's mobile device in order to provide that core game functionality and sense of immersion. For example, Niantic collects and stores information about a Trainer's location in

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<sup>2</sup> In Android (prior to this week's newest Android release), a developer obtains the device owner's account information through the Contacts setting. This enables an app to allow a device owner to easily pick from a list of his own multiple accounts when he signs in. For example, a Trainer may wish to sign in and play Pokémon GO from his “[personalaccount123@gmail.com](mailto:personalaccount123@gmail.com)” account, not his “[workaccount@gmail.com](mailto:workaccount@gmail.com)” account. Pokémon GO accesses the Android Contacts setting for this purpose only, and does not access or use a user's other contacts on the phone.

<sup>3</sup> This preference can be changed at any time through the Pokémon GO settings menu, accessed through the gear icon in the app.



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order to place the Trainer on the map, and to position her in relation to Pokémon, Pokéstops and Gyms.<sup>4</sup> Network provider information is also collected, as that data helps to provide better quality geolocation. When Pokémon are detected nearby, the app will cause the phone to vibrate in order to alert the Trainer of their presence.<sup>5</sup>

Apart from location, additional information is collected and stored to deliver and improve the app experience. For example, country is collected and stored, to provide a user the appropriate experience; language may be stored in future updates, for the same purpose. As is apparent through the app, information about the player's performance and activity is stored in connection with her account, including her Pokémon collection, points, items collected or purchased, progression through the game levels, team selection, and control of Gyms.

Finally, the app collects certain information to facilitate important quality and stability objectives and to prevent abuse. This includes information such as mobile operating system, mobile device identifier, and hardware build information. This information is used to debug phone-specific game problems and to detect and deter cheating in the game.

The app collects information when it is open; there is no background collection of data, nor any feature or setting to allow the user to enable such background collection. When the application is open, it disables the mobile device setting that automatically puts the phone to sleep when there has been no interaction by the user for a certain period of time. This is a key feature needed for Pokémon collection activities while a Trainer is moving around. When the user puts the phone to sleep manually, however (such as through pressing the power button), Pokémon GO goes idle.

As described above, Niantic collects and stores this app and device information to provide and to improve Niantic's services – there are no other purposes for which information is collected.

In response to your question regarding cookies and web beacons, which are discussed in the Pokémon GO Privacy Policy, Niantic currently uses these technologies to analyze traffic on our web pages, including our support pages.

## **B. Players under age 13**

Although teen and adult players are the primary intended audience of Pokémon GO, we recognize that the game will be of interest to some children under the age of 13 who have access to mobile phones, and that some parents will want their children under the age of 13 to be able to play. For that reason, we worked with our partner, The Pokémon Company International, to develop an account creation and verifiable parental consent process through the Pokémon Trainer Club.

As described above, when a user opens Pokémon GO for the first time after download, the game prompts the user to enter his or her date of birth. Users who enter a date of birth under the age of 13 are directed to

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<sup>4</sup> Under current policies, detailed user location data will be stored for a maximum of 120 days.

<sup>5</sup> Vibrate functionality can be turned off in the Pokémon GO settings menu, accessed through the gear icon.

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create an account through Pokémon Trainer Club, operated by The Pokémon Company International, which uses a verifiable parental consent mechanism provided by the third-party service Veratad.

Veratad obtains verifiable parental consent as follows. The parent (either on her own, or prompted by an email when her under-13 child attempts to access Pokémon GO) is required to create their own Pokémon Trainer Club account before they can create an account for their child. During account setup, Veratad asks for the sum of the first and last digit of the parent's social security number, as well as other pieces of information to verify the parent's identity, such as name, birth date, and physical address. Niantic does not receive any of this identity-verifying information. More information on this process is provided in the Pokémon Kids Privacy Policy provided by The Pokémon Company International.

Once a parent's identity and consent is verified through the Pokémon Trainer Club process, she must also accept the Pokémon GO terms and privacy policy before the child is able to log into the app. If a parent does not consent to a child's access to and use of the app, the child will not be able to authenticate using the Pokémon Trainer Club service for Pokémon GO, and cannot access the app.

Parents have the right to refuse further collection, use, and/or disclosure of their child's personal information by notifying Niantic. If we learn that we have received personal information from a child under the age of 13 without the parent's consent (which would occur for example if the child wrongly informs us that they are over 13 years old at the time of account creation), we will delete the child's Niantic account and all other personal information collected in conjunction with that account.

In our Terms of Service, we direct parents to the Pokémon GO Trainer guidelines, located in the Help Center on our website. Additional guidance regarding game play can be found in our FAQ offered on the [Pokemongolive.com](http://Pokemongolive.com) website, and in our Help Center.

### **III. Third-party service providers & investors**

Like many companies that provide interactive apps, Niantic uses third-party service providers to help deliver, manage and improve the Pokémon GO app. A service provider is a company with whom we contract to provide a service to us to assist us in providing our services to users. For example, Niantic uses mobile analytics services to collect and interpret data about the use of the app, and to receive crash reports in order to ensure the stability of and improve the service. From time to time, we also engage third parties to perform marketing, demographic and similar forms of analysis for us on aggregated sets of data. These third parties provide their services to us under agreements that require them to secure and to keep confidential any data we share in order for them to perform their function. Niantic does not share data from users under the age of 13 with these third party service providers.

Niantic does not and has no plans to sell Pokémon GO user data – aggregated, de-identified or otherwise – to any third party. As we continue to develop our sponsored locations program, we will provide certain reports to sponsors about visits and game actions (such as redeeming a promotion at the location), but those reports will contain aggregated data only.

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As described above, The Pokemon Company International and Veratad operate and manage the Pokémon GO parental consent process and separately collect personal information about minor users and their parents which they do not share with Niantic.

We confirm that Niantic does not share user information with its investors. For clarity, certain of our investors are in the business of providing services relevant to our business, and Niantic obtains some such services for Pokémon GO from certain of our investors. For example, we distribute the app on the Google Play Store and use certain services from Google Cloud Platform to operate the service. In that respect Niantic interacts with Google as a normal third party app developer, subject to Google's contractual policies regarding the use of those services and Google's access to data from our use of those services. Similarly, as disclosed in our Pokémon GO privacy policy (Section 3(a)), we may share user information with The Pokémon Company and The Pokémon Company International if necessary to resolve a specific bug or product issue.

#### **IV. Conclusion**

Finally, we want to confirm in response to your question that the permissions error in the initial Pokémon GO iOS account creation process has been corrected. As you are aware, shortly after launch, we discovered that the app account creation and authentication process for users signing in with a Google account on an iPhone erroneously requested full account permissions for the user's Google account. Niantic corrected this problem in the app on July 12, so that the app only has access to the limited account permissions described in Section II, above. Google implemented a server-side fix to this problem as well on July 16, so that for any Pokémon GO users who had not updated their app to the latest version, the app could still only access the appropriate, reduced permissions on log in. No action was required by users to correct these permission changes. As confirmed by both Google and Niantic, despite this issue, Niantic never sought, accessed, nor received any data other than a user's Google ID and email address through authentication.

We hope this letter has helped to clarify our privacy practices and explain how the Pokémon GO app works. We would be happy to meet with you or your staff to provide additional information.

Sincerely,



Courtney Greene Power  
General Counsel  
Niantic, Inc.