

Questions for the Record for Amazon following the July 29, 2020, Hearing of the Subcommittee on Antitrust, Commercial, and Administrative Law, Committee on the Judiciary

September 4, 2020

Questions from Chairman David Cicilline

- 1. When and how did you first become aware of any incidents involving Amazon employees accessing third-party seller data (a) to benefit themselves; and/or (2) in support of Amazon Retail's business? Please describe the actions that Amazon has taken to respond to these incidents since you first became aware Amazon employees were engaging in this type of conduct.**

Amazon first learned about the alleged violations of Amazon's voluntarily adopted Seller Data Protection Policy recently reported in *The Wall Street Journal* from *The Wall Street Journal*. The *Journal's* reporting conflates product-pricing and top-seller data—both of which are publicly displayed in Amazon's store—with the individual seller data protected by Amazon's Seller Data Protection Policy. Amazon encourages employees to report any indication of potential lack of compliance with all internal policies, including the Seller Data Protection Policy, and Amazon responds appropriately to any such reports.

- 2. Please describe all audits or analyses of Amazon's access to third-party seller data conducted by or on behalf of Amazon within the past five years, and for each audit describe: (a) the process; (b) goals; (c) reasons for initiating; (d) results or findings; and (e) recommendations, including whether they were implemented and their effectiveness.**

Amazon's Internal Audit team conducted company-wide audits of compliance with Amazon's Seller Data Protection Policy in 2015 and 2018, at the request of counsel. Amazon has previously produced to the Committee non-privileged material related to these audits. In addition, internal lawyers regularly interact with employees who work on the private brands business, answer questions regarding the appropriate use of data as necessary, and regularly review the private brands business's data queries for compliance with the Seller Data Protection Policy.

- 3. Last year, Nate Sutton testified that "we don't use individual seller data to directly compete with them," and "we do not use [sellers'] individual data when we're making decisions to launch private brands." Is any anonymized data (not linked to any named seller) considered to be a seller's "individual data" or "seller-specific"? If yes, please describe the relevant circumstances.**

By definition, "anonymized data" is not "seller-specific" because it does not identify any specific seller. Amazon's policy nonetheless prohibits the use of anonymized data, if related to a single seller, when making decisions to launch private brand products.

4. **How has Amazon chosen to define the terms “aggregate” versus “seller-specific” data in its Seller Data Protection Policy? Has Amazon ever changed these definitions in any way since any version of this policy has been in place? If yes, please describe (a) the definitions that have been used since this policy was put in place; (b) who was responsible for making each change; and (c) the reason(s) for each change.**

Under Amazon’s voluntarily adopted Seller Data Protection Policy, “aggregated data” is data that is aggregated across multiple third-party sellers and, where available, Amazon’s first-party sales, and is therefore not specific to an individual seller. It includes data such as aggregate sales reports at higher levels of generality, for example, concerning a category of products (e.g., consumer electronics). Amazon has made no changes to the definition of “aggregated data” in the Seller Data Protection Policy since voluntarily adopting the policy in 2014. Due to the nature of aggregated data, the identity of and the particular sales attributed to any particular seller are not discernible from the aggregated data.

5. **Please describe the specific type and level of information third-party sellers can access regarding views (“glance views”) on their own product listings. For example, do they get access to the number of views of their overall listings, per product category, and at the ASIN level? How frequent are the observations they get access to (e.g., monthly, weekly, daily, and hourly values of glance views)?**

Amazon makes relevant information on glance views in Amazon’s store available to third-party sellers through Seller Central and Brand Registry. Through Seller Central, Amazon provides product-specific information on the total number of glance views for each of the products for which a third-party seller has an offer, as well as aggregated glance view information for all products offered by that seller. Amazon also provides each seller with information regarding the proportion of product detail page visits for any product for which the seller’s offer is the featured offer. This information is available for the trailing two years, and sellers can select to view any period of days (e.g., daily, weekly, or monthly values) within that two-year period. This data is updated daily, meaning sellers have access to the data for the two-year period up to and including the preceding day.

6. **Please explain the extent to which employees whose job responsibilities are focused on Amazon Retail’s business (including product category managers) use third-party seller data (either on an aggregate basis or seller-specific) when deciding on product launches.**

Like any other store owner, Amazon uses aggregate data that it collects from sales in Amazon’s store to improve customers’ experiences and the store’s performance. Employees may use aggregated data about activities in Amazon’s store consistent with their responsibilities, and numerous Amazon teams have access to such aggregated data, including teams responsible for Amazon’s Private Brands business. Like anyone else at Amazon or in the general public, members of these teams can also visit Amazon’s product detail pages to learn a product’s best

seller ranking and read customer reviews and star ratings to assess whether a product is selling well in Amazon's store.

7. **Has Amazon ever designed the Buy Box algorithm to consider profitability to Amazon as a determining factor in whether to award the Buy Box to itself or to a third-party seller? If yes, please describe the relevant circumstances, including whether contribution profit or another measure of profit to Amazon was used.**

Amazon does not consider profitability as part of the Featured Merchant Algorithm, which determines the featured offer on a product's detail page.

8. **Does Amazon's mechanism for awarding the Buy Box vary based on certain criteria (e.g., product category, product subcategory, individual or groups of product(s), particular seller groups, geographic regions, different marketplace websites)? If yes, please describe the reason(s) and the relevant circumstances.**

Amazon's Featured Merchant Algorithm determines which eligible offer should be featured on a product's detail page by considering criteria that experience proves are important to customers, such as price, delivery speed and cost, Prime eligibility, and seller performance. The relative importance of these criteria is weighted to allow Amazon to provide the best offer to all of its customers. There may be multiple featured offers on a product, and there may be no featured offer if none meets the store's customer experience standards, such as being priced competitively.

9. **Please describe all studies and analyses conducted by or on behalf of Amazon that assess Fulfillment by Amazon's performance relative to other fulfillment options available to Amazon third-party sellers within the past five years and for each study or analysis describe: (a) the process; (b) goals; (c) reasons for initiating; (d) results; and (e) findings.**

Amazon's data has consistently shown that customers prefer offers fulfilled using Fulfillment by Amazon ("FBA"). For example, a Q1 2020 customer survey found a 946 basis point difference in trust between offers fulfilled using FBA and offers fulfilled by sellers.

Amazon continuously measures its operational performance and has a strong focus on, and track record of, high quality and timely delivery of orders. To assess comparative performance between FBA and other fulfillment services, Amazon uses data such as promised delivery speed, delivery estimate accuracy, customer-cancelled order volume, and service chargeback rates as metrics for the speed and reliability of shipping.

- 10. According to Amazon's recent 10-Q filing, net sales for third-party seller services increased from \$23 billion in the first six months of 2019 to \$32 billion in the first six months of 2020. Please identify what factors accounted for this 39% increase, including the role of fee increases for third-party seller services.**

The growth in Amazon's net sales for third-party seller services reflects primarily the growth of sales by third-party sellers in Amazon's store. Third-party sellers continue to succeed in Amazon's store and now account for approximately 60% of the value of physical items sold in the store. During the relevant period, Amazon's referral fees decreased overall, while the moderate fee increases for Amazon's fulfillment services were below industry average. The growth in sales by third-party sellers has continued to outpace the growth by Amazon's retail business.

- 11. Please describe the eligibility, components, and benefits of the Amazon Mom program (now known as Amazon Family) from September 2010 to the present, including (a) when the program was open to new members and when it was closed to new members; (b) changes to the name of the program; (c) changes to discount levels generally or for specific items; (d) length of free Prime membership; (e) changes to any other benefits included at any time in the program; and (f) whether you were personally involved in the decision to make any of these changes.**

Amazon launched Amazon Mom in 2010 along with other programs, including Amazon Student, to focus on attracting key customer groups to Amazon's store. As with many programs, Amazon has modified the program benefits over time. The Amazon Mom/Amazon Family program benefits also have been included as part of other, more expansive Amazon initiatives, such as Amazon Prime and Subscribe and Save, which themselves have changed over time. Program benefits have varied from promotional discounts on wipes and diapers, free Prime memberships and partial Prime memberships, and bigger discounts on orders of various baby items purchased through the Subscribe and Save program. In 2015, Amazon made the Amazon Mom program benefits available to all Prime members and renamed the program Amazon Family to more properly reflect the customer segment Amazon was seeking to attract. Except for a brief, approximately three-month-long pause of the entire program in 2011–2012, the program has always been open to all Prime members and free to join.

- 12. In Amazon's earnings call on July 30, 2020, Chief Financial Officer Brian Olsavsky said, "Prime members shop more often with larger basket sizes." On average, how much more often do Prime members shop on Amazon than non-Prime members, and how much more do Prime members spend on Amazon than non-Prime members?**

Amazon Prime offers members numerous benefits, including unlimited free shipping on eligible items, digital streaming video and music, and early access to deals on Amazon.com. These benefits have evolved over time to deliver ever-greater value to members; for example, while members were previously offered discounted one-day shipping, members now receive free one-

day shipping on over ten million products. Due to the nature of these benefits and the freedom customers have to opt in and out of the program at any time, customers may be more likely to register for Prime when they intend to purchase more in Amazon stores—and in fact, Prime members in the United States tend to shop more often and spend more per purchase. Amazon's audited financial reports do not separately identify Prime-specific customer expenditures.

- 13. Please identify (a) the total number of days in 2019 on which Amazon priced Amazon Echo below-cost; and (b) the percentage of the total number of Amazon Echo speakers sold in 2019 that were sold below-cost.**

The costs to produce Amazon's Echo devices fluctuate during the product lifespans. Amazon strives to minimize these costs so that it can offer the devices to customers and other retailers at appealing prices. At all times, Amazon seeks to price the Echo devices as competitively as possible. These prices can fluctuate, for example, when Amazon seeks to match prices for competing devices. Like most manufacturers and retailers, Amazon also occasionally offers deals and promotions on its products—including Echo devices—providing additional value to customers. Amazon's audited financial reports do not separately identify revenues and costs for Echo devices.

- 14. Please identify (a) the total number of Amazon Retail (first-party products) sold through Alexa since 2017; and (b) the total number of third-party products sold through Alexa since 2017.**

To best serve our customers, Amazon focuses on products that customers are likely to prefer, regardless of whether the products are sold by Amazon or third-party sellers. Amazon designed Alexa with this same principle in mind. There are a variety of ways to shop using Alexa, and Amazon is still in the early stages of learning what is most helpful to customers and designing tools and features that improve their shopping experience. One popular way Alexa helps customers, for example, is by suggesting products that customers frequently purchase based on their past orders, whether those orders are from Amazon or a third-party seller. If a customer has not purchased an item from Amazon's store before, Alexa may highlight a highly-rated, well-priced product. In addition, most Alexa shopping interactions provide product suggestions customers can review later on their phone or computer. Customers only complete the purchase of a product suggested by Alexa on Alexa a low, single-digit percent of the time.

Since 2017, the percentage of third-party sales purchased directly through Alexa has more than doubled, accounting for 45% of all sales made through Alexa this year. This percentage is lower than overall third-party sales on Amazon (about 58% of physical items), in part because customers disproportionately use Alexa to order household consumable items (like paper towels or batteries) for which Amazon's offers are particularly competitive.

15. Please describe all instances in which Amazon Web Services (AWS) has created a cloud offering by forking open source software.

AWS has not created cloud offerings by forking open-source projects. When it launches a managed service for an open-source project, AWS is making a long-term commitment to support customers and developers in the community built around that open-source software (“OSS”). To launch those services, AWS employs the common software engineering practice of modifying the OSS to adapt it for use within AWS’s services, including by fixing bugs, improving performance, and integrating with AWS-specific systems. In connection with this, AWS often contributes those changes to the upstream projects.

These types of changes have not generally been considered a “fork” because forking involves starting a separate open-source project, based on a pre-existing open-source project’s source code, which is intended to compete with the original, upstream version. Rather than fork, AWS strives to keep the OSS in managed services close to the upstream project versions and to evolve along with the projects because (1) customers want managed services to operate similar to the upstream projects, and (2) divergence from the upstream projects can make it difficult to adopt future versions of the OSS and their improvements. Projects where AWS has developed distributions on top of OSS, like Open Distro for Elasticsearch and Amazon Corretto, add to, not supplant, the set of capabilities provided by the upstream open-source projects.

Basing Amazon’s managed services on OSS while avoiding forking benefits customers because it allows them to move between deploying OSS themselves and using managed services for open-source—relying on AWS’s expertise where managed services work for them, and using and modifying the OSS if that better suits their needs. It benefits communities because AWS and customers of managed services have vested interests in the health of the upstream projects, and therefore often contribute code and financial and operational support to the upstream projects.

16. When AWS offers open source software as a managed service, which Amazon policies ensure that new developments are shared back to the open source community?

AWS internal policy encourages AWS teams, including managed service teams, to contribute to the upstream projects, including the bug fixes and security, compatibility, maintainability, performance, and feature enhancements that Amazon makes. Although AWS regularly contributes to upstream projects, AWS’s policies do not require these teams to contribute these changes in every case for many reasons. In particular, with regard to the changes AWS makes to improve how OSS operates in the context of AWS’s managed services, OSS communities have expressed that they are not interested in AWS contributing most of these AWS-specific changes.

By way of example, over the years Amazon has made major financial, operational, and code contributions to a myriad of open-source projects, including Xen, Linux, KVM, Java, Kubernetes, Chromium, Robot Operating System, Lucene (which underpins Elasticsearch), Hadoop, Spark,

and Hive. AWS has also taken a leadership role in important open source projects like s2n, FreeRTOS, AWS Amplify, Apache MXNet, AWS SageMaker NEO, Firecracker, and Bottlerocket. When AWS uses or depends on OSS, AWS teams believe in contributing to that software to ensure the longevity and viability of the open-source projects.

- 17. Do any Amazon policies prohibit employees from accessing and reading keys in AWS Key Management Service (KMS)? If yes, (a) have employees ever been disciplined for inappropriately accessing keys in KMS; and (b) can employees at Amazon access and read the keys in AWS KMS without explicit approval from the customer storing those keys?**

Yes, Amazon policies prohibit employees from accessing and reading customer keys in KMS. KMS is designed such that customer keys in the service cannot be retrieved in plain text (unencrypted) form by anybody, including AWS employees.

KMS uses custom-built Hardware Security Modules (“HSMs”). An HSM is a specialized device for cryptographic key management, and KMS HSMs are validated under the FIPS 140-2 program, a U.S. federal security standard managed by the National Institute of Standards and Technology. Customers can use KMS to create a customer key in a KMS HSM for the encryption or decryption of data. Once this customer key is created, it is immediately encrypted under a different set of key-encrypting keys (“KEKs”), which were also created in the KMS HSM. The resulting encrypted customer key is stored outside the KMS HSM. This encrypted customer key cannot be used to encrypt or decrypt customer data without first being sent to the KMS HSM to be decrypted by the KEK that exists only in the HSM. Nobody, including AWS employees, can retrieve customer keys or the KEKs from KMS HSMs in plaintext form. This security control is unique in comparison to other commercial HSM vendors that may provide an option for a customer to export keys from their HSM that can be used in plaintext form outside the HSM. KMS offers no such feature.

- 18. From March 1, 2020 through April 30, 2020, did Amazon at any point designate its own products as “essential,” while designating competing products as “non-essential,” or otherwise treat competing products differently from Amazon Retail products? If yes, please describe the relevant circumstances, including how the average shipping times during this period compare for the following products: (a) Ring Doorbells, Arlo Doorbells, and Nest Doorbells; and (b) Fire TV Sticks and Roku Boxes.**

No. During the COVID-19 pandemic, and particularly at its outset, Amazon’s fulfillment operations faced significant challenges, including from social distancing, expanded policies for leave and voluntary time off, and the over 150 process changes and other health and safety measures that Amazon implemented for the benefit of its Associates. These challenges required Amazon to make decisions and take unprecedented steps in a compressed timeframe to be able to fulfill customer promises. Amazon identified product categories anticipated to be high priorities for customers during this time, including health and personal safety and work- and study-at-home products. Amazon prioritized making these categories of products available for purchase and delivery, while many non-priority products fulfilled via the Amazon Fulfillment

Network had longer delivery promise times than normal. On March 21, 2020, Amazon first applied these prioritization decisions to all products in those categories, regardless of brand owner or whether the items were sold by Amazon or a third party. Amazon had no playbook or automated tools to make these significant business changes across a catalog of hundreds of millions of products. After instituting these changes, Amazon became aware that shipments of certain Amazon devices that did not fall into the priority categories had been inadvertently included in the list of products with faster delivery promises. This was unintentional. As soon as Amazon realized this mistake, the company addressed it using the most expeditious means Amazon had, which was to provide comparable delivery promises for similar third-party products. Amazon made this change on March 29, 2020.

- 19. Since March 1, 2020, has Amazon requested that any first-party seller give Amazon priority in product allocation in response to a COVID-19 supply issue over its competitors? If yes, please describe the relevant circumstances, including whether Amazon offered any threat or inducement to obtain priority, the outcome of the request, and the manufacturer(s) and product(s) at issue.**

Amazon has worked hard to obtain allocation of high-priority products to ensure their availability for our customers during this time of need amid the COVID-19 pandemic. It is not Amazon's practice to direct employees to threaten suppliers, and Amazon is not aware of any employee doing so.

Questions from Rep. Henry “Hank” Johnson, Jr.

1. Amazon touts Project Zero as a solution to counterfeits on its platforms. Please explain the following with respect to Project Zero:

1.1 How does a brand owner apply for Project Zero? What criteria are used to determine eligibility for Project Zero?

Any brand can apply to enroll in Project Zero by visiting <http://www.projectzero.com/>. To be eligible for Project Zero, a brand must have a registered trademark, an Amazon account with access to Brand Registry, and have maintained an accuracy rate of higher than 90% for all notices of infringement submitted to Amazon in the prior six months. Requiring a high rate of accuracy for notices of infringement is critical to protecting honest sellers from abusive removals.

1.2 How many brands currently participate in Project Zero?

There are more than 10,000 brands currently enrolled in Project Zero.

1.3 Project Zero puts the onus on brand owners to police Amazon’s website. What more can Amazon do to relieve that burden on brand owners, particularly for smaller companies?

Project Zero does not put the onus on brand owners to police Amazon’s website. Project Zero utilizes proactive measures such as automated brand protections to scan Amazon’s store and remove suspicious listings, reducing the need for brand owners to ever file a notice of infringement. Although Project Zero does give brand owners the unprecedented ability to directly remove counterfeit items from Amazon’s store when they find a counterfeit, because of the effectiveness of Amazon’s proactive measures, Amazon proactively removes more than 100 items suspected of infringement based on automated protections for every takedown conducted by a brand owner.

Further, Amazon is proud to support millions of small and medium-sized businesses in the United States and around the world. Amazon invests significant resources to help businesses succeed, including by developing innovative anti-fraud and anti-abuse tools that can be easily used by entrepreneurs, no matter the size of their businesses.

Amazon also launched IP Accelerator, a new program that helps brands—including small and medium-sized businesses—more quickly obtain intellectual property rights and brand protection in Amazon’s store. IP Accelerator connects brands with a curated network of trusted intellectual property-focused law firms that provide high quality trademark registration services at competitive rates to help brands secure a U.S. trademark. As of the end of December 2019, Amazon has been able to connect more

than 1,500 brands with its network of vetted intellectual property-focused law firms, and more than 500 brands have received accelerated protection in Amazon's store.

1.4 What are the costs involved in project serialization, a featured component of Project Zero? Does Amazon offer a no-cost option for project serialization? Why should brands have to pay Amazon to keep counterfeits off its site?

Serialization is an optional component of Project Zero; brands are not required to serialize products in order to participate. For brands that choose to serialize their products using the Transparency program, the cost ranges from one to five cents per unit, depending on the number of units included in the program.

Brands that enroll in Transparency are not paying to keep counterfeits off of Amazon. Transparency works across sales channels and allows brands to better protect their entire supply chain from counterfeits. In addition to enabling customers in any sales channel to authenticate products, brands can use Transparency to communicate unit-level product information everywhere they sell, including manufacturing date, manufacturing place, and enhanced product information (*e.g.*, ingredients).

2. In July, Amazon announced that it would begin displaying the names and addresses of its third-party sellers on each seller's profile page. Seller transparency is an important step in addressing the scourge of counterfeits, but the accuracy of this information is critical to its effectiveness.

2.1 What vetting practices has or will Amazon put in place to ensure that the published contact information for third-party sellers is accurate?

Amazon leverages a combination of computer-based machine learning and expert human review to vet every third-party seller when they attempt to register in Amazon's store, before they are permitted to sell certain products, and during the course of their activities in Amazon's store. During registration, all third-party sellers are required to provide a government-issued photo ID and information about their identity, location, and taxpayer information, as well as a bank account and a credit card. After collecting identity information from sellers, Amazon uses a proprietary system to analyze hundreds of unique data points to verify the information and identify potential risks. This includes human review of documents that sellers provide, as well as matching certain information against third-party or government records, such as IRS records to verify taxpayer identification number, and charging credit cards to ensure successful authorization verification from payment processors.

Amazon continues to innovate on these processes to proactively block bad actor attempts to complete the registration and identity verification process. In 2019 alone, Amazon stopped more than 2.5 million bad actor accounts before they were able to publish a single listing in Amazon's store. Amazon also continually monitors the

activities of sellers who do complete registration and identity verification, and requires additional information to sell certain products that pose a higher safety or authenticity risk.

2.2 If a seller changes its public contact information, will additional vetting be conducted at the time of such change?

Amazon requires all sellers to inform Amazon if their information changes, and continuously monitors sellers' activities in Amazon's store for various types of risk, including the risk that a seller is not who they claim to be. When an issue is detected, Amazon takes swift action to deactivate the account or ask the seller for more information. These risk evaluations are performed on an ongoing and continuous basis.

- 3. The pandemic has significantly scaled back the public's ability to visit brick-and-mortar retailers, leading many to turn to online marketplaces like Amazon for their shopping. Yet, as I discussed at the hearing, counterfeit products are prevalent on Amazon, and these counterfeits are susceptible to being defective, dangerous, and even fatal. What steps does Amazon take to ensure that the products offered by the third-party sellers on its platform are legitimate, safe, and compliant with the standards required in the brick-and-mortar context?**

Amazon disagrees with the premise that counterfeit products are prevalent in Amazon's store. In 2019 alone, Amazon invested more than \$500 million and employed more than 8,000 people focused on fighting fraud and abuse. As a result of these investments, Amazon ensured that 99.9% of all products viewed by customers in Amazon's store did not have a valid counterfeit complaint.

Amazon is committed to ensuring that only safe and authentic products are offered in Amazon's store. To that end, Amazon strictly prohibits the sale of counterfeit or stolen products and requires all products in Amazon's store to comply with applicable laws, regulations, and Amazon policies, including qualification requirements for sellers offering products that pose higher potential safety and counterfeit risks. These efforts go well beyond any legal obligations, and Amazon invests heavily in proactive efforts to prevent bad listings from ever reaching Amazon's store.

Amazon emphasizes preventative, technology-driven tools designed to proactively stop fraud and abuse at scale before it affects a customer or selling partner. In 2019, these tools stopped more than 2.5 million suspected bad actor accounts before they were able to publish a single item for sale, and blocked more than 6 billion suspected bad listings before they were published to Amazon's store. Amazon has also developed industry-leading brand protection tools to empower brands to partner with Amazon to drive counterfeits to zero, and has robust mechanisms to enable rights owners to file notices of infringement. Amazon maintains a dedicated team of investigators to evaluate such notices and takes appropriate action in response to confirmed infringement, which may include removing the product for sale,

terminating the infringing seller's account or related accounts, withholding funds, destroying inauthentic inventory, pursuing civil litigation, and working with law enforcement to support criminal prosecution. Amazon also ensures that any customer who purchased a counterfeit product is able to receive a refund.

Finally, to ensure customer safety, Amazon requires all selling partners to have applicable safety documents on hand when they list a product and to immediately provide those documents upon request. Amazon regularly contacts selling partners to request safety documentation to help ensure the products in Amazon's store meet relevant product safety standards. Likewise, Amazon proactively seeks out potential safety concerns, investigates those concerns, and removes potentially unsafe products from Amazon's store. In connection with these efforts, Amazon works regularly with relevant regulatory authorities to help identify trends, develop regulations, and determine whether actions like a recall are warranted.

Questions from Rep. Jamie Raskin

Plastic Packaging:

- 1. What specifically is Amazon doing to address its plastic problem and to reduce (and disclose) its plastic footprint in the United States as it has in countries like India (where it has made real commitments to reduce plastic packaging)?**

Amazon is reimagining packaging by applying technology solutions to minimize waste from the manufacturer to the customer's doorstep. Over the past five years, Amazon has eliminated more than 880,000 tons of packaging materials—the equivalent of 1.5 billion shipping boxes. As these efforts continue, Amazon is also creating new packaging designs and materials that can be easily recycled in the waste stream, like Amazon's lightweight paper cushioned mailer, which Amazon is using increasingly in the United States. Amazon is also working to recycle more of the plastic used in Amazon's own operations and to expand collection and recycling infrastructure nationwide. These innovations support Amazon's carbon reduction goals, including a "Shipment Zero" goal that 50% of Amazon shipments are net-zero-carbon by 2030.

As the first signatory of The Climate Pledge, Amazon is committed to achieving the goals of the Paris Climate Agreement—10 years early. That means Amazon will be a net-zero-carbon business by 2040, and, as previously noted, 50% of Amazon shipments will be net-zero-carbon by 2030. Additional information on Amazon's sustainability programs, including packaging initiatives, can be found in Amazon's annual sustainability report:

<https://sustainability.aboutamazon.com/>.

- 2. Will Amazon offer its customers the option to select plastic free choices at checkout?**

Amazon is continuously innovating to provide our customers with the best possible online shopping experience, including shipping and packaging options that are responsive to customer needs.

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HBO MAX:

- 1. Is Amazon asking for the rights to carry HBO Max content or any other Warner Media content on its Amazon Prime Video service as part of the negotiations to grant HBO Max access to Fire TV or the Fire TV Stick? Has Amazon sought similar access to the rights to content from any other streaming services, including but not limited to Hulu, Disney+, or Netflix, which are featured on Fire TV or the Fire TV Stick? If so, what content did Amazon seek and obtain and why is Amazon seeking it for its competing video service?**

Like other companies, Amazon is unable to reveal details about ongoing, confidential negotiations with a business partner. As has been publicly reported, however, Amazon and HBO

are negotiating a broad deal across a number of business lines, including Prime Video and Fire TV. As a general matter, Amazon takes a customer-centric approach with respect to negotiations, and recognizes that customers come to Amazon for a vast selection of products, including content. Given significant competition in the content distribution space, Amazon believes customers disappointed in the offerings on Prime Video or Fire TV will turn to other options. With this in mind, Amazon is committed to providing a great selection to our Prime Video customers, and licensing content for distribution via Prime Video can be a good way to add value for customers.

2. Is Amazon asking for any other concessions from HBO Max or Warner Media that could benefit Amazon Prime Video or any other Amazon service as part of the negotiations for HBO Max or Warner Media to access Fire TV or the Fire TV Stick?

Like other companies, Amazon is unable to reveal details about ongoing, confidential negotiations with a business partner. As is standard practice during a negotiation between two companies, the terms under negotiation between Amazon and HBO Max are not solely financial, and also include marketing, advertising, and distribution commitments, amongst others.

3. Has Amazon offered HBO Max access to Fire TV or the Fire TV Stick on terms that are similar to the terms Amazon has agreed to with Hulu, Disney+ and Netflix? If not, why not and what conditions or concessions are different?

Like other companies, Amazon is unable to reveal details about ongoing, confidential negotiations with a business partner. As a general matter, Amazon takes a customer-centric approach with respect to negotiations and recognizes that customers come to Amazon for a vast selection of products, including content. Even with this basic guiding principle, the precise contours of Amazon's business relationships with current and prospective partners vary widely. As a result, negotiations with different businesses naturally present different considerations. This is particularly true in the differentiated—and highly competitive—content distribution space, where many companies offer a host of unique offerings to viewers.

4. Please provide examples where it would be appropriate and normal business to leverage a dominant market position in one line of business to benefit the same firm's market position in another line of business.

Amazon is focused on negotiating for the best prices and selection for the benefit of customers. In the normal course of business, it is common to negotiate non-financial terms during negotiations. Amazon is a relatively new entrant in both the device and content services businesses and customers have many available options to consume video content—including smart TVs, streaming media players, mobile phones and tablets, game consoles, set-top boxes, and personal computers. Amazon does not have a dominant market position in any putative device or content services market segment. Amazon competes and negotiates with well-established competitors in this space, such as NBCU/Comcast, Google/YouTube, Apple, Roku,

Samsung, Sony, Netflix, Hulu, and Disney, amongst others. Amazon, and its competitors, often find that negotiating a broad deal across more than one line of business helps both companies to achieve the desired result—lower prices and more choices for customers.

5. **Please provide examples where it would be inappropriate to leverage a dominant market position in one line of business to benefit the same firm's market position in another line of business.**

While this question is highly theoretical, Amazon's business is built on being obsessively focused on improving the customer experience in Amazon's store, including by providing access to a broad selection of products. This customer-centric approach is good for customers and the businesses with which Amazon partners, including the content creators who continue to thrive on Prime Video and Fire TV. Amazon does not have a dominant market position in any putative device or content services market segment. Amazon competes and negotiates with well-established competitors in this space, such as NBCU/Comcast, Google/YouTube, Apple, Roku, Samsung, Sony, Netflix, Hulu, and Disney, amongst others.

6. **Please provide the additional information that Mr. Bezos committed to get to the Subcommittee regarding Amazon's current negotiations with HBO Max and Warner Media.**

See responses to Questions 1–5 above. As explained above, Amazon takes a customer-centric approach with respect to negotiations, and recognizes that customers come to Amazon for a vast selection of products, including content. As a general matter, Amazon's negotiations with other established companies—like HBO Max and Warner Media/AT&T—often involve examining multiple opportunities across Amazon's business to create value for our customers. And, as with any negotiation regarding an important business relationship, both Amazon and HBO/WarnerMedia/AT&T have vigorously pursued their respective goals in these ongoing negotiations.

Questions from Rep. Ken Buck

- 1. Mr. Bezos, Amazon is conducting an investigation into the use of third-party company data to launch its own products. Can you please list each alleged incident of misuse or Amazon policy violation and your conclusion as to whether Amazon’s internal policies were violated? Please explain any disciplinary or corrective action that is taken in the event of a violation being substantiated.**

Amazon is fully committed to complying with its voluntarily adopted Seller Data Protection Policy. Amazon trains employees on the policy and regularly audits its systems and processes for compliance. Likewise, Amazon encourages employees to report any indication of potential lack of compliance with internal policies, including the Seller Data Protection Policy, and Amazon responds appropriately to any such reports. And, as with any other Amazon policy, Amazon takes appropriate action in response to any policy violations.

- 2. As our nation faces continued shortages of personal protective equipment (PPE), prices on ecommerce platforms for these desperately needed products have skyrocketed while ecommerce platforms have failed to guarantee product safety and have failed to remove counterfeit products. How will Amazon ensure the safety of PPE products for sale on its platform and marketplace?**

Amazon has long-standing policies against counterfeiting and price gouging and has processes in place to proactively block suspicious products and egregious prices. When Amazon finds a bad actor violating its policies, Amazon works quickly to remove the products and take action against the bad actor. Amazon also invests heavily in proactive efforts to prevent bad listings—including counterfeits—from ever reaching its store. In 2019 alone, Amazon invested over \$500 million into this issue, and has more than 8,000 employees who focus on fighting fraud and abuse. Amazon’s efforts have ensured that 99.9% of all products viewed by customers on Amazon did not have a valid counterfeit complaint.

Additionally, Amazon has called on Congress to establish a federal price gouging law, and is committed to continuing to work with policymakers on a bill that would hold bad actors accountable for artificially raising prices on high demand basic necessities, including PPE, during this pandemic. Amazon is disappointed that bad actors are attempting to take advantage of this global health crisis, and it has already removed more than half a million offers for attempted price gouging, suspended more than 6,000 selling accounts for violating Amazon’s policies, and provided data to law enforcement to hold them accountable. Amazon’s teams continue to actively monitor its store and remove offers that violate Amazon’s policies.

Amazon’s “Amazon Business Solutions Agreement” (“BSA”) requires sellers to provide accurate information about their products on product detail pages. Amazon has automated tools that scan hundreds of millions of listings 24/7 to proactively block inaccurate claims about COVID-19.

Amazon's efforts have blocked or removed more than 6.5 million products suspected of making inaccurate COVID-19 claims from Amazon's store.

In March, 2020, Amazon recognized that many PPE products were in short supply and took the unprecedented action of setting up a dedicated storefront for those PPE products, providing exclusive access to government agencies, healthcare institutions, first responders, and other customer segments with the greatest needs. Key products available on this storefront are subject to additional verification. For example, N95 respirator masks can only be sold by pre-approved sellers and purchased by pre-approved customers (*e.g.*, hospitals, first responders, etc.). Sellers of N95 masks are required to provide documentation demonstrating the authenticity of the product, and Amazon checks that the product appears on the list of approved N95 masks published by the National Institute for Occupational Safety and Health before the seller can list the product. Amazon utilizes automated tools and manual auditing to prevent sellers from circumventing this approval process.

3. **Mr. Bezos, in January, DHS released a comprehensive report entitled: "Combatting Trafficking in Counterfeit and Pirated Goods." The report contained ten specific *Best Practices for E-Commerce Platforms and Third-Party Marketplaces* (cited below). Can you provide the Committee with a detailed assessment of how Amazon is in compliance with each of these best practices? And if you are not in compliance, how Amazon plans to adhere to them in the future?**

Amazon has already implemented many of the "Best Practices for E-Commerce Platforms and Third-Party Marketplaces" recommended in the Department of Homeland Security ("DHS") report. For example, the report recommends that marketplaces should have "protocols and procedures to place limitations on the sale of products that have a higher risk of being counterfeited or pirated and/or pose a higher risk to the public health and safety." DHS also recommends that marketplaces publish lists of such restrictions. Amazon fully agrees with these particular recommendations and already follows these practices. Amazon prohibits the sale of certain high-risk categories, like prescription medications and airbag components, and publishes a list of prohibited items.

Further, as detailed in response to Rep. Johnson's questions above, Amazon also engages closely with law enforcement when a counterfeit product is discovered to help bring counterfeiters to justice. Amazon also believes that some of the DHS recommendations are not sound policy and would have unintended adverse effects on honest third-party sellers and customers.

Amazon's existing systems for preventing counterfeits are industry leading and continually updated to meet the challenge of fighting counterfeits. Even as Amazon continues to adhere to the practices described above, Amazon believes it is critical that legislative and regulatory processes enable Amazon to remain flexible, constantly innovate, and adapt technology and processes to best prevent counterfeits and block bad actors.

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1. Do you employ end to end encryption for communications on your products in China?

Amazon does not sell communications devices in China.

2. Do you provide user enabled and controlled encryption on the communications devices you sell in China?

Amazon does not sell communications devices in China.

3. Do you provide China and the Chinese Communist Party access to users' information and content as required by Chinese law?

As stated in the privacy notice for Amazon's Chinese Website, Amazon releases account and other personal information when the company believes release is appropriate to comply with the law.

4. What user information or content do you provide the Chinese government under Chinese law?

As is stated in the privacy notice for Amazon's Chinese Website, Amazon releases account and other personal information when the company believes release is appropriate to comply with the law.

5. If you deploy Artificial Intelligence to identify illegal content consistent with Chinese law:

- **What data points does your AI examine?**
- **How is your AI trained to identify and keep up with the changing language, vocabulary and codes used by pedophiles and other criminals?**

Amazon uses automated processes in China and the other jurisdictions in which it operates to help ensure compliance with applicable law, including by screening for illegal products and content. Amazon's automated processes use multiple software techniques, such as searches for keywords, which are updated periodically.

6. Does China require you to submit either your encryption of AI algorithms to Chinese authorities for technical evaluation before you are permitted to deploy them in China?

Amazon has not been asked by the Chinese government to submit Amazon's encryption or AI algorithms for technical evaluation.

- 7. Does China require providers to back up the contents of all devices into the either the company's data center or a government data center in China?**

The only Amazon device available for sale in China is the Kindle E-reader. Amazon is not aware of any Chinese laws requiring Amazon to back up the contents of Kindle E-readers into private or government data centers in China.

- 8. Does China require information on any or all of your devices that access the Chinese cellular telephone infrastructure or Internet to backup their content and user information in Chinese datacenters? Does this apply to tourists and business travelers, to include United States citizens?**

Amazon is not aware of any Chinese laws requiring Amazon to back up the contents of Kindle E-readers—the only Amazon device available for sale in China—into private or government data centers in China.

Questions from Rep. Pramila Jayapal

- 1. Please explain what kinds of information Amazon can access about third party seller sellers that Amazon third party seller sellers do not have access to.**

Amazon invests heavily in supporting third-party sellers, including by creating tools to support them and providing them with immense data resources. Those resources start with providing third-party sellers data about all of their own sales in Amazon's store. To help third-party sellers succeed, Amazon also provides them with aggregated data regarding what customers are looking for and buying in Amazon's store. For example, Amazon provides third-party sellers data through dashboards and customizable business reports available through Seller Central, data feeds available through the Marketplace Web Service APIs, and recommendations Amazon makes available through the Selling Coach tool. These tools have proven successful and continue to grow in popularity and sophistication.

Amazon also uses third-party seller data to support sellers or to enhance or protect Amazon's customers' experience. In connection with these efforts, numerous Amazon teams have access to aggregated third-party seller data, including Amazon's Retail team, Private Brands team, and the teams that build tools and services to help Amazon's selling partners succeed and to help prevent fraud and abuse in Amazon's store. In certain cases, seller data utilized for these purposes is not made available to third-party sellers. In addition, to protect against fraud and protect customer privacy, Amazon limits the customer personal data that it provides to third-party sellers.

- 2. How many Third-Party Seller Data Audits has Amazon conducted within the past ten years? Please provide the dates and results of each audit**

Amazon's Internal Audit team conducted company-wide audits of compliance with Amazon's Seller Data Protection Policy in 2015 and 2018, at the request of counsel. Amazon has previously produced to the Committee non-privileged material related to these audits. In addition, internal lawyers regularly interact with employees who work on the private brands business, answer questions regarding the appropriate use of data as necessary, and regularly review the private brands business's data queries for compliance with the Seller Data Protection Policy.

- 3. Who at Amazon conducts Third-Party Seller Data Audits?**

Amazon's Internal Audit team conducted company-wide audits of compliance with Amazon's Seller Data Protection Policy in 2015 and 2018, at the request of counsel. In addition, internal lawyers regularly interact with employees who work on the private brands business, answer questions regarding the appropriate use of data as necessary, and regularly review the private brands business's data queries for compliance with the Seller Data Protection Policy.

4. Who at Amazon sees the results of the Third-Party Seller Data Audits?

Amazon's Internal Audit team conducted company-wide audits of compliance with Amazon's Seller Data Protection Policy in 2015 and 2018, at the request of counsel. Amazon has previously produced to the Committee non-privileged material related to these audits. In addition, internal lawyers regularly interact with employees who work on the private brands business, answer questions regarding the appropriate use of data as necessary, and regularly review the private brands business's data queries for compliance with the Seller Data Protection Policy. Amazon takes the results of its audits seriously and ensures that any relevant stakeholders receive those results.

5. Please provide the number of category managers that have accessed non-public data about third-party products and businesses.

Like any other store owner, Amazon uses aggregate data that it collects from sales in Amazon's store to improve customers' experiences and the store's performance. Employees, including category managers, may use aggregated data about activities in Amazon's store consistent with their responsibilities, and numerous Amazon teams have access to such aggregated data. Like anyone else, members of these teams can visit Amazon's public product detail pages to learn a product's best-seller ranking, in addition to its product reviews and star ratings, and make a determination on all of those bases about whether a product is selling well in its store.

6. Please explain what measures Amazon has taken to prevent Amazon employees from accessing third party seller data and information.

Amazon trains employees on the voluntarily adopted Seller Data Protection Policy and regularly audits its systems and processes for compliance. All Amazon Retail team members are required to complete a policy-specific training module upon onboarding, and again every two years thereafter. In addition to these mandatory trainings for all Retail employees, members of Amazon's Private Brands teams receive both an annual general training on the policy and an additional Private Brands-specific training on the use of third-party seller data. Amazon is also continually improving its technical controls to enforce this policy, and many tools in use today are already configured to omit seller data or have strict permissioning requirements.

7. Please list all types of aggregate data that Amazon first party sales staff can access on third party sellers.

Like any other store owner, Amazon uses aggregate data that it collects from sales in Amazon's store to improve customers' experiences and the store's performance. Employees may use aggregated data about activities in Amazon's store consistent with their responsibilities, and numerous Amazon teams have access to such aggregated data, including teams responsible for Amazon's Private Brands business. Like anyone else, members of these teams can visit Amazon's product detail pages to learn a product's best seller ranking, in addition to its product

reviews and star ratings, and make a determination on all of those bases about whether a product is selling well in its store.

- 8. If there is a product on Amazon Marketplace where one third-party seller accounts for 99% of the sales and another third-party seller accounts for 1%, does Amazon designate data about that product as “aggregate” data?**

Under Amazon’s voluntarily adopted Seller Data Protection Policy, “aggregated data” is data that is aggregated across multiple third-party sellers and, where available, Amazon’s first-party sales, and is therefore not specific to an individual seller. Due to the nature of aggregated data, the identity of and the particular sales attributed to any particular seller is not discernible from the aggregated data, so the data would not reveal the relative proportions of each sellers’ sales.

- 9. If there is a product on Amazon Marketplace where there are three sellers and each accounts for one-third of the sales, does Amazon designate data about that product as “aggregate” data?**

Under Amazon’s voluntarily adopted Seller Data Protection Policy, “aggregated data” is data that is aggregated across multiple third-party sellers and, where available, Amazon’s first-party sales, and is therefore not specific to an individual seller. Due to the nature of aggregated data, the identity of and the particular sales attributed to any particular seller is not discernible from the aggregated data, so the data would not reveal the relative proportions of each sellers’ sales.

- 10. Please identify each type of data that Amazon collects on actual and potential customers on Amazon.com.**

Amazon’s privacy notice (www.amazon.com/privacy) describes what information Amazon collects and how that information is used, and is provided in **Appendix A**. Amazon collects customers’ information to provide, and continually improve, Amazon’s products and services.

First, Amazon receives information that customers provide related to their use of Amazon.com. For example, customers provide information when they shop for or purchase products or services, use features on Amazon.com, and enter information in their account settings. As a result of those actions, customers might provide Amazon the following categories of information: contact information, payment information, location information such as the customer’s preferred shipping address, address book information, and account profile information.

Second, Amazon automatically collects and stores certain types of information when a customer uses Amazon.com, including information about their interaction with products or content available through Amazon.com. Like many websites, Amazon uses cookies and other unique identifiers and obtains certain types of information when a customer’s web browser or device accesses Amazon.com. Examples of the categories of information Amazon collects and analyzes include: IP address, login, or email address; device information; clickstream information to,

through, and from Amazon.com; products and/or content viewed or searched; and webpage interaction and metrics information. Amazon may also use device identifiers, cookies, and other technologies on devices, applications, and Amazon webpages to collect browsing, usage, or other technical information.

Third, Amazon might receive information about customers from other sources. Examples of information Amazon receives from third parties include: updated delivery and address information from Amazon's carriers or other third parties; search results and links, including paid listings (such as sponsored links); and credit history information from credit bureaus that Amazon uses to help prevent and detect fraud.

11. For each of the following product categories, please identify the percentage of product listings that are (i) Amazon first-party vs. Amazon third-party, and (ii) within Amazon first-party, the percentage that are Amazon private label vs. non-private label.

- a. Consumer electronics
- b. Beauty
- c. Kitchenware
- d. Apparel
- e. Children's apparel
- f. Sports apparel
- g. Textbooks
- h. Trade fiction books
- i. Trade non-fiction books
- j. Batteries
- k. Toys
- l. Smart speakers

Amazon seeks to deliver the best combination of price, selection, and convenience to our customers—whether those products are sold by a third-party seller or by Amazon. Over the past 20 years, third-party sellers have grown from 3% of sales of physical products by value in our store, to nearly 60%. Conversely, private brands sales represent only about 1% of our total sales. Amazon offers private brand products in highly competitive categories and Amazon's total sales lag far behind the percentage of sales that rival private brand retailers have achieved.

The table below provides responsive information for comparable categories. Apparel is included within Softlines, which also includes other non-apparel products such as footwear and accessories. Our store offers a wide range of batteries, which are included in various categories. Most types of batteries are included within Total Consumer Electronics and Consumables, each of which include additional products. Smart Speakers are also included within the Total Consumer Electronics category. These data are for Amazon's 2019 Fiscal Year.

Listings	First-Party			Third-Party
Category	% of Total Listings	Private Brand % of First-Party	Non-Private Brand % of First-Party	% of Total Listings
Consumer Electronics	4%	< 1%	> 99%	96%
Beauty	4%	< 1%	> 99%	96%
Home & Kitchen	1%	< 1%	> 99%	99%
Softlines	8%	< 1%	> 99%	92%
Books	34%	< 1%	> 99%	66%
Consumables	3%	< 1%	> 99%	97%
Toys	9%	< 1%	> 99%	91%

12. For each of the following product categories, please identify the percentage of product sales that are (i) Amazon first-party vs. Amazon third-party, and (ii) within Amazon first-party, the percentage that are Amazon private label vs. non-private label.

- a. Consumer electronics
- b. Beauty
- c. Kitchenware
- d. Apparel
- e. Children's apparel
- f. Sports apparel
- g. Textbooks
- h. Trade fiction books
- i. Trade non-fiction books
- j. Batteries
- k. Toys
- l. Smart speakers

Amazon seeks to deliver the best combination of price, selection, and convenience to our customers—whether those products are sold by a third-party seller or by Amazon. Over the past 20 years, third-party sellers have grown from 3% of sales of physical products by value in our store, to nearly 60%. Conversely, private brands sales represent only about 1% of our total sales. Amazon offers private brand products in highly competitive categories and Amazon's total sales lag far behind the percentage of sales that rival private brand retailers have achieved.

The table below provides responsive information for comparable categories. Apparel is included within Softlines, which also includes other non-apparel products such as footwear and accessories. Our store offers a wide range of batteries, which are included in various categories. Most types of batteries are included within Total Consumer Electronics and Consumables, each of which include additional products. Smart Speakers are also included within the Total Consumer Electronics category. These data are for Amazon's 2019 Fiscal Year.

Sales \$	First-Party			Third-Party
Category	% of Total Sales \$	Private Brand % of First-Party	Non-Private Brand % of First-Party	% of Total Sales \$
Consumer Electronics	43%	3%	97%	57%
Beauty	35%	< 1%	> 99%	65%
Home & Kitchen	33%	4%	96%	67%
Softlines	28%	9%	91%	72%
Books	74%	< 1%	> 99%	26%
Consumables	41%	2%	98%	59%
Toys	42%	< 1%	> 99%	58%

13. What are Amazon's policies with regards to offering marketing co-ops, also known as Base Accrual / MDF, to third party sellers?

Like many retailers, Amazon has a longstanding practice of entering into marketing co-op agreements with its vendors—suppliers that sell inventory to Amazon at wholesale, which Amazon then sells to customers at retail. These co-op agreements, such as Marketing Development Fund ("MDF") agreements (also known as base accrual agreements), allow Amazon to better promote vendors' products by helping offset investments in activities like marketing communications, in-store promotions, catalog improvements, and premium brand stores. These investments support the success of retail vendors on Amazon. It is not Amazon's practice to enter into MDF agreements with third-party sellers, whom Amazon supports through a variety of other programs.

14. Does Amazon ever execute contracts for marketing co-ops that are self-extending unless the third-party seller opts out?

Amazon's MDF agreements are typically set to a one-year term. For the convenience of Amazon and its vendors, these agreements also commonly include an auto-renewal provision that extends the MDF terms, typically for one year, unless the parties negotiate different terms or either party provides notice to terminate the agreement. In general, vendors may access the terms of their MDF agreements—including the auto-renewal and termination provisions—at any time through Amazon's Vendor Central, a portal that allows vendors to manage their businesses with Amazon. As noted above, it is not Amazon's practice to enter into MDF agreements with third-party sellers, whom Amazon supports through a variety of other programs.

- 15. Is Amazon's Vendor Central website regularly updated with all binding contracts entered into by third-party sellers? That is, should a third-party seller be able to always access a full listing of all current, binding contracts into which they have entered with Amazon by accessing that website?**

Amazon Vendor Central is a portal for companies that sell to Amazon wholesale to supply Amazon's first-party retail offerings. Amazon Seller Central is a portal for third-party sellers that sell in Amazon's store. Amazon Seller Central includes a webpage regarding "Policies, agreements, and guidelines" which includes the "Amazon Services Business Solutions Agreement" ("BSA") and information about recent changes to the agreement.

- 16. Does Amazon ever unilaterally update binding contracts with third-party sellers, without providing them an opportunity to negotiate or opt-out?**

Amazon's BSA governs Amazon's relationships with third-party sellers and the suite of optional Amazon services available to them, such as Selling on Amazon and Fulfillment by Amazon. Third-party sellers may access the terms of the BSA and information about recent changes to the agreement at any time through their Seller Central accounts. Typically, Amazon provides 15 days' notice to sellers of any modifications to the terms of the BSA through Seller Central. A seller's continued use of Amazon's services constitutes acceptance of the updated agreement, and they can terminate their agreement with Amazon at any time without advance notice. In certain limited circumstances described in the BSA, Amazon may change the agreement immediately to comply with government regulation, prevent fraud, launch new or modified services, or prevent unsafe products or activities.

- 17. What type of notice does Amazon provide third-party sellers of any contractual changes? Specifically, how much notice does Amazon provide and how does Amazon communicate this information?**

As described above, third-party sellers may access the terms of the BSA and information about recent changes to the agreement at any time through their Seller Central accounts. Typically, Amazon provides 15 days' notice to sellers of any modifications to the terms of the BSA through Seller Central. A seller's continued use of Amazon's services constitutes acceptance of the updated agreement, and they can terminate their agreement with Amazon at any time without advance notice. In certain circumstances described in the BSA, Amazon may change the agreement immediately to comply with government regulation, prevent fraud, launch new or modified services, or prevent unsafe products or activities.

- 18. News reports document that in March 2020, Amazon was providing delivery drivers with a single disinfectant wipe to clean their vans.**

- a. Does Amazon still provide delivery drivers with a single disinfectant wipe to clean their vans?**

b. Please specify all steps that Amazon has taken to ensure the safety of Amazon delivery drivers.

The health and safety of Amazon’s employees and contractors—including Amazon’s delivery service partners (“DSPs”) and their delivery drivers—has been Amazon’s top priority since the pandemic began (we address DSPs in our response as it is the most relevant program to the question’s focus on delivery drivers using vans). DSPs and the delivery drivers they employ (Delivery Associates, or “DAs”) are not Amazon employees.ⁱ Amazon has worked closely with DSPs in response to the pandemic. In particular, throughout the pandemic Amazon has worked to ensure that DSPs have access to an ample supply of disinfectant wipes and other disinfecting materials. Like many businesses during the early stages of the pandemic in March 2020, Amazon had to react quickly to a rapidly evolving situation and secure scarce disinfecting materials as supply chains dwindled. To help DSPs protect their DAs, Amazon provided not only disinfectant wipes, but also disinfecting sprays, cloth/paper towels, and gloves to supplement the availability of disinfecting wipes, particularly during the early days of the pandemic when supply chains were more constrained.

Amazon has continuously monitored recommendations from local public health authorities, the Occupational Safety and Health Administration (“OSHA”), the Centers for Disease Control (“CDC”), and the World Health Organization (“WHO”), and has acted promptly alongside DSPs to reduce the threat of virus transmission to Amazon employees, DSPs, and those with whom they interact through measures including those described below:

Vehicle Cleaning and Hand Hygiene:

Amazon has increased the frequency and intensity of cleaning at all Amazon sites, including regular sanitization of door handles, handrails, touch screens, scanners, and other frequently touched areas. Amazon requires that all employees and DSPs clean and disinfect their work areas. At the start and end of routes, DSPs must clean all frequently touched surfaces in the delivery vehicle and other work equipment.

Amazon provides disinfectant wipes and other cleaning supplies daily to DSPs, including paper towels, bottled disinfectant spray, and hand sanitizer. When Amazon is informed by a DSP that their driver has a confirmed or presumptive COVID-19 diagnosis, Amazon determines whether there is a need to do an enhanced cleaning. Once the determination is made and the vehicle used by the DA is identified, the vehicle is immediately “red tagged” (taken out of service) and an order is placed for enhanced cleaning with a third-party cleaning service.

ⁱ Where context and brevity allows, DSPs and their DAs are referred to collectively as DSPs.

Social Distancing:

Amazon employees and DSPs must adhere to the CDC's guidance on social distancing while at work, and maintain a distance of at least 2 meters/six feet (2m/6ft) from others.

Amazon's delivery protocols require DSPs to avoid physical contact with customers, and maintain a 2m/6ft distance from them. Where possible, DSPs complete deliveries with no customer interaction—for example, leaving packages on doorsteps instead of handing packages to recipients, and wearing masks when they are making deliveries or around others.

Age verification for deliveries is also completed without contact between the delivery driver and the customer. Where an ID is needed, delivery drivers are instructed to check the ID without touching or handling it (*i.e.*, by asking the customer to place it against a glass window, or on the ground). The customer's identification details may also be entered into the Amazon Flex App.

For locker deliveries, the locker doors open by themselves. Delivery drivers are to avoid touching the locker doors directly with their hands. If a locker door is touched, the surface must be cleaned. The locker screen must also be cleaned. Upon returning to the vehicle, the delivery driver must wash his or her hands and clean the delivery device and the vehicle door handle.

Masks:

Amazon is providing disposable and reusable masks to employees, contractors (including DSPs), and all visitors at worksites. Amazon requires that everyone wear a mask covering over the nose and mouth.

As discussed above, DSPs must wear masks when making deliveries or when around other people. An Amazon yard marshal checks to ensure that all delivery drivers entering Amazon delivery stations are wearing masks. If a delivery driver needs a mask, Amazon makes those available. Delivery drivers who refuse to wear masks are not permitted to pick up packages for delivery, and their employer is notified.

There is also an option in the Amazon app for customers to rate their delivery experience. One of the options allows the customer to confirm whether a driver was wearing a mask. Any DSP whose driver receives negative feedback receives a report and is instructed to coach the DA on wearing a mask.

Confirmed Case Management of DSPs and Contact Tracing:

When Amazon receives confirmation from a DSP that an identified DA has been on an Amazon site and also diagnosed with COVID-19, Amazon takes several steps:

- Inform the DSP that their employee may not return to work at an Amazon site until they have satisfied CDC requirements, including Amazon's self-isolation requirements.

- Deactivate the DA's badge to prevent entry onto an Amazon site until their symptoms are gone and the DA has recovered.
- Confirm when the DSP's employee was last on premises at the Amazon site and/or in a delivery vehicle and determine if the vehicle needs to be taken out of service so that enhanced cleaning may be completed.
- Perform contact tracing per Amazon's confirmed case management protocols to confirm whether the DA had close prolonged contact with others, and notify any close contacts.

If Amazon learns that an Amazon employee, contractor, or DSP had a confirmed COVID-19 case, and came in close prolonged contact with a DA, Amazon will notify the DSP of the contact-tracing findings, and request that the DSP send the DA home to quarantine and self-monitor for COVID-19 symptoms per CDC guidance.

Temperature Checks:

Amazon requires temperature checks for all employees and contractors (including DSPs) who enter Amazon sites through an employee entrance. At most Amazon sites where DSPs operate, Amazon provides on-premises temperature checks for each DSP employee who enters the site through an employee entrance. At sites where this is not available, DSPs must implement a daily temperature check for their delivery drivers who operate out of that site. Delivery drivers use an app-based system to confirm that they took their temperature and that it is below 100.4°F (or other temperature threshold established by local authorities). If a delivery driver has an elevated temperature, he or she is prohibited from entering the Amazon site or undertaking a delivery route, and must follow CDC guidelines, including staying home until they are able to confirm that they are fever-free.

Driver Relief Fund:

Amazon has set up a \$25 million relief fund to pay DSP DAs for up to two weeks if they get sick with the virus or miss work due to quarantine.

19. How does Amazon track employee complaints about workplace safety?

Amazon encourages employees to raise workplace safety concerns and report noncompliance to any manager, the Workplace Health and Safety ("WHS") team, or to HR. The company will promptly investigate and take appropriate corrective action. Amazon does not tolerate retaliation against employees who report workplace safety concerns.

In responding to the pandemic, Amazon has sought feedback from employees. For example, Amazon uses a daily employee opinion survey called "Connections" to seek employee feedback about the effectiveness and consistency of Amazon's safety practices. Connections questions during the pandemic have covered topics such as social distancing compliance, proper facemask use, and the availability of cleaning supplies. Some examples of Connections questions are, "Are

you able to keep at least 6ft/2M from others at workstations/breakrooms?” and “Do you see crowding at breaks, meals, or shift changes?” In order to track and take actions on feedback collected from these questions, Amazon has employed a team of design engineers working with WHS professionals and operations to ensure that Amazon is meeting social distancing requirements. Sites have added breakrooms to address these concerns, in addition to staggering shifts and break times.

Amazon also has an open-door policy for employees. If they have safety concerns or ideas on how the company can improve (including COVID-19 measures), they are encouraged to bring these concerns to their managers, the WHS team, or HR. Through Amazon’s open door process, employees are free to raise concerns to the highest executive levels, including by emailing Jeff Bezos directly. Amazon’s executive escalations team will then assign the concerns for investigation through WHS, Legal, HR, and other departments, depending on the types of concerns raised. Executive escalations are thoroughly investigated, and Amazon reports back to the employee on the findings and the corrective actions taken (where applicable). Employees may also post concerns anonymously on the Voice of the Associate (“VOA”) whiteboard—a board that appears in open areas of fulfillment centers and other buildings in Amazon’s network where employees may anonymously write out a workplace safety or other concern. WHS, HR, and/or other management teams (depending on the issue raised) then investigate and respond to the concern, noting the corrective action taken (where applicable). A recent example of action taken from an issue flagged on a VOA board was a problem involving charging ports for powered industrial trucks. The issue was investigated, and the closed-out corrective item was then posted on the VOA board, noting that all charging ports were audited, faulty equipment was red-tagged, and repairs were completed.

Where the complainant’s identity is known (meaning that the complaint was not anonymous), the complainant receives confirmation of case closure and a high-level summary of findings at the close of an investigation.

20. What is Amazon’s system for responding to those complaints?

Amazon’s system of responding to employee complaints is discussed in detail in response to Question 19 above.

21. How does Amazon track subcontractor complaints about workplace safety?

Amazon also welcomes workplace safety concerns and reports of noncompliance from subcontractors, including DSP drivers. Subcontractors are free to report safety concerns to their employers, who, in turn, notify Amazon of concerns. Employees of subcontractors are also free to use the same open-door policy available to Amazon employees by raising concerns with Amazon managers and executives, the WHS team, or HR. DSPs are contractually required to follow Amazon’s safety policies while onsite at Amazon premises, and to comply with all applicable laws pertaining to motor vehicle operation and workplace safety. DSPs must report

any significant safety incidents to the On Road Emergency Hotline. DSPs can contact the On The Road team to make a complaint, and DAs can also make a complaint through a hotline managed by the DSP Relations and Risk team. The DSP and DA complaints are then logged and triaged to the appropriate team for investigation. All safety incidents reported to Amazon are tracked and disseminated through Amazon's Global Operations Center ("GSOC") so that appropriate responses, safety measures, and corrective actions may be taken for the safety of the DSPs and their drivers.

Amazon's contractor population also includes the Amazon Flex delivery model, where individuals download the Flex App on their personal devices, then use their own personal vehicles to deliver packages and groceries. Flex drivers can contact support via the Amazon Flex app for workplace safety or other concerns. The Shipping, Delivery & Support team within Amazon Flex receives and tracks complaints from delivery partners. For high-severity complaints, support will escalate management of the complaint to Amazon's GSOC. The GSOC team manages and reviews incidents and complaints and takes action to protect the safety of all delivery partners, affected co-workers, community members, and any other affected persons to mitigate any potentially unsafe situation.

22. What is Amazon's system for responding to those complaints?

Workplace safety complaints from subcontractors are just as important to Amazon as concerns raised by Amazon employees, and the responses to the above questions regarding responses to employee complaints are also applicable here. Complaints from subcontractors and/or their employees are reviewed, assigned for investigation as needed, corrective action taken where appropriate, and case/closure and investigation summary provided as discussed in response to Questions 19–21.

23. Does Amazon track employee complaints about racial bias in the workplace?

Yes. Amazon tracks employee complaints about race discrimination in order to engage in appropriate investigation and action.

24. What is Amazon's policy on addressing those complaints?

Amazon maintains a zero-tolerance policy with respect to racial, sexual, and religious discrimination and harassment. Amazon provides equal opportunity in all aspects of employment and will not provide refuge to any individual or act that diminishes its discrimination and harassment standards. Amazon's policies encourage any employee who believes that they have been discriminated against, harassed, or have suffered retaliation for reporting discrimination or harassment to report it to any manager or to HR. Employees may also report complaints about racial bias, discrimination, or harassment confidentially and anonymously through the Amazon Ethics Line. Amazon does not tolerate retaliation against employees who report unlawful discrimination or harassment and Amazon will promptly investigate and take appropriate corrective action when incidents are reported.

- 25. Please share the titles of all Amazon staff who play a role in charge of reviewing employee and subcontractor complaints about workplace safety and racial discrimination, identifying and implementing responses to those complaints, and making changes and interventions in the workplace based on those complaints.**

Amazon professionals who play a role in responding to and resolving workplace complaints include WHS professionals (WHS Specialists, Managers, Regional Managers, Multi-Regional Managers, and Directors), HR Business Partners, Employee Relations Specialists and investigators, and HR Managers. Where a complaint involves the operations team within the Amazon Customer Fulfillment network, titles for operations managers include Site Leader, General Manager, Senior Operations Manager, Area Manager, and Regional Operations Director. The Loss Prevention team may also be utilized where relevant to the complaint. Professionals in the employee's management chain may also be involved. Additionally, Amazon Employee Relations teams include specialized HR investigatory functions, which provide unbiased investigative services to Amazon employees raising or escalating complaints. For complaints involving DSPs, the Amazon staff involved in reviewing, responding, and making changes/interventions based on the DSP or DA complaints will vary based on the issues raised in the complaint. Depending on the issues raised, stakeholders include DSP Relations and Risk Contract Relations Manager, Amazon Central Investigations HR Investigator, Loss Prevention on the Road Risk Manager, and Legal. For Flex complaints, Amazon staff involvement will also vary based on the issues raised in the complaint. Usual stakeholders for complaints involving Flex are: WW Flex Safety, Voice of the Driver, Flex Field Ops, Head of Flex, NA, SDS Operations, and Legal.

- 26. Please share the names and titles of Amazon staff who have final decision-making authority over Amazon's responses to worker complaints.**

All of the above-referenced HR professionals can have decision-making authority. Matters are addressed on a case-by-case basis.

- 27. How does Amazon track COVID-19 infections in warehouses, with subcontracted warehouse cleaning workers, with subcontracted delivery workers, and with Whole Foods employees?**

When Amazon receives notice that an individual employed at a particular Amazon facility has a confirmed diagnosisⁱⁱ of COVID-19 or is presumedⁱⁱⁱ to have COVID-19, Amazon has protocols in place for managing the situation. These protocols also apply when Amazon is notified about a COVID-19 case (either confirmed or presumptive) by a third-party cleaning vendor whose

ⁱⁱ A case is considered "confirmed COVID-19" when the diagnosed individual has a written viral laboratory (PCR test) confirmation of COVID-19 viral infection.

ⁱⁱⁱ A case is "presumptive" or "presumed COVID-19" (also known as "probable") when the individual is diagnosed with COVID-19 by a healthcare professional, without laboratory testing, but has a medical note/certificate stating the COVID-19 diagnosis.

employee worked inside an Amazon building, and DSPs regarding their DAs. These protocols are based on recommendations from health and safety regulators and experts, including the CDC, OSHA, WHO, and state and local health authorities. Amazon confirms when the diagnosed person was last on site in order to determine whether routine COVID-19 cleaning and disinfection (beyond Amazon's standard, extensive COVID-19 cleaning protocols) are necessary. In making this determination, Amazon evaluates where the diagnosed person was in the building, for how long, with whom they interacted, and how much time has passed since they were on site, among other factors. Amazon then manages the case consistent with CDC guidance and Amazon's protocols.

In addition, following a confirmed COVID-19 case, Amazon completes contact tracing where appropriate based on CDC guidance to identify those who were in close prolonged contact with the diagnosed worker. Third-party vendors (including DSPs and their DAs) are also notified when their employees are identified as a "close contact" under Amazon's policy, where the procedures described here also apply. Per CDC Guidance, Amazon defines "close contact" as being within six feet of the diagnosed individual for more than 15 minutes. From the outset, Amazon's policy has been that the contact tracing period should begin two days (48 hours) prior to the date of the diagnosed worker's first symptoms, and end on the last date the diagnosed worker was on site. In late June 2020, Amazon's policy was further revised to reflect CDC guidance on asymptomatic cases, which requires that the contact tracing period begin two days prior to the laboratory test confirming that the diagnosed individual has COVID-19. For diagnosed employees, Amazon conducts contact tracing by reviewing closed-circuit television monitoring video (where available) and interviewing the diagnosed employee^{iv} about, among other things, whether the diagnosed individual recalls having close contact with anyone who works at an Amazon facility (including contractors). The scope of Amazon's contact tracing also includes identifying close contacts on site, as well as those who have carpooled with a diagnosed employee for periods longer than 15 minutes, and those who cohabitate with a diagnosed employee. In addition, Amazon proactively reaches out to local health authorities to advise of confirmed COVID-19 cases and to ensure alignment in definitions of close contacts.

See the below response to Question 28 regarding notification by Amazon to employees who were in close contact with a diagnosed individual as part of Amazon's contact tracing analysis, which provides additional responsive information to Question 27.

Whole Foods Market tracks COVID-19 positive cases through its Global Team Member Services and HR teams. Whole Foods Market also engages in case management as described above, including contact tracing when the store learns that an individual employed at a particular Whole Foods Market facility has a confirmed diagnosis of COVID-19. Whole Foods Market

^{iv} In cases where Amazon is notified by a third-party vendor that their employee has a confirmed or presumptive COVID-19 diagnosis, Amazon would ask them to collect relevant information for contract tracing purposes and provide it to their Amazon contract manager.

provides appropriate information to state and local health authorities, and complies with any reasonable follow-up information requests.

28. How does Amazon disseminate information about COVID-19 infections to potentially impacted workers in Amazon facilities?

Amazon notifies employees about individuals employed at their facility who have been diagnosed with COVID-19 or who are presumed to have COVID-19 (but not the identity of the individuals diagnosed), in line with guidance from the CDC and the U.S. Equal Employment Opportunity Commission. These notifications are made through small-group, in-person discussions with management (that comply with social distancing guidelines), text notifications, and/or Amazon's "A to Z" application. Individuals, including employees of third-party vendors (including DSPs) identified as having had close, prolonged contact with diagnosed individuals are also notified as part of the contact tracing process, discussed in response to Question 27.

29. Please provide a list identifying the number of COVID-19 cases and infection rates in each of Amazon's warehouses or fulfillment sites in the United States.

Amid this public health crisis, there is community spread of COVID-19, including in many of the communities where Amazon employees live and work. Amazon has acted quickly to implement safety procedures to keep employees safe and to try to avoid the transmission of COVID-19 in Amazon facilities even where it exists in the communities where Amazon has a presence. Amazon's process updates include some of the measures discussed throughout these responses to your questions, such as routine COVID-19 cleaning, staggering shift times to maintain distancing as employees enter and exit buildings, rearranging work stations and breakrooms to facilitate social distancing, conducting thermal screenings, and mandating usage of masks/face coverings by employees. But, COVID-19 still exists outside of the workplace, and has continued to spread in communities across the United States in homes or places with no relation to Amazon. The U.S. Department of Labor's Occupational Safety and Health Administration ("OSHA") recognized the significant likelihood of transmission through many other sources in communities outside of work in its May 2020 enforcement guidance concerning COVID-19, stating that "[g]iven the nature of the disease and the ubiquity of community spread[,] . . . in many instances, it remains difficult to determine whether a COVID-19 illness is work-related, especially when an employee has experienced potential exposure both in and out of the workplace."

Amazon believes the best use of tracking case counts is accomplished by local health authorities ("LHAs"), who then use case data to assist their efforts to prevent the spread of COVID-19 within their communities. As Amazon learned of the first cases of COVID-19 with employees at Amazon sites in the United States in the early days of the pandemic, Amazon began engaging with LHAs across the nation to notify them of confirmed or presumed COVID-19 cases. The purpose is to arm LHAs with the information they need to investigate COVID-19 cases in their communities, to clarify their definitions of "close contact," and to advise them of actions taken

based on Amazon's case management policy. When Amazon receives confirmation that an employee has been diagnosed with COVID-19, among other steps, an Amazon safety professional attempts to contact the LHA where the employee resides. Amazon has been proactively reaching out to state and local health authorities to determine their preferred methods of contact, to better partner with them and provide notifications, and to learn about other opportunities to collaborate.

- 30. Since all of the warehouse and contract delivery workers fired by Amazon after speaking out about working conditions have been Black workers (including Chris Small and Gerald Bryson, NY; Bashir Mohammed, MN; Courtney Bowden, PA; and Andre Kirk, IN), has Amazon examined its workplace policies and enforcement practices to determine whether those policies have a disparate impact or are being enforced in a manner that place a disparate burden on Black workers?**

Amazon supports every associate's right to raise concerns to their manager, and has zero tolerance for retaliation against associates who do so. However, that does not come with blanket immunity against any and all internal workplace policies. All U.S. associates are expected to follow the company's Standards of Conduct. The Standards of Conduct contain a list of examples of infractions that may result in corrective action, up to and including termination of employment. The Standards of Conduct are only guidelines; of course, it is not possible to list all the forms of behavior that are unacceptable in a workplace, and the Standards of Conduct are not intended to be all-inclusive or exhaustive. Similarly, Amazon maintains the ability in all circumstances to apply the appropriate level of corrective action, up to and including immediate termination of employment, without prior corrective action. Disciplinary decisions are made on a case-by-case basis, depending on the facts of the specific occurrence. Amazon continuously reviews these standards.

- 31. Does Amazon plan on adjusting the wages for non-supervisory warehouse workers up to or above \$19.22, the nationwide average hourly wage for non-supervisory warehouse workers?**

In 2018, Amazon announced an increased minimum wage of \$15 for all full-time, part-time, temporary (including those hired by agencies), and seasonal employees across the United States. In many places around the country, Amazon's starting wage is even higher—in fact, 45% of entry-level fulfillment center employees make more. Amazon is proud that its minimum wage is more than what most other retailers offer even after their temporary increases in recent months, and Amazon hopes its peers will bring their minimum pay closer to Amazon's. Amazon has publicly advocated that Congress should raise the federal minimum wage to \$15 as well. Amazon hopes others follow its lead, like Target and Best Buy did only recently. Fifteen dollars should be the minimum anyone is paid in the U.S.—but 42% of U.S. workers make less for an hour's work. In addition to its industry-leading minimum wage, Amazon's benefits package on Day One includes: medical, vision, and dental insurance; generous parental leave, including five months of maternity leave; and a network of support programs. Full-time, hourly employees have the same benefits as corporate employees, ensuring every Amazonian has access to the

best health care and insurance programs. Amazon will continuously evaluate its pay structure for hourly workers and will update it as appropriate.

32. What is Amazon’s written policy on how the company responds to union drives and other protected, concerted activities designated under the National Labor Relations Act?

Amazon respects the rights of employees to engage in protected, concerted activities, including protests, and follows applicable law with respect to protected activities. Amazon believes that candid and constructive communication is essential to the smooth functioning of the workplace and to maintaining an atmosphere of mutual respect. Accordingly, Amazon has an “open door” policy, which means that employees are welcome to discuss any suggestion, concern, or other feedback with any member of the company’s management. Amazon believes that this direct communication is the most effective way to understand and respond to the needs of its workforce. Associates are encouraged to provide feedback—through public channels like team meetings or the “Voice of Associate” whiteboard, or through private channels such as Connections surveys and closed-door meetings with their managers. Amazon does not tolerate retaliation against employees who raise concerns.

33. Please identify all complaints filed against Amazon with OSHA, the EEOC and the National Labor Relations Board since 2015.

NLRB charges and petitions are available at <https://www.nlr.gov/reports/graphs-data/recent-filings> and decisions are available at <https://www.nlr.gov/search/case>. OSHA activity is available at <https://www.osha.gov/pls/imis/establishment.html>. EEOC charges of discrimination are not public. And, while Amazon, like most large U.S. employers, receives many such charges each year, the vast majority are dismissed by the agency or otherwise amicably resolved by the parties. As a result, such nonpublic charges necessarily provide an incomplete perspective of Amazon’s commitment to its obligations under U.S. employment law. Amazon’s initial search has found approximately 1,480 charges since 2015. Over the same period, approximately 16 of those cases resulted in a “cause” or “partial cause” finding after an investigation.

34. What is Amazon’s written policy as to whether employees (including Whole Foods and warehouse workers) are permitted to wear masks, buttons, and other clothing with expressive speech, including “Black Lives Matter”? How have supervisory employees in warehouses and Whole Foods been informed of this policy?

Amazon maintains a neutral dress code policy. In customer-facing operations, among other guidelines, Amazon requires that shirts/tops, pants, hats and personal protective equipment (“PPE”) (e.g., masks/gloves) be free of any slogan, flags, symbols or advertising patterns, or logos that could be visible to customers, other than Amazon branding.

Amazon’s general dress standard for non-customer facing associates permits pictures, symbols, statements, and slogans on clothing or visible tattoos as long as they are not offensive such that they would violate Amazon’s harassment, discrimination, or other related policies. In order to

operate in a customer-focused environment, all Whole Foods Market Team Members must comply with the longstanding company dress code, which prohibits clothing with visible slogans, messages, logos or advertising that are not company-related. Amazon and Whole Foods Market managers are in charge of enforcement of such policies, which are included in Amazon's Owner's Manual and Guide to Employment and Whole Foods Market's General Information Guide, which every employee receives at the beginning of their employment.

- 35. Your general counsel recently declared that Chris Smalls, a Black worker who Amazon fired after he raised workplace safety issues, is "not smart or articulate." Has your General Counsel faced any consequences from the company for this statement?**

The comment was made at an internal meeting after General Counsel David Zapolsky heard about Mr. Smalls's public misstatements about Amazon and his deliberate violations of policies that protect the health of Amazon's workers. Mr. Zapolsky was not aware of Mr. Smalls's race. He has taken full responsibility for his word choices and he publicly apologized, explaining: "My comments were personal and emotional. I was frustrated and upset that an Amazon employee would endanger the health and safety of other Amazonians by repeatedly returning to the premises after having been warned to quarantine himself after exposure to virus COVID-19. I let my emotions draft my words and get the better of me."

Questions from Rep. Kelly Armstrong

1. Please explain the types of music licenses Twitch has secured for Twitch Sings.

Twitch Sings is a product that enables Twitch users to create and share videos of their personal vocal performances of popular, licensed songs. The app offers a digital karaoke experience and, as such, provides users with so-called “karaoke” recordings (*i.e.*, instrumental recordings) for them to sing along to, rather than original sound recordings featuring original artists.

Prior to the launch of Twitch Sings, Twitch secured and paid for global catalog-wide license agreements with music publishers. These licenses enable users to create videos of their performances with the Twitch Sings app, and to stream these videos in the Twitch Sings app and the Twitch service. The licenses also include a limited right to use excerpts of performance videos in marketing channels to promote Twitch Sings.

Additionally, Twitch secured global license agreements under which it pays royalties to record labels for Twitch Sings, which grant similar rights to Twitch with respect to their karaoke recordings.

2. Please explain whether Twitch secures music licenses for other types of Twitch streaming besides Twitch Sings.

Twitch is a global community that comes together each day to create the future of entertainment, with streaming content ranging from casual gaming and world-class e-sports to cooking shows, comedy programs, and sporting events.

Twitch has secured and paid for copyright licenses with the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., the Society of European Stage Authors and Composers, and equivalent performing rights organizations around the world, which cover the public performance of musical compositions embodied in music streamed on the service.

Like other businesses that produce original content, Twitch secures and pays for music licenses for the use of sound recordings and musical compositions in the content that it produces. These licenses typically grant Twitch the right to distribute the production music, as included in Twitch-created content, across a variety of media channels including Twitch.

3. Does Twitch provide resources to streamers on how to obtain music licenses that would mitigate Digital Millennium Copyright Act takedown notices on Twitch streams?

Twitch seeks to provide streamers with clear parameters regarding the use of music on the Twitch service. As part of this effort, Twitch publishes Music Guidelines and Terms of Service that state that it is a violation of Twitch policies to stream content containing copyrighted music, unless a streamer has the necessary rights or authority to do so. In addition, Twitch will be providing other educational resources to its creators as part of its Creator Camp educational

video series, including with respect to music licensing. These resources are anticipated to launch before the end of 2020 and will augment the music licensing resources that Twitch already shares directly with streamers engaged in monetizing their videos on Twitch. These resources supplement existing third-party applications and services which Twitch creators can use to add rights-cleared music to their streams.

Questions from Rep. Mary Gay Scanlon

- 1. The General Services Administration (GSA) awarded Amazon one of three contracts to conduct a pilot commercial e-commerce program. Do you feel it is a conflict of interest for Amazon to sell its own products on a government platform it is in charge of running and maintaining? If not, how can non-Amazon sellers be assured that there will be a level playing field for their products in the portal?**

No, Amazon does not believe that Amazon's commercial practice of offering products sold by Amazon and third-party sellers represents a conflict of interest. Indeed, Amazon believes it provides the best customer experience, including low prices, great selection, and convenience, by making it easy for customers to shop for all selection in Amazon's store, whether sold by Amazon or a third-party seller.

Pursuant to Section 846 of the National Defense Authorization Act for Fiscal Year 2018 ("FY18 NDAA"), GSA awarded Amazon and two other businesses contracts to conduct a pilot for its Commercial Platforms Initiative. GSA analyzed numerous online shopping models to determine which one was best suited for the pilot and selected the "e-marketplace model," under which customers can purchase from the operator of the store and third parties. Consistent with the FY18 NDAA, the pilot provides GSA with access to Amazon's store with the same features, products, and prices that Amazon offers to other organizational customers, not a custom site experience.

Amazon invests heavily to ensure third-party sellers' success. For example, over the course of 2019 and 2020, Amazon will have invested more than \$30 billion in logistics, tools, services, programs, and people to help Amazon's selling partners reach more customers worldwide. These tools allow sellers to get access to data to help them increase sales, manage inventory, and more efficiently keep their books. Today, third-party sellers account for nearly 60% of sales of physical products by value in Amazon's store. Revenues earned by American small to medium-sized businesses from Amazon Business customers exceeded \$7 billion between June 2019 and June 2020.

To further assist third-party sellers, Amazon Business's Seller Certification Program allows sellers, including small and disadvantaged businesses, to claim and display nationally and state-recognized diversity and ownership certifications, including Small Business, Minority-Owned Business, SBA-Certified HUB Zone Firm, SBA-Certified 8(a) Firm, Veteran-Owned Small Business, and Service Disabled Veteran-Owned Small Business. Buyers can use filters to refine search results to items with offers from certified sellers.

- 2. How will Amazon ensure that Amazon employees do not access and improperly use proprietary information collected from independent or third party sellers via the GSA pilot? Noting your inability to “guarantee” to the subcommittee that Amazon’s policy against using seller-specific data to aid its private-label business “has never been violated,” please explain how you will communicate this policy to employees and how you will ensure compliance during the pilot?**

Consistent with the authorization provided in the FY18 NDAA and with GSA’s Request for Proposal, Amazon Business uses the same practices with regard to third-party seller information that Amazon uses across its store. Amazon recognizes that third-party sellers are our customers too, and their trust is critical to Amazon’s success. In an effort to further this partnership, Amazon decided years ago to take additional voluntary steps to protect seller data by instituting its voluntarily-adopted Seller Data Protection Policy, which prohibits Amazon Retail teams from using non-public seller-specific data to compete against third-party sellers. Amazon trains employees on the policy and regularly audits its systems and processes for compliance. Likewise, Amazon encourages employees to report any indication of potential lack of compliance with its internal policies, including its Seller Data Protection Policy, and Amazon responds appropriately to any such reports. And, as with any other Amazon policy, Amazon takes appropriate action in response to any policy violations.

- 3. It is critical that federal government employees be able to reliably purchase legitimate, verified products via the GSA’s new commercial e-commerce program pilot. How will Amazon ensure that counterfeit products are not sold to government officials? Will you commit to providing contact information for any independent or third party sellers who list their products on the GSA’s commercial e-commerce platform?**

Amazon is committed to ensuring that only safe and authentic products are offered in Amazon’s store. Amazon strictly prohibits the sale of counterfeit products, and requires that all products in Amazon’s store comply with applicable laws, regulations, and Amazon policies. In addition, Amazon Business regularly checks for any sellers that appear on the Office of Inspector General’s and SAM.gov’s debarment lists, which gives a government purchaser the ability to block or restrict purchases from such sellers.

Amazon goes well beyond its legal obligations and invests heavily in proactive efforts to prevent bad listings—including counterfeits—from ever reaching Amazon’s store. In 2019 alone, Amazon invested over \$500 million and has more than 8,000 employees who focus on fighting fraud and abuse. Amazon has built industry-leading tools like Brand Registry, which uses machine learning to block counterfeits. Additionally, Amazon developed Project Zero, a program that empowers brands to help Amazon drive counterfeits to zero in Amazon’s store, and Transparency, a program that enables customers to verify product authenticity. Amazon’s efforts have ensured that 99.9% of all products viewed by customers on Amazon did not have a valid counterfeit complaint.

On July 8, 2020, Amazon informed third-party sellers that Amazon is enhancing the seller profile page, and beginning September 1, 2020, will display sellers' business names and addresses.

4. What processes will Amazon put in place for federal purchasers if they believe they have purchased a counterfeit, unsafe, or stolen good via the e-commerce program pilot? Should Amazon be liable for a counterfeit – say, counterfeit furniture – sold through its platform that fails and results in injury or harm to a government official?

Amazon's mission is to be Earth's most customer-centric company; Amazon works vigorously to earn and keep customer trust, and an obsession with delivering an amazing customer experience is at the heart of everything Amazon does. Stores like Amazon provide tremendous selection, convenience, and value to consumers, as well as unprecedented opportunities for millions of small and medium-sized businesses. Unfortunately, this also presents an attractive target for criminals and bad actors to attempt to attack Amazon's store. That is why Amazon invests heavily in machine learning and other systems, as noted above, to proactively detect and remove suspect listings. In addition to proactive technology investments and industry-leading brand protection tools, Amazon also continuously scans feedback from customers, such as customer reviews and contacts to Amazon's customer service team, for signs of any safety or authenticity issues and takes action on any suspected product, and uses this information to improve the proactive controls.

Amazon also has robust mechanisms in place for enabling rights owners to file notices of infringement. Once a notice of infringement is received, a dedicated team of investigators evaluates the claim and takes appropriate action. Amazon has employees around the world who are able to investigate reports of counterfeits 24 hours per day, seven days per week. If a notice is determined to be valid, Amazon's actions may include removing the product for sale (or other similar actions that address the specific infringement), terminating the seller's account or related accounts, withholding funds, destroying inauthentic inventory, pursuing civil litigation, and working with law enforcement to support criminal prosecution.

If a bad actor is able to evade Amazon's detection mechanisms and sell counterfeit products, Amazon makes it easy for customers to report those concerns. Amazon ensures that any customer who purchased a counterfeit product is able to receive a refund. Every Amazon customer is also protected by the "A-to-Z Guarantee": if a customer suspects a product they purchased from a third-party seller through Amazon's store is inauthentic, Amazon will refund the purchase price if the seller refuses to do so. However, even if a customer does not report an issue, if Amazon believes a customer purchased a counterfeit, it proactively notifies and refunds customers, even when those products are sold by third-party sellers in Amazon's stores.

Amazon prohibits the sale of stolen products and provides options for rights owners and law enforcement to report suspected stolen goods. If aware that a product is stolen, Amazon takes action against the party who sold that product, including by removing the product for sale (or other similar actions that address the specific violation), terminating the seller's account or

related accounts, withholding funds, destroying suspect inventory, pursuing civil litigation, and working with law enforcement to support criminal prosecution.

Amazon is absolutely committed to keeping our customers safe. Amazon invests heavily to ensure the products in Amazon's store are safe, and works closely with relevant government agencies when made aware of products that may be unsafe. Amazon welcomes further discussion about how industry and government can collaborate to ensure customers' safety and root out bad actors.

5. Will Amazon share with Congress the names and contact information of third party or independent sellers who agree to list and sell their products on the GSA's new commercial e-commerce program pilot, along with the products that are listed?

Consistent with the authorization provided in the FY18 NDAA and with GSA's Request for Proposal, pilot participants can purchase from any third-party seller who offers products via Amazon Business—sellers do not agree to list and sell products specifically to government purchasers through the pilot program. Amazon uses the same practices with regard to seller identification that Amazon uses across its store. Information identifying sellers is shown on the detail page of each product sold on Amazon. As explained in response to Question 3, beginning September 1, 2020, Amazon will display sellers' business names and addresses on seller profile pages.

6. For any products that will be offered by both Amazon and (a) third party seller(s) on the GSA portal, will you provide to Congress the product lists and relative pricing of each?

Consistent with the authorization provided in the FY18 NDAA and with GSA's Request for Proposal, no products or prices are unique to GSA's use of the Amazon Business store. Amazon uses the same practices with regard to listed products and pricing that Amazon uses across its store. One of the benefits of GSA purchasing in the Amazon store is that all offers and their corresponding prices for a product are easily viewable directly in the store and government purchasers benefit from commercially available pricing.

Questions from Rep. Lucy McBath

- 1. Please describe the process for a third-party seller who has a complaint or issue in need of resolution, including the seller's options for initial outreach and how a seller can escalate a complaint or issue to a supervisor or otherwise if a response is unsatisfactory to the seller.**

Selling partners have a variety of ways to contact Amazon employees. They can always contact Amazon directly through email and engage with moderators through Amazon's public online forums. In addition, selling partners with a Professional Selling Plan can contact Amazon through phone and chat. The most common way for sellers to reach an Amazon employee is to use the "Contact Us" option within the "Help" section of Seller Central (the online portal for third-party sellers). They have numerous other options to initiate a conversation with Amazon, including through their account health dashboard in Seller Central, through help pages and forums in Seller Central, through links included in emails that Amazon sends, and through Amazon's mobile selling app. Amazon proactively monitors support cases to help ensure that sellers receive timely and accurate information. In some cases, Amazon calls sellers before suspending their accounts to try to address the underlying issue and prevent account suspension.

- 2. What number and percentage of total seller complaints are resolved through responses that are individualized responses, that are not the result of artificial intelligence for each month over the past five years? Please describe the relevant circumstances, including the channel of communication, degree and type of human involvement in the response, and time permitted for an individualized, human-generated response.**

Amazon's Selling Partner Support team handled more than 58 million contacts from selling partners in 2019 and strives to respond to and resolve every contact expeditiously. To do this, Amazon relies on nearly 15,000 people around the world and, to help sellers resolve issues quickly, provides fast, automated responses to some questions; sellers seek additional clarification from an associate in less than 20% of these cases. Overall, more than 90% of emails are responded to in under 12 hours, more than 95% of phone calls are answered in under 90 seconds, more than 90% of chats are answered in under 90 seconds, and more than 85% of all seller issues are fully resolved in under 24 hours.

- 3. Has Amazon implemented any measures aimed at reducing the costs of providing support to third-party sellers within the past ten years. If yes, (a) describe each of those measures; (b) whether Amazon received any complaints from third-party sellers about these changes; and (c) describe the number and nature of the complaints associated with each change.**

Amazon makes significant investments to support Amazon's selling partners 24 hours per day, 7 days per week with nearly 15,000 people around the world dedicated to understanding, responding to, and providing support to selling partners. Amazon employs more than 7,000 people worldwide to build and maintain the systems and tools that make it easier for selling

partners to reach our customers. We aim to reduce costs by eliminating the root cause issues that led to a seller having an issue—whether that’s an issue in a product feature, more clear communication, or better self-service tools.

4. **For Amazon employees who are responsible for providing support and assistance to third party sellers, (a) provide the number of employees, broken down by full-time, part-time, specific department, and location, who are devoted exclusively to the resolution of seller concerns and complaints; (b) describe the amount and type of training and/or education Amazon provides to each employee upon initial hiring and on a continuing basis to equip them with the information they need to provide meaningful support and assistance to third-party sellers; and (c) specify the types of authority each employee involved in seller support has to implement any changes to a seller’s listing or account, including the number of employees who have each type of authority.**

Amazon makes significant investments to support Amazon’s selling partners 24 hours per day, 7 days per week with nearly 15,000 people around the world dedicated to understanding, responding to, and providing support to selling partners. Amazon’s Selling Partner Support and Account Health Support associates are supported by dedicated training programs that provide at least 20 days of instructor-led training in their first 90 days, additional training based on areas of specialization, databases of information that help them answer questions quickly, and ongoing accuracy reviews to maintain high quality service.

5. **Please identify the number of times over the past five years that Amazon’s responded to a third-party seller concern or complaint by telling the seller that it cannot disclose the reason why it has taken an action or refused to take an action with respect to a seller’s listing or account due to proprietary reasons, leaving the seller with no explanation for the action or inaction?**

Amazon strives to make its selling policies clear and easy to understand for sellers. Amazon provides account health dashboards and alerts, inventory management tools, a host of performance reports, and dedicated APIs that help selling partners track the performance of their products and accounts, and that give them warning of issues as they arise. Amazon offers self-service resolution for many issues, enabling sellers to edit their listings or fix other common problems instantaneously.

When a seller has violated Amazon’s policies, Amazon may take enforcement action to protect customers, such as removing offers or suspending a seller’s account. Amazon proactively notifies sellers when taking these actions, often through various communication channels. Amazon’s notices aim to provide clear and actionable information to sellers. They describe the policy violation that led to the action, and include instructions for how to appeal and how to contact Amazon for help. In some cases, Amazon calls sellers before suspending their accounts to try to address the underlying issue and prevent account suspension.

Amazon also offers an appeals process where sellers can explain how they will prevent the violation from happening in the future or let Amazon know if they believe the enforcement action was a mistake. Those appeals are handled by specialized teams, and sellers are able to submit information to support their case. Even when sellers are suspended for policy violations they committed, Amazon realizes that sellers can make mistakes and should have a chance to try again if they can implement controls to prevent their past issues from reoccurring. Sellers whose accounts are suspended can contact Amazon's trained account health support specialists for assistance with an appeal.

Amazon must protect both our customers and selling partners from fraud, counterfeits, and other forms of abuse, and in order to do so, Amazon sometimes takes swift action to suspend selling accounts that have violated Amazon's selling policies. To prevent demonstrated bad actors from gaming the system or obtaining insights into how Amazon detected them, Amazon may limit the information provided in suspension notices for egregious violations (e.g., stolen identity, credit card fraud, efforts to defraud our customers, counterfeits, etc.). Amazon wants to provide honest sellers with every opportunity to be successful while at the same time ensuring that customers have a safe and trustworthy shopping experience.

6. **Please confirm that it is Amazon's position that for a third-party seller, Amazon can "limit the ability to sell in a category," without disclosing any reason for doing so, including for "reasons that are internal to Amazon." If this is not the case, please explain how Amazon's position is different and what limitations, if any, exist on Amazon's ability to restrict a third-party seller's ability to sell on Amazon Marketplace without providing any substantive reason or justification for doing so.**

Amazon is focused on making sure our customers receive products that are safe, authentic, and meet their expectations for competitive prices and availability. Amazon wants as many sellers of a product as possible; that is why Amazon invited independent sellers into its store. And, of course, Amazon occasionally limits who can sell a product. For example, to list certain product categories, brands, or other types of products with heightened authenticity or safety concerns, third-party sellers must meet additional requirements.

When it places these limitations, Amazon notifies sellers that it is implementing additional requirements for certain products they are selling, and tells them which products they are no longer eligible to sell. In many cases, sellers are eligible to submit an application to sell the affected products and can contact Amazon's seller support team to appeal the decision.

7. **Please describe the process through which e-mails sent to Jeff@Amazon.com are handled over the past five years, including (a) who reviews these e-mails; (b) how often these emails are reviewed; (c) how it is decided which seller issues raised in those e-mails will be addressed; and (d) how those issues will be addressed (e.g., whether sellers receive an automated response and whether an Amazon representative will follow up with sellers in order to work toward a resolution).**

Amazon strives to be Earth's most customer-centric company, and listening to our customers, including selling partners, is at the core of what Amazon does every day. Emails sent to Mr. Bezos are reviewed by him or by members of his team, and questions from selling partners are transferred to the Selling Partner Support team to reach a timely and accurate resolution as part of the normal course of its work.

8. **If a third-party seller or first-party seller requests that Amazon return its inventory to the seller, please describe whether (a) Amazon will continue to charge the seller storage fees; and (b) whether there is any time limit on how long Amazon will continue to charge the seller storage fees, despite having received a request to return the inventory and refusing to return or delaying the return of the seller's inventory.**

Amazon's Fulfillment by Amazon ("FBA") program is available only to third-party sellers; it does not apply to Amazon's first-party sales, where Amazon purchases products from vendors and resells them in its store. For the FBA program, sellers pay storage fees based on the space that their inventory takes up in Amazon's fulfillment centers. Sellers can remove inventory from a fulfillment center by submitting a removal request, and Amazon's practice is to stop charging sellers for storage within a day of receiving a removal request, regardless of whether Amazon continues to store the inventory.

APPENDIX A

Amazon Privacy Notice

Last updated: January 1, 2020. To see prior version, click [here](#).

We know that you care how information about you is used and shared, and we appreciate your trust that we will do so carefully and sensibly. This Privacy Notice describes how Amazon.com and its affiliates (collectively “Amazon”) collect and process your personal information through Amazon websites, devices, products, services, online and physical stores, and applications that reference this Privacy Notice (together “Amazon Services”). **By using Amazon Services, you are consenting to the practices described in this Privacy Notice.**

- [What Personal Information About Customers Does Amazon Collect?](#)
- [For What Purposes Does Amazon Use Your Personal Information?](#)
- [What About Cookies and Other Identifiers?](#)
- [Does Amazon Share Your Personal Information?](#)
- [How Secure Is Information About Me?](#)
- [What About Advertising?](#)
- [What Information Can I Access?](#)
- [What Choices Do I Have?](#)
- [Are Children Allowed to Use Amazon Services?](#)
- [EU-US and Swiss-US Privacy Shield](#)
- [California Consumer Privacy Act](#)
- [Conditions of Use, Notices, and Revisions](#)
- [Related Practices and Information](#)
- [Examples of Information Collected](#)

What Personal Information About Customers Does Amazon Collect?

We collect your personal information in order to provide and continually improve our products and services.

Here are the types of personal information we collect:

- **Information You Give Us:** We receive and store any information you provide in relation to Amazon Services. Click [here](#) to see examples of what we collect. You can choose not to provide certain information, but then you might not be able to take advantage of many of our Amazon Services.
- **Automatic Information:** We automatically collect and store certain types of information about your use of Amazon Services, including information about your interaction with content and services available through Amazon Services. Like many websites, we use “cookies” and other unique identifiers, and we obtain certain types of information when your web browser or device accesses Amazon Services and other content served by or on behalf of Amazon on other websites. Click [here](#) to see examples of what we collect.
- **Information from Other Sources:** We might receive information about you from other sources, such as updated delivery and address information from our carriers, which we use to correct our records and deliver your next purchase more easily. Click [here](#) to see additional examples of the information we receive.

For What Purposes Does Amazon Use Your Personal Information?

We use your personal information to operate, provide, develop, and improve the products and services that we offer our customers. These purposes include:

- **Purchase and delivery of products and services.** We use your personal information to take and handle orders, deliver products and services, process payments, and communicate with you about orders, products and services, and promotional offers.
- **Provide, troubleshoot, and improve Amazon Services.** We use your personal information to provide functionality, analyze performance, fix errors, and improve the usability and effectiveness of the Amazon Services.
- **Recommendations and personalization.** We use your personal information to recommend features, products, and services that might be of interest to you, identify your preferences, and personalize your experience with Amazon Services.
- **Provide voice, image and camera services.** When you use our voice, image and camera services, we use your voice input, images, videos, and other personal information to respond to your requests, provide the requested service to you, and improve our services. For more information about Alexa voice services, click [here](#).
- **Comply with legal obligations.** In certain cases, we collect and use your personal information to comply with laws. For instance, we collect from sellers information regarding place of establishment and bank account information for identity verification and other purposes.
- **Communicate with you.** We use your personal information to communicate with you in relation to Amazon Services via different channels (e.g., by phone, e-mail, chat).
- **Advertising.** We use your personal information to display interest-based ads for features, products, and services that might be of interest to you. We do not use information that personally identifies you to display interest-based ads. To learn more, please read our [Interest-Based Ads](#) notice.
- **Fraud Prevention and Credit Risks.** We use personal information to prevent and detect fraud and abuse in order to protect the security of our customers, Amazon, and others. We may also use scoring methods to assess and manage credit risks.

What About Cookies and Other Identifiers?

To enable our systems to recognize your browser or device and to provide and improve Amazon Services, we use cookies and other identifiers. For more information about cookies and how we use them, please read our [Cookies Notice](#).

Does Amazon Share Your Personal Information?

Information about our customers is an important part of our business, and we are not in the business of selling our customers' personal information to others. We share customers' personal information only as described below and with subsidiaries Amazon.com, Inc. controls that either are subject to this Privacy Notice or follow practices at least as protective as those described in this Privacy Notice.

- **Transactions involving Third Parties:** We make available to you services, products, applications, or skills provided by third parties for use on or through Amazon Services. For example, you can order products from third parties through our stores, download applications from third-party application providers from our App Store, and enable third-party skills through our Alexa services. We also offer services or sell product lines jointly with third-party businesses, such as co-branded credit cards. You can tell when a third party is involved

in your transactions, and we share customers' personal information related to those transactions with that third party.

- **Third-Party Service Providers:** We employ other companies and individuals to perform functions on our behalf. Examples include fulfilling orders for products or services, delivering packages, sending postal mail and e-mail, removing repetitive information from customer lists, analyzing data, providing marketing assistance, providing search results and links (including paid listings and links), processing payments, transmitting content, scoring, assessing and managing credit risk, and providing customer service. These third-party service providers have access to personal information needed to perform their functions, but may not use it for other purposes.
- **Business Transfers:** As we continue to develop our business, we might sell or buy other businesses or services. In such transactions, customer information generally is one of the transferred business assets but remains subject to the promises made in any pre-existing Privacy Notice (unless, of course, the customer consents otherwise). Also, in the unlikely event that Amazon.com, Inc. or substantially all of its assets are acquired, customer information will of course be one of the transferred assets.
- **Protection of Amazon and Others:** We release account and other personal information when we believe release is appropriate to comply with the law; enforce or apply our [Conditions of Use](#) and other agreements; or protect the rights, property, or safety of Amazon, our users, or others. This includes exchanging information with other companies and organizations for fraud protection and credit risk reduction.

Other than as set out above, you will receive notice when personal information about you might be shared with third parties, and you will have an opportunity to choose not to share the information.

How Secure Is Information About Me?

We design our systems with your security and privacy in mind.

- We work to protect the security of your personal information during transmission by using encryption protocols and software.
- We follow the Payment Card Industry Data Security Standard (PCI DSS) when handling credit card data.
- We maintain physical, electronic, and procedural safeguards in connection with the collection, storage, and disclosure of personal customer information. Our security procedures mean that we may occasionally request proof of identity before we disclose personal information to you.
- Our devices offer security features to protect them against unauthorized access and loss of data. You can control these features and configure them based on your needs. Click [here](#) for more information on how to manage the security settings of your device.
- It is important for you to protect against unauthorized access to your password and to your computers, devices, and applications. Be sure to sign off when finished using a shared computer. Click [here](#) for more information on how to sign off.

What About Advertising?

- **Third-Party Advertisers and Links to Other Websites:** Amazon Services may include third-party advertising and links to other websites and apps. Third-party advertising partners may collect information about you when you interact with their content, advertising, and services. For more information about third-party advertising at Amazon, including interest-based ads, please read our [Interest-Based Ads](#) policy. To adjust your advertising preferences, please go to the [Advertising Preferences](#) page.
- **Use of Third-Party Advertising Services:** We provide ad companies with information that allows them to serve you with more useful and relevant Amazon ads and to measure their effectiveness. We never share

your name or other information that directly identifies you when we do this. Instead, we use an advertising identifier like a cookie or other device identifier. For example, if you have already downloaded one of our apps, we will share your advertising identifier and data about that event so that you will not be served an ad to download the app again. Some ad companies also use this information to serve you relevant ads from other advertisers. You can learn more about how to opt-out of interest-based advertising by going to the [Advertising Preferences](#) page.

What Information Can I Access?

You can access your information, including your name, address, payment options, profile information, Prime membership, household settings, and purchase history in the "Your Account" section of the website. Click [here](#) for a list of examples that you can access.

What Choices Do I Have?

If you have any questions as to how we collect and use your personal information, please contact our [Customer Service](#). Many of our Amazon Services also include settings that provide you with options as to how your information is being used.

- As described above, you can choose not to provide certain information, but then you might not be able to take advantage of many of the Amazon Services.
- You can add or update certain information on pages such as those referenced in [What Information Can I Access?](#). When you update information, we usually keep a copy of the prior version for our records.
- If you do not want to receive e-mail or other communications from us, please adjust your [Customer Communication Preferences](#). If you don't want to receive in-app notifications from us, please adjust your notification settings in the app or device.
- If you do not want to see interest-based ads, please adjust your [Advertising Preferences](#).
- The Help feature on most browsers and devices will tell you how to prevent your browser or device from accepting new cookies or other identifiers, how to have the browser notify you when you receive a new cookie, or how to block cookies altogether. Because cookies and identifiers allow you to take advantage of some essential features of Amazon Services, we recommend that you leave them turned on. For instance, if you block or otherwise reject our cookies, you will not be able to add items to your Shopping Cart, proceed to Checkout, or use any Services that require you to Sign in. For more information about cookies and other identifiers, see our [Cookies Notice](#).
- If you want to browse our websites without linking the browsing history to your account, you may do so by logging out of your account [here](#) and blocking cookies on your browser.
- You will also be able to opt out of certain other types of data usage by updating your settings on the applicable Amazon website (e.g., in "Manage Your Content and Devices"), device, or application. For more information click [here](#). Most non-Amazon devices also provide users with the ability to change device permissions (e.g., disable/access location services, contacts). For most devices, these controls are located in the device's settings menu. If you have questions about how to change your device permissions on devices manufactured by third parties, we recommend you contact your mobile service carrier or your device manufacturer.
- If you are a seller, you can add or update certain information in [Seller Central](#), update your account information by accessing your [Seller Account Information](#), and adjust your e-mail or other communications you receive from us by updating your [Notification Preferences](#).
- If you are an author, you can add or update the information you have provided in the [Author Portal](#) and [Author Central](#) by accessing your accounts in the Author Portal and Author Central, respectively.

In addition, to the extent required by applicable law, you may have the right to request access to or delete your personal data. If you wish to do any of these things, please contact [Customer Service](#) . Depending on your data choices, certain services may be limited or unavailable.

Are Children Allowed to Use Amazon Services?

Amazon does not sell products for purchase by children. We sell children's products for purchase by adults. If you are under 18, you may use Amazon Services only with the involvement of a parent or guardian. We do not knowingly collect personal information from children under the age of 13 without the consent of the child's parent or guardian. For more information, please see our [Children's Privacy Disclosure](#) .

EU-US and Swiss-US Privacy Shield

Amazon.com, Inc. participates in the EU-US and Swiss-US Privacy Shield frameworks. Click [here](#) to learn more.

California Consumer Privacy Act

Click [here](#) to read additional disclosures required under the California Consumer Privacy Act.

Conditions of Use, Notices, and Revisions

If you choose to use Amazon Services, your use and any dispute over privacy is subject to this Notice and our [Conditions of Use](#) , including limitations on damages, resolution of disputes, and application of the law of the state of Washington. If you have any concern about privacy at Amazon, please contact us with a thorough description, and we will try to resolve it. Our business changes constantly, and our Privacy Notice will change also. You should check our websites frequently to see recent changes. Unless stated otherwise, our current Privacy Notice applies to all information that we have about you and your account. We stand behind the promises we make, however, and will never materially change our policies and practices to make them less protective of customer information collected in the past without the consent of affected customers.

Related Practices and Information

- [Conditions of Use](#)
- [Seller Program Policies](#)
- [Help Department](#)
- [Most Recent Purchases](#)
- [Your Profile and Community Guidelines](#)

Examples of Information Collected

Information You Give Us When You Use Amazon Services

You provide information to us when you:

- search or shop for products or services in our stores;

- add or remove an item from your cart, or place an order through or use Amazon Services;
- download, stream, view, or use content on a device or through a service or application on a device;
- provide information in [Your Account](#) (and you might have more than one if you have used more than one e-mail address or mobile number when shopping with us) or [Your Profile](#) ;
- talk to or otherwise interact with our Alexa Voice service;
- upload your contacts;
- configure your settings on, provide data access permissions for, or interact with an Amazon device or service;
- provide information in your [Seller Account](#) , [Kindle Direct Publishing](#) account , [Developer](#) account , or any other account we make available that allows you to develop or offer software, goods, or services to Amazon customers;
- offer your products or services on or through Amazon Services;
- communicate with us by phone, e-mail, or otherwise;
- complete a questionnaire, a support ticket, or a contest entry form;
- upload or stream images, videos or other files to Prime Photos, Amazon Drive, or other Amazon Services;
- use our services such as Prime Video;
- compile Playlists, Watchlists, [Wish Lists](#) or other gift registries;
- participate in Discussion Boards or other community features;
- provide and rate [Reviews](#) ;
- specify a Special Occasion Reminder; or
- employ [Product Availability Alerts](#) , such as Available to Order Notifications.

As a result of those actions, you might supply us with such information as:

- identifying information such as your name, address, and phone numbers;
- payment information;
- your age;
- your location information;
- your IP address;
- people, addresses and phone numbers listed in your Addresses;
- e-mail addresses of your friends and other people;
- content of reviews and e-mails to us;
- personal description and photograph in [Your Profile](#) ;
- voice recordings when you speak to Alexa;
- images and videos collected or stored in connection with Amazon Services;
- information and documents regarding identity, including Social Security and driver's license numbers;
- corporate and financial information;
- credit history information; and
- device log files and configurations, including Wi-Fi credentials, if you choose to automatically synchronize them with your other Amazon devices.

Automatic Information

Examples of the information we collect and analyze include:

- the internet protocol (IP) address used to connect your computer to the internet;
- login, e-mail address, and password;
- the location of your device or computer;
- content interaction information, such as content downloads, streams, and playback details, including duration and number of simultaneous streams and downloads, and network details for streaming and download quality, including information about your internet service provider;

- device metrics such as when a device is in use, application usage, connectivity data, and any errors or event failures;
- Amazon Services metrics (e.g., the occurrences of technical errors, your interactions with service features and content, your settings preferences and backup information, location of your device running an application, information about uploaded images and files such as the file name, dates, times and location of your images);
- version and time zone settings;
- purchase and content use history, which we sometimes aggregate with similar information from other customers to create features like [Top Sellers](#) ;
- the full Uniform Resource Locator (URL) clickstream to, through, and from our websites, including date and time; products and content you viewed or searched for; page response times, download errors, length of visits to certain pages, and page interaction information (such as scrolling, clicks, and mouse-overs);
- phone numbers used to call our customer service number; and
- images or videos when you shop in our stores, or stores using Amazon Services.

We may also use device identifiers, cookies, and other technologies on devices, applications, and our web pages to collect browsing, usage, or other technical information.

Information from Other Sources

Examples of information we receive from other sources include:

- updated delivery and address information from our carriers or other third parties, which we use to correct our records and deliver your next purchase or communication more easily;
- account information, purchase or redemption information, and page-view information from some merchants with which we operate co-branded businesses or for which we provide technical, fulfillment, advertising, or other services;
- information about your interactions with products and services offered by our subsidiaries;
- search results and links, including paid listings (such as Sponsored Links);
- information about internet-connected devices and services linked with Alexa; and
- credit history information from credit bureaus, which we use to help prevent and detect fraud and to offer certain credit or financial services to some customers.

Information You Can Access

Examples of information you can access through Amazon Services include:

- status of recent orders (including subscriptions);
- your complete order history;
- personally identifiable information (including name, e-mail, password, and address book);
- payment settings (including payment card information, promotional certificate and gift card balances, and 1-Click settings);
- e-mail notification settings (including Product Availability Alerts, Delivers, Special Occasion Reminders and newsletters);
- recommendations and the products you recently viewed that are the basis for recommendations (including Recommended for You and Improve Your Recommendations);
- shopping lists and gift registries (including Wish Lists and Baby and Wedding Registries);
- your content, devices, services, and related settings, and communications and personalized advertising preferences;
- content that you recently viewed;
- voice recordings associated with your account;
- Your Profile (including your product Reviews, Recommendations, Reminders and personal profile);

Amazon

- If you are a seller, you can access your account and other information, and adjust your communications preferences, by updating your account in [Seller Central](#).
- If you are an author, you can access your account and other information, and update your accounts, on the [Kindle Direct Publishing \(KDP\)](#) or [Author Central](#) website, as applicable.
- If you are a developer participating in our Developer Services Program, you can access your account and other information, and adjust your communications preferences, by updating your accounts in the [Developer Services Portal](#).