



June 14, 2022

Tim Cook, CEO  
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Dear Mr. Cook:

I am writing regarding Apple's June 6, 2022, announcement that updates to its iMessage service will allow users to "edit or unsend a message for up to 15 minutes after sending it."<sup>1</sup> As an advocate for survivors of sexual harassment and sexual assault, this new feature – in particular the significant amount of time allowed to edit or delete messages – will expose victims of violence to additional harassment and bullying as the perpetrator will take advantage of these tools to send harmful content knowing they can destroy evidence of their misconduct. iMessage is certainly not the only messaging platform to allow users to edit or delete messages. However, the fact that iMessage is the default messaging application on its devices and foundational to its operating systems means that it plays an outsized role in how users communicate, particularly in the United States.

For the last 10 years I have represented several hundred survivors of sexual abuse and assault around the country. This includes former U.S. national team and Olympic gymnasts abused by former team doctor Larry Nassar, students assaulted at major universities by colleagues or school officials, and victims of sexual violence at the hands of their employer or domestic partner. I also have practiced as a criminal defense lawyer. Ultimately, I have a deep understanding and knowledge of how survivors are treated by their abusers, the lengths perpetrators will go to hide their abusive behavior, and how evidence such as iMessages regularly plays a critical role in the prosecution of both civil and criminal abuse and assault cases.

Unfortunately, the proposed implementation of its iMessage edit/delete feature presents serious risk to those being subjected to harassment and abuse. For example, a perpetrator can send violent content to their victim, and then edit the messages within 15 minutes to hide evidence of their abuse. Victims of trauma cannot be relied upon, in that moment, to screenshot these messages to retain them for any future legal proceedings – particularly when the abuser is engaging in a form of psychological warfare. It is not uncommon for abusers in these types of situations to deny they even sent abusive messages at all, using their victim's trauma to

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<sup>1</sup> <https://www.apple.com/ios/ios-16-preview/features/>



“gaslight” them into no longer believing they have been victimized. This new iMessage feature provides a tool for perpetrators of harassment and violence to engage in this sordid behavior.

Before these new iMessage features are rolled out widely, Apple should take this time to engage with the survivor advocates community to develop solutions that can address these significant concerns. There are four immediate ways Apple can help ameliorate the harm that could be caused by these edit and delete features:

1. **Decrease the window of time a user can edit/delete from 15 minutes to 2 minutes.**

The most common use of the edit/delete feature will likely involve unclear messages and typos. A sender of such a message, in most situations, will immediately realize the error and can then take advantage of the edit/delete function in real-time. It is unlikely that a sender *15 minutes later* will only realize their mistake and then decide to use this new tool.

Someone using iMessage for bullying and harassment will face much greater risk if they know their messages become “permanent” after two minutes. First, there is a lesser likelihood the message recipient will see the transmission in two minutes versus 15 – meaning the perpetrator will need to weigh inflicting harm on their victim versus destroying the evidence before a two-minute clock expires. Second, that shorter window of time can insert doubt into a perpetrator’s mind that they will be able to delete all harassing messages before time expires. Third, it is not uncommon for an abuser to send threatening messages in the “heat of the moment” that could subside several minutes later. A shorter two-minute window increases the chances these messages are preserved.

2. **Provide the recipient a notification that a message has been edited or deleted.** The demo of this new feature did not make clear whether the recipient is notified that a message they previously received is edited or deleted. Such a notification is essential to help survivors and their advocates build a timeline of communication and help support the belief that harassment or bullying is taking place even if the contents of the original messages are no longer available.

3. **Allow iMessage users to opt out of the edit/delete feature.** iMessage users should not be forced to be subjected to the edit/delete feature. Apple currently allows users to opt out of “read receipts”; when on, a sender is notified when a recipient has read a message. Apple can similarly ask users if they want any messages they receive to be deleted or edited by the sender. If the user opts out, then they would also not be allowed to edit or delete any messages they send.



4. **Clarify who has access to iMessage data that has been edited or deleted.** Apple must clarify whether any message that has been edited or deleted is recoverable – whether on the sender or recipient’s device, or on Apple’s servers (including through subpoena in the course of criminal or civil proceedings). To be clear, there are privacy concerns also at issue here, but at a minimum, Apple needs to clarify what is retained as part of this new feature.

I would welcome an opportunity to speak with those at Apple who are developing this feature to share more specific examples of how iMessage is commonly used in the prosecution of harassment and sexual violence cases. Apple is a leader in the technology industry, and the rollout of these new iMessage features provides the company an opportunity to lead by example and influence how other messaging platforms should protect their users from harassment and abuse. While I do not believe Apple is purposefully seeking to engage in any harm by the announcement of its new iMessage feature, I hope you will take these concerns seriously to ensure the rights of victims and survivors are respected and accounted for. I look forward to your response.

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