



Written by [Joe Wolverton, II, J.D.](#) on June 8, 2014

Growing Backlash to Facebook's Ambient Sound Recording Feature

Seems not everybody is happy with Facebook's gift of a built-in ambient sound recorder.

An Australian news site reports that "the feature has sparked an online backlash, with users mobilising [sic] in an effort to get the social media giant to kill off the development." The petition has over half a million signatures as of press time.

"Facebook just announced a new feature to its app, which will let it listen to our conversations and surroundings through our own phones' microphone. Talk about a Big Brother move," the petition reads.

In the "coming weeks," the social media behemoth will roll out a service that, according to an announcement on its blog, will give users:

the option to use your phone's microphone to identify what song is playing or what show or movie is on TV.

That means if you want to share that you're listening to your favorite Beyoncé track or watching the season premiere of *Game of Thrones*, you can do it quickly and easily, without typing.

Certainly, as the company claims, that is a handy little tool for recording the sounds entering into a smartphone's microphone with nearly no human interaction required.

There is something disturbing in the potential uses of this option, however. The frightening application of the app is, accidentally it seems, explained in a *Huffington Post* article promoting the technology: "Facebook Can Now Listen To Everything You Listen To."

It seems that's true, and there's the rub.

For a little context, consider the information in this story published two years ago in *The New American* regarding a liberty-jarring decision handed down by the notorious Ninth Circuit Court of Appeals:

In its decision, the Ninth Circuit has upheld the lower court's ruling, essentially allowing the federal government to convert cellphones into "roving bugs" so long as the government makes it clear that it will be using the target's cellphone in that manner. Notice, the Ninth Circuit — a court created under the authority granted to Congress in Article III of the Constitution — did not throw out the matter as a violation of the defendant's Fourth Amendment right against "unreasonable searches and seizures." Instead, it simply informed the government that it needs to get permission before doing so.

There are, of course, far-reaching implications of such a decision.... A person will not know, and perhaps will never know, if he has been the target of surveillance on the part of the federal



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government. Assuming, as many a savvy American would, that the federal government is liable to eventually want to monitor and record your personal electronic communication, is there not an expectation that when the cellphone is off the surveillance is suspended?

Not anymore. In the wake of the Ninth Circuit's ruling in *Oliva*, "roving bugs" are likely to become a favorite weapon in the ever expanding arsenal of the surveillance state. A person's expectation of privacy when sitting at home talking to a friend is ridiculous in the face of the judicially upheld fact that government snoops may now use powerful surveillance technology to use your idle mobile phone as a very active mobile microphone.

Some of the dictum in the *Oliva* decision is almost as disturbing as the ruling itself. For example, in one part of its discussion of the various technological tools available to federal agents, the court describes how one such advance allows the agents to remotely upload software into a target's cellphone that converts it into the "roving bug" mentioned above. Again, this sort of power is undoubtedly only the tip of the surveillance iceberg.

While admittedly this has nothing to do with Facebook's forthcoming rollout of its sound-identifying upgrade, it is indicative of the power government can exercise — with judicial go-ahead — over the sounds passively vacuumed up by smartphones. The Facebook feature will record everything without user manipulation, a situation that sounds eerily similar to the type of surveillance declared "constitutional" by the Ninth Circuit.

There are hundreds of thousands of Facebook users who fortunately recognize that the ostensible upside of having the social media app scan and record sounds so that you don't miss out on knowing who sings that catchy song on that commercial you just watched is more than offset by the eery side effect of having all your conversations sucked up and stored somewhere.

"Tell Facebook not to release its creepy and dangerous new app feature that listens to users' surroundings and conversations," the petition urges. "Facebook says it'll be responsible with this feature, but we know we can't trust it."

Creators of the petition are right to worry about Facebook's trustworthiness.

Last year, for example, government agencies — including federal, state, and local authorities — requested user data on between 18,000 and 19,000 account holders.

The remarkable disclosure of government requests for users' private information follows successful negotiations between Facebook and other tech giants and the federal government.

Beginning last year, Facebook, Google, and other technology companies who were implicated in the revelations of the PRISM program have petitioned the feds to allow them to disclose their level of participation in surveillance requests received from government entities.

Under PRISM, the NSA and the FBI are "tapping directly into the central servers of nine leading U.S. Internet companies, extracting audio, video, photographs, e-mails, documents and connection logs that enable analysts to track a person's movements and contacts over time," as reported by the *Washington Post*.

The joint venture has been functioning since 2007, but came to light only in a PowerPoint presentation that was part of the cache of documents leaked by NSA whistleblower Edward Snowden.

Snowden claimed that the program was so invasive that "They [the NSA and the FBI] quite literally can watch your ideas form as you type."



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According to the information Snowden released, Facebook routinely grants the federal government access to the private information of millions of users.

In a response that sounds eerily similar to the sort of reassurances the NSA gives regarding the type of data it vacuums up, Facebook released a statement explaining that its new feature wasn't nearly as nefarious as the petition claims.

"No matter how interesting your conversation, this feature does not store sound or recordings. Facebook isn't listening to or storing your conversations," the statement read.

"Here's how it works: if you choose to turn the feature on, when you write a status update, the app converts any sound into an audio fingerprint on your phone. This fingerprint is sent to our servers to try and match it against our database of audio and TV fingerprints. By design, we do not store fingerprints from your device for any amount of time. And in any event, the fingerprints can't be reversed into the original audio because they don't contain enough information."

The question that users of the social media mammoth must now ask is whether they feel confident that Facebook won't store any of the sounds recorded by their smart phones and whether those audio "fingerprints" are scanned only to identify songs.

According to statistics published by [NextWeb.com](#), last quarter, Facebook passed 1.19 billion monthly active users, 874 million mobile users, and 728 million daily users. It is not known precisely how many of those users have activated the sound recording service, assuming, of course, that one truly needs to opt-in to activate the feature.

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