

Dear Customers:

I am writing to address the news that our Gene-by-Gene laboratory, which processes genetic tests for several commercial clients in addition to all of the FamilyTreeDNA tests, has processed a handful of DNA samples for cold cases from the F.B.I. In many cases, the news reports contained false or misleading information.

Let me start with this categorical statement:

LAW ENFORCEMENT DOES NOT HAVE OPEN ACCESS TO THE FTDNA DATABASE.

They cannot search or “dig through” FTDNA profiles any more than an ordinary user can. As with all other genetic genealogy services, law enforcement must provide valid legal process, such as a subpoena or search warrant to receive any information beyond that which any other user can access.

I have been an avid genealogist since I was twelve years old. FamilyTreeDNA is not just a business, it is my passion. I fully understand your privacy concerns on a personal level.

Law enforcement has the ability to test DNA samples from crime scenes and upload the results into databases, like any other customer can, and it appears they have been doing it at other companies for the past year. The distinction is that, according to our Terms of Service and Privacy Policy, we expect the FBI and law enforcement agencies to let us know when they submit something to our database. We moved to something transparent, rather than having them work in a stealthy way. Other than that, nothing changed that affects the privacy of our customers.

FamilyTreeDNA has always taken your privacy seriously and will continue to do so. We've remained steadfast, always, refusing to sell your data to pharmaceutical companies and other third parties.

One of the key reasons law enforcement wanted to submit their samples to us is the same reason many of you have: out of all the major companies, FamilyTreeDNA is the only one that has its own lab, and our customers' samples never leave our company.

As previously stated, law enforcement can only receive information beyond that which is accessible to the standard user by providing FamilyTreeDNA with valid legal process, such as a subpoena or a search warrant. Again, this is specified in FamilyTreeDNA's Terms of Service, just as with all other companies.

ABOUT OUR TERMS OF SERVICE

The Terms of Service were changed in May of 2018 to reflect GDPR requirements, and we informed our customers about the update at that time. Those changes included a paragraph that required law enforcement to receive our permission to enter the database and since it was a part of the overall update, notice was sent to every FTDNA customer. Without infringing upon our customers' privacy, the language in the paragraph referring to law enforcement was updated in December, although nothing changed in the actual handling of such requests. It was an oversight that notice of the revision was not sent to you and that is our mistake. Therefore, we are reverting our TOS to our May 2018 version, and any future changes will be communicated to you in a timely manner.

This is the May 2018, GDPR-compliant version, communicated to you at that time: “You agree to not use the Services for any law enforcement purposes, forensic examinations, criminal investigations, and/or similar purposes without the required legal documentation and written permission from FamilyTreeDNA.”

WE WILL DO A BETTER JOB OF COMMUNICATING WITH YOU.

I am genuinely sorry for not having handled our communications with you as we should have.

We've received an incredible amount of support from those of you who believe this is an opportunity for honest, law-abiding citizens to help catch bad guys and bring closure to devastated families. We want you to understand,

as many of you already do, that you have the same protections that you've always had and that you have nothing to fear.

We've also heard from supporters offering ideas and solutions to make the FamilyTreeDNA experience a more comfortable one in light of this new information.

We are listening. Our plan is to create a panel of citizen genealogist advisors who will work with us as we focus on how to make your FamilyTreeDNA experience the best one available.

Sincerely,

Bennett Greenspan
President
FamilyTreeDNA.com