

Memorandum

To: Agency Chief Information Officers
Department Chief Information Officers
Agency Information Security Officers
Department Information Security Officers
Agency Privacy Program Officers / Coordinators
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Date: March 14, 2011

From: Christy Quinlan, Acting Secretary of California Technology

Subject: Facebook Terms of Service

As you may know, the National Association of State Chief Information Officers recently negotiated with Facebook to revise the social networking site's terms of service for state and local governments. To resolve legal issues for states, the association undertook the effort on behalf of Chief Information Officers and Attorneys General to address liability and privacy concerns with the original terms of service. Specifically, Facebook has agreed to modify its terms of service to:

- Strike the indemnity clause except to the extent indemnity is allowed by a state's constitution or law;
- Require that a public agency prominently display language on its Facebook page directing consumers to its official Web site; and,
- Encourage amicable resolution between public entities and Facebook over any disputes.

As a state agency, you are automatically opted into the new terms of service. However, we advise you to post the following language on your agency Facebook page advising the public not to post or submit personal information online. Instead, users should be instructed to visit the agency's official webpage to conduct any business. Please consider using the sample language below:

Any information posted or submitted on this website is public information and may not be subject to privacy protections. As a result, please do not post any private, confidential, or personal information on this Facebook page of [insert your agency's name].

If you have any questions or feedback, please feel free to contact:

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