Interrogating the Terms of Service:
Corporate Surveillance and User Privacy on Facebook

Summary and Rationale for Activity

Social network sites are big business. According to Facebook's first quarterly earnings report for 2013, the company made $1.6 billion in advertising revenue worldwide. This revenue stream relies on using information culled from profiles to match users to advertisements. When users sign up they must accept Facebook's terms of service (TOS), which are high-level descriptions of what Facebook (the company) deems acceptable uses of their social networking service. The TOS are largely used for legal purposes, but are also one of the few places where companies such as Facebook articulate how data collected from users is collected, aggregated, and used.

The TOS are suitable for undergraduates to read critically to foster reflection and better understanding of the tradeoff of privacy in a digital age. Nearly all undergraduates will be users of social network sites and have firsthand experience with Facebook. The TOS make up an important text where Facebook phrases its allegiances and goals in everyday language. Yet, undergraduates are unlikely to have read them or thought about their implications. In what Barnes (2006) called a "privacy paradox," users freely give up information about themselves, but are often outraged when this information ends up being seen or used in ways they hadn't considered.

This exercise serves several goals. First, students evaluate the terms of service with a critical eye, seeing how their own conception of privacy differs from that of Facebook. Second, students are made more aware of how surveillance is embedded in the site's design. Finally, they are encouraged to use concepts and vocabulary from readings, such as *surveillance*, *platform* and *privacy violation*.

This activity was piloted in several discussion sections of COMM-202 ("Communication and Technology") in fall of 2013, taught by Henry Jenkins at the University of Southern California. The activity was well received, and several minor changes have been made in response to student feedback.

Privacy Exercise Handout:
Interrogating Facebook's Terms of Service

Introduction

The terms of service (TOS) describe acceptable uses for services and platforms according to the companies that run them. Facebook constantly captures, analyzes, and uses data related to our online identities and interactions to drive revenue and future usage. Trottier and Lyon note that use of social network sites entails being constantly surveilled by companies and other users. Facebook uses your personal data and posts to show you advertisements you are more likely to respond to. For example, if you post about cats, you may start to see more ads for cat food. When you use Facebook, any information you provide is also visible to your network of friends. Yet boyd and Marwick suggest that young people do care about their privacy and alter settings or work around restrictions imposed by social network platforms. You may not want all your Facebook friends to see every item you post because some information is particularly sensitive. Privacy is contextual and should be understood as a constant negotiation between users and platforms.

To help us think through how privacy is negotiated on social networking sites, we will interrogate Facebook's TOS to compare the company imperatives to individual practices.

Team activity

Your assignment is to read the terms of service for Facebook with a critical eye. In teams of 2-3, examine the terms of service at http://www.facebook.com/legal/terms or reference a provided printout. You will be assigned one of the following sections: 2 (sharing), 3 (safety), 4 (registration), 5 (protecting rights of others), 9 (special provisions to developers), or 11 (special provisions to advertisers). Please spend 10 minutes reviewing your section and prepare brief responses to the following questions.

Questions

What does Facebook consider private? How does it differ from what you consider private? Do you see clauses that strike you as potential violations of privacy or instances of surveillance? If so, why?

Why do you think Facebook frames its terms of service this way? How do you think Facebook uses the data it collects? What are Facebook's goals in constructing the terms of service? Whose needs are the terms of service serving?

Have you altered the privacy settings of Facebook? Can you think of times you or your friends have accidentally or deliberately violated the TOS? If so, why did you? If you weren't aware of it before, would you act differently now?

Readings

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Biography

Andrew Richard Schrock is a doctoral candidate at the Annenberg School for Communication & Journalism at the University of Southern California. His primary research interests are mobile communication and hacker culture. He received his BA in computer science and fine art with honors from Brandeis University. Andrew's work experience includes software development, freelance writing, and project management. He has also been a research assistant to danah boyd and assistant director of the Annenberg Program on Online Communities. Andrew is currently a research assistant to Henry Jenkins, a student fellow at the Innovation lab, and a participant in Civic Paths.

His dissertation, chaired by François Bar, considers the rise of location-awareness in social media and how interactions on mobile social network platforms enhance social capital.