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## **NASCIO and Attorneys General Negotiate Model Facebook Agreement for State Government Use**

LEXINGTON, Ky., January 5, 2011 — After lengthy discussions involving members of the National Association of State Chief Information Officers (NASCIO) Social Media Legal Workgroup and the National Association of Attorneys General (NAAG), Facebook has revised the standard terms of service to be provided to state and local governments through its “Pages” agreement. The revised terms resolve a series of legal issues identified by states in Facebook’s standard terms of service and are available for immediate use.

“We are very appreciative that Facebook has addressed the crucial issues that state governments have raised in the standard click-through agreement,” said Kyle Schafer, NASCIO president and West Virginia chief technology officer. “We believe this will allow broader and more appropriate use of this important tool by state governments across the country.”

Doug Robinson, NASCIO’s executive director, added that legal problems were among the most important barriers to broader social media adoption identified in NASCIO’s [\*Friends, Followers, and Feeds: a National Survey of Social Media Use in State Government\*](#) (Sept. 2010). “Terms of service problems have impeded broader use of Facebook and other social media tools, as states push to expand use of the tools to enhance services, openness, and transparency,” said Robinson. “This agreement will help many states leverage social media tools to enhance communication with constituents.”

Facebook has specifically agreed to modify the provisions of its terms and conditions to:

- Strike the indemnity clause except to the extent indemnity is allowed by a state’s constitution or law;
- Strike language requiring that legal disputes be venued in California courts and adjudicated under California law;
- Require that a public agency include language directing consumers to its official Web site prominently on any Facebook page; and,
- Encourage amicable resolution between public entities and Facebook over any disputes.

The modifications will immediately apply to state and local government agencies already on Facebook.

NASCIO's Social Media Legal Workgroup and a NAAG task force began working with Facebook well over a year ago. Legal staff from the CIO's office and attorneys general agencies in the states of Colorado, Massachusetts, Michigan, New York, Pennsylvania, and Washington participated in the lengthy discussions. NASCIO expects the Facebook agreement will be used as a model going forward, as the legal workgroup continues efforts to produce similar models for other social media providers.

**About NASCIO:**

The National Association of State Chief Information Officers is the premier network and resource for state CIOs and a leading advocate for technology policy at all levels of government. NASCIO represents state chief information officers and information technology executives from the states, territories, and the District of Columbia. The primary state government members are senior officials who have executive level and statewide responsibility for information technology leadership. State officials who are involved in agency level information technology management may participate as state members. Representatives from other public sector and non-profit organizations may also participate as associate members. Private sector firms may join as corporate members and participate in the Corporate Leadership Council. For more information about NASCIO visit [www.nascio.org](http://www.nascio.org).

AMR Management Services provides NASCIO's executive staff. For more information about AMR visit [www.AMRms.com/](http://www.AMRms.com/).

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