Attorneys General, NASCIO announce deal to improve terms for state, local entities using Facebook

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OLYMPIA…Attorney General Rob McKenna announced today that Facebook has agreed to improve its terms and conditions for state and local government agencies using the social media Web site. The new terms (https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/News/Press_Releases/2011/statelocalterms_Final.pdf), facilitated through the National Association of Attorneys General (NAAG) and the National Association of State Chief Information Officers (NASCIO), resolve a series of legal issues that were caused by the site's standard terms of service agreement.

"Facebook provides a tremendous venue for state agencies and their local counterparts to keep their constituents apprised of the great work that they do," McKenna said. "We and our partner agencies use the site as a means of informing the community about the work of our offices and encouraging people to become involved in their government."

With regard to McKenna's announcement, Facebook (http://www.facebook.com/) has modified portions in its terms of service agreement that all users must comply with in order to use the site.

The multistate group, led by the Colorado and Washington Attorney General's offices, began working on these modifications nearly a year ago, after the public agencies encountered a series of issues while trying to use the site.

These new terms mirror, in many ways, a similar agreement that the social media company reached with the federal government more than a year prior, which allowed 33 federal government agencies to connect with their constituents through Facebook.

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.

The states that participated in the multistate negotiations were Alaska, Arkansas, Colorado, Connecticut, Delaware, Idaho, Massachusetts, Mississippi, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, Utah and Washington.

The Washington State Attorney General's Office also serves on the Washington State Social Media Working Group to help develop social media policy and best practices (http://www.governor.wa.gov/media/guidelines.pdf) for all Washington state agencies. Recently, the Washington State Attorney General's Office won a "Waggy" award from the Conference of Western State Attorneys General for its social media (/social-media).

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