

# Discussion & Activity Guide

Terms **and**

Conditions

may **Apply**

I Agree





Filmmaker Cullen Hoback. Courtesy of Variance Films/Hyrax Films.

## A Note From Filmmaker Cullen Hoback

People often ask me what I hoped the impact of ***Terms and Conditions May Apply*** would be. I always say the first step is awareness. This film chronicles much of my journey through a series of rude awakenings that I, *kindly*, take you through, as well. I find that a lot of people are shocked, angered and want to delete their Facebook accounts after watching the film. It makes sense. Our rights are being violated and we have little to no power over companies that vacuum up our data. However, abstinence from the greatest communication tool the world has known isn't likely the answer. Waiting for the government to step in and reverse engineer its spy machine is unlikely to work either. Yes, we should push for better protection, but we also need to pursue services that put our privacy first. The Internet has the potential to evolve into something where our data belongs to us and serves us. But for the Internet to move in that direction, enough of us must understand the stakes. This guide is a great start. I hope you find it useful.

## About This Guide

This guide is intended to help audiences explore the issues of Internet privacy and surveillance presented in the documentary, ***Terms and Conditions May Apply***. Advocacy groups, activists, lawyers, educators, students, and engaged citizens are encouraged to use this guide to spark deeper conversations about these important issues of our time. While it was designed as a supplement to the film, this guide can be used independently if you have limited time, as long as you can access the online clips.

The core sections of this guide are formatted to include a corresponding clip from the film, a suggested activity, and questions to explore the various topics associated with Internet privacy and surveillance. Use this guide to:

- Deepen understanding of the importance of media literacy in the 21st century, especially as it relates to the implications of our Internet and phone activity.
- Spark discussion about constitutional rights and the legal aspects of surveillance.
- Connect with resources that can protect our data and organizations that are working to advance our right to privacy.

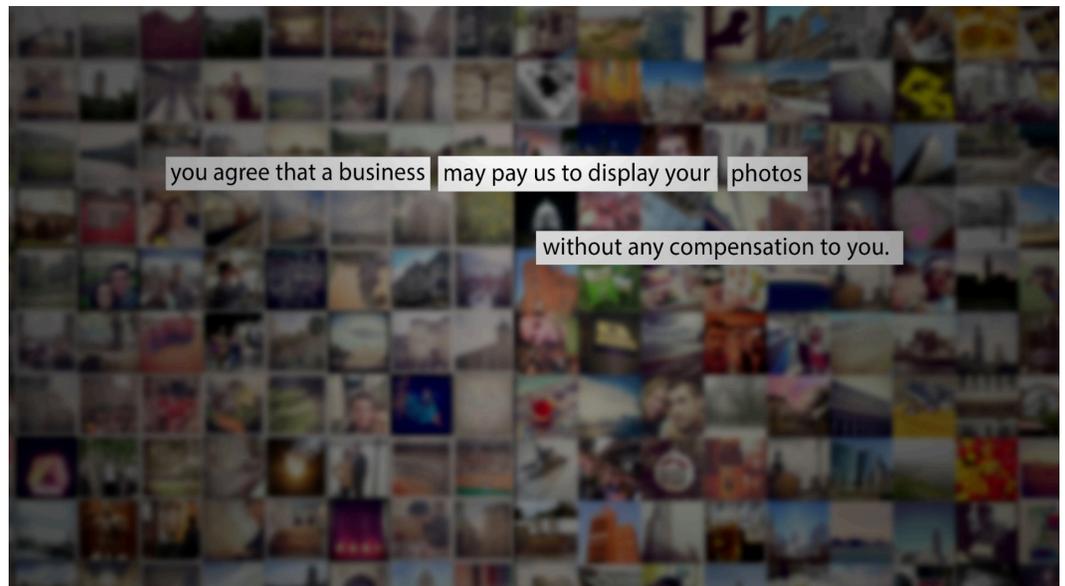
### Tools you'll need for the activities in this guide

- Computer/tablet
- Internet access
- Your mobile phone
- Timer
- Pen and paper

This guide is designed so that users can pick and choose topics and clips that are most relevant and interesting to them when examining the issues presented in ***Terms and Conditions May Apply***. We welcome you to consider these as jumping off points, and to get creative about ways to explore the issues more deeply.

The clips referenced here and more can be found at: [www.tacma.net/resources.php](http://www.tacma.net/resources.php)

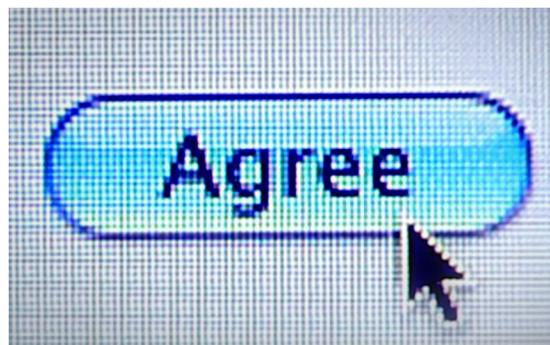
To take action on these issues, please see a listing of our partner organizations that are working hard to defend our privacy every day at: [www.tacma.net/partners.php](http://www.tacma.net/partners.php)



Excerpts from the terms and conditions of Instagram, a popular photo sharing social network. Courtesy of Variance Films/Hyrax Films.

## ***About Terms and Conditions May Apply***

This *New York Times* Critics' Pick exposes what corporations and the government are learning about you with every website you visit, phone call you make, or app you download, with stories of surveillance so unbelievable they're almost funny. As privacy and civil liberties are eroded with every click, this timely documentary leaves you wondering: if your private information is for sale to the highest bidder, who's doing the bidding?



A button that should be familiar to anyone who uses the internet—but a button we're trained to click on without thinking about it. Courtesy of Variance Films/Hyrax Films.

## Discussion Questions & Activity Suggestions

### You Agreed to the Following

*If you were to read everything you agreed to, it would take one full month of work out of every year. That's 180 hours you would need to spend every year.*

—Cullen Hoback

**CLIP**

“You Agreed to the Following”  
[www.vimeo.com/93664881](http://www.vimeo.com/93664881)

**Activity**

Consider a time in recent history when you agreed to Terms and Conditions (e.g., joining a new website, downloading a new app, buying a plane ticket, etc.). If you can recall what or when that was, go back and read the Terms and Conditions, and time yourself while you do it.



**Discussion Questions**

- How long did it take you?
- How do you feel about what you just read? Why?
- How will this information affect you when agreeing to Terms and Conditions in the future?

### We May Use Your Personal Data

Consumers lose \$250B every year due to what's hidden in these agreements.

(Source: *The Wall Street Journal*)

**CLIP**

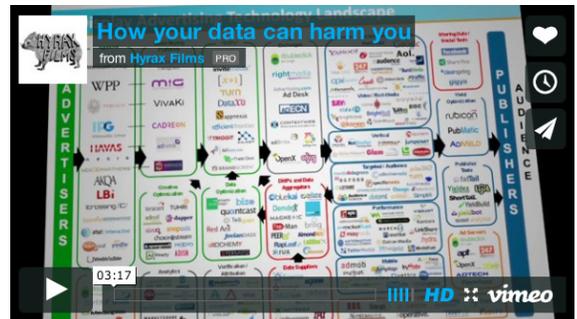
“How Your Data Can Harm You”  
[www.vimeo.com/94554322](http://www.vimeo.com/94554322)

**Activity**

Take 60 seconds to write down a list of all the websites you remember visiting in the last 24 hours.

**Discussion Questions**

- Did you directly share any of your information on those sites? If so, what? What additional data might they have collected from you while you were on those sites?
- Is there any personal information from your online activity that you wouldn't want your health insurance company to know? Your banking institution? Your employer? Your partner?
- Will you adjust your Internet behavior now that you know how your data is used? If yes, how?



## We May Share Your Information with the Government

### CLIP

"Your Phone Company Shares Everything"  
[www.vimeo.com/94554318](http://www.vimeo.com/94554318)

### Activity

Browse your phone's content—text messages, apps, even consider what's been said during your phone calls.

### Discussion Questions

- Is there any activity you conduct on your phone that you wouldn't want shared with the government? Why or why not?
- Is there any activity you conduct on Facebook, Twitter, or Instagram that you wouldn't want shared with the government? Why or why not?
- In the film, Austrian law student Max Schrems shows us how Facebook retains all of our information, even after we delete our accounts. In essence, we delete them from ourselves. Does this revelation affect the way you will use Facebook in the future? If so, how?



Max Schrems in a scene from *Terms and Conditions May Apply*. Max is an Austrian law student who figured out that since Facebook opened a headquarters office in Europe, he would be able to force them (under a European law that requires a company to tell a consumer what data they hold on them if the consumer asks) to give him all the data they had on him. Eventually, he received most of it. That's 1,222 pages—three years worth of light use. And it's not the entirety of the data they hold on him. Courtesy of Variance Films/Hyrax Films.



## TAKE ACTION

Improve your privacy settings online. Visit [www.tacma.net/protection.php](http://www.tacma.net/protection.php) for easy steps you can take in less than 5 minutes.

Christopher Shin, VP Engineering from Cellebrite, shows off some of his company's hardware as he explains just how much private data is stored on the new generation of smartphones (the hardware is a "mobile forensic solution for the simplified and rapid logical extraction of evidentiary data from a wide variety of mobile devices," per Cellebrite's website). Courtesy of Variance Films/Hyrax Films.



## Your Information Is "Anonymous"

### CLIP

"You Don't Own Your Data"

[www.vimeo.com/94554317](http://www.vimeo.com/94554317)

### Reflect

As part of the Bill of Rights, the Fourth Amendment to the U.S. Constitution states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Consider what you've written in your diary, watched on your television or done in the privacy of your own home. Which offline behaviors that average citizens conduct in private might be interpreted by the government as reason for search and seizure?



### Discussion Questions

- Do you think your online behavior should be as private as your offline behavior in your own home? Why or why not?
- If you could own your data, how would you control it?
- If you would consider selling it to companies, what might your criteria be?

## We May Use Your Data to Prevent

### CLIP

"Everyone is a Suspect"

[www.vimeo.com/93689985](http://www.vimeo.com/93689985)

### Activity

Browse your network's tweets, Facebook posts, or other public comments that have been made online in the past day.

### Discussion Questions

- Can you identify anything that might be used against you or your friends? How so?
- Leigh Bryan was detained by the Department of Homeland Security for tweeting to a friend, "Free this week for quick gossip/prep before I go and destroy America? x." Do you think DHS was justified in its action? Why or why not? Have you ever tweeted or Facebooked something that could be interpreted as a threat?
- A common argument by people who are supportive of or indifferent to surveillance is that they have "nothing to hide." How do the stories of people in the film like Vito LaPinta, Joe Lipari, Leigh Bryan, and other protestors challenge this reasoning?



Leigh Bryan (left) interviewed by filmmaker Cullen Hoback (right). A UK citizen, Bryan was detained upon arrival in the US, questioned for five hours, and held in a cell for twelve more hours before being put on a flight home. His crime—some poorly received tweets that referenced "diggin' Marilyn Monroe up" and that he would "go and destroy America." His explanation that, in English slang, "destroy" means "partying," was not accepted. Courtesy of Variance Films/Hyrax Films.

For resources on how to protect your online privacy check out [www.tacma.net/protection.php](http://www.tacma.net/protection.php)

## Big Data as a Civil Rights Issue

Big Data has also been linked to discriminatory practices and civil rights violations. Whether using it for racial profiling or identifying targets for subprime mortgages, payday loans and high-risk financial products, data mining particularly affects low-income and minority communities.

Additional Reading on Discriminatory Data Practices:

[www.talkingpointsmemo.com/cafe/big-data-is-a-civil-rights-issue](http://www.talkingpointsmemo.com/cafe/big-data-is-a-civil-rights-issue)

[www.prospect.org/article/how-big-data-could-undo-our-civil-rights-laws](http://www.prospect.org/article/how-big-data-could-undo-our-civil-rights-laws)

[www.weeklywonk.newamerica.net/articles/decoding-discrimination-digital-age](http://www.weeklywonk.newamerica.net/articles/decoding-discrimination-digital-age)



Edward Snowden  
Whistleblower - NSA PRISM Program  
June 9th, 2013

### WHISTLEBLOWER SPOTLIGHT EDWARD SNOWDEN

On June 5th, 2013, a National Security Agency contractor named Edward Snowden released classified documents that exposed the U.S. government's PRISM program as well as other global surveillance programs. As a result, United States federal prosecutors filed a criminal complaint against Snowden, charging him with theft of government property, and two counts of violating the U.S. 1917 Espionage Act. Many experts—including a federal judge—deem these spying programs to be violations of the U.S. Constitution.

**Do you think Snowden is a patriot or a traitor? Why?  
What would you have done in his position?**

## Acknowledgments

*Terms and Conditions May Apply* is a production of Hyrax Films. The engagement campaign and this discussion guide were created by Active Voice, with support from the Ford Foundation.



**Active Voice** is a team of communications experts who specialize in working with powerful films to advance movements for social change. We work with filmmakers to ensure that their films can be embedded within a movement through practical and sustained channels, and we work with nonprofits, foundations, and public agencies to enhance their communications in innovative ways. One of the first organizations of its kind, Active Voice brings a genuine understanding of the value of storytelling to move the meter on some of the most difficult-to-tackle issues of our time. Since our inception in 2001, Active Voice has influenced local, regional, and national dialogue on issues including immigration, criminal justice, healthcare, and education. [www.activevoice.net](http://www.activevoice.net)