Facebook’s Users Ask Who Owns Information

By BRIAN STELTER
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Reacting to an online swell of suspicion about changes to Facebook’s terms of service, the company’s chief executive moved to reassure users on Monday that the users, not the Web site, “own and control their information.”

The online exchanges reflected the uneasy and evolving balance between sharing information and retaining control over that information on the Internet. The subject arose when a consumer advocate’s blog shined an unflattering light onto the pages of legal language that many users accept without reading when they use a Web site.

The pages, called terms of service, generally outline appropriate conduct and grant a license to companies to store users’ data. Unknown to many users, the terms frequently give broad power to Web site operators.

This month, when Facebook updated its terms, it deleted a provision that said users could remove their content at any time, at which time the license would expire. Further, it added new language that said Facebook would retain users’ content and licenses after an account was terminated.

Mark Zuckerberg, the chief executive of Facebook, said in a blog post on Monday that the philosophy “that people own their information and control who they share it with has remained constant.” Despite the complaints, he did not indicate the language would be revised.

The changes in the terms of service had gone mostly unnoticed until Sunday, when the blog Consumerist cited them and interpreted them to mean that “anything you upload to Facebook can be used by Facebook in any way they deem fit, forever, no matter what you do later.”

Given the widespread popularity of Facebook — by some measurements the most
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popular social network with 175 million active users worldwide — that claim attracted attention immediately.

The blog post by Consumerist, part of the advocacy group Consumers Union, received more than 300,000 views. Users created Facebook groups to oppose the changes. To some of the thousands who commented online, the changes meant: “Facebook owns you.”

Facebook moved swiftly to say it was not claiming to own the material that users upload. It said the terms had been updated to better reflect user behavior — for instance, to acknowledge that when a user deletes an account, any comments the user had posted on a page remain visible.

“We certainly did not — and did not intend — to create any new right or interest for Facebook in users’ data by issuing the new terms,” said Barry Schnitt, a Facebook spokesman.

Greg Lastowka, an associate professor at the Rutgers School of Law who is writing a book on Internet law, said Facebook’s language was not unusual. “Most Web sites today offer terms of service that are designed to protect and further the interests of the company writing the terms, and most people simply agree to terms without reading them.”

For Facebook, the ability to store users’ data and use their names and images for commercial purposes is important as it seeks to make more money from the virtual interactions of friends.

But balancing the desire for sharing with the need for control remains a challenge for Facebook as it turns five years old this month. “We’re at an interesting point in the development of the open online world where these issues are being worked out,” Mr. Zuckerberg wrote.

Amid the evolution, at least a few members are showing their uneasiness about the stance that Facebook is taking.

Some members, including Sasha Frere-Jones, the pop critic and staff writer for The New Yorker, said they had deleted their accounts to show their opposition to the new terms.

“Zuckerberg’s response to the protest is just the modern version of ‘Ignore the fine print, ma’am, just sign here,’” Mr. Frere-Jones wrote in an e-mail message. “Why would anyone trust a company with his or her personal information, especially when that company’s explicit legal language claims eternal rights to exploit that information, and there is good reason to expect that they will?”

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