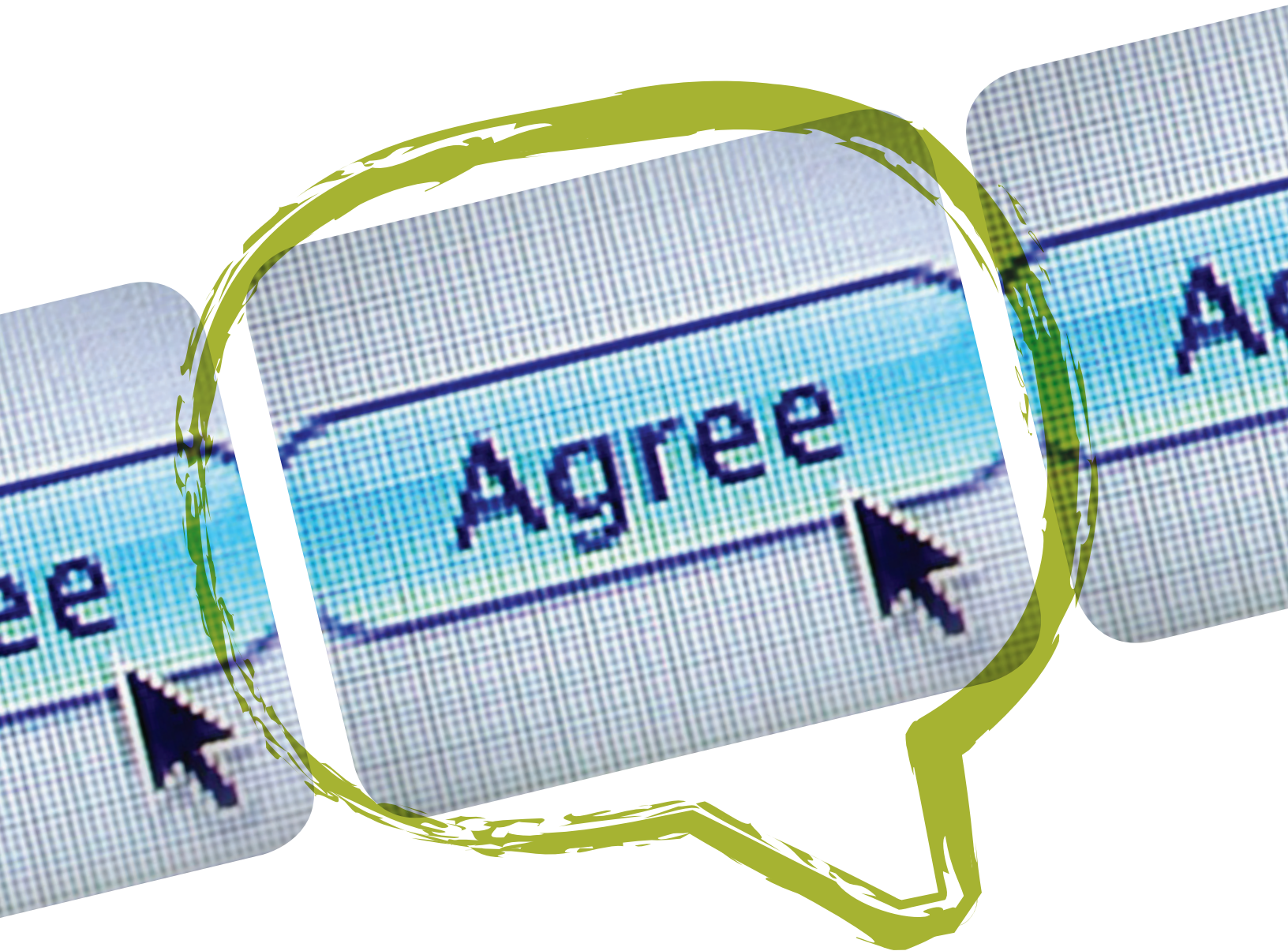


TERMS AND CONDITIONS MAY APPLY



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TERMS AND CONDITIONS MAY APPLY

Directed by Cullen Hoback

2012 | USA | 79 min

TEACHER'S GUIDE

This guide has been designed to help teachers and students enrich their experience of *Terms And Conditions May Apply* by providing support in the form of questions and activities.

There are a range of questions that will help teachers frame discussions with their class, activities for before, during and after viewing the film, and some web links that provide starting points for further research or discussion.

The Film

No one really reads the terms and conditions connected to every website they visit, phone call they make or app they download. After watching this provocative exploration of what actually lies between the lines of those tiny-font agreements, however, you may just hurl your computer out the window and take to a cave. With fascinating examples, comical gags and terrifying facts, filmmaker Cullen Hoback investigates what governments and corporations are doing with your "personal" information. Regardless of privacy settings, data is being collected and behaviour is being monitored—as you read this, in fact—leaving the future of civil liberties uncertain. But are we really living in such a dystopian conspiratorial world? From whistleblowers and investigative journalists to zombie fan clubs and Egyptian dissidents, this disquieting exposé demonstrates how every one of us has incrementally opted into a real-time surveillance state, click by click.

The Filmmaker

In 2005, Cullen Hoback made the 55-minute *Freedom State*, a heartfelt comedy that follows a cast of misfits to the edge of the world. In 2007 Hoback directed the documentary *Monster Camp*, that showed social outcasts banding together to create a community where magic is real, and identity is limited only by one's imagination. *Monster Camp* received awards around the world, and was heralded by *Variety* as both "endearing and amusing." In 2009 Hoback made the darker feature length narrative film *Friction*, a film about a cast of real people who play out a scripted tale, as the line between fantasy and reality blurs. And in 2012 Hoback finished production on *Terms and Conditions May Apply*, which reveals the dangers hiding within the digital contracts that we all agree to and never read, and what we're really giving up when we click "I accept."

Educational package written and compiled by Noelle Morris
noellemorris00@gmail.com

VIEWING THE FILM WITH STUDENTS

There are important themes in this film that have broad implications for students and their futures.

Take time to activate your students' background understanding of these themes before viewing.

This will help them as they come to their own understanding and develop their critical abilities.

The following three subsections, on this page, are intended to provide you with a range of pre-viewing, viewing and post-viewing activities. They are followed by a set of questions based upon the film's larger thematic domains, some follow-up questions and quotations, sample curricular outcomes, and a page of web links for further investigation.

Pre-Viewing Activities

Show students the trailer for *Terms and Conditions May Apply* (<http://vimeo.com/57182041>). Have students work in pairs or small groups to try to identify themes or ideas conveyed by the trailer. As a larger group, discuss with students how effective/affective the trailer is as a media piece.

Individually, in pairs or as a class, have students create a KWL chart for some or all of the terms below. Students can revisit the chart throughout the film or after they have finished viewing the film.

- Digital footprint
- Cookies
- Patriot Act
- Lobbying
- Senate Bill 242
- Total information awareness/Information awareness office
- Wiretap
- NSA
- Whistleblower
- Third party doctrine and the Fourth Amendment

Examine the logo for *Terms and Conditions May Apply*. Try to identify the fonts with their associated online services or websites. How many of these websites do your students use/belong to? Have your students "signed" or agreed to anything to use these websites?

Have your students take the three-question quiz on the Digital Tattoo Project's homepage (<http://digitaltattoo.ubc.ca/>). Tally up the responses and discuss the results with your students. The results can be revisited after the film.

Print several of the questions or quotations from the Extensions Activities section of this guide of individual sheets of paper. Have students work in small groups or with partners to discuss if they agree with the ideas.

Set a purpose for viewing by having a discussion about one or more of the questions or quotations from the Extension Activities section of this guide.

Viewing Activities

Have students complete the PBS viewing guide on documentaries (<http://www.pbs.org/pov/docs/Copies%20of%20Viewing%20Guide.pdf>). Students can revisit their completed documents as a Post-Viewing Activity.

Have students take notes on, or jot connections to, one of the thematic domains from the Big Questions/Ideas/Themes section of this guide. Ask students to find proof from the film that supports their connections.

Have students jot down three to five ideas for discussion, or questions that the film raises in their minds. As an Extension and/or Post-Viewing Activity, students can enter their questions into an online response or polling system and can vote on the questions or issues they would like to explore in further detail. Encourage students to use multiple levels of Bloom's Taxonomy.

Consider a question posed by the director: are privacy policies in place to protect your privacy or take it away?

Have students create a T-chart that compares the pros and cons of data surveillance as presented by various individuals in the film. From their tables, students can discuss whether or not certain biases are evident in the documentary.

Pause the movie after the animated opening credits. Ask your students to comment on the introduction and its effectiveness. What happened in the opening credits? How did the tone shift, and why?

Throughout the film, have your students keep a list of the online services and websites mentioned that they use or have used.

Post-Viewing Activity

Show the students their quotations from the Pre-Viewing Activity and see if their opinions were changed, altered or enhanced by the film.

Show your students the CIA/Facebook video from *The Onion* (<http://www.theonion.com/video/cias-facebook-program-dramatically-cut-agencys-cos,19753/>). Before telling your students that *The Onion* is a satirical news website, ask for their feedback on the video. Did any students believe that Facebook and the CIA are linked? Define "satire" if your students are unsure of the word's meaning.

Have your students visit a website that they frequently use (such as Google or Facebook) and have them locate the terms and conditions by themselves. On paper or in a word processor, students can highlight anything that is unclear or ambiguous in the terms, and can also underline anything that is interesting or new. Have students discuss their findings in pairs and as a class. Was it difficult to track down the terms and conditions? How much of the document(s) do your students actually understand? What are the implications of this?

What is a digital footprint/digital identity? How can you positively and negatively impact your digital footprint? In the diagram provided from KidSMART (http://www.kidsmart.org.uk/downloads/digital_footprints.pdf), have your students write down all of the websites that they have visited in the past 24 hours. Discuss the types of personal data that these websites may have accessed, and whether or not students have any control over what is accessed and retained.

Have your students watch a scene from *Minority Report* (<http://www.youtube.com/watch?v=ITjsb22-EwQ>) that follows the main character as he walks into The Gap. How do customized ads appear in your students' online and/or offline lives? How do your students feel about an increase in customization and its reliance on private data? How do they think ads and targeted marketing will continue to evolve? Discuss.

In the film, Eric Schmidt says, "If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place." In a written entry or class discussion, have your students consider whether they agree or disagree, with references to the film and their own lives.

Have students complete an exit ticket. The exit ticket should contain one idea that demonstrates what they learned from the film, as well as one question that they still have about the topic.

THE BIG QUESTIONS/IDEAS/THEMES

Multiple Perspectives

What is the subject of this film? Can you determine the filmmakers' perspective on this subject? What evidence can you find in the film to support your view?

How does this film help you analyze and interpret points of view about issues that concern people?

Identity

Whose story is told in this documentary? Whose story is not told? How does this story, and the way it is told, help you understand your own community/life?

How do the people in this film identify with their community? What are the common bonds among the people in this film? What challenges do they face in expressing their identity?

What film techniques do the filmmakers use to convey the identity of the people in this film?

Citizenship

What insights does this documentary offer about the ideals of good citizenship in the community depicted in this film?

How does the film deal with issues of freedom, equality, human dignity, and individual and collective rights and responsibilities?

Change and Continuity

How does this film help you understand a community's values and its attitudes towards an issue at a particular time?

What changes do the people in the film experience? What causes those changes? What are the consequences of those changes for the people in the documentary?

Culture and Community

Which aspects of a people's culture does this film focus on? Why do you think the filmmakers focused on those aspects?

How do the images, themes and message of this film help you understand the filmmakers' attitude towards the subject? What do you think might have been the intended audience's attitude towards the documentary subject?

Individuals, Societies and Economic Decisions

What economic systems are at work in this film? What are some of the causes and effects of the economic decisions made by the people in the film's community?

Does money play a part in the decisions being made in the film and what does it tell you about their local culture?

Power and Governance

What system of government control do we see in this documentary? How is power distributed within this society? What are the implications of that distribution on issues affecting the people's well-being and freedom?

Global Connections

What global issues are addressed in this film? What is the filmmaker's point of view on the opportunities and challenges of those issues?

Adapted from NFB Documentary Lens: <http://www.nfb.ca>

EXTENSION ACTIVITIES

Additional Questions for Pre-Viewing or Post-Viewing Activities

After watching the film, have you changed your perceptions of any of the services or websites mentioned? Will the film affect if and how you use these services and websites again?

What is a "legal and legitimate use" of personal or private information? Is there such a thing?

Single posts on Twitter and Facebook have changed the lives of some of the people featured in the film. What are some of the more serious consequences of not reading through the terms and conditions on Twitter and Facebook?

How has personal data been used to harm customers? Reference examples from the film in your response.

What kind of personal information is stored on your smartphone or mobile device? Is your device password-protected? How would you feel if your device went missing or was stolen, and what kind of information would a thief be able to access?

Should future employers or schools be able to access your "private" information online, such as your Facebook profile? Why or why not?

Do the opportunities in social networking and our digitized/online worlds outweigh the risks?

Are you proud of your digital footprint? How do you think you will feel about your digital footprint in 10 years?

In today's increasingly connected and digitized world, does privacy actually exist? Ask students what privacy means to them.

How long should personal data and digital information be retained by companies such as Google and Facebook? How long do these companies currently hold on to your information?

Quotations From the Film to Explore

"If I were trying to make a user agreement uninviting, I would choose a small font... and I would set it in all caps because what happens then is that you have type that becomes a texture rather than words and spaces." Brian Lawler, typographer

"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

On the evolving Google policies: *"It's important to note the fundamental difference between these two policies: one says that you're totally anonymous, the other says, when necessary, you're not."* Cullen Hoback

"Even though we don't write cheques to Google, and that's why we kind of like the company, that doesn't mean that Google is really free or that we are free in the liberty sense when we use it." Siva Vaidhyanathan

Facebook's monetary value is based on *"900 million people and a ton of data on those people."* Michael Pachter on CNBC

"Anonymity wasn't profitable." Cullen Hoback

"The challenge with defaults is that you get comfortable with whatever the default is. When the default is public, you actually can adapt really beautifully and deal with it. When the default is private, you can adapt comfortably and deal with it. When the defaults change, that's when problems emerge." Danah Boyd

"Doing a privacy change for 350 million users is not the type of thing that a lot of companies would do. We decided that these would be the social norms now, and we just went for it." Mark Zuckerberg

"People have really gotten comfortable not only sharing more information and different kinds, but more openly and with more people, and that social norm is just something that's evolved over time." Mark Zuckerberg

"Most relationships in your life, it's very good that the other person doesn't know everything you've ever said or scribbled or thought." Sherry Turkle

"If you hit the remove button [on Facebook], it just means that it's flagged as deleted, so you hide it actually from yourself. But anyone, like Facebook or any government agency that wants to look at it later, can still retrieve it and get it back, and that means that it's there for an indefinite time. Even though you hit the delete button... it's not actually gone, it's still there." Max Schrems

"9/11 has provided a licence for European countries, for United States, Australia, Canada, South Africa and others to develop spying systems that affect all of us." Julian Assange

"Surveillance measures are being used to silence protests before they even happen." Amy Cutler

"You have nothing to hide until you do, and you are not necessarily going to know what you have to hide or not." Zeynep Tufekci

"Transparency, which bonds us together and gives us all so many friends that we didn't know before... gives the state an absolutely unparalleled, in the history of humanity, ability to know what's going on with its citizens. To find out who the dissenters are." Daniel Ellsberg

"It's safe to work under the assumption that nothing is private. Anything that's been digitized is not private, and that is terrifying." Moby

"We need to find a way forward to make sure that we can stop terrorists while protecting privacy and liberty of innocent Americans. We have to find a way to give the president the power he needs to protect us while making sure that he doesn't abuse that power." Barack Obama

"We should be worried." Senator Ellen Corbett

POST-VIEWING ACTIVITY: A LETTER TO MARK ZUCKERBERG

You are going to write a one-to-two page letter to Mark Zuckerberg outlining your thoughts on Facebook's terms and conditions, including its privacy policy. How do the ever-changing terms and conditions affect you now, and how do you think they will affect you in the future? Should Facebook be deciding on "social norms" and data laws for everyone? Facebook is a product, and you are the consumer—your thoughts count. Your letter can be sent by mail to the Facebook campus, or you can post the letter directly on Facebook (you can even try tagging Mark Zuckerberg!).

If you do not use Facebook, you can choose to write to Eric Schmidt, Google's executive chairman.

POST-VIEWING ACTIVITY: A LETTER TO MARK ZUCKERBERG

Name: _____ Group: _____

Criteria	Does not meet expectations (> 50%)	Level 1 (50-59%)	Level 2 (60-69%)	Level 3 (70-79%)	Level 4 (80-100%)
Knowledge and Understanding	2.0 3.0 3.5 4.0 4.5	5.0 5.2 5.4 5.6 5.8	6.0 6.2 6.4 6.6 6.8	7.0 7.2 7.4 7.6 7.8	8.0 8.2 8.5 9.0 10
Understands facts, ideas and concepts in the given task, and persuasively represents the position of the individual or group	Does not understand facts, ideas and concepts in the given task, and does not communicate or understand the position of the individual or group	Demonstrates limited knowledge of the given task and communicates with a limited degree of understanding and persuasiveness	Demonstrates moderate knowledge of the given task and communicates with a moderate degree of understanding and persuasiveness	Demonstrates considerable knowledge of the given task and communicates with a considerable degree of understanding and persuasiveness	Demonstrates thorough knowledge of the given task and communicates with a thorough degree of understanding and persuasiveness
Thinking	2.0 3.0 3.5 4.0 4.5	5.0 5.2 5.4 5.6 5.8	6.0 6.2 6.4 6.6 6.8	7.0 7.2 7.4 7.6 7.8	8.0 8.2 8.5 9.0 10
Uses critical and creative thinking processes to generate and develop ideas	Does not use critical and creative thinking processes to generate and develop ideas	Uses critical and creative thinking processes with limited effectiveness	Uses critical and creative thinking processes with some effectiveness	Uses critical and creative thinking processes with considerable effectiveness	Uses critical and creative thinking processes with a high degree of effectiveness
Communication	2.0 3.0 3.5 4.0 4.5	5.0 5.2 5.4 5.6 5.8	6.0 6.2 6.4 6.6 6.8	7.0 7.2 7.4 7.6 7.8	8.0 8.2 8.5 9.0 10
Organizes ideas and information with clarity and focus; Uses proper writing conventions throughout the letter (grammar, spelling, punctuation and usage)	Does not organize ideas and information with clarity and focus; Does not use proper writing conventions throughout the letter	Organizes ideas and information with limited effectiveness; uses proper writing conventions throughout the letter with limited effectiveness	Organizes ideas and information with clarity and focus with some effectiveness; uses proper writing conventions throughout the letter with some effectiveness	Organizes ideas and information with clarity and focus with considerable effectiveness; uses proper writing conventions throughout the letter with considerable effectiveness	Organizes ideas and information with clarity and focus with a high degree of effectiveness; uses proper writing conventions throughout the letter with a high degree of effectiveness
Application	2.0 3.0 3.5 4 4.5	5.0 5.2 5.4 5.6 5.8	6.0 6.2 6.4 6.6 6.8	7.0 7.2 7.4 7.6 7.8	8.0 8.2 8.5 9.0 10
Makes connections within and between various contexts (between the text and personal knowledge and experience)	Does not make connections within and between various contexts	Makes connections within and between various contexts with limited effectiveness	Makes connections within and between various contexts with some effectiveness	Makes connections within and between various contexts with considerable effectiveness	Makes connections within and between various contexts with a high degree of effectiveness

Comments:

Total: _____/40

EXAMPLES OF CURRICULUM EXPECTATIONS

COURSE	OVERALL EXPECTATIONS
Grade 7 & 8 Language	<ul style="list-style-type: none"> • generate, gather and organize ideas and information to write for an intended purpose and audience. • draft and revise their writing, using a variety of informational, literary and graphic forms and stylistic elements appropriate for the purpose and audience. • use editing, proofreading and publishing skills and strategies, and knowledge of language conventions, to correct errors, refine expression and present their work effectively. • identify some media forms and explain how the conventions and techniques associated with them are used to create meaning.
Grade 9-12 English	<ul style="list-style-type: none"> • Understanding Form and Style: recognize a variety of text forms, text features and stylistic elements and demonstrate understanding of how they help communicate meaning. • Developing and Organizing Content: generate, gather and organize ideas and information to write for an intended purpose and audience. • Understanding Media Texts: demonstrate an understanding of a variety of media texts. • Creating Media Texts: create a variety of media texts for different purposes and audiences, using appropriate forms, conventions and techniques.
Grade 10 Civics	<ul style="list-style-type: none"> • analyze responses, at the local, national and international levels, to civic issues that involve multiple perspectives and differing civic purpose. • demonstrate an understanding of the various ways in which decisions are made and conflicts resolved in matters of civic importance, and the various ways in which individual citizens participate in these processes.
Grade 11 Politics	<ul style="list-style-type: none"> • explain power relationships among individuals, groups and governments.
Grade 11 Intro to Anthropology, Psychology and Sociology	<ul style="list-style-type: none"> • demonstrate an understanding of the social forces that influence and shape behaviour as described by anthropologists, psychologists and sociologists. • analyze socialization patterns from the perspectives of anthropology, psychology and sociology.
Grade 11 Intro to Law	<ul style="list-style-type: none"> • describe the sources of rights and freedoms in Canada and explain how particular rights and freedoms may conflict. • explain the dynamic nature of law, including the way in which it evolves in response to technology and changes in societal values.

The Overall Expectations listed above are from *The Ontario Curriculum*. Complete course descriptions, including all Overall and Specific Expectations can be found at: <http://www.edu.gov.on.ca/eng/teachers/curriculum.html>.

WEBSITES AND ONLINE RESOURCES

About the Film

The official website for *Terms and Conditions May Apply* contains a trailer and news items about privacy-related issues.

<http://www.tacma.net/>

Additional Resources

The Digital Tattoo Project: This student-run website provides ample information and resources on the upsides and downsides of digital life.

<http://digitaltattoo.ubc.ca>

Youth Privacy: From the moment we get up in the morning until we fall asleep at night, we leave a trail of data behind us that other people can access and use without our knowledge. This website examines a day-in-the-life of a typical student.

<http://www.youthprivacy.ca/en/life/privacy.html>

Mobile Technology Protection and Privacy Hearing from May 2011: Officials from Apple, Facebook and Google testified on consumer privacy issues surrounding the use of mobile technology devices such as smartphones and tablets. The hearing focused on tracking and collecting information on consumers, the type of personal information used in various device applications, and the obligations of companies in the mobile market to adequately notify consumers and obtain their consent.

<http://www.c-spanvideo.org/program/299607-1>

Time magazine: In 2010, Mark Zuckerberg was *Time* magazine's Person of the Year. Read more about the man behind Facebook in this profile.

http://www.time.com/time/specials/packages/article/0,28804,2036683_2037183_2037185,00.html

European Commission: Explore how the European Commission is fighting to reform the EU legal framework on the protection of personal data.

http://ec.europa.eu/justice/data-protection/index_en.htm

Ars Technica: This story contains more info on EU data protection reform.

<http://arstechnica.com/tech-policy/2013/01/proposed-eu-data-protection-reform-could-start-a-trade-war-us-official-says/>

Wall Street Journal: The Surveillance Catalog examines different types of surveillance and monitoring tools with a focus on five general categories: hacking, intercept, data analysis, web scraping and anonymity.

<http://projects.wsj.com/surveillance-catalog/#/>

BBC: Learn more about the *News of the World* phone hacking scandal. The website includes questions and answers about the scandal, a timeline and profiles of the main players, including Rupert Murdoch.

<http://www.bbc.co.uk/news/uk-11195407>

Social Media Revolution (2013): This informative video highlights significant impacts, statistics and trends in social media.

http://www.youtube.com/watch?feature=player_embedded&v=QUCfFchw1w

The New York Times: "How Privacy Vanishes Online."

http://www.nytimes.com/2010/03/17/technology/17privacy.html?_r=0

New York Times Learning Network: "To Share or Not to Share." This handout from the *New York Times Learning Network* poses a series of questions that will allow students to reflect on the types of material that they post on social networks.

<http://www.nytimes.com/learning/teachers/studentactivity/20090204.pdf>

Various Links for Lesson Plan Ideas, Media Awareness, Critical Literacy and Documentary Films

Using Docs in The Classroom: A teacher librarian's personal website where there are excellent resources for teaching with documentary films.

http://www.frankwbaker.com/using_docs_in_the_classroom.htm

Media Awareness: A Canadian nonprofit media education and Internet literacy resource library.

<http://www.media-awareness.ca>

Centre for Media Literacy: A U.S. website which provides several resources for making, understanding and criticizing media.

<http://www.medialit.org>

The National Film Board of Canada: On this site is an area with teaching resources and short documentary films that can be used as teaching aides.

<http://www.nfb.ca>

Hot Docs' Looking at Documentaries: A teaching guide that sets out questions designed to help teachers include the study of documentary film in their curriculum. Free PDF download.

http://www.hotdocs.ca/youth/docs_for_schools_monthly/resource_materials