



## **Clicking “Agree”: A Brief Discussion On “Terms and Conditions” For Technology Users.**

In today’s cyber-society, the electronic services, programs, and technology that we use on a daily basis often come with the unavoidable “Terms and Conditions.” The technology product typically confronts us with such terms through a long list of “fine print” concluded by a clickable box labeled “Agree.” I would venture that all the readers of this blog have encountered this. Most of you probably click “Agree” without reading the fine print or giving the matter a second thought.

Relax! I am not criticizing this seemingly impetuous act. In fact, you have made an economic choice by clicking “Agree.” In other words, you quickly decided (probably subconsciously) that the potential risks of agreeing without reading the terms were outweighed by the time and annoyance of reading through the pages of fine print. That decision often proves to be rational; in other words, the terms and conditions are relatively harmless.

Sometimes, however, objectionable consequences take place without you knowing it. For example, last month OnStar, General Motors safety and connectivity system, issued a change in its terms and conditions. First, even after a subscriber cancels, OnStar would still monitor the vehicle. This includes gathering data such as speed, location, odometer, and even seatbelt use. Second, OnStar’s terms reserve the right for it to share or sell the information it collects on you with other companies and organizations! In this particular instance, OnStar backtracked after drawing serious criticism from a group of U.S. senators. It no longer tracks canceled subscribers.

An analysis of the legality of such “agreements” is beyond the scope of this blog post. However, frustrated and savvy users continue to resist invasive and unfair terms. The tactics employed by those users include resistance through public advocacy campaigns (*e.g.*, the OnStar issue) and innovative technologies that simplify term language, track changes in the terms, and even make counter-proposals to online services on your behalf! For more information on those resistance tactics, I suggest reading a blog posted by Stanford’s Center for Internet and Society at <http://cyberlaw.stanford.edu/node/6735>.