

Orkut's privacy policy and terms of service

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It was bound to happen sooner or later. I was invited to join Orkut. But before clicking Submit, I always read the fine print: their [Terms of Service](#) and their [Privacy Policy](#). (Oh great, you have to have scripting enabled just to read their Terms of Service and Privacy Policy!) Notice, for example, the terms for changes to their terms of service:

We also reserve the right to modify these Terms of Service from time to time without notice. **You are responsible for regularly reviewing these Terms of Service** so that you will be apprised of any changes.

(Emphasis mine.) Notice that they do not say that they will notify you when the Terms of Service change. It is your responsibility to check the Terms of Service. So tomorrow, they could quietly amend their Terms of Service to read, “By agreeing to these Terms of Service, you also agree to pay orkut.com a fee of \$50 per day in perpetuity, and you grant that orkut.com or its agents are authorized to use physical force or threats of force to compel such payment,” and it is your responsibility to notice this. And even if you do manage to notice this, their termination clause says

Once your membership terminates, you will have no right to use the orkut.com service. Our proprietary rights, disclaimer of warranties, indemnities, limitations of liability and miscellaneous provisions **shall survive any termination of your membership**.

Suppose you alertly notice that they changed their Terms of Service and you quickly contact them to cancel your membership. Does that relieve you of your \$50/day habit? Nope. The \$50/day fee survives termination of the membership. Even though you lose your right to the benefits of membership, they retain the rights to exploit your membership (that you don't have any more but are still paying for). Of course, any interpretation of the above paragraph is meaningless since they can totally write their Terms of Service at any time **and hold you to the rewritten version**. What about the [privacy policy](#)?

We reserve the right to transfer your personal information in the event of a transfer of ownership of orkut.com, such as acquisition by or merger with another company. In such an event, orkut.com will notify you before information about you is transferred and **becomes subject to a different privacy policy**.

Note that there is no way to opt out of being subjected to a different privacy policy. So Orkut could be bought by vast-left-wing-conspiracy.com, whose privacy policy reads, “We reserve the right to use all information gathered about you, both aggregate and personally identifiable, for any means whatsoever, without compensation or recourse. The terms of this policy remain in effect even after membership is cancelled.” And now vast-left-wing-conspiracy.com can sell your name to hate groups and you can’t do anything about it.

I find it interesting that there are no provisions in the Privacy Policy for changes to the Privacy Policy.

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