YouTube
TOS Overview and Process Description
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Overview

The National Association of State Chief Information Officers’ (NASCIO) Social Media Legal Workgroup identified important issues found in YouTube’s standard terms in the areas of indemnification, governing law and jurisdiction. The general feeling of the legal workgroup was that the terms posed states a fairly significant degree of risk.

Despite these issues and concerns raised by NASCIO and the Oklahoma Office of the Attorney General, a number of other states and State of Oklahoma agencies began using YouTube services. These agencies adopted standard terms through click-through agreements and implemented “consumer-grade YouTube” or, they may in some cases be using, “branded channels,” which remove some advertising and are used heavily in the federal government under more government friendly terms.

Following a lengthy negotiation, YouTube agreed to provide mediated access to all state government entities to new click-through agreements, in the form of a revised “Content License Agreement.” These terms were negotiated with Google as YouTube’s parent company, and apply to YouTube channel services only. They resolve the legal issues noted above and should be assessed by states in light of their current or future use of YouTube as a service.

The State of Oklahoma Chief Information Officer (CIO) and the Oklahoma Office of the Attorney General have assessed the risk and legality of standard terms and regard the current terms as inappropriate in light of current law or regulation. Both parties have reviewed and approved the use and acceptance of the new CLA and the “branded” channels implementation.

Process Overview

A general overview of the process is as follows:

1. State agencies, assuming need for revised terms, request a click-through link to the new CLA by submitting agency name, authorized staff contact name, and e-mail address to State of Oklahoma CIO
2. CIO collects requests, forwards to NASCIO
3. NASCIO submits to YouTube at monthly intervals
4. YouTube forwards click-through e-mail making new terms available to agencies

The terms apply retroactively to existing YouTube content maintained by the state agency.

Detailed Process

All requests to the CIO should be made through the OSF Service Desk. Agencies may contact the desk at (405) 521-2444 or by e-mail at helpdesk@osf.ok.gov.

1. State of Oklahoma agencies should assess their current use of YouTube. Be sure to include your information technology and communications departments along with your legal counsel in this review.
2. Assess the risk to your agency. (Note: To the extent that use is widespread within the agency, there is risk with standard terms and conversely; no risk if YouTube is unused and if no use is contemplated. It is important to note that adoption of revised terms grandfathers in existing YouTube content.)
3. Agencies should assess business value of new CLA and YouTube branded channels. You can find information about branded channels in the YouTube knowledgebase at: http://support.google.com/youtube/bin/static.py?hl=en&topic=30085&guide=30071&page=guide.c s&answer=188571
4. In order to access the new CLA, agencies must submit request to the OSF Service Desk by going to [http://go.usa.gov/wIX](http://go.usa.gov/wIX) and completing the online form. The request must contain the following information: submitting agency name, authorized staff contact name, authorized staff contact title, authorized staff contact phone number, authorized staff contact e-mail address, and agency mailing address. A representative on the desk will create and assign a case.

5. If the agency has an existing YouTube account, also submit the account name (web address)

6. The CIO, or a designee, will forward state agency requests to NASCIO monthly.

7. NASCIO will forward requests to YouTube monthly.

8. Once YouTube has processed the requests from NASCIO, YouTube will forward a click-through e-mail giving agencies access to the new terms.