




UNITED STATES DEPARTMENT OF COMMERCE
Office of the General Counsel
Washington, D.C. 20230

JAN 30 2013

MEMORANDUM FOR: Mike Kruger
Director of New Media
Office of Public Affairs

FROM: Barbara S. Fredericks 
Assistant General Counsel
for Administration

SUBJECT: Terms of Service Agreement between the Department of
Commerce (DOC) and Pinterest

This provides clearance for the attached Terms of Service (TOS) Agreement for use of Pinterest.com by the DOC or its bureaus. Pinterest is a free online bulletin board-style ("pinboard") photo sharing website that allows users to create and manage theme-based collections of images. Users can browse other pinboards and 're-pin' images to their own collections. In this instance, the Office of the Secretary (OS), Office of Public Affairs (OPA), requested that our office review the TOS for Pinterest for use by the Census Bureau.

Census would like to establish an account with Pinterest in order to engage the public and increase awareness and education about Census products. Census will use this service as part of its social media strategy as a means to encourage users to see the value of American Community Survey statistics, to promote participation in the 2012 Economic Census, and to serve as a new way to advance understanding of all Federal statistics. More specifically, Census will use the services to increase consumption of Census content, such as data visualization, information graphics, and photo content of Census events. Further, the use of this service should help to drive interest and traffic to Census.gov, where users will find more information. While Census will be the initial user of Pinterest, the TOS are appropriate for Department-wide use.

We have reviewed the TOS for Pinterest negotiated by the General Services Administration (GSA) for use by Federal agencies and clear them for Departmental use. Pinterest posted an amendment, negotiated by GSA, directly to its website and TOS page. If the user of Pinterest is a Federal agency, then the TOS in addition to the amendment automatically apply. The Department (or a bureau) must simply register for a Pinterest account to agree to the government-appropriate terms and to begin using the service. We note, however, that the Pinterest amendment for Federal agencies contemplates that upon the Department's approval, Pinterest may use the Department's seals or logos. While there is no legal concern with inclusion of this language, please keep in mind that granting such future permission to Pinterest requires the Department and/or its operating units to follow procedures set forth in Department Administrative Orders 201-1 (for outside use of operating units' seals, emblems, insignias and logos) and 201-17 (for outside use of the Department seal).

Finally, it is important to note that the use of these services must comply with all legal requirements and Departmental policies¹ covering conventional websites and print media, especially with respect to maintenance and content.

The TOS for Pinterest are attached and are available at: <http://business.pinterest.com/tos/>

If you have any questions regarding this matter, please contact Sarah Schwartz of my staff at 202-482-8038.

Attachment

¹ Relevant DOC policy includes, *Use of Social Media/Web 2.0 in the Department of Commerce.*