

## **Change to the terms of service (ToS)**

Thank you for the opportunity to clarify our practices with you in response to the recent public discourse regarding Zoom's March 2023 change to the terms of service (ToS) and our use of customer content and personal data to train our AI features. Zoom is aware of the various articles from the internet that misconstrue our use of customer content and we have updated our terms of service on August 11, 2023 to make our practices around processing content more clear.

### **What does Zoom's TOS change mean for Zoom's GDPR commitments to SURF?**

There is no impact to SURF customers through Zoom's ToS. Zoom's online ToS does not apply to Zoom customers who have entered into a written Master Services Agreement (MSA), in which case the MSA will govern their use of our platform.

Foundationally, regardless of the underlying agreement, for SURF and other EU business customers, Zoom's ToS does not govern the processing of personal data. Rather, such customer's personal data will only be processed as agreed upon in our Data Protection Agreement (DPA), as governed by the GDPR and applicable data privacy laws. The DPA sets out in paragraph 2, that the terms and conditions of the DPA governs and supersedes any other document with respect to the subject matter of processing customer personal data.

For EU customers, our processing of personal data remains consistent with our DPA and as set out in our SURF DPIA, except where we have further improved our services to fulfill our commitments to you.

### **What new data processing has occurred with respect to Zoom's AI features?**

While we recently introduced two generative AI features - Zoom IQ Meeting Summary and Zoom IQ Team Chat Compose (both off by default) - Zoom does not process any customer audio, video, chat, screen sharing, attachments or other communications-like customer content (such as poll results, whiteboard, and reactions) to train Zoom's or third-party artificial intelligence models.

Further, Zoom has not used customer personal data (e.g. meeting titles, agendas, invitees, registrant names, or directly identifiable personal data, etc.) to train the generative AI models powering these features.

However, for clarity, we do process personal data subject to section 2.4 of our DPA to generate aggregated statistics to measure and plan

our services, including these new features. For example, we count how many customers have enabled the Zoom IQ features. This aggregated data is not used to directly train these AI models.

Separately, as you may know, Zoom does process some personal data through automated methods that are not generative AI models, but may still be considered artificial intelligence. These are specific to the maintenance and troubleshooting of our services, trust, safety, and security purposes. For example, we maintain an anomaly detection system that will alert our staff for manual review if there is potential fraud occurring based on an account's activities.

### **Are there any other changes to the processing of personal data since March?**

Zoom's processing of personal data for EU business customers remains consistent with our DPA. In order to be absolutely transparent, we wish to bring to your attention the recent changes to our Global DPA that were previously discussed. Zoom felt the need to change the global/US DPA (in March 2023) to make statements in the DPA more directed to US and other jurisdictions' requirements. This is why a more US-centric approach has been chosen for the new Global DPA while SURF members can still rely on the SURF-specific Zoom DPA.

While this update could also be interpreted as Zoom trying to make use of customer's personal data for AI training or connected product improvements, this is not how clause 2.2.(a) of the Global DPA has been designed. It is meant to merely give Zoom more legal grounds for the usage of aggregated data for the known purposes of product improvements. We intend to update the DPA shortly to clarify this point as well.

### **Why did Zoom change their ToS in March?**

There was an internal process issue that resulted in the publication of language that did not accurately capture our actual business practice regarding generative AI.

At Zoom, we strive to be transparent about our practices, and our ToS changes were driven by this principle. We understand that the ToS changes have caused concern for many of our customers as - taken out of context - these changes were seen as an approach to widen license rights for AI purposes. This was not our intention and we regret the concern and inconvenience our customers are experiencing.

In order to better communicate Zoom's commitment to data privacy, we've announced that Zoom will not train its AI models using audio, video, chat and communication-like (whiteboard, screenshare, etc.) customer content. Additional information can be found on our blog at:

<https://support.zoom.us/hc/en-us/articles/16269138857229-How-Zoom-IQ-free-trial-features-handle-your-data->

We are also undertaking additional revisions to our legal and other public documentation to better clarify how Zoom processes our customer's personal data and what agreements and policies govern our use of their data.