



The Law and Privacy

Course outline

Date	Topic	You are here
2/8	Overview	
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Questions?



This week

- ▶ In the news
- ▶ Social networking and the law
- ▶ The Culture of Free
- ▶ A brief detour into intellectual property law
- ▶ Privacy
- ▶ The current state of the law
- ▶ International law

Who do you trust to protect your interests

A corporation led by a bunch of 20-something billionaires?

A government that can and does seize your web sites with or without warrants?

A bunch of libertarian geeks and anarchists?



In the news



The Culture of Free

- ▶ The Internet, Web, and social networks are built on free software*

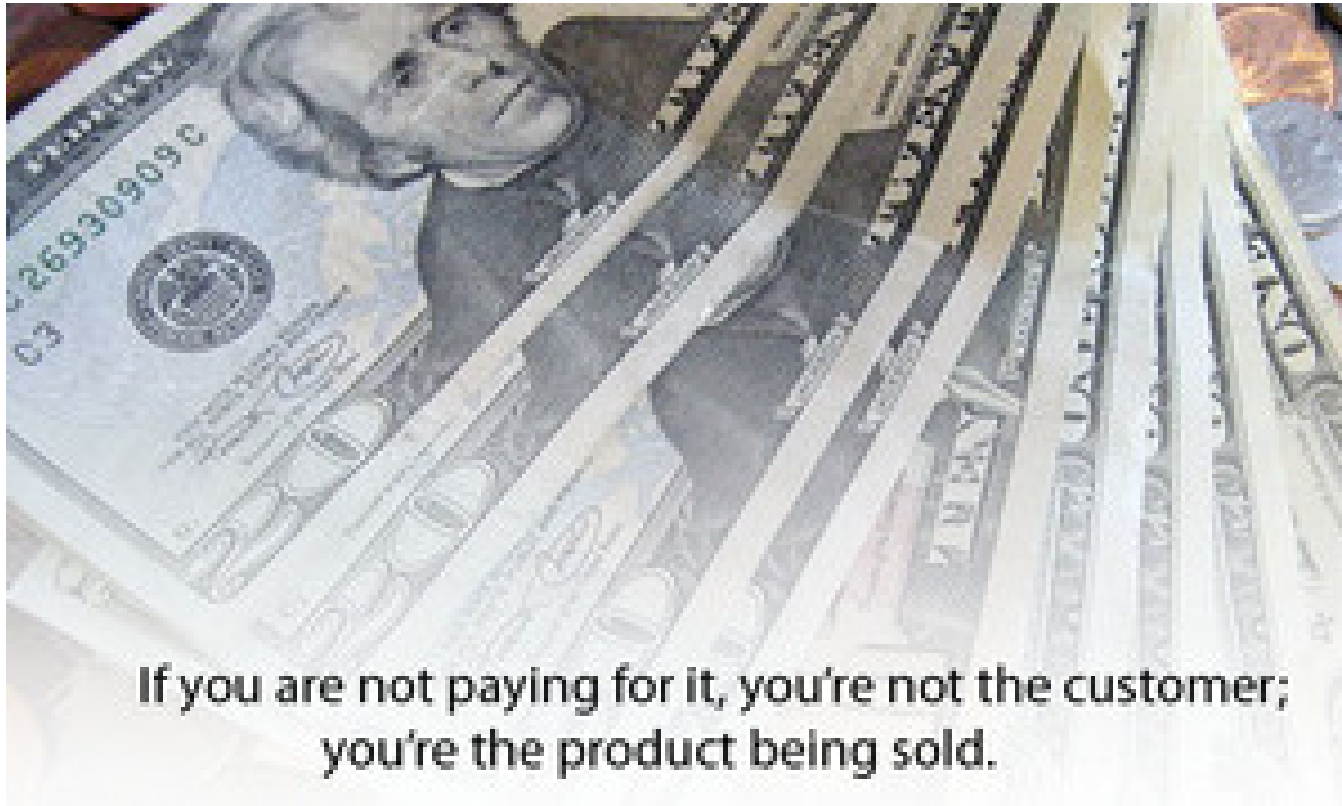
* Fighting words in some quarters

- ▶ It's available to you for free
- ▶ What's wrong with that?

"On the one hand, information wants to be expensive because it's so valuable. The right information in the right place just changes your life. On the other hand, information wants to be free, because the cost of getting it out is lower and lower all the time. So you have these two things fighting against each other."

Stewart Brand to Steve Wozniak (1984)

How can so much be free?



If you are not paying for it, you're not the customer;
you're the product being sold.



Hello, Karl Hakkarainen. We have [recommendations](#) for you. ([Not Karl?](#))

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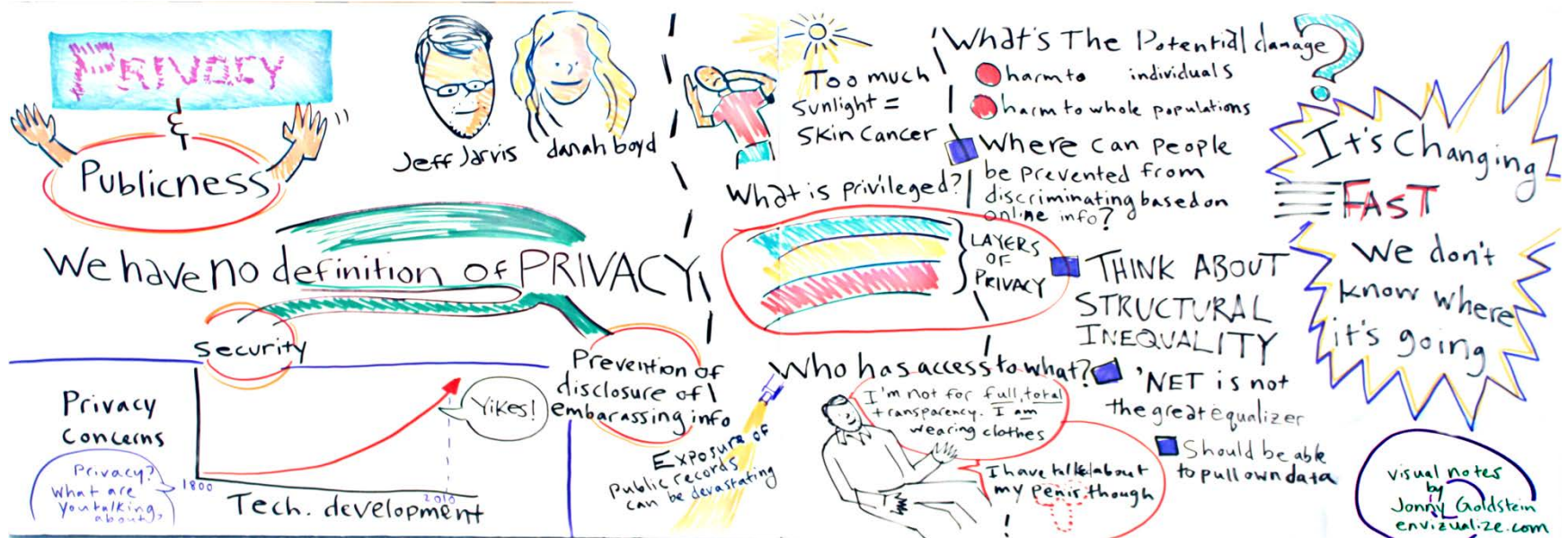
Shop All Departments

Search All Departments

We trade privacy for convenience

There's the attitude that we express, and there's
the attitude we live

Privacy and publicness

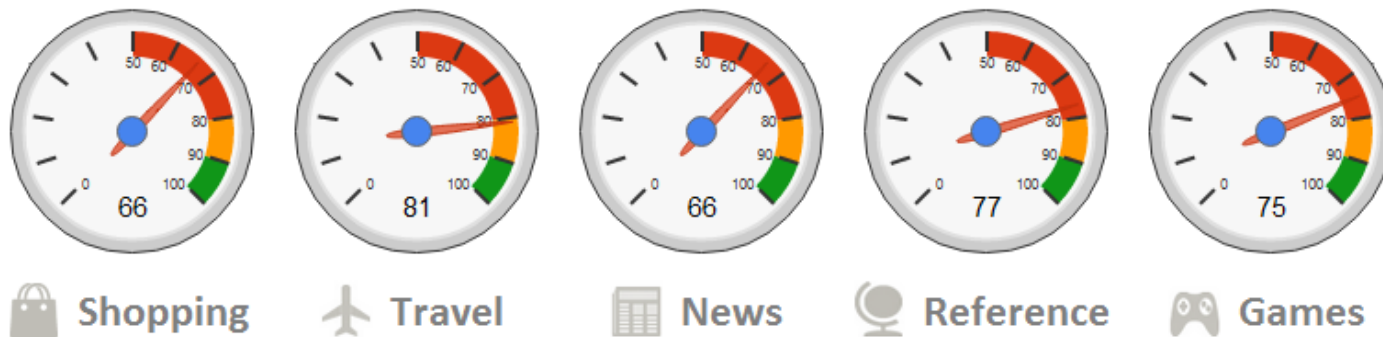


For more info, see [Privacy and Publicness: A Conversation](#) with Jeff Jarvis and danah boyd.

Not everyone likes this

- ▶ The Right to Be Forgotten
 - EU proposing standards that would let a person erase their Internet history
 - Consequences for free speech and freedom of press
- ▶ How Paranoid Should I Be About Trusting Companies With My Personal Data?

Average privacyscores for top sites by category



[privacyscore](#)

A **privacyscore** estimates the privacy risk of using a website based on how they handle your personal and tracking data.

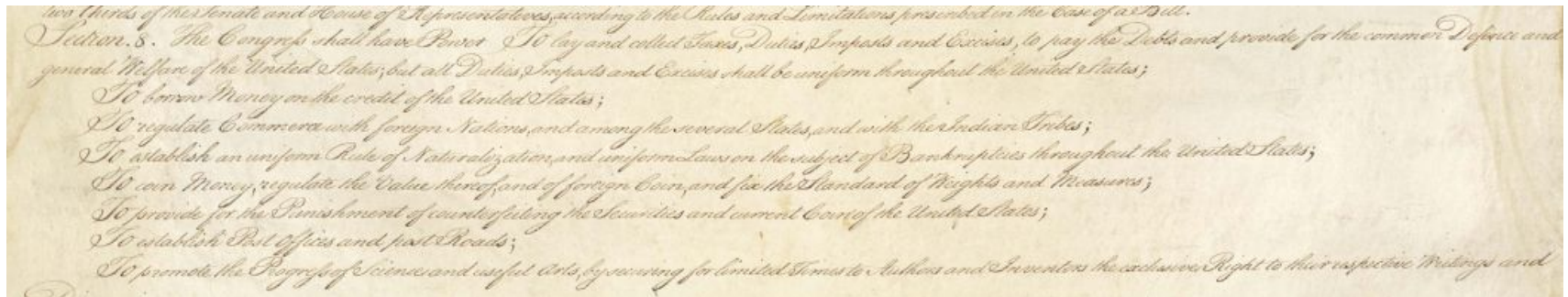
Signals

- ▶ **Signals** are the records of your actions online
- ▶ The lines between social and commercial are deliberately blurry.
- ▶ Companies such as Facebook and Google rely on social **signals** as better predictor of your preferences than what you say about yourself.
- ▶ As you make contact with people, express interest about ideas and activities, you **signal** what's important to you online now.



THE CURRENT STATE OF THE LAW

A brief detour into intellectual property law



Article 1, Section 8

The Congress shall have Power

...

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Government becomes involved

- ▶ Protection of intellectual property
 - Pirated software
 - Pirated digital content
- ▶ Protection of children
 - Against exploitation
 - Creating kid-safe places
- ▶ Protection of your information
 - Credit information
 - Habits and practices (browsing history)

Terms of endearment

- ▶ SOPA
Stop Online Piracy Act
- ▶ PIPA
Protect Intellectual Property Act
- ▶ ACTA
Anti-Counterfeiting Trade Agreement
- ▶ EULA
End-User License Agreement
- ▶ DRM
 - Digital Rights Management
- ▶ COPPA
 - Children's Online Privacy Protection Act

What do we have for laws?

- ▶ A patchwork of laws and cases
 - Various communications and copyright laws
 - Various state and federal court cases
- ▶ Cyber-bullying laws
- ▶ Massachusetts [Obscenity Law](#) changed
- ▶ Senators McCain and Kerry introduced [Commercial Privacy Bill of Rights Act of 2011](#)
- ▶ Many lawsuits that get a lot of publicity and rarely go anywhere

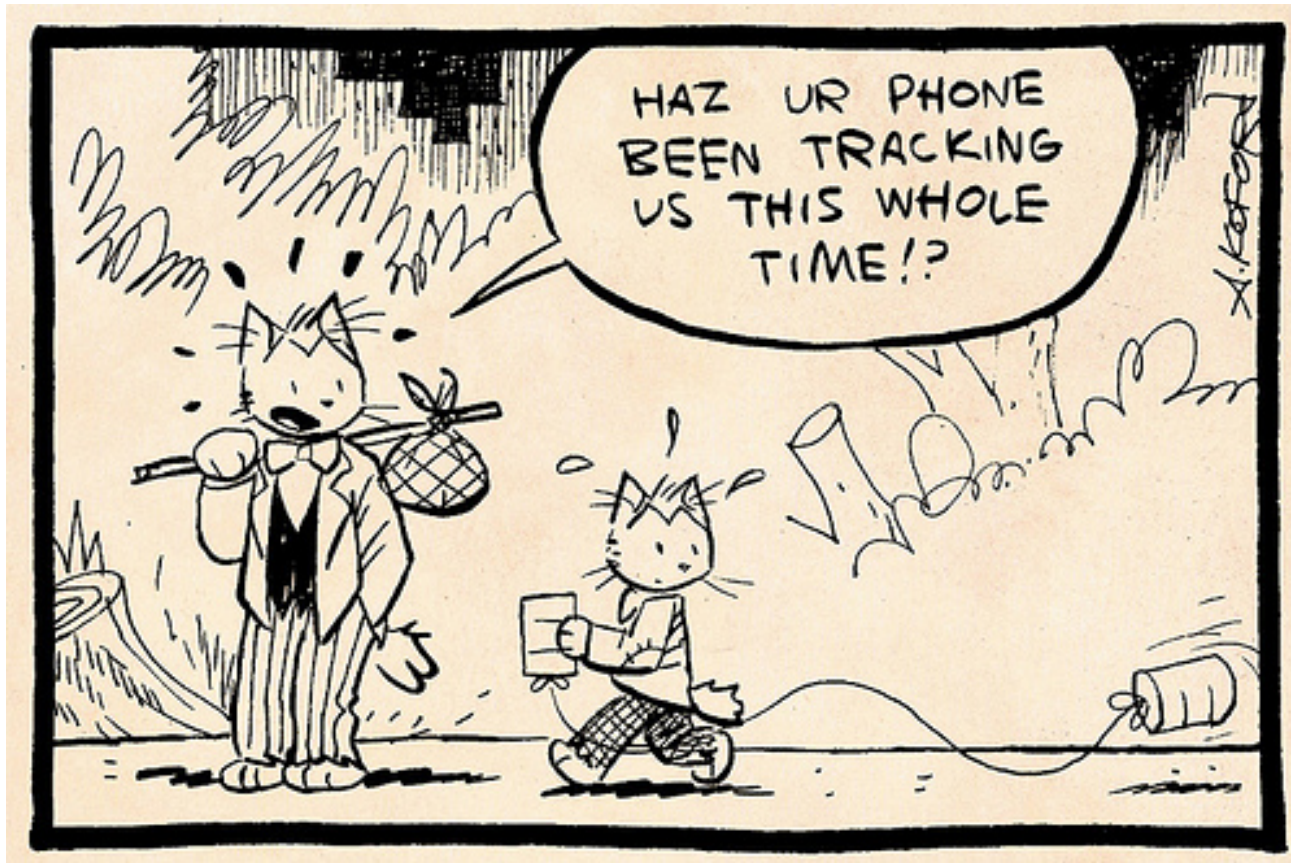
Software and content piracy

- ▶ Estimates range from \$50B-\$130B/year
 - Value of product used without proper license
- ▶ Sales lost
 - No credible estimates of how much would have been purchased if offered at affordable prices
- ▶ Popularity
 - Music sites (iTunes, Amazon, Google)
 - Streaming services (Pandora, Spotify, and Rdio)
- ▶ People will pay
 - If it's easy, even more than cheap
 - If they trust the company

Government's use of this stuff



- ▶ [Judge OKs feds' access to WikiLeaks' Twitter accounts.](#)
- ▶ Court denies request for a ["Digital Fishing Expedition"](#) of Facebook and Twitter.
- ▶ ACLU wants to know how Michigan cops use ['data extraction devices'](#).



Is it against the law or just creepy?

[First Lawsuit Filed Against Apple For Undocumented Location Database](#)

You have some protections

- ▶ Texas Supreme Court says [blogging can be anonymous](#)
- ▶ Blogging and comments can be offensive and still be protected under [47 USC 230](#)
- ▶ You still might, however, be able to bring an [anonymous suit against an anonymous blogger](#).
- ▶ Creditors [can't stalk you on Facebook](#).
- ▶ Google and Facebook have settled with settled with FTC over privacy.

Side-effects

- ▶ Juvenile cyber-delinquency: Laws that are turning kids into criminals
 - Cyberbullying
 - Self-incrimination
- ▶ When does sharing become stealing?
- ▶ Got Open WiFi? Get a lawyer.

Comments about your job might be protected

- ▶ Usually not, ...
 - Teacher says that she felt like a ["warden" overseeing "future criminals"](#).
 - Doctor fired for [posting about patient on Facebook](#)
 - Cop lists his occupation as ["human waste disposal"](#)
- ▶ But, if you're a union employee, you may be able to speak more freely
 - [NLRB rules](#) that Facebook comments about employer are protected speech

International law

- ▶ Country-specific censorship by Google and Twitter
- ▶ EU says [social networks can't be forced to filter content](#)
- ▶ Repeated block-break cycles in China
- ▶ Iran shuts down Internet
- ▶ [Kenyan Chief Foils Robbery Via Twitter](#)
- ▶ More next week ...

So, ...?

- ▶ We used to worry most about the government infringing on privacy, freedom of speech, and due process.
- ▶ Now, we sometimes worry about what businesses are doing for and to us.
- ▶ Businesses can and do make changes faster than the law can keep up.
- ▶ We're not even sure that there is a problem or that we want it fixed.

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of your new KIA...
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Written by
Kimball Perry

Over-the-Rhine photographer Mark Byron was so bothered by his pending divorce and child visitation issues that he blasted his soon-to-be ex-wife on his personal Facebook page.



This just in ...

[Judge orders man to apologize to wife on Facebook](#)

Questions?