

FACEBOOK & ONLINE PRIVACY LAW

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Is social media really free?

- Social media networks are businesses, and the money is in personal data
- Facebook is one of the largest platforms
- 40% of U.S. possessed accounts in 2011 → That number continues to grow
- Facebook is also one of biggest offenders in selling user data
- Social media has developed and gained popularity quickly; the law is behind

Michael J. Kasdan, *Is Facebook Killing Privacy Softly? The Impact of Facebook's Default Privacy Settings on Online Privacy*, New York University Intellectual Property and Entertainment Law Ledger, 108 (2011).

Robert E. Lemons, *Protecting Our Digital Walls: Regulating the Privacy Policy Changes Made by Social Networking Websites*, A Journal of Law and Policy for the Information Society, 605 (2011)

What are the rights of Facebook users?

- The law lacks a definitive line between Facebook's responsibilities and the responsibilities users have for their own privacy
- The Federal Trade Commission has limited regulatory power over Facebook and other social media platforms
- Facebook has a privacy policy, but it has a past of consistent change

Robert E. Lemons, *Protecting Our Digital Walls: Regulating the Privacy Policy Changes Made by Social Networking Websites*, *A Journal of Law and Policy for the Information Society*, 605 (2011)

Erica Jaeger, *Facebook Messenger: Eroding User Privacy in Order to Collect, Analyze, and Sell Your Personal Information*, *The John Marshall Journal of Computer & Information Law*, 398 (2014)

Privacy policies

- Common knowledge: you must agree to Facebook's privacy policy to create and use an account
- In the beginning, only names, profile pictures, and mutual "friends" were shared publicly
- Upon expansion, the policy became more complex
- "Beacon" – relationships with advertisers and marketers begins

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Privacy policies cont.

- “The Great Betrayal” – 2009, all private information became public → automatic, “users must opt out”
- FTC sued with 8 complaints, reached settlement with terms
- Automatic “public” settings
- Psychological study shows people choose automatic settings

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