Your Threat Score:
Social Media, Privacy, and the Law

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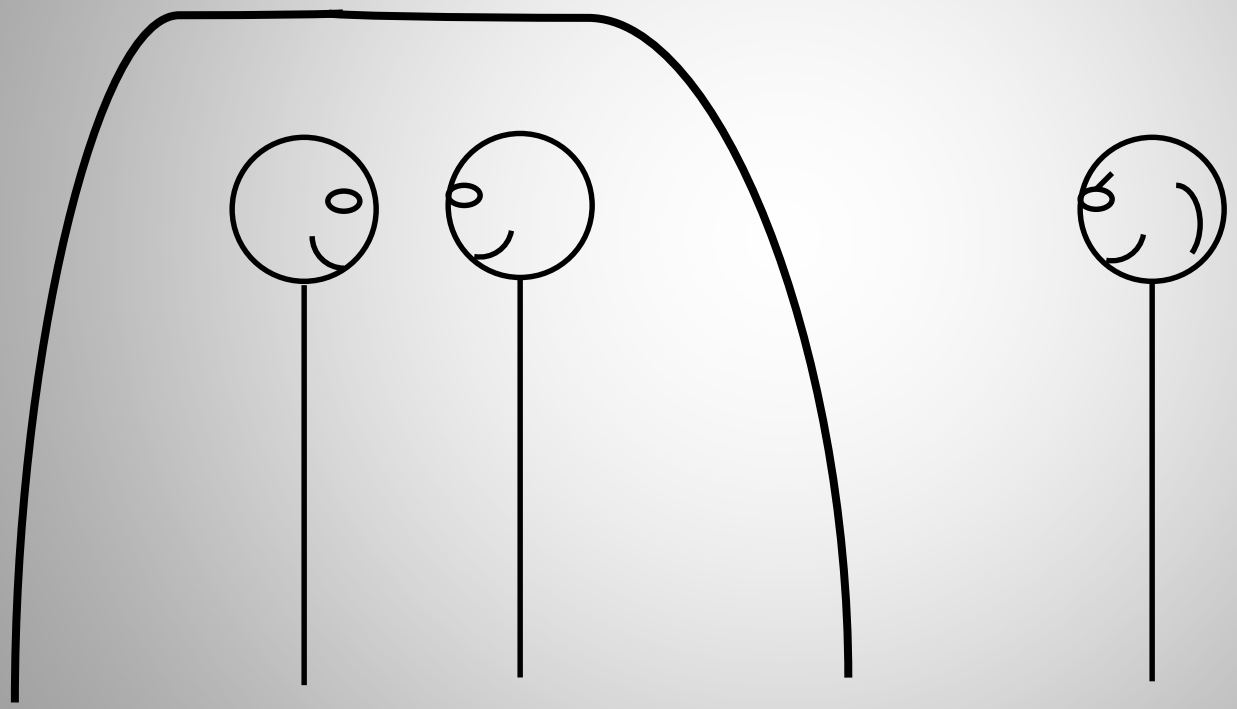
Tonight's Topics

1. History of Data Privacy
2. Technology
3. Protecting User Privacy

History of Data Privacy



Data Privacy and the American Revolution

"They may, unless the general government be restrained by a bill of rights, or some similar restrictions, go into your cellars and rooms, and search, ransack, and measure, everything you eat, drink, and wear. They ought to be restrained within proper bounds."

Patrick Henry

Third Amendment

U.S. Constitution

Third Amendment

Conditions for Quarters of Soldiers

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Fifth Amendment

U.S. Constitution

Fifth Amendment

Provisions Concerning Prosecution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Fourth Amendment

U.S. Constitution

Fourth Amendment

Right of Search and Seizure Regulated

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Technology's Influence on Privacy Advocates

In 1884, the Eastman Kodak Company started making the "snap camera."

Concern: People could take pictures in public places!

Katz v. U.S.

- The government bugged a public telephone booth.
- The prosecution used Katz's recorded conversation against him in court.
- The Supreme Court said that was wrong because Katz had not knowingly exposed to the public his conversation.

Third Party Doctrine

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Categories of Data Privacy

- Three types of privacy rights recognized under various sources of U.S. law
  1. Individual privacy (such as solitude, intimacy, and anonymity)
  2. Substantive law (privacy torts, 4th Amendment law, 1st Amendment law, state constitutions)
  3. Spaces or activities protected (physical space, personal choices, personal information)

ECPA

Electronic Communications Privacy Act of 1986 (ECPA), 18 U.S.C. § 2510-22

Background. The Electronic Communications Privacy Act and the Stored Wire Electronic Communications Act are commonly referred together as the Electronic Communications Privacy Act (ECPA) of 1986. The ECPA updated the Federal Wiretap Act of 1968, which addressed interception of conversations using "hard" telephone lines, but did not apply to interception of computer and other digital and electronic communications. Several subsequent pieces of legislation, including The USA Patriot Act, clarify and update the ECPA to keep pace with the evolution of new communications technologies and methods, including easing restrictions on law enforcement access to stored communications in some cases.

General Provisions. The ECPA, as amended, protects wire, oral, and electronic communications while those communications are being made, are in transit, and when they are stored on computers. The Act applies to email, telephone conversations, and data stored electronically.

Patriot Act

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism

(USA Patriot) Act of 2001

Background. The USA PATRIOT Act was enacted in response to the attacks of September 11, 2001, and became law less than two months after those attacks.

General Provisions. The USA PATRIOT Act modified many major U.S. intelligence, communications, and privacy laws, including: The Electronic Communications Privacy Act (EPCA), which modifies Title III of the Omnibus Crime Control and Safe Streets Act (the Wiretap Act)); the Foreign Intelligence Surveillance Act of 1978 (FISA); and the Communications Act of 1934.

Technology

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Many Uses of Technology

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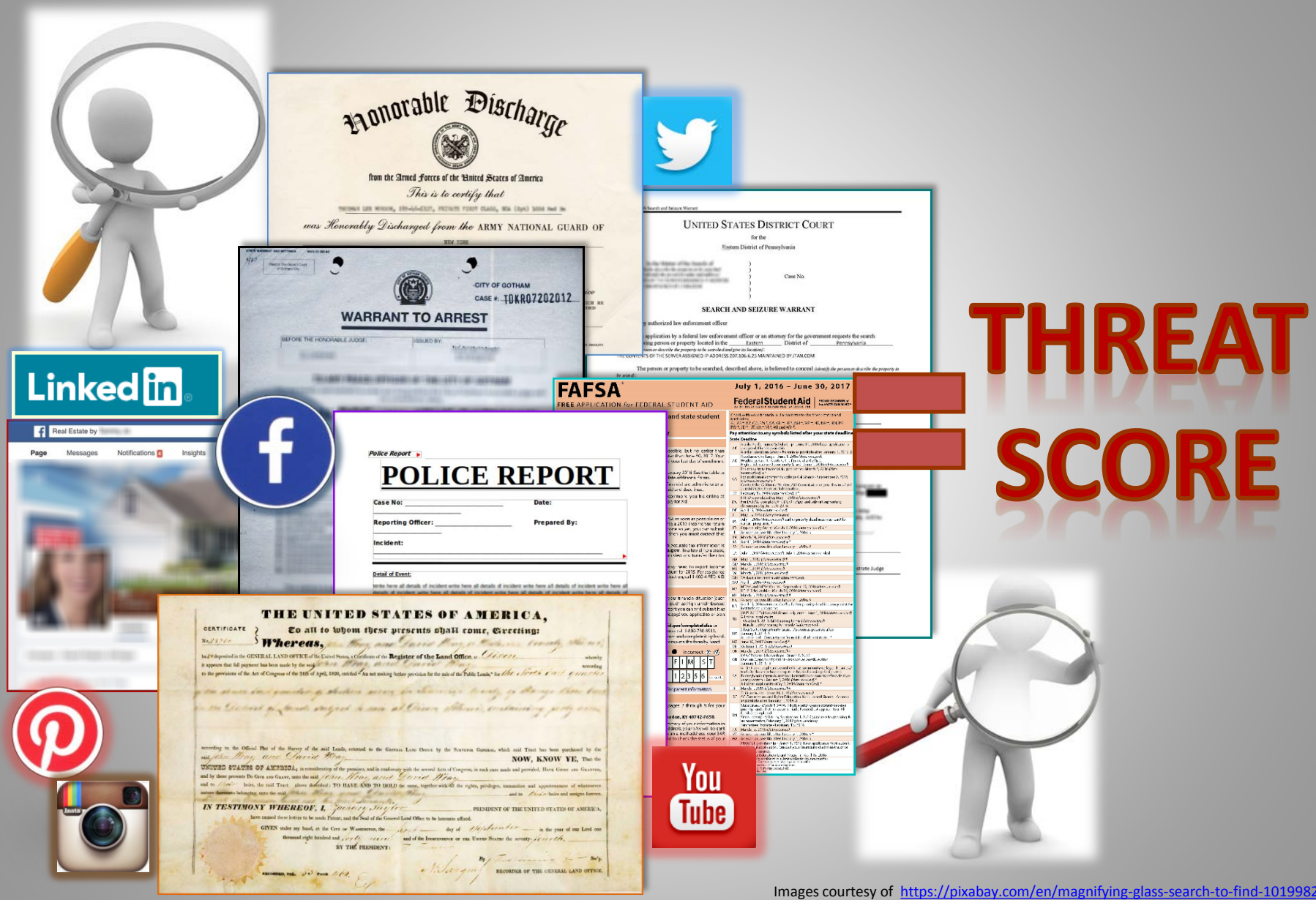

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Modeling Terrorist Cells

- Model how individuals act and react
  - physical stressors (temperature, hunger, drug use, time, money, skills, moral outlook, religious feelings)
- Model social networks
  - Ingest information from social media, web pages, magazines, etc.
  - Create networks detailing the relationships (resources, knowledge, locations, events) between people

Information Gathering Technology

Information Gathering Technology

- Cookies
- Single Sign-On
- GPS Location-Based Services
- Tagging and Facial Recognition
- Scraped Data

Information from Social Media

- Friend connections (how many friends do you have)
- Internet connection type
- Internet provider
- Level of usage (heavy Facebook user; Heavy Twitter user)
- How many social networks do you use and what are they (Facebook, Flickr, LinkedIn, Twitter, Match, Pandora, WordPress, Yahoo, NBA.com)
- What is your online influence?
- Operating system
- Software/hardware purchases
- Type of media posted (pictures, tweets, articles, etc.)
- What mobile devices do you use?

Are You Making Healthy Choices?

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Are You Telling The Truth?

- Data collected from social media is used by:
  - Employers
  - Insurers
  - College Admissions
  - and more…

Protecting User Privacy

https://aboutthedata.com/

Privacy Policies

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The Federal Trade Commission Weighs In

How is technology governed?

What Laws Are Needed?

Protecting User Privacy Is A Balancing Act

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What you can do to protect your privacy

- Be judicious with your privacy settings on your social media accounts.
  - Be careful about automatic updates.
- Delete location information on images that are posted.
- Don’t post status updates until you’ve returned from your trip.
- Use separate logins for your accounts. If you choose to use your social media logins on other websites, be sure you trust the source.
- Monitor your credit information.
- Monitor your marketing information (to the extent possible).
- Use anonymized search engines, such as Startpage.com
- Opt out of ads and email spam
- Use ad blocker software
- Clear cookies

Privacy Torts

Four Torts related to invasion of privacy:

- Public Disclosure of Private Facts
- Intrusion Into Private Matters
- Misappropriation of a Name or Likeness
- Portraying a Person in a False Light

Happy Holidays

https://advocacy.mozilla.org/en-US/privacynotincluded

Thank you