

or lessen an imminent threat to the life or health of the individual concerned or another person, or that the use of those information for that other purpose is required by law. The same theory applies to information disclosure.

- Do keep in mind, local laws generally provides a right to require the correction or amendment of record documents when errors are noticed.

Possible civil claims

An "intrusion of solitude" claim applies to an actual physical or electronic penetration of a victim's private or personal space. With a "public disclosure of private facts" claim, even when the facts themselves are true, the method of obtaining those facts and publishing them could still constitute an invasion of privacy. In a "false light" situation, the defendant is deliberately misrepresenting the "character, history, activities or beliefs" of the victim. Misappropriation of a person's image or name is all about the unauthorized commercial use of the victim's image. The appropriation of name or likeness describes the situation where the defendant had appropriated to his own use of benefit the name or likeness of another.

The concepts behind privacy related civil claims are almost the same in the US and in Canada.

Latest laws in the US

In October 2013 there is an electronic communications privacy bill known as SB 467 which compels law enforcement to seek search warrant prior to accessing any electronic communication maintained by service providers. This one is similar to a bill in Texas which also requires law enforcement to seek warrants first. Also in October 2013 the Federal Communications Commission has made revisions to the Telephone Consumer Protection Act rules to require that businesses first obtain

express written consent before telemarketing through autodialed/prerecorded calls or text messages to mobile phones or home lines.

Latest development in Canada

People complain that the extensive US surveillance programs are capturing all communications that take place inside and outside of US soil. The potential entry of US based carriers into Canada may also open the door to greater public scrutiny of privacy practices.

Summary

Using simple language, under the consideration of privacy one should:

- let people know the privacy policy in place
- let people know how the submitted information will be handled
- let people decide whether or not to provide private information
- let people change or remove the submitted information
- make sure the submitted information is not used for purposes other than those stated in the policy
- make sure the submitted information is kept safe (this is definitely a TECHNICAL topic)
- do note that for these to be achieved, there must be strong policies on privacy and data protection backed by adequate training and clear accountability.

Review Questions: