

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.

## **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.

## **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 laws in Europe**

In October 2013 it is observed that the Council of the European Union calls for sort of a “one-stop-shop” mechanism in implementing its General Data Protection Regulation. On the other hand, in the UK (which is NOT an EU member state) the Information Commissioner’s Office is reviewing its Privacy Notices Code of Practice.

## **Review Questions:**

1. Explain the term “Privacy”.
2. The right of privacy is generally restricted to:
3. What are the four basic kinds of privacy rights?
4. Which United States Constitution contains the word and definition of "privacy"?
5. Why is a reasonable expectation of privacy important?
6. Describe the principle of “minimum necessary” use and disclosure.

## **Answers:**