Invasion of Privacy in Digital Media

Basic Concepts
Invasion of Privacy:

• Considered tort law

• Four types of invasion of privacy laws:
  1. Intrusion
  2. Appropriation
  3. False light
  4. Public disclosure of embarrassing facts
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**Intrusion:**

- Classified as spying on or intruding into another person’s affairs where that particular person has a right to privacy.
- Can occur at the home or at a business setting.
- In certain states, there are no laws protecting someone’s invasion of privacy when it comes to intrusion of solitude when a person is in a public place.
Invasion (cont.):

- General rule: You have the right to photograph anything from a reasonable distance in a public place if that thing being photographed can be seen with the naked eye.

- Get consent before gathering newsworthy material in a private space.

- Use common sense and the ‘golden rule’ when involved in a situation that involves another person’s privacy!
Three most common types of Intrusion:

• **Trespass**: Gathering newsworthy material in a private space without consent.

• **Secret Surveillance**: Gathering newsworthy material using devices such as bugging equipment, hidden cameras, and other electronic aids.

• **Misrepresentation**: When you enter a private space with consent, but under false representation of who you are or what your intent is (undercover).
Examples of Intrusion:

1. Opening someone’s mail
2. Trespass onto someone’s personal property
3. Use of wiretaps onto an individual’s phone line *without consent* of the individual or a court appointed official
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Appropriation:

• Can be of a person’s name, likeness, or identity

• Can also be appropriation of a company’s name, likeness or identity

• Pertains to a public figure, not a celebrity or public figure such as Bill Gates, George Bush, etc.
Examples of Appropriation

- Use of someone’s photograph without their consent or knowledge
- Identity theft
- Using someone else’s ID for any reason
- Use of similar advertising methods, themes, and/or elements in companies
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False Light:

• Shares many cases with libel.

• Making a statement about someone else when that statement bares no truth.

• Involves the impression created of a plaintiff in a trial rather than a statement being true or false.

• Happens frequently in tabloid journalism.
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Public Disclosure of Embarrassing Private Facts:

- The material that was disclosed is so outrageous that it should not concern the public.

- The information shared to the public may be truthful or a fallacy – still applies.

- Happens frequently in cases of divorce or other relationship situations.
Examples of Public Disclosure of Embarrassing Private Facts:

Disclosing detailed information about a person’s:
- Sexual conduct
- Medical/mental condition
- Addiction recovery
- Educational records
- Other sensitive information