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Social media, geolocation and privacy, oh my!

"There was of course no way of knowing whether you were being watched at any given moment. ... It was even conceivable that they watched everybody all the time.

"But at any rate they could plug into your wire whenever they wanted to. You had to live — did live, from habit that became instinct — in the assumption that every sound you made was overheard, and except in darkness, every movement scrutinized."

— George Orwell, "1984"

Privacy issues are taking center stage as we enter an increasingly connected world.

Our online activities are carefully monitored and meticulously tracked by some of the biggest players, including Google, Amazon, Apple, Microsoft and Facebook. Our individual online footprints, from the Web sites we visit, the items we purchase, the people with whom we communicate, to the locations where we access the Internet, are extremely valuable commodities that are increasingly sought after.

The battle to capture, and profit from, the information long has been decried by privacy advocates and now is resulting in a flurry of legal activity.

Earlier this month, a class action lawsuit was filed against Facebook in the U.S. District Court for the Northern District of California. The lawsuit alleges the modifications Facebook implemented to the privacy settings of its social networking at the end of 2009 have, contrary to the company's assertions, wrongfully reduced the privacy protections of Facebook users.

Similarly, last week a complaint was filed with the U.S. Federal Trade Commission by the Electronic Privacy Information Center, alleging Google's new social networking service, Google Buzz, violated its users' privacy rights and may have involved unfair business practices. Google has since addressed some of the privacy concerns by revising aspects of the service, but concerns remain and some of the damage cannot be undone.

One of the chief complaints registered by many users about Google Buzz, and one that was of particular concern to attorneys,

was that, by default, the service automatically "followed" a user's most frequent contacts and made the follower list viewable to the general public. In other words, clients with whom attorneys frequently e-mailed appeared on a public list as a "follower" of that attorney. Clearly the automatic, default publication of an attorney-client relationship raised issues of attorney-client privilege and, rightfully, alarmed attorneys nationwide who unknowingly activated the service.

Another complaint regarding Google Buzz is that, when accessed using a mobile device, the user's location is broadcast to the world. Such geolocation-based social media include Google Buzz and another popular newcomer, Foursquare. Geolocation apps are becoming all the rage, but are raising serious privacy issues.

In response to those concerns, PleaseRobMe (www.pleaserobme.com) was created. The Web site was designed to raise awareness of the dangers of broadcasting a user's location to the world and lists people's public geolocation posts as they occur. As explained by the developers: "The danger is publicly telling people where you are. This is because it leaves one place you're definitely not... home."

Internet-based communications and social networks raise a host of thorny privacy issues that have yet to be addressed by the courts, and likewise have not been fully vetted in the world of public opinion.

What of the leaders of the companies harvesting our online footprints, and sharing the data with the world for profit? What do they have to say about how their efforts affect our personal lives and our privacy?

"If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place," Google CEO Eric Schmidt has said.

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