

Facebook Isn't Just for Friends

The Use of Social Media by Law Enforcement, Employers, Schools and Advertisers

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Agenda

- What are Social Networks
- Law Enforcement
- Behavioral Advertising & Data Brokers
- Privacy Protections

What Are We Talking about When We Say "Social Networks"?

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- Facebook
- MySpace
- LinkedIn
- Bebo
- Habbo
- Tumblr
- Twitter
- Xanga
- Flickr
- Google+
- Flixster



Who uses social networks besides friends?

- Law Enforcement
- Employers
- Schools (officials and admissions)
- Advertisers
- Criminals
- Insurance Companies

Law Enforcement and Social Networks

Can Facebook lead to fines, arrest, and harsher punishment?

Law Enforcement Access

- Can the police create a fake profile and ask to be a person's friend?
- Can the police access private pictures and communications?

Why the DOJ looks to SNs

Computer Crime & Intellectual Property Section

Introduction to Social Networking
UTILITY IN CRIMINAL CASES

Evidence from social-networking sites can

- Reveal personal communications
- Establish motives and personal relationships
- Provide location information
- Prove and disprove alibis
- Establish crime or criminal enterprise

Also: instrumentalities or fruits of crime.

Twitter

Computer Crime & Intellectual Property Section

Overview of Key Social Networking Sites
GETTING INFO FROM TWITTER

The good news

- Most Twitter content is public
- Private messages kept until user deletes them

The bad news

- No contact phone number
- Only retain last login IP
- Will not preserve data without legal process
- Stated policy of producing data only in response to legal process (i.e., no 2702)
- No Law Enforcement Guide

What Does This Mean for the Juvenile Court?

- Evidence
 - More relaxed standards
- Disposition Enhancements
 - Gang enhancements
 - Gun enhancements
- Probation
 - Violations of probation agreements

Sexting aka distribution of Child Porn

- Child Pornography
 - Sexually provocative pictures of minors
 - Need not be nude
 - Felony
 - Sex offender registration

Employers and Social Networks

Can what you post online prevent you from getting a job?

Employer's & Social Networks

- Who has applied for a job?
- Did you Google yourself before applying?
- Search Facebook?
- Do you think employers search for potential employee's online?
- What are they looking for?
- Does anyone know anyone who didn't get a job because of their online profile?

What are employers looking for?

- Drug or underage/excessive alcohol use
- Illegal behavior
- Immature/irresponsible behavior
- Someone that might embarrass the company
- Violent or dangerous behavior
- Gang affiliation
- Disparaging the company (or previous company)

My Boss – or, Not My Boss Anymore

- Many (most) companies use social networks to screen job candidates
 - Photos (drinking and drugs) were key reasons to not hire
- Companies plan to use social networks in recruiting
- The government may be screening candidates



Advertisers and Social Networks

What can advertisers learn about
you from your online activities?

Facebook Applications

- Adding an application
 - Gives access to your age, gender, locale, user ID and the user ID of all of your friends
 - Some apps my collect more data

Advertising

- Zynga: 1/3 of revenue came from lead generation (~\$80 million)
- Data mining
- Market research

Project Gaydar

- Trained program on 1.5K men with public sexual orientation
- Test it on 1K with undisclosed orientations
- Successfully predicted the 10 people the researchers knew were gay within the experimental set of 1K

Social Media: TMI?



Schools and Social Networks

Can schools look at and control what you put online?

Schools

- Can you be disciplined for saying things about your school or teachers on Facebook or MySpace?
- Can you be disciplined for activities that occur off school grounds but are recorded on social networks?

Thank the Tinkers

- Students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”
- BUT, Speech cannot “materially and substantially disrupt the work and discipline of the [public] school.”

What the Courts say:

- Mixed results
- Schools usually cannot punish
 - Being silly or stupid off campus
- Schools can punish
 - Harassment
 - Threats of violence
- Schools can sometimes punish
 - Bullying

Courts say: schools cannot punish

- A senior who created several fake profiles of his principal on MySpace from home
 - Court refused to let the school punish the student for out-of-school speech
 - the only “disruption” at school was a teacher yelling at students to stop talking about it
- High school girls who got suspended from the volleyball team for posting “raunchy photos” of themselves
 - The court thought the pictures were juvenile and silly, but not grounds for suspension.

Courts say: schools can punish

- A student who complained, on a blog, about school canceling a music festival she planned. She urged students/parents to write to superintendent to “piss her off”
 - Principal’s dealing with “fallout” from post was sufficient disruption
- Student who took video of teacher during class and then created a mocking video posted to YouTube.
- Posts that threaten or suggest violence

Courts vs. Schools

- Most issues never go to court
- The First Amendment only restricts the government (i.e. public schools)
- Schools frequently punish a variety of online behavior
- Exercise caution

Bullying

- Some states have or are considering passing specific laws against online bullying.
 - In California bullying by electronic means is grounds for suspension or expulsion

The Myth of Deletion

- I have a lot of stuff on my Facebook profile that would be really bad if an employer – or the police – saw it.
- What happens if I decide to quit social networking sites?
- How do I delete my information?

Questions?
