



Privacy Law

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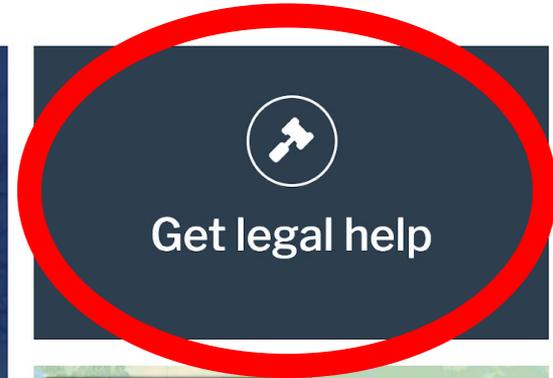
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INVASION OF PRIVACY

Four Types of Invasion of Privacy Claims

- Public disclosure of private and embarrassing facts
- Intrusion
- False Light
- Misappropriation



Public Disclosure of Private and Embarrassing Facts

Going too far when
publishing the news.

Reasonable Expectation of Privacy



Look for facts that are:

- Sufficiently private
 - Not known outside of a small circle
- Sufficiently intimate
 - Something people don't ordinarily reveal about themselves
- Disclosure would be highly offensive to a reasonable person



Examples of Highly Offensive Information

- Sexual conduct
- Medical/mental condition
- Addiction recovery
- Educational records



Quarterback still wets his bed

— — *Medical records found in school dumpster reveal startling facts about CHS students*

Student medical records found in a school dumpster last week will probably have more than a few Central High School students blushing this week.

Among the discoveries was that this year's starting quarterback still occasionally wets his bed due to a chronic bladder condition for which he continues to receive treatment, his athletics physical records showed. It's not clear yet how the records ended up in the

Guilty pleasures: English teacher reads dime store romance novels!



file photo

A peek into Ms. Miller's bookbag, left open on her desk, reveals that she would rather curl up with a racy page-turner like Jennie Adam's *Her Millionaire Boss* than Shakespeare's *Hamlet*.

Public Disclosure of Private and Embarrassing Facts

TRUTH IS NOT A DEFENSE



Defenses to Public Disclosure of Private and Embarrassing Facts

- Newsworthiness
- Consent



Newsworthiness

24 students at Central High in danger of flunking out

Student transcripts obtained by Student Times reveal surprising news

The Student Times has learned that at least 24 students at Central High School are in danger of flunking out of school this year, according to academic transcripts anonymously provided to Times reporters last month.

The students, whose GPA's are all under 1.0, include: John Doe, Mary Smith, Warren Peace, Shirley U. Jest, Sarah Bellum, Peter

Newsworthiness

Players may have been academically ineligible

Records show two starters on basketball team had GPA under 2.0; championship title in jeopardy

An investigation by the state's high school

athletic association has found that two starting players on this year's Central High School basketball team, Dwayne Pipe '09 and Chester Drawers '10, played while academi-

Consent

Who can provide it?

- In student media context, it's important to know that minors can provide valid consent



Intrusion

Going too far when
gathering the news.

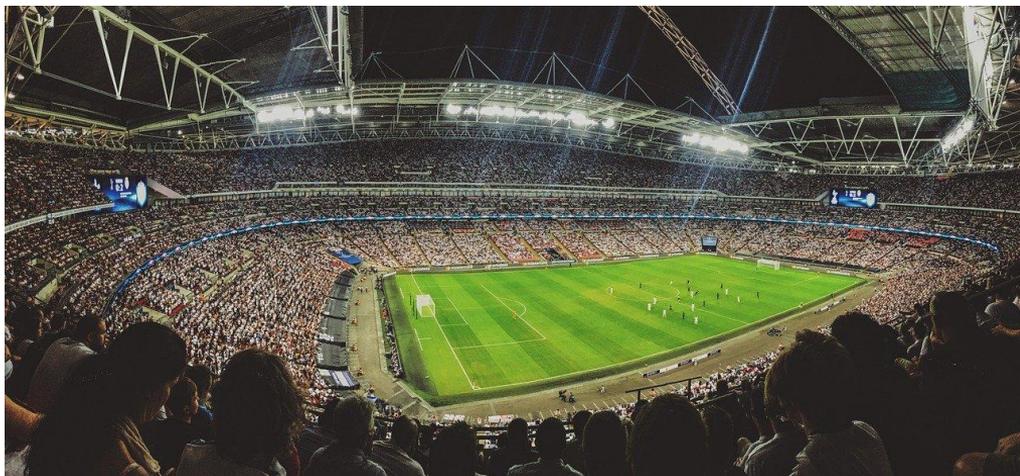
Publication not
required.



Reasonable Expectation of Privacy



Intrusion



Intrusion

— — —

General Rule: You have the right to photograph anything from a public spot that you can see with the naked eye.



PHOTO ESSAY

PDA's!



staff photo

John Doe and Mary Smith enjoy a public display of affection in the student parking lot during lunch.

Intrusion

Consent is generally required before newsgathering in a private space.



Intrusion



A classroom, however, probably falls in the “grey” zone

Three Most Common Types of Intrusion

- Trespass
- Secret surveillance
- Misrepresentation



Trespass



Newsgathering in a private place without valid consent

Trespass

Reporting in “public” spaces on privately owned property can present a special challenge to journalists



Secret Surveillance

Using bugging equipment, hidden cameras, or other electronic aids



Misrepresentation

Invalid or exceeded consent (often in the context of undercover reporting)



Defenses to Intrusion

- Newsworthiness
- Consent



False Light

The unflattering, highly offensive portrayal-- in words or pictures-- of a person as something that he or she is not.

False Light

School buys new security software to thwart would-be hackers

By John Smith, staff writer

Hackers beware. Central High School's computer system is waiting for you.

CHS principal Olive Branch this month announced the purchase of a new, state-of-the-art computer security system that not only protects the school's computers from hackers



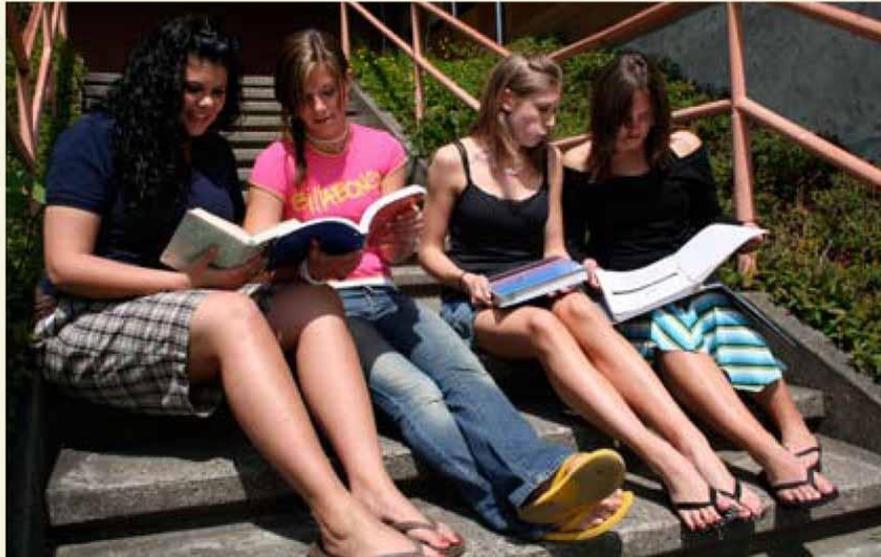
staff photo

Jane Staltzman uses a school computer for classwork

STUDENT PRESS
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LAW CENTER

False Light

Flip-floppers facing hard time



staff photo

Tough new dress code policy catches some CHS students off guard. School officials are handing down 1-day suspensions for repeated footwear violations.

False Light

Inaccurate
attribution of a
letter to the editor,
senior quote, etc.



LETTER TO THE EDITOR

*Central not a welcoming
place for gay students*

To the editor: I've found that CHS students and teachers have a long way to go in making gay students feel at home in this school. I'm tired of the whispering and the snickers in the hallway when I pass. I tolerated such immaturity in junior high because, well, 13-year-olds are immature. You're in high school now, people. Grow up!

Peter Smith
11th grade

Misappropriation

Unauthorized use of a person's name, photograph, likeness, voice, or endorsement to promote the sale of a commercial product or service.

Misappropriation



CHS Students Love Pepitos!

A photograph of a young man with brown hair and glasses, wearing a grey hoodie with a red and white logo, holding a slice of pepperoni pizza. He has a slightly pained or disgusted expression on his face. The background is a plain yellow wall.

Another satisfied customer!
**Come in this week for our
\$3.99 lunch special.**

Pepitos. Rad Pizza for Rad Students.

Misappropriation Defenses

Consent:

Publications should routinely have subjects sign a model release form when using their name or likeness in a commercial context



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