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!

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
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

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

John Doe and Mary Smith enjoy a public display of affection in the student parking lot during lunch.
Consent is generally required before newsgathering in a private space.
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

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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.
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

Jane Staltzman uses a school computer for classwork
False Light

Flip-floppers facing hard time

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

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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

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CHS Students Love Pepitos!

Another satisfied customer!

Come in this week for our $3.99 lunch special.

Pepitos. Rad Pizza for Rad Students.
Misappropriation Defenses

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Consent:

Publications should routinely have subjects sign a model release form when using their name or likeness in a commercial context.
Invasion of Privacy Law was originally written and produced by the Student Press Law Center in 2006 thanks to a grant from the Newspaper Association of America Foundation (now the News Media Alliance.) The presentation has been updated several times over the years.

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