

# Legal Issues in Social Networking

## Description

This paper starts by describing social networking sites and their futures and how they are used by individuals and organizations such as Online Communities, Microblogs, Building Connections, and Business Uses.

After that this paper discusses its main point which is about legal implications of social networking activities. They categorize legal ramifications as following and give a detail explanations of each of them:

- Third Party Content
- Content Ownership/Control
- Defamation/Other Torts
- Criminal Activity
- Employment Practice
- Litigation Impact

## Analysis

This paper considers the legal issues in social networking sites from different aspects. They categorize their work into different aspects and then discuss in detail about their role in social networking sites along with some examples. Although it was a little hard to follow the text as it involves some technical words without any explanations, once one gets comfortable around these jargons, it was very easy to see the flow. The examples help a lot to understand the field. They demonstrate lots of real world examples with explanations.

## Utilization

In our project, we have to consider economic, social, legal and ethical factors. This social network site will be for the students of Southampton University and is targeted for this group of users. So managing the legal aspects would be easier for us as we can expect that the users are familiar to some extent about the legal and ethical aspects of their activities.

Based on this paper, we have to consider these issues:

- **Third Party Content**
  - **Copyright Infringement:** The technology of the Internet easily allows text, photos,

videos to be copied and pasted from one site to another and violate copyright law. As it is almost impossible to monitor all the messages before publishing, specially in high traffic, and also it could be impossible to check the copyright, we transfer the responsibility of copyright to the users and state this in our copyright agreement. Furthermore we provide a feature that other users can identify a copyright infringement and report it to us.

- **Use of Likeness:** Posting photos or videos of people without their permission can also result in liability based on breach of privacy rights. Like the case in copyright infringement, we transfer the responsibility to the user who is posting a photo or image.
- **Terms of Use:** Like most of other social networking sites, we address the use of third party content in our terms of use and indicate that users are solely responsible for the data they post. Furthermore like Twitter [1], we indicate that users must not violate any laws in their jurisdiction.
- **Infringement Notification:** We provide a mechanism to notify users of any infringing activities. Our copyright policy, like Facebook [2], help users with explicit directions on how to report incidents of copyright infringement and then we can take prompt action.
- **Content Ownership/Control**
  - **Personal Information Life-cycle:** After a user register for an account with his university email account, we will store all his information that he shares. However he can delete his account and deleting all his information will be removed from our databases and there is no way to return them back.
  - **Sensitive or Proprietary Information:** Users should be careful about this aspect. They should consider and respect sensitive information about their friends projects or other commercial or non-commercial projects.
- **Defamation/Other Torts**
  - **Watch What You Say:** This is about posts and messages that users publish on their profile. They should be careful that they may made statements that could be considered defamatory. Based on this paper, Lawsuits alleging defamation based on online content are not uncommon. So students should consider all these legal aspects and study terms and copyright so there will be no problems.

- **Other Potential Tort Liability:** Intentional infliction of emotional distress or interference with advantageous economic relations, cyberbullying and other arising potentials should be taken into consideration by users.
- **Criminal Activity**
  - **Evidence of Criminal Activity:** According to this paper, Social networks are increasingly becoming a source for the discovery and investigation of criminal activity by members. In our website, we do not expect any criminal activity however if we found anything related to criminal activity or users report them, we will inform police.
  - **Minimizing the Risk:** The policies and terms of use prohibited users from engaging in illegal activities. So like other social networking sites, we prohibit the use of our site for illegal purposes.
- **Employment Practice**
  - **Your Future Boss May be Watching You:** According to a survey by CareerBuilder.com, over twenty percent of hiring managers routinely check online profiles when screening job applicants. More than one third of those managers indicated that they have dropped a candidate from consideration based on what they found in an online profile [3]. Specially this would be an important case in our website as there is a CV part in user profile so employees can see the employment history, education history and skill of users. The employers might check users public profile in different social networking sites, so users should consider what they put in their profile. Furthermore employees should care about their posts related to the organization. On the other hand, applicants might take this point into account that employers might check their page and find more information about them.
  - **Minimizing The Risk:** What we consider in order to make our users more comfortable in publishing posts and their personal information, is like most social networking sites, we prohibit the use of our site for commercial purposes in our terms of use. Although It has been argued that employers searching social networking profiles is a violation of this term of use [4].
- **Litigation Impact**
  - **Investigation of Parties and Witnesses:** According to this paper, lawyers in civil matters also find social networking sites a fertile ground for information about

adverse parties and witnesses. To some extent, this is our responsibility to prohibit external use of other entities to private information of users like the case of employment, however for the case of legal issues, there is nothing that we can do to prohibit that as personal private information might help a case to be solved.

## **References**

- [1] <http://twitter.com/tos>
- [2] <http://www.facebook.com/legal/copyright.php>
- [3] <http://www.msnbc.msn.com/id/26658850>
- [4] [http://www.collegerecruiter.com/weblog/2006/09/employers\\_using.php](http://www.collegerecruiter.com/weblog/2006/09/employers_using.php)