

# **LSPI Conference December 2007**

## **Social Networking and Data Protection**

### **Introduction**

On 7<sup>th</sup> December 2007, there were two panel discussions convened to consider the topic of social networking and data protection. The aim of the informal discussion was to consider what the participants' views were with regard to the recent uptake in user generated content such as MySpace and Facebook and discuss potential privacy issues from such websites.

### **What should we make of Social Networking and Privacy?**

There was a clear divide in opinion amongst the delegates at the LSPI conference re: the subject of Facebook and privacy issues.

### **First Panel Session**

On the one hand, there was an acceptance by some participants that FB was not private and that it was the users who had to be aware of the issues involved in putting their personal information onto a FB profile. On the other hand, educating the young was not an adequate solution, in the sense that the younger generation even if made aware, were not simply interested in their privacy and was more easily tolerant in giving away their personal information in an informal setting such as FB unless there was an incentive that their privacy was important (See UK ICO's Survey).

- Employer/employee – employee who posts their personal profile on the FB profile

- Just as we have blogs (personal and corporate), we would become more tolerant of the use of FB and that we should not assume that FB was “private” in anyway. Those who go on FB should accept that there is nothing private. One delegate (industry represented) was of the view that companies would be more tolerant of individuals posting personal information about themselves on FB just as they would do on corporate/personal blogs and that if they included information re: the company, it was not privacy, but more to do with not adhering to company policies.

One delegate also gave the view that it also depended on the personality of the individual:

- Extroverted individual (ESFP)?
- Introverted individual (ISFP)?

The extroverted individual was more inclined to readily accept that there may be embarrassing details posted online about him/her (aside from whether there was a private claim to privacy), whereas the introverted were more inclined to do something about this.

It was also interesting to note that the Ebay delegate's view was that he would be reluctant to allow his own children to go on FB.

## **Second Panel Discussion**

Posing the same issues on social networking and privacy to a different audience, however, led to the following responses:

- 1) No control of his/her personal information once this was out into the public domain on the internet.
- 2) Social networking was not confined to FB, but could be widened to include sites such as "Rate my professors" – ie. What about adverse remarks made of professors? The effect of which would lead to a negative standing of the professor(s). Proactive action on the part of the professor(s) to request that negative comments posted on such websites were removed was discussed in the audience.
- 3) Online personal profile of an individual being formed from various online sources and the merge between the professional and the personal profile online – "online identity" particularly in the context of the avatar (from Virtual Reality in Second Life) and whether the avatar had privacy rights.
- 4) IP addresses became a hot potato issues – this was considered in the context of the Shi Tao case when the IP address of a Chinese blogger (who held dissenting views of the Chinese government) was provided by his ISP, Yahoo

to the Chinese authorities leading to the arrest and incarceration of the blogger.

Q: To what extent was an IP address, personal data? One was of the understanding that as a consequence of this case, a law had been passed, which would require specifically a court order before IP addresses could be handed to the Chinese authorities. NB. The position of the Art. 29 Working Party on the IP addresses as personal data and some recent examples, such as the Swedish case involving an anti-copyright body which collected IP addresses of peer-to-peer filesharers and whether the collection of IP addresses constituted the processing of personal data.

- 5) The Hong Kong Data Protection Law does not differentiate between the processing of normal and sensitive data as in Europe.
- 6) Tensions that exist between the right of an individual to maintain his/her privacy online by minimising the amount of personal information about him/herself vs the freedom of information that should be available online through search engines such as Google. This is particularly relevant when there was a public interest to ascertain the identity of paedophiles, but arguably, could also extend to include those, who were regarded as criminals.

### **Concluding Remarks**

The feedback received from both panel sessions was both diverse and constructive (even if the consensus surrounding the solutions to privacy and/or data protection was not entirely unanimous). There was insufficient time to discuss further issues on social networking, but it is anticipated that the feedback received from both panel sessions would lead to a subsequent article (more details to follow). Finally, thank you to those, who participated in the discussions, which made this both “lively” if not, a topical debate.