Student notes for Student Press Law Center’s Media Law Presentation: Invasion of Privacy Law

SPLC’s phone number: *703 807-1904*

SPLC’s website: *splc.org*

4. Everyone has the right to simply be left *alone*.

5. List the four types of invasion of privacy claims:

• *public disclosure of private and embarrassing facts*

• *intrusion*

• *false light*

• *misappropriation*

7. The courts recognize we all need to have a place we can have a reasonable expectation of *privacy*.

8. Information lawfully obtained from public records will rarely be considered *private*.

9. In addition to the information being sufficiently private, it must also be *sufficiently* *intimate*.

10. The information would be offensive to a reasonable person -- or highly *offensive*.

11. An example of information that might set off alarm bells include \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. *Answers may include sexual conduct, medical/mental condition, addiction recovery, educational records.*

14. *Truth* is not a defense.

15. Primary defense in a IOP claim is *newsworthiness*.

18. In addition to newsworthiness, *consent* is another defense.

19. Privacy mythbuster 1:

*The law suggests that in most cases, high school students can provide valid consent.*

20. Intrusion is *going too far when gathering the news*.

21. For this claim, you do not need to *publish* the information.

22. Intrusion violation occurs when a reporter gathers information in an area in which the source has a reasonable right to expect *privacy*.

24. The general rule for intrusion is …

*you can record and report what you see, hear without the help of special technologies if it’s in a public space.*

27-30. Three most common types of intrusion are

• *trespass*

• *secret surveillance*

• *misrepresentation*

28. If you are asked to leave a “public space,” you must do so. However, you may *keep/retain* your notes.

31. It’s important not to *lie* or misrepresent yourself in order to gain access or consent.

Third Category:

False Light

32. False Light is portraying someone as something he or she *is* *not*.

33. This is not recognized in *all* *states*.

37. Misappropriation is …

*unauthorized use of person’s name, photo, likeness, voice or endorsement to promote the sale of a commercial product or service.*

38. The best defense in a misappropriation case is *permission*.