

# Social Networking, your privacy rights explained

The vast majority of young people living in the United States go online daily and use social networking sites like Twitter, Facebook and YouTube. With all this information-sharing, many questions about ownership of personal information and possible discipline for postings arise. This guide will answer some of those questions so that you can better understand the rights you have when using social networking both in and out of school.

## *Who owns the information I put on these sites?*

Because Facebook and other social networking sites are relatively new and constantly changing their privacy policies it is not entirely clear who owns the information you share. In its Statement of Rights, Facebook states, “*You own all of the content and information you post on Facebook, and you can control how it is shared through your privacy and application settings.*” At the same time, it declares that users grant the company “*license to use any IP content that you post on or in connection with Facebook.*” In other words, you technically own the content, but Facebook can do whatever it wants with it. Facebook states it does not possess your information after the deletion of your account, but that any personal information or pictures you’ve shared with other users remains the property of Facebook.

This lack of clarity makes it all the more essential to think critically about what information you really want to share. The bottom line is: when using any social networking site, you should always read their privacy policy to understand how your information is handled. More often than not, it is up to **you** to opt out of having your information shared.

## *Who can see my profile or posts?*

Who can see your profile and posts depends on your privacy settings. Each social networking site allows you to control how much information is public or private, but **you** must be proactive to find out what your settings are, and choose what to keep private. Your information is not automatically private unless you make it so.

It is important to recognize that social networking sites ultimately operate to turn a profit by attracting advertisers. The more personal information social networking sites can offer, the more attractive they are to potential advertisers looking to reach customers. When social networking sites share your information (including information that is “private”) with advertisers

*The ACLU-MN created this resource in 2012, it is not intended as legal advice. Visit our website [www.aclu-mn.org](http://www.aclu-mn.org) for more information about your rights.*

and developers that build the games, and other websites you use those advertisers and developers can collect a vast amount of personal information about you.

Some information you provide on these sites is always public. On Facebook this is true of your username, profile picture and network.

## *Can I get in trouble at school for something I post online?*

You do maintain your freedom of speech rights if you are at a **public school** (private schools are different). You have a right to express your opinions as long as you do so in a way that doesn’t disrupt classes or other school activities. However, because extracurricular activities are a privilege and not a right, you could jeopardize your right to participate in them if you violate the prescribed rules. Your school may have additional policies regarding usage of school resources like computers, email accounts, or internet access.

## *Cyberbullying – Don’t Do It!*

If you use social networking sites to threaten students or teachers with harm or spread lies about them, you may face legal repercussions. School officials have a responsibility to ensure that school is a welcoming place for all students. Schools may discipline you for what you say and do electronically if it:

- Has the effect of substantially interfering with another student’s education
- Is severe, persistent, or pervasive so that it creates an intimidating or threatening education environment; or
- Has the effect of substantially disrupting the orderly operation of school; or
- Threatens physical harm to someone at school.

A school’s anti-bullying policy must be written carefully so that it does not punish opinions or beliefs in and of themselves, but instead punishes impermissible conduct.

### *Can my school monitor my online activity while I am at school?*

Yes. If you are using a school computer or email account, your school is able to monitor your online activity. Online activities that violate school policies, constitute a disruption of school activities or violate others' rights may result in discipline.

### *Is my online activity on my home computer private?*

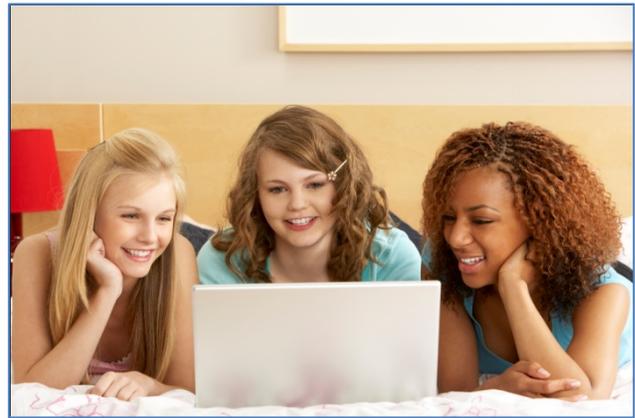
Yes. As long as you ensure that your postings are set to private. The school (or anyone else) can view anything you make public on any of your social networking sites. Additionally, law enforcement may be monitoring your online activity and may notify your school if your online activity amounts to a threat, or causes harm to another person's reputation.

### *Can my school force me to log onto my Facebook (or email) to view my activity?*

In most cases school officials cannot force you to show them your Facebook profile. However, they may search for evidence of violations of school rule violations if they have reasonable individualized suspicion. That means your school has to have a reason to believe you did something wrong. However, police officers (working in conjunction with your school) may be able to get a warrant in order to gain access to your Facebook or email account.

### *If school officials confiscate my cell phone, can they search it?*

While school officials can confiscate phones if you violate a school policy, in most cases they cannot access your personal information on the phone. However, they may search for evidence of school rule violations if they have reasonable individualized suspicion of a violation.



### *Does Facebook have the right to revoke my account?*

Yes. As a private company, Facebook decides the appropriateness of content and who can or cannot have an account. Facebook can revoke your account without violating your freedom of speech. Personal pages have been deleted for inappropriateness and Facebook has deactivated fan pages for causes it does not support.

### *What can I do to protect my privacy?*

1. Read all the privacy settings for each social networking site you use. Make each of your pages as private as possible.
2. Don't post anything on Facebook, Twitter or YouTube that you aren't comfortable with the whole world knowing about. You don't want something you post or write at 16 to harm your college or job opportunities. Remember that privacy policies can change at any time.
3. Delete any information and/or pictures that might be questionable. Ask your friends to do the same or ask them not to post pictures of you without your permission.
4. Advocate that Congress protect your rights by modernizing the Electronic Communications Privacy Act. Find out how at [www.aclu.org](http://www.aclu.org).
5. Contact the ACLU-MN if your rights have been violated by your school. You can file a complaint online at [www.aclu-mn.org](http://www.aclu-mn.org)