What are they saying about me?

Privacy and online reputation

May 24, 2013
An' everyone can say what they want to say
It never gets better, anyway
So why should I care 'bout a bad reputation anyway?

- Joan Jett,
  Bad Reputation
Your online rep, “digital tattoo”

What Canadians are telling us

Research and policy

PIPEDA Investigations

Legal gaps and voids
Your online rep, “digital tattoo”
Everybody’s got a story.

Is yours in the past, or on the Internet?

Do you have a digital tattoo?
What Canadians are telling us
Canadians care about privacy

• 2/3 are concerned about the protection of their privacy, 1/4 are *extremely* concerned

• 7/10 think that protecting PI will be one of the most important issues in the next 10 years.
Canadians think their ability to protect their personal information is diminishing

• 7/10 believe their PI has less protection in their daily lives than it did 10 years ago.

• More than ½ do not understand privacy risks posed by new technologies.

• Only 21% think governments take their responsibility to protect consumer personal information seriously.

• Only 13% think the same of businesses.
1/10 Canadians have been negatively affected by info posted online, but young people most affected.

- 12% said they have had something posted about them online that has negatively affected their lives in some way.
- Likelihood of being affected increased as age decreased, from 4% of 55+ to 26% of 16-24 year olds.
Canadians most concerned about posting location and contact info, least concerned about opinions

- 55% very concerned about posting location, 51% very concerned about posting contact information.

- Least concerned about posting their personal opinions about people, issues and things.

- Those knowledgeable about privacy, concerned about protecting it, and women more apt to express concern re all types of personal info.

- Concern tended to increase with age.
Levels of concern vary depending on how online personal info is used

- We asked about uses by public and private organizations (e.g., for law enforcement, marketing, spam and employment), not by individuals.

- 84% are concerned about organizations using info to determine suitability for job or promotion.

- Most (73%) concerned about spam.

- Least (27%) concerned about law enforcement or national security agencies collecting PI for specific investigation with a warrant.

- Concern much higher (55%) for general surveillance, without a warrant.

- Concern increased with age, higher among those who claimed to be very concerned with privacy.
What Canadians tell us when they call....

- 2-3 calls per day re: online reputation
- Information on social media sites, vanity searches and shaming sites
- Limits of privacy laws re: citizen-on-citizen
Research and policy
What is different about our online reputations?

Nothing has changed, yet everything has changed

• Gossip has existed for as long as humans have existed
• You can’t stop others from talking about you
• But... the Internet has dramatically accelerated and intensified how information about you is shared
Information lives forever online

- Search engines
- Social media
- Ubiquity of computing
- An online industry now built around protecting and damaging reputations
There is an increasing challenge managing what others think and say about you

- Consequences of online reputation damage can be significant:
  - School admission
  - Employment
  - Social interactions both online and offline
Reputation vs. Free Speech

“ The Law protects a person’s reputation but this protection can restrict other rights, such as the right to free speech. ..... Sometimes, even though someone made a defamatory statement that hurts a person’s reputation, the law considers other rights more important.”
What can be done?

- Protecting people’s reputation is a shared responsibility between people, dataholders and the state.

- People have a big role to play:
  - Become digital curators of your online self
  - Use common sense – think before you click!
PIPEDA Investigations
Privacy investigations

Online information can cause immediate and insidious emotional and reputational damage

A critical focus in several recent investigations:

1) Social networking site (2012)
2) Dating site (2012)
3) Open discussion forum (ongoing)
Online Reputation intersects with key investigative privacy issues:

- Openness
- Transparency
- Consent
- Accuracy
Social networking site investigation

What is a social networking organization responsible for to address privacy concerns with imposter accounts on social networks?
Issues and Actions:

- Social networking website
- Imposter account deletion
- Removal of imposter comments
- Facilitating notification about an imposter incident in order to repair online reputation and mitigate emotional/reputational damage
Dating Site Investigation

When is a dating website based on profile sharing not respecting its privacy obligations?
Issues and Actions:

• Protection of personal information for a vulnerable population

• Transparency of personal information management practices

• Transparency of business structure and personal information flows

• Adequate consent for uses of personal information
When talk is “not cheap”

(ongoing investigation)

- Open discussion forum website
- Pay to remove your comments
- Negative comments posted about third parties
What have we learned?

- Online reputation manifests itself under many “Privacy Faces”
- Online reputation is a shared responsibility
- Organizations have a clear privacy obligation in empowering individuals with the information and tools to manage and protect their reputation
Legal gaps and voids
Legal gaps and voids

- privacy protection and online posting of tribunal decisions
- citizen-on-citizen privacy violations
- right to be forgotten
From: xxxxx@xxxxx.com
To: Chantal Bernier
Sent: xx November xxxx

Dear Ms Bernier:

I just received notice that my grievance will be referred to adjudication at the Public Service Labour Relations Board. I am concerned because the grievance involves matters of discrimination and medical information. I am considering abandoning my grievance because I don’t want my personal information posted on the internet. I am really torn because finally resolving this matter at adjudication is very important to me, however, I don’t want my job prospects to be threatened because of the internet publication of my name.
One of the most heartbreaking overlooked moments in the case of Rehtaeh Parsons – the 17-year-old Nova Scotian who killed herself in April after allegedly being raped and bullied – came in a blog post written by her father three days after her death.

“I had to write something about this,” one line read. “I don’t want her life to be defined by a Google search about suicide or death or rape. I want it to be about the giving heart she had.”
In the future, everyone will be anonymous for 15 minutes.

- Banksy