

For the first topic of the class, we are to discuss privacy as it relates to computer and Internet law. An article I came across discusses the case in the Southern District of New York of U.S. v. Meregildon in which the plaintiff was able to obtain information regarding to the defendant's illegal gang activity via means of a Facebook friend that worked compliantly with the plaintiff. The defendant's retort claims the information he posted was meant to be shared with only his Facebook friends and that the plaintiff obtained the information illegally, violating the Fourth Amendment statute of unlawful search and seizures, though the case judgment decided in favor of the plaintiff, stating that the defendant had no right to privacy once the information was posted to Facebook, regardless of the privacy settings that were set for the information in question. The case's judgment is related to a scenario in which, if the defendant sent a paper letter to a friend, the defendant may wish for the friend to keep the letter private, but should expect no right of privacy, as the friend could then show others the letter after receiving it; similarly, posting a status update to Facebook could then be shared with anyone else who was not originally intended to see it.

The case of *U.S. v. Meregildon* has an immense impact on privacy on the Internet. While one might assume that content they post with restricted viewing settings would remain private, there is, in most cases in case law or technical implementation, nothing that might prevent someone from redistributing the content that one sends to another individual. Even when there might be technical implementation restrictions to prevent such an action, one could easily go around it; for example, a website or app that might prevent someone from taking a screenshot could easily be worked around by the person taking a picture of the screen using another device with a camera, albeit, more crude, but the same effect is achieved, and there is not much in the

way of a technical mechanism to prevent such an action. If one truly wanted to keep the information private, it should, in the very least, be marked as viewable only by the same person, or for the most privacy, the content should not be posted at all – there are no other sure-fire ways to prevent the information from being distributed other than to not distribute it in the first place.

I agree with the judgment of the court. While it is not necessarily in good taste that the defendant's friend shared the information with the plaintiff, no wrongdoing against the defendant was performed in doing so. The defendant should have expected no absolute right to privacy when posting his Facebook status updates. This certainly undermines the privacy settings and protections put in place by websites and apps, but ruling that the defendant's friend should not have shared the information with the plaintiff seems unconventional and awkward, especially when so easily applied to another real world scenario. I often post information publicly on Facebook and other social media sites with the expectation that the information can be shared, even if I do set privacy settings to attempt someone or a group of people from viewing. This public setting also stands to keep me accountable for what I am posting and I also feel that it allows me to unify the presentation of myself and not worry about selecting content privacy settings of private versus limited versus public updates. With the case judgment of *U.S. v.*

*Meregildon* in mind, we all should be mindful of what we post on the Internet, both publicly and privately, as what happens on the Internet doesn't always stay on the Internet. 40 lines

- recent article - Aug 12
- primary law discussed
- personal viewpoint
- readable
- excellent writing

Excellent!

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