

Privacy

Privacy

- Not a Constitutional right
- Not an amendment
- 4th and 5th Amendments = privacy
 - Boyd vs. U.S.
 - Olmstead vs. U.S. (right to be left alone)
 - Dissenting opinion
 - Dissent upheld (precedent reversed) in Katz vs. U.S.

Types of Privacy

- Intrusion
- Private Facts
- False Light
- Misappropriation

Intrusion

- Conduct rather than content
- Invasion of solitude
 - Eavesdropping?
 - Telephoto lens?
 - Newsworthy vs. Curiosity?

Private Facts

- Not newsworthy and objectionable
 - Plaintiff has burden of proof
- Cannot use libel because info. is true
 - Can use old but true facts *with value*
 - Needs to be accurate and legally obtained info.
 - Alcoholic?
 - Homosexual?

False Light

- Basically libel without defamation
- Portrayed falsely in an offensive way

Misappropriation

- Right of publicity
- Image or likeness used for someone else's commercial gain without permission
 - Johnny Carson
 - Bette Midler
 - George Wendt
 - Vanna White
- Does *not* apply to news situations

Ethics

- Contagious diseases?
- Disabilities?
- Sex crimes?
- Juvenile offenses?
- Children as sources?
- Suicides?
- Secret cameras?
- Accidents?
- Tragedies?
- Databases?