

Youth Online Privacy: Legal Concepts and Youth Experiences

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Youth Perceptions of Online Privacy

- Research project involving (in part) looking at youth understanding of key legal concepts which should govern online interpersonal behaviors:
 - Privacy
 - Age of Consent and Sexual Rights
 - Freedom of Expression and its limits
- Have conducted a review of Kids Help Phone posts from 2005 and 2006.

Privacy Rights: overview

- Privacy rights derive from a patchwork of legal sources:
 - *Charter* rights: re search and seizure
 - statutory law: PIPEDA et al.
 - criminal law: re wiretap, voyeurism, child pornography
 - common law: torts of invasion of privacy, publication of private facts, intrusion upon seclusion, etc.

Youth Perceptions of Privacy

- From these various sources core legal concepts related to privacy rights emerge:
 - Right to control personal information
 - Need for consent to collect and disclose personal information of others
 - Right to respect for reasonable expectations of privacy, including situations where confidentiality can be expected

Youth sense of privacy violations

Three primary contexts where youth commonly experience online privacy violations or concerns:

- Peers (offline)
- Online friends
- Parents

Youth Perceptions of Privacy: Peers

- “I recently took this **fake online test, most of the questions were about sexuality**. Turns out the whole thing was a prank. A friend referred it to me as a joke, but of course I didn’t know it was a prank. It sent all my personal information to him, and is stored on his account on his website. He probably knows now that I am gay, along with more personal information, and I am pretty sure this will spread throughout the whole school by tomorrow. I don’t know what to do. I’m scared I will get teased or bet up or something because of this. It’s my personal information that he has access to, which he shouldn’t! I was so pissed and scared when I figured out it was a joke! I’m lost and confused and scared and I don’t know what to do. **I don’t know if I’ll end up committing suicide or anything like that. I feel like my privacy has been invaded.** What should I do?”
- “ok, there’s a girl who created a fake msn account to get me to come out that im bi and she created “A” and then she was talking to me for 4 months and I found out it was her, I tried to confront her on msn but she wouldn’t talk to me so I was like “xxx” YOU b*** and 5 mins later her like 22 year old sister calls me and was threatening to come and “kill me” What do I do?”

Youth Perceptions of Privacy: Peers

These examples show a sense of violation of notions of

- consent (consented to filling out an anonymous survey or talking to an online friend, not the ultimate recipient of the information)
- Breach of reasonable expectation of privacy (re control of audience for this information – includes fear that info will be shared with others)

Youth Perceptions of Privacy: Peers

- “alright well on msn there was this e-mail and its called a **prank quiz** that asks you about your secrets so it will tel you who you will love; and well I sent it to my friends and wut happens is once you answer all the questions you submit it and the prank part is that is sends it back to the person who sent it to you and well that was me and my friend found out that it was a prank and that it got sent back to me and told me not to read it and said i’ll hate you if you read it but it was to late and I read it and one of the questions was wut is your deepest secrets and my friend answerd... my parents do drugs. and i’m not sure wut to do”

Youth Perceptions of Privacy: Peers

- Sharing sexual photos of others
 - “I was fooling around wit this guy and i really liked him... little did i know his friend was hiding in the closet video taping it on his cell phone. i really want to get him back but i don't know what to do. i am so hurt. i looked on the internet what sexual assalt is and this is identified as it. i don't know what to do with myself. i am so angry. they do not know that i know (the guys who did it) but im afriad if i yell at them and tell them i know that they will tell everyone.”

Youth Perceptions of Privacy: Peers

Privacy concepts at play:

- Consent (need consent to take someone's photograph; even if consent given to photograph within an intimate relationship, this is not consent to have that photo shared with someone outside that relationship; with caveat that youths cannot consent to sharing photos outside intimate relationship at all);
- Reasonable expectation of privacy (intimate photographs to remain private – akin to confidentiality or information)

Youth Perceptions of Privacy: Online Friends

- “Wow, it’s been really long since I last wrote you... remember I said I met a guy that lives in Australia and we talked about all the risks involved... Well anyways I’m still talking to him. We seem to be really close friends now. There’s no way he can be ‘fake’. I’ve seen his name/pics on some websites because he’s involved in orchestras and such. Also I wouldn’t have been here today if it wasn’t for him. **I literally was going to end everything but I was talking to him and he talked me out of it.**”
- “I also reached out to a friend I knew I could trust, weird enough a guy, but he doesn’t live here, it’s only through the internet. He lives out in Newfoundland and I don’t. **I told him everything, even the fact that I self harm.** He was very nice to me, and has been behind me every step of the way since the last post. I can tell him anything, and he listens and offers some solutions that I could do. I am thankful to have a friend like this but he is so far away and can’t be here when I need someone to be here right with me...”

Youth Perceptions of Privacy: Online Friends

1. Online friends are extremely important: therefore not helpful to simply tell young people not to have online-only friends.
2. Young people share a lot of information about their problems, personal lives with online friends: therefore limiting concept of personal information sharing in educational materials to not giving out your real name, phone number, address to “strangers” misses the mark. These are not “strangers” but in some cases their closest friends, and they may be sharing a whole lot more than just phone numbers.
3. Young people who share highly personal information are highly vulnerable to exploitation if they share with the wrong person. Educational materials need a more nuanced understanding of online relationships and how to make sound judgments about trusting online friends.
4. Youth have own authentication practices. Need to acknowledge these practices and help youth acquire better authentication practices where needed.

Youth Perceptions of Privacy: Parents

- “i havnt written [to KHP] in a long time because my mom downloaded this internet security thing and **i have no privacy anymore**. they’ve all gone out and im home alone. alone like always. alot of shxt happens at my house but i don’t tell anyone...”
- “HElp i think my dads been trackin down my msn convos n its botherin me... **I feel so helpless i have no privacy just to have convos with friends** ;’(how can i make sure im not being tracked down? is there some way i can stop this? im even scared that he’ll see this message...”
- “When I go on the computer, I will usually check my e-mail, go to my message board, maybe go onto a site like edit or edit or something to check my messages, and then go play game or something. After that I might go on edit and talk to friends from before I moved. But, **I don’t want my mom to know what I’m talking about, their my conversations and they are private!** I close down the sites I go too when she comes into my room. But now she’s starting to realize it, and is trying to keep me off the computer. Now she’s checking my history, so now I have to delete my cookies and history just to have some frikin privacy.

Youth Perceptions of Privacy: Parents

Youth understanding of privacy concepts also reflected in posts about parents:

- Reflect a sense of what is reasonable (i.e. that parents should not eavesdrop on every online conversation);
- Reflect a sense of need for consent – that they feel violated by the fact of having not consented to disclose their activities to their parents;
- Reflect a broad definition of personal information (i.e. that all online activities are potentially personal information) and that they should have control over who sees that information.

Conclusions

- Youth experience strong sense of violation of privacy in a variety of contexts (parents, peers);
- Youth often don't transfer this sense of violation to curb privacy invasive behaviors toward others;
- Youth and their parents could benefit from more comprehensive education about privacy values and concepts.

Thank-you.

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