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B2B: Legal Pitfalls of Social Networks: What Should a User Be Aware of?

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There is undoubtedly a wealth of information available now on how a user can stay safe while using social networks. Today's Internet is also by no means divorced from justice, and the principles of personal cybersecurity have a nascent legal dimension.

The basic principle of cybersecurity often stressed by IT specialists is simple: when you are on the Internet you should act as if your messages remain there forever and are publicly available. There is no guarantee that the information you post in a closed community or forward in a personal message will not be made public one day by someone you may not even know. There is also no guarantee that something you post on the Internet will not be tracked and cached by a third party website.

The risks are obvious. Never before have our communications been so easily accessible. A mere click of the finger can bring up almost any post or message, something unthinkable in the pre-Internet age. With this in mind, there are at least three critical aspects you should always be aware of when using social networks: confidential information, intellectual property and appropriate behavior. Each of these may see you on different sides, not only as a victim, but also as an offender.

If we first consider confidentiality issues, you should be careful what information you post about yourself on social networks. Other users may abuse this information and use it to harass you, or your personal information may even be used by criminals to find details of your income, property and location (be especially mindful of geolocation apps). On the other hand, you must be careful not to breach the confidentiality of others. There is a great deal of confidential information online, with personal data of other people and various trade secrets being the most common. As a general rule, unless this information was legitimately disclosed to the public before, one should not reveal it.

It should also be kept in mind that disclosing information may include not only making explicit posts but also simply the use of a third party service, such as a social network or even an e-mail service. It cannot be overemphasized how important it is to read the terms of service, however tedious this may be. Take at least a minute to look through the privacy/confidential information sections. You might be surprised to discover how broad the rights concerning information you upload are reserved by the service provider. When you save any information to such a service (e.g., cloud storage), you may potentially grant the service provider the right to access this information.

There are examples of courts which recognize this issue. For instance, in Moscow region an employee was fired in 2010 for disclosing personal data of other employees by forwarding them to an address registered with a free public e-mail service. The reason was not that the addressee was not in a position to access that info, but that confidential information became potentially available to the service provider, and there are legislative grounds to accept such reasoning.

Intellectual property is also an important consideration in this context. Intellectual property issues are becoming an increasingly sensitive matter in Russia and easily deserve a separate discussion. The basic rule is simply to abstain from anything which could be interpreted as more than a mere citation, as this may otherwise be considered an infringement of intellectual property and lead to a considerable penalty or, under specific circumstances, even criminal liability. Although the law is not totally clear on this, even hyperlinks to pirated content may constitute infringement. This means that good faith users now have more opportunities to protect their intellectual property rights on the Internet.

Appropriate behavior is also vitally important for a user embarking on any social networking activity. Numerous cases have been reported of users being fined for insults or even convicted for breach of privacy. For instance, one privacy case saw a user create a fake account by identify theft, using and making public passport data of a real friend without her consent. This lead to a fine of 50,000 rubles and, critically, a criminal record. The number of defamation cases is also rising, which is another relevant aspect to keep in mind.

Social networks have become an ordinary part of everyday life. Through our phones and tablets (not to mention venerable desktop computers), we can check Facebook and Twitter, post photos to Instagram, and network on LinkedIn anytime and anywhere.

All of this was made possible by the recent social evolution to Web 2.0, which introduced user-generated content and saw the Internet popularized and led out from the isolation of early geek subculture. While the Internet is now undoubtedly a mainstream phenomenon, examples can still be seen of how the previous subculture attitude remains alive and well. When the Internet first became known to the public, many enthusiasts claimed that it should be free from any real world regulation, since it is a separate virtual world that is essentially free.

Today it is clear that most of the Internet, regardless of what one believes in, is treated as an extension of the real world. What you do over the Internet is legally regulated in the same manner as what you do in the real world. The Internet is no longer uncharted waters for courts and law enforcement authorities, and it is important to remember this when using

it.

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