

The Impact of Online Social Networking: Facebook and the Public/Private Dichotomy

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Online social networking services such as Facebook, Twitter and LinkedIn has proliferated in recent years. In this paper, we will focus on the impact of Facebook, which is the network with the most users worldwide (as of July 2010 Facebook had more than 500 million active users). Facebook has multiple uses: it is potentially and concurrently a dating site, a friend locator, and a public relations tool. We examine both the positive and the negative repercussions of the Facebook phenomenon. We then look more closely at one of its main effects: the fact that it serves to efface the boundaries in the traditional public/private dichotomy. Supposedly Facebook protects its users through privacy settings. Yet users add personal details (like email addresses, cell phone numbers, and photos). If something goes wrong, questions arise as to the legal relationship that users have agreed to. Who has access to their personal information? What is the meaning of the Facebook disclaimer in its “Terms of Service” (the online equivalent of “fine print” in contracts of adhesion)? Perhaps only lawyers know that under Facebook’s ToS, users give up copyright control of any material posted. As a result, laypersons at best remain partially protected. Privacy and data protection concerns (esp. protecting users who cannot protect themselves, such as minors under 18 who regularly use the medium) clash with freedom of expression/freedom of speech/freedom of information. The legislator concerned with efficiently regulating the use of online social networks needs to accommodate these conflicts, devising wise and balanced solutions. [Number of words = 251]