

Twitter subpoenas a challenge to intellectual privacy

February 15 2012, By Jessica Martin

The City of New York recently subpoenaed a Twitter account as part of an ongoing Occupy Wall Street criminal case. The Occupy protester named in the case is challenging the subpoena.

Privacy law expert Neil Richards, JD, professor of law at Washington University in St. Louis, says that it's not surprising that law enforcement groups are interested in accessing the volume of records relating to our speech that social media platforms generate.

“By and large, this data should remain private, and online companies should keep the data confidential and not share it any more broadly than we as users and speakers want it to be shared,” Richards says.

“Records of our communications involve our intellectual privacy, and to allow the state to study our private thoughts and words is to allow monitoring of our civil liberties on an Orwellian scale.”

Richards says that U.S. law is somewhat protective of online communications, though the main line of defense comes not from the law but from the behavior of records holders like Google, [Twitter](#), and Facebook.

He applauds companies like Twitter who resist handing broad swathes of intellectual data to the government. Mozilla and Google also have a good record of protecting the privacy and confidentiality of their users.

“In our digital world, the battles for civil liberties are increasingly being fought on the front lines of social media, and [social media](#) companies are our first line of defense against the kind of Big Brother-style surveillance our traditions reject,” Richards says.

“In the absence of stronger laws, the positions these companies take have a real impact on the practical state of our [civil liberties](#). I’m very glad that Twitter is siding with its users as citizens in these debates rather than the government.”

The full subpoena is available at www.scribd.com/doc/79940746/Subpoena-on-destructuremail

Provided by Washington University in St. Louis

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