

# Twitter files appeal in Occupy Wall Street case

August 27 2012

---



Twitter on Monday filed an appeal of a court order to turn over tweets from one of its users being prosecuted over Occupy Wall Street protests, in a case being watched for free-speech implications.

Twitter on Monday filed an appeal of a court order to turn over tweets from one of its users being prosecuted over Occupy Wall Street protests, in a case being watched for free-speech implications.

The brief filed in New York State Supreme Court's appellate division said the lower court failed to protect the [constitutional rights](#) of the defendant and improperly ruled that [Twitter](#) has no legal standing in the case.

Twitter's argument said it filed the case to protect its terms of service which "have long established that users have a proprietary interest in

their records. Twitter users own their [Tweets](#) and should have the right to fight invalid government requests."

The brief said the company was acting on behalf of its users who "have standing based on a long line of precedent establishing that individuals whose constitutional rights are implicated by a government subpoena."

Earlier this year Manhattan criminal court Judge Matthew Sciarrino ruled that law enforcement had the right to see tweets and other user data from Malcolm Harris, who is being prosecuted for disorderly conduct in connection with an Occupy protest on the Brooklyn Bridge last year.

The judge said that the tweets are not private information and thus not subject to the constitutional guarantee of privacy.

"If you post a tweet, just like if you scream it out the window, there is no reasonable expectation of privacy," he said in an 11-page ruling.

The [American Civil Liberties Union](#) said it would file a brief in support of Twitter's appeal.

"Under the (constitution's) First and Fourth Amendments, we have the right to speak freely on the Internet, safe in the knowledge that the government cannot obtain information about our communications or our private information unless law enforcement.. obtains a warrant showing probable cause," said ACLU lawyer Aden Fine.

"The (prosecutor) didn't do that here. Instead, it has tried to avoid these constitutional hurdles by issuing a mere subpoena for Harris's Twitter information."

(c) 2012 AFP

Citation: Twitter files appeal in Occupy Wall Street case (2012, August 27) retrieved 27 June 2024 from <https://phys.org/news/2012-08-twitter-appeal-occupy-wall-street.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.