P S

10 l E j i

Tips, tricks, and downloads for getting things done.

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RECOMMENDED BY ALAN HEN…

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What's The Best Mobile Hotspot?

How to Turn Your Favorite Pair of Headphones Into a Headset

ALAN HENRY - KNOW YOUR RIGHTS - 5/08/13 8:00am

95,920 g   89 L

How You're Unknowingly Embarrassing Yourself Online (and How to Stop)

S EXPAND

You probably know not to post things online that could bite you later, but many of us do it all the time anyway—often without even realizing it. Whether it's a friend tagging you in a photo or admitting you torrent your movies in a Facebook status, even innocuous posts or photos can damage your relationships, get you in trouble at work, or even land you in legal hot water. Here's what we mean, and how to stop.

Google CEO Eric Schmidt recently said that the internet "needs a delete button;" that sometimes erasure is the right thing to do. Unfortunately, right now that button doesn't exist, and we've all heard stories about people in power tweeting things they shouldn't have, deleting them, and still getting into trouble because of the Internet's long memory.

That long memory poses a problem for all of us. Everything you say on the internet is archived for posterity, and even if you wanted to erase it, someone could always dig it up and use it against you. Whether you post to Facebook, admitting you torrent all of your movies and invite others to use your sources, or you Instagram a photo of your weed stash, once it's out there, it's out forever. Depending on how attractive a target you are, one day that photo could be used to deny you a job, or that post could land you a fine from the MPAA.
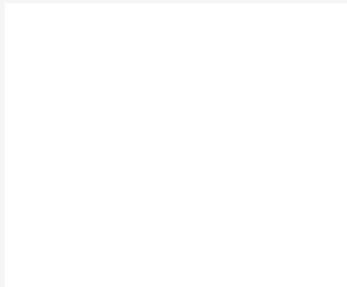
It may sound crazy, but we don't have to look too far for examples. Social media "trawling," or the process of digging through a political candidate's online history to find nuggets that can be used against them, is becoming commonplace. Remember the Georgia teacher who was wrongfully fired because a Facebook photo of her enjoying a beer landed on the desk of her principal (even though her privacy settings were high and she wasn't friends with any of her students)? It makes sense to speak with special care on the internet. You never know when whatever you say can and will be used against you.
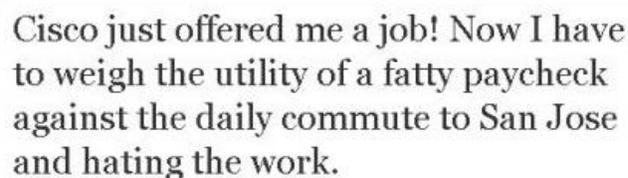
> Cisco just offered me a job! Now I have to weigh the utility of a fatty paycheck against the daily commute to San Jose and hating the work.
> 3:17 AM Mar 18th from web
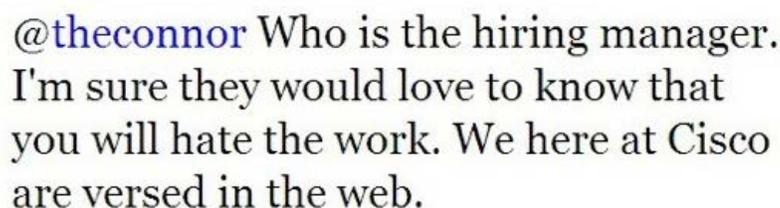
> @theconnor Who is the hiring manager. I'm sure they would love to know that you will hate the work. We here at Cisco are versed in the web.
> about 18 hours ago from TweetDeck in reply to theconnor

How the Things You Post Online Can Bite You Later

We've already explained that it's virtually impossible to *not* break the law every day. From ripping DVDs that you own to removing DRM from your ebooks and movies, it's almost unavoidable. What is avoidable, however, is implicating or embarrassing yourself all over the internet. Even if you're a nobody now, you may eventually be somebody—or at least somebody with an enemy who has enough time on their hands to make sure you have a really bad day.

To sort out what you can say and what you should avoid, we sat down with Derek Bambauer, Associate Professor of Law at the University of Arizona, who offered some ways we may unknowingly admit to committing a crime, and how we can learn to speak freely without fear the RIAA or the FBI may suddenly take an interest in us.

You Incriminate Yourself Legally

During the 2011 Vancouver Stanley Cup riots, police used YouTube footage taken not just by perpetrators, but by other people just recording the scene to track down, charge, and prosecute people of vandalism and disorderly conduct. In that case, they didn't even have to brag about their actions, they just forgot that we live in a constantly surveilled world, and that YouTube exists. Gallon Smashing, a fad where people record themselves in a grocery store tossing gallons of milk into the air while they intentionally throw themselves to the ground—all to record the (presumably) hilarious reactions of their fellow shoppers—took YouTube by storm. Trouble is, authorities didn't even have to look hard to find the kids doing this and charge them. From the Know Your Meme page on the phenomenon:

> On March 22nd, MyFoxDC reported that Northern Virginia's Fairfax County police department has charged the three teenagers with seven counts each of misdemeanor destruction of property and disorderly conduct. According to the police statement, the local authorities were investigating the phenomenon for several weeks through duplicate uploads of the grocery store prank on YouTube, even after the pranksters decided to pull the videos after racking in more than three millions of views and spawning copycat attempts in Britain, France and Germany.

In this case, they did it to themselves. Granted, their sudden fame and the rise in popularity of their videos made them attractive targets, but even if they'd uploaded them years ago, they'd still be there, waiting for someone to stumble on them. Even if it wasn't law enforcement that caught them, a potential employer wouldn't care to find that in Google results for their next star candidate.

S EXPAND

Commenting on blogs or starting your own blog carries some of the same issues that posting to social networks does. It's easy to wind up on the wrong side of the law or earn a nastygram from a group like the RIAA by admitting to doing something, even if it's in the name of public discussion. For example, the image to the left was

Save money, find the best seat, and even find out the best
time to go to the restroom! http://lifehac.kr/SSMVli2

**Spend Less and See More: How to
Get the Best Movie Theater
Experience**
lifehac.kr

Summer movie season is upon us
and the parade of big budget

Like · Comment · Share   14

21 people like this.

TIL there's an app for deciding when to
take a piss during a movie. Brilliant.
Like · Reply · May 2 at 3:23pm

Not on the list: go into another auditorium after
exiting the first one. This will save some money. Of course I
would never do that but I've read about it on the internet.
Like · Reply · May 2 at 3:30pm

Best way to save money: torrent the movie,
and watch it from home.   ×
Like · Reply · May 2 at 4:19pm

actually taken from our own Facebook
page.

> *If you have a blog about torrenting, you're likely fine. If you have a blog post
> about how to download Game of Thrones (um, like this one), you could be in
> trouble. It's not likely that HBO will come after you. But they might. So, much
> turns on your tolerance for risk. If you need to make a point about
> downloading because it's important to you, and you're willing to tolerate a bit
> of risk, then go ahead. But don't admit to unlawful activity without at least
> considering the down side.*
>
> *Also, the more visible you are, the more risk you run. If I put up a post about
> how to download Game of Thrones on Info/Law, I'm pretty safe, because about
> three people read my blog. If Lifehacker puts up a post about how to download
> Game of Thrones, that's a different matter. Content owners and law
> enforcement fish where the fish are.*

While it's unlikely the RIAA or MPAA are looking for real names in the comments on blogs or
torrent files at The Pirate Bay, you may have a problem if those comments or posts are the
only things that appear when people Google your name.

Remember the old adage: Don't put anything online that you wouldn't want publicly
associated with you, out in the open. It's especially true for social networks like Facebook,
Twitter, YouTube, and even Google+, since all of those networks have so much information
about you, and all of them are willing (with varying degrees of hesitation) to turn that
information over to authorities, industry groups, or anyone who asks.

You Implicate Yourself at Work

Even if it's serious, being careless about what you say can cost you your job, a future job, or ruin your personal relationships. Complaining about your job on Twitter can get you fired, and an innocuous photo of you taking an afternoon nap can leak the next major DLC for a very popular video game. It doesn't take much. Derek explains:

> I can think of lots of ways to make mistakes with social media or other communications that have nothing to do with law enforcement. Imagine discussing some aspect of your job on Facebook or Twitter: maybe you complain about how the new product launch is going, or say that a co-worker is a jerk. The former might, if you work for a publicly traded company, run afoul of the securities laws. The latter might get back to your co-worker, or even get you fired.

A cheesy photo of you and a friend in a secure facility, griping about your boss or the software you use at work, or posting a terrible GlassDoor review of your company while you still work there can all wind you in hot water with HR, or embarrass someone else at the company with the weight to have you fired.

You Embarrass Yourself Personally
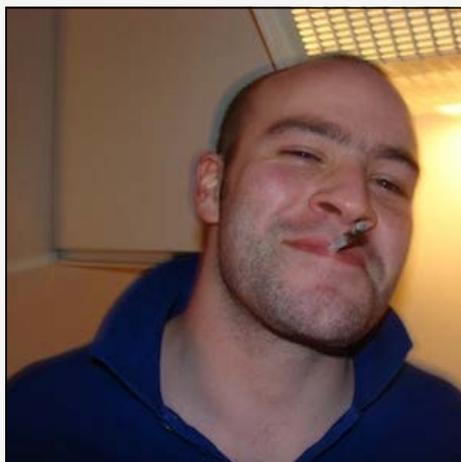
Getting in trouble with the law or with your employer are bad enough, but they're not the only ways a little careless speech or a thoughtless photo can get you in trouble. I have friends who regularly fill their Facebook timelines with photos of themselves hitting the clubs and being socialites, all completely public, with no real thought about how much perception matters.

Of course, they're bright and intelligent people who are just interested in sharing

with friends, but we've already established that potential employers look for these things before they interview or hire you, and they will judge you based on what they find. You can complain, you can say you wouldn't want to work for them anyway, but at the end of the day you're the one without a job because you were sure everyone—and we mean *everyone*—just had to see you and your friends drunk at the bar. We've already talked about the stupid things you do on Facebook, and one of them is oversharing, regardless of the social networks you choose.

It's not just you, either. Your friends tagging you in photos at a party, shots of your friends drinking underage (or worse, kids Instagramming their underage drinking photos at your house), your ex tagging you in every embarrassing photo they can upload to Facebook just to get back at you: The things other people post can cause other problems for you, even if you're normally careful about what you say online (or even if you weren't there). One teacher's ex-girlfriend waged a months-long campaign to ruin his life, defying court orders and legal penalties—and he's the one who gets to suffer.
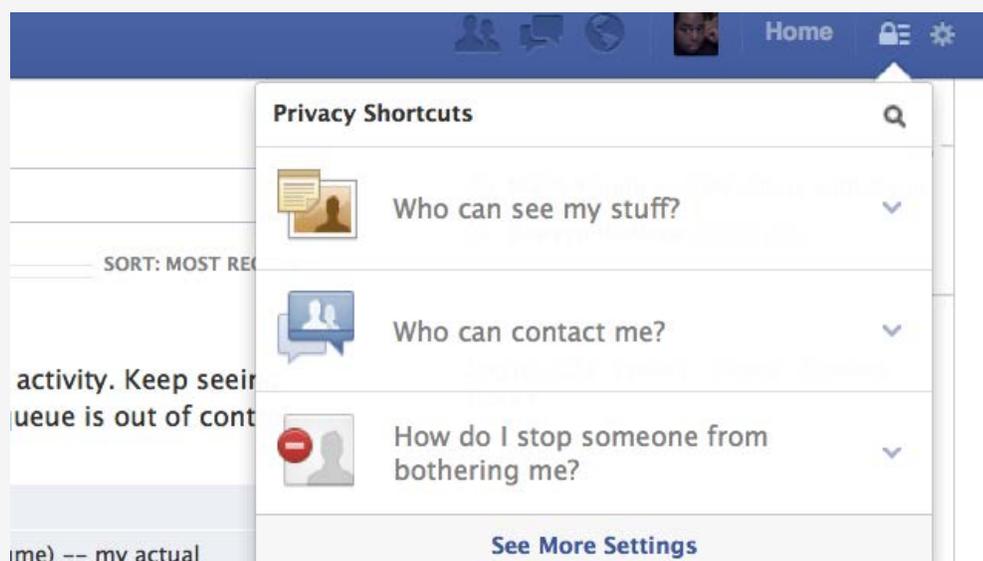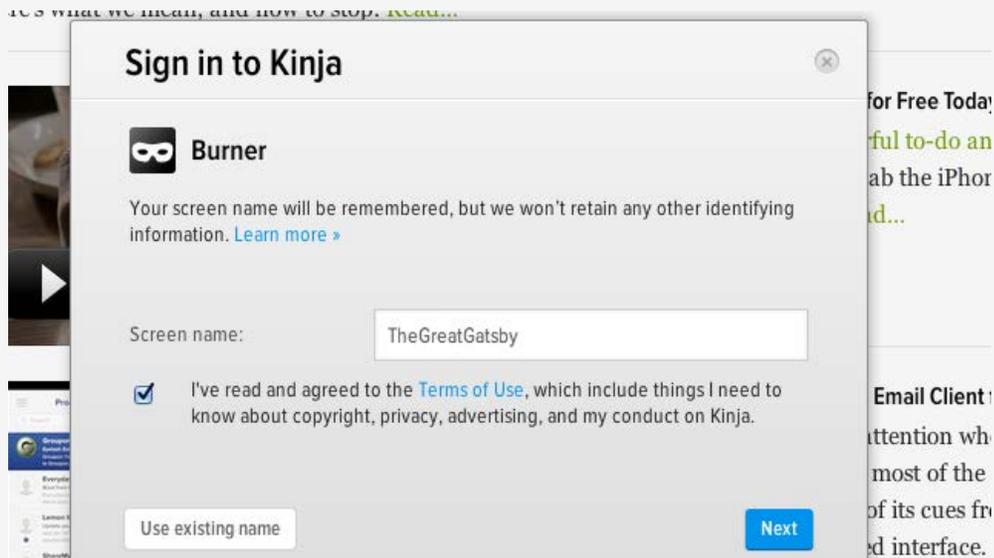

What You Can Do to Speak Freely and Protect Yourself

Now that we've run through some of the troublesome things we post online (and Derek had plenty more where these came from), what can you do about it? How can you communicate openly and freely online without running the risk of landing in court or ending your career? Here are some suggestions.

- **Think before you post**. Like we said, don't say it in public if you don't want it to be public—and yes, you should consider the internet a public place, even if you think you're speaking privately. Derek advises that you think about what you're posting, and who you're sharing it with before you start venting. Sometimes it's harmless, but you don't want your midday complaints about a botched product rollout to get back around to your boss.

- **Learn to use the privacy settings on your social networks**. If you're not already, get familiar with the privacy tools Facebook, Twitter, Google, and other social networks make available to you. We have an always-up-to-date guide to Facebook privacy, and even services like Twitter and Instagram let you set your shares to private so only people you approve can see them. Use those security tools judiciously, not just on your posts,

but anything you're tagged in or that your friends post that includes you. Personally, I have a whole closed group of friends on a little-used social network that I use when I really need to vent. Keep in mind though, even locked down privacy settings aren't foolproof: The Georgia teacher we mentioned earlier? She still got fired, even if she's still fighting it.

It's what we mean, and how to stop. Read...

Sign in to Kinja ⊗

Burner

Your screen name will be remembered, but we won't retain any other identifying information. Learn more »

Screen name: TheGreatGatsby

☑ I've read and agreed to the Terms of Use, which include things I need to know about copyright, privacy, advertising, and my conduct on Kinja.

Use existing name   Next

- **Use pseudonyms, but don't put too much faith in them**. If you're remotely worried about what you plan to say or just want a little room to speak freely, a pseudonym is a good idea. However, they're not bulletproof. If you sign up for a Blogger account, it's ultimately tied to a Google account. Even commenter accounts on most websites require a real name or email address you have access to, and that makes you traceable. Sites that use Facebook comments are even worse, no matter how many fake middle, first, or last names you use. Plus, if you use the same pseudonym often, you may have it connected to a traceable account somewhere you've forgotten, which then exposes everywhere else you've used that name.

Derek brought up the Google v. Cohen case as a perfect example of a pseudonym gone wrong. In the case, an anonymous blogger, posting to his own Blogger account (hosted by Google), wound up in legal hot water over eight posts, all on the same day. The blogger used a pseudonym, and the blog wasn't even popular. The site (gone now) was about the New York fashion scene, but didn't hesitate to call out specific individuals as "skanks," "shanky," and "hos." Those individuals found the blog, and asked Google to out the blogger's identity so he could be sued for defamation. Google initially refused but by the end of the case, the blogger was unmasked, despite his protests. The privacy a pseudonym offers is only as deep as a hosting company or ISP are willing to offer you, Derek explains.

> *Working with pseudonyms helps a little bit, but how much depends on what you've shared with the platform or provider, and how readily they'll turn that information over. Google and Twitter have been pretty privacy-protective, but some ISPs will give up your information quite readily. The way to think about this is about effort: using a pseudonym makes someone work a bit harder to link the information to you, but it doesn't make it impossible. And, you aren't really protected at all against law enforcement.*
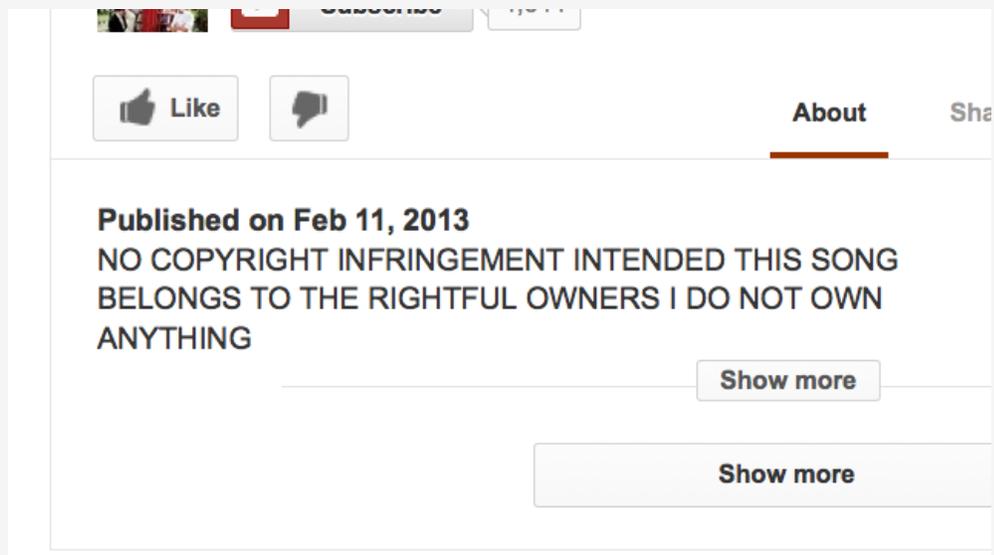
- **Be impersonal about what you say, or avoid the issue entirely**. If you're discussing something you did, or something you have knowledge about, Derek recommends you keep your statements as impersonal as possible. The same applies to blog posts and tutorials: "You might consider" and "Some people do" are your friends. Disclaimers—like the ones people infamously add to their YouTube videos to try and avoid them getting taken down—never help, because saying you didn't *intend* to break the law, doesn't change the fact that you've already proven you have. Instead, remember that talking *about* a topic isn't incriminating:

  > I think I'd offer people two initial pieces of advice. One is straightforward: don't give instructions about how to violate copyright law/the Computer Fraud and Abuse Act/etc. You can certainly tell people how to use BitTorrent. But don't tell them how to find "Dark Knight Rises" on BitTorrent. The second is to de-personalize things. Instead of saying, "When I use BitTorrent to download 'Dark Knight Rises,' this happens," say, "I think one thing that people encounter when they download 'Dark Knight Rises' is..." Make it about the issue, not about you.

- **Talk to an attorney, or reach out to a friendly organization**. If you do run into legal issues because of something you posted to Twitter or Facebook, or if you really want to start a blog but don't want to run afoul of the law, it's a good idea to talk to a lawyer with experience on Internet issues. Derek also noted that some law schools have clinics that may be able to provide low-cost or free legal assistance, whether it's the RIAA that's trying to use your statements against you, or a company that's fired you because you complained publicly about their working conditions.

  You may also think that your right to free speech or expression offers some protection here. Unfortunately, it usually doesn't. We explained why when we talked about freedom of speech on the internet, but at the end of the day, the Internet just isn't public space, so it's not protected by the First Amendment. If you're a whistleblower, or there's some public angle to your situation, Derek says organizations like the Electronic

Frontier Foundation (EFF), Public Citizen, or the American Civil Liberties Union (ACLU) may be able to help.

If you're smart and careful, you'll likely never run up against the RIAA, MPAA, or law enforcement, and anyone who Googles you before an interview won't turn up anything you'll have to explain when you meet them. However, sometimes it's out of your hands. Someone might impersonate you just because they can, or they may have an axe to grind with you. Plus, even if you're careful with what you say and post online, your friends may inadvertently embarrass you online. Derek has some parting advice:

> People implicate themselves all the time: IP infringement, harassment, assault, drug use (ALL THE TIME), underage drinking...it's remarkable. Mostly, it's harmless. But there's risk. The larger advice is to think about what's tied to your individual identity versus being anonymous/pseudonymous. Will your future employer find this? Your parents? Your next boyfriend/girlfriend? This is about one's on-line identity, and managing that.

If you do find yourself in a bad position, there are things you can do to clean up your online identity, but in this case, prevention is the best medicine.

Derek Bambauer is an Associate Professor of Law at the University of Arizona, for his assistance with this post. You can find his blog here, and follow him on Twitter at @dbambauer. He graciously offered his expertise for this post, and we thank him.

Photos by photomak (Shutterstock), Black Press Group, Lamebook, Daniel Morris.

f Like ‹1.3k   L Discuss

K

1 Author is participating @		1 Author is participating @

Whitson Gordon U Ala…   14 1   L

It's going to be really interesting when my generation (the one that started using Facebook in their teens) starts running for public office. All of this stuff is going to be accessible, and *everyone*'s going to have embarrassing and incriminating stuff out there. What's going to happen? Are the political scandals du jour just going to get more and more common and annoying, or is this stuff going to be kind of accepted because we've all done stupid shit at some point in our lives?

It's also worth noting that there are different kinds of people who do this. Some are just careless with this stuff, and they kind of deserve it. The people I feel worse

Prashant Sinha U Alan …   1 1   L

There are many ebooks I've bought, which are stored in my Google Drive. I've removed DRM from all the books. Does it means I am breaking law ? As long as I am not going to share he books? 5/08/13 8:29am

Whitson Gordon U Pras…   1   L

Technically, yes, this is still breaking the law. Circumventing DRM on anything is breaking the law, whether you share it or not (at least in the US). 5/08/13 8:36am

Daynebberaxeded U W…   1 1   L

And yes, in this instance the law is an ass! 5/08/13 9:10am

for are the people who aren't quite sure how things like Facebook work, and that even though they've changed their privacy settings, they can still embarrass or incriminate themselves (or that Facebook's privacy settings are so confusing that they didn't change what they think they changed). 5/08/13 7:31am

ckrauskopf U Whitson …   2   1   L

They people who run for office will have enough money to make sure none of these gaffs ever appear online. The political system is so broken it's not even funny. 5/08/13 8:24am

AndyWSmall U Whitso…   4   1   L

I agree with you. I really think that High Schools should have an Internet Security class like they have Health classes. In this day in age, everyone has a FB and teens don't fully understand the ramifications of their actions later in life. 5/08/13 8:24am

Whitson Gordon and 23 others…

1   Author is participating   @

spambot27 U Alan Henry   2   1   L

While i agree posting yourself doing illegal/stupid shit is stupid, there is the other side of the argument: http://xkcd.com/137/ 5/08/13 8:53am

Alan Henry U spambot27   1   L

Absolutely and completely agreed - I don't want anyone to come away with the idea that you shouldn't, you know, BE YOURSELF, or heaven forbid you write about the things you think and care about because someone someday might take offense to it. Being an idiot or posting yourself doing something illegal is one thing, but shying away from who you are because of fear is very much something else. 5/08/13 8:56am

5 participants   @

rinne U Alan Henry   1   L

Covarr and 10 others…

1   Author is participating   @

Vincent Wright U Alan …   1   L

This is so true. I've got a buddy who almost lost his job because of Facebook. When I get resumes on my desk, I do a search on the name just to see what I can find out. It has helped me weed out many people. 5/08/13 9:22am

Alan Henry U Vincent …   1   L

At one of my last jobs, my boss used to ask me specifically to see if I could find Twitter/Facebook/etc data on people who applied to work with us, just because he knew I was a bit more web savvy about that kind of thing than he was. You'd be surprised at what you'd find, and while it would never (at least, not to my knowledge) disqualify someone, it would lead to some very open questioning during a phone screen or interview. Kind of a "I did my homework, did you" kind of thing. 5/08/13 9:25am

guzz11975 U Vincent W…   1   L

WEED out!

weed OUT!

ha ha ha

how apropos! 5/09/13 9:59am

Vincent Wright and 1 others…

1   Author is participating   @

fizzyred U Alan Henry   1   L

Here's a sticky situation. Awhile ago, I was applying for jobs in New York, so I googled myself to see what potential employers might see. There was a girl with my same first and last names (which is not too common), about my age, living in New York already. She had a public Twitter account that went into very weird details about her sex life. I was mortified. How do

And people wonder why I won't even upload a picture of myself anywhere.

5/08/13 9:02am

justagigilo85 U rinne   1   L

You're still not completely safe: someone can take a picture of you, upload it online, and tag you in it... even if you don't have an account on said website. 5/08/13 9:59am

BKPhil U rinne   1   L

Oh, that in itself will disqualify you from many jobs.

They'll imagine you're a bit of an odd ball. Hmm. Or you have poor social skills. Or no modern tech skills. Or maybe you're actually hiding something. Etc.

5/08/13 10:01am

rinne and 1 others...

1 participant	@

dogjudge U Alan Henry   1 1   L

I'm a recruiter.

I'm always amazed at some of the stuff that people put on Facebook.

Many states are passing laws making it illegal for potential employers to ask for Facebook passwords. That doesn't mean they still aren't doing it. Additionally you may already know someone at the company who can access your account.

If you don't want the world to know what you're doing, don't put it on Facebook.

5/08/13 11:13am

milian U dogjudge   2 1   L

What, employers are asking employees for Facebook passwords?!? Is this actually true, I find it very hard to believe.

5/09/13 12:07am

	@

DiamondDNice U Alan …   1 1   L

you stop people from thinking someone else with the same name is you?

5/09/13 7:36am

Alan Henry U fizzyred   1   L

Hah - that is a pretty tricky situation. Sometimes you might just want to be up front about it and offer your own Twitter handle as an alternative to theirs, so someone looking for you doesn't assume you're that person. Alternatively, you might stake your claim on your own personal domain, some nameplate sites, and direct people to your actual Twitter account, thus boosting your legitimacy in Google and lowering theirs:
http://lifehacker.com/5963864/how-to...

If it's malicious though and you're being impersonated, Twitter has some strong rules about that, but it sounds like it's just coincidence. :) Just be ready in case someone asks you about it, that's all!

5/09/13 7:54am

	@

justagigilo85 U Alan He…   2 1   L

If someone infuriates you, don't vent on anything online. Open up word, wordpad, etc, type your frustrations, and close w/o saving. You'll [probably] feel better.

Just because you can put it online (a picture, a status update, a vent, etc), don't mean you have to. 5/08/13 10:02am

1 participant	@

Covarr U Alan Henry   2 1   L

I always find it amusing when people put "NO COPYRIGHT INFRINGEMENT INTENDED" in the descriptions on YouTube uploads of obviously copyrighted content. Imagine if we applied the same logic to other things: A burglar saying "no theft intended" as he steals your TV, a killer saying "no murder intended" as he shoots

This "copyright disclaimers" on youtube videos, as this article says, DO NOTHING AT ALL. They are useless.

restating the copyright code doesn't permit you do use thc content. It doesn't matter that you say you don't "intend" because all you've done is offer proof that you know you don't have rights and you're posting anyways. Also, people should understand, merely being not for profit does not allow you to post content you don't have rights to on youtube. There is a fair use exception for criticism but that doesn't mean you can post entire vidoes or music videos w/o actual critical analysis of the videos. And even if you do the amount of the underlying media you can use is only the amount needed to do your analysis. Everyone knows people are gonna keep posting content they don't own. Whatever. But honestly, don't waste time with these disclaimers. They in no way help you. You're better off simply not wasting time posting that stuff and just post a you're video and a description (or no description) and hope you don't get a takedown notice. 5/09/13 1:20pm

you, a car with "no traffic violations intended" written on the side moving at 90mph in a residential neighborhood, or a best friend saying "no offense" as he calls you fat.

It's just really strange to me that people think they can change reality by relabeling it, that just by saying they're not doing anything wrong that makes it not wrong. I expect that thinking out of four year old, who are literally still learning the difference between imagination, desire, and reality, but it's absolutely insane that there are adults who do this. 5/08/13 9:13am

LeBronJamesEarlJones U   1 1   L

like saying "with all due respect" then saying whatever you want
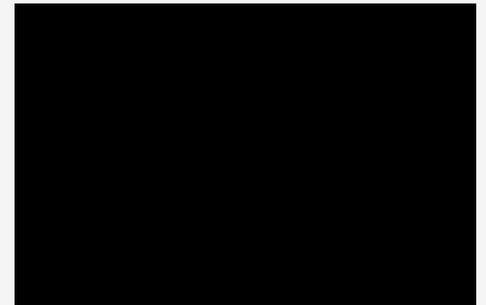
5/08/13 10:18am

A new Kinja experience is coming soon! Preview the update »   X

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RSS   Jobs