

Questions & Answers

Does privacy legislation apply to Facebook?

A friend of mine has posted pictures of my children, family, friends, etc. taken at various social gatherings. My friend did not ask our permission to post these photos and although the site is not malicious in any way, we do not want our pictures on the internet.

We have asked our friend to remove the pictures (not the site) and they have refused. We feel that our privacy has been invaded by allowing our pictures to be accessible on the internet without our permission. What can we do?

Alberta has three access and privacy laws: the Freedom of Information and Protection of Privacy (FOIP) Act, the Health Information Act (HIA) and the Personal Information Protection Act (PIPA).

However, the FOIP Act, HIA and PIPA do not apply to individuals in their private lives. Therefore, the posting of information on Facebook by individuals for personal purposes is not subject to these laws and the Commissioner has no authority to review these matters. If your friend refuses to remove the information as you requested, you may need to seek legal advice as to what options are available to resolve such issues.

The Privacy Commissioner of Canada posted the following information on their website to address the concerns and issues individuals may have regarding social networking sites.

Chatting, texting, blogging and spending time on sites like Facebook and MySpace are part of everyday life for millions of people.

Most of us post information about ourselves to stay in touch with friends. We think about our personal sites as private, when in reality, many of them can be seen by friends, employers, university officials, and even parents. Our information may be seen and used by someone we don't even know.

What can you do to protect yourself and to avoid embarrassment?

Never expect absolute privacy. Know what you're getting into by reading the privacy statement and policies. Many sites allow all registered users to view all the information you post on your site with no exceptions.

Before you join a site and post your profile, find out if you can join a closed network, where only those with an email address from your school can register, for example. Find out if the site allows others to see your profile without your consent.

Choose the highest and most restrictive security setting available and do not give out information like your birthday, full name, phone number, Social Insurance Number or address.

Take a second to think about what you're posting about yourself and your friends. Is it something you would post if your professor, boss, kid sister or arch rival was standing right behind you? Even though we tend to think about our personal sites as private, in reality, many can be seen by just about anyone. Is there information about you that is embarrassing or that fraudsters could use? Remember that what you post could be online forever.

Keep in mind that even sites with extensive privacy options may be required to make your personal information available to certain authorized persons, including law enforcement agencies. Actually, you might want to remember to call your parents regularly before they resort to checking your Facebook page for updates.

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From the Office of the Privacy Commissioner of Canada