



## INVASION OF PRIVACY

### Answers

© 2006 Student Press Law Center

*Right to reproduce for classroom use with attribution to "Student Press Law Center" granted*

1. False. Journalists are required to obey the law just like everyone else and do not have special license to sneak or trespass into private areas when gathering the news.
2. False. Publishing information about an individual that invades his or her legal right to privacy is not excused just because the information is accurate. This is one of the key differences between an invasion of privacy claim and a libel claim.
3. True. The U.S. Supreme Court has ruled that the First Amendment protects the right of news media to accurately report news concerning minors.
4. True. Newsworthiness is a key defense to many invasion of privacy claims. If you can show that the public has a bona fide interest in knowing about the topic of your story — beyond mere curiosity — you cannot be successfully sued for invasion of privacy based on the public disclosure of a private and embarrassing fact.
5. True. As a general rule, photographs taken from a public space that record images that could be seen by the naked eye are fair game. The subjects of such photographs have no "reasonable expectation of privacy" in such public settings. Of course, just because you *can* legally publish a photo doesn't necessarily mean you *should*.
6. False. Courts have generally recognized that it is a minor's ability to provide informed consent (that is, they understand what they are consenting to and the consequences of providing such consent) that is key rather than simply their age. A mature 16-year-old student could probably give valid consent even if parental consent is lacking or denied.
7. True. Obtaining a signed consent form from anyone that appears in a commercial advertisement or promotion should be standard practice. If the model is a minor, it is usually wise to have the minor's parent or guardian sign as well.
8. False. A false light invasion of privacy occurs when an individual is unflatteringly portrayed — in words or pictures — as something that he or she is not. While lumped

together with other invasion of privacy suits, it is really more like a libel claim in that both involve complaints based on a false report.

9. True. They are: (1) Public Disclosure of Private and Embarrassing Facts, (2) Intrusion, (3) False Light and (4) Misappropriation. Some states do not recognize all four of these claims.

10. False. There is no law that provides for a blanket ban on the publication of a minor student's name or photograph in either print or online media that is edited and published by students.

*"Test Your Knowledge of Student Press Law" was made possible by a generous grant from the Newspaper Association of America Foundation ([www.naa.org](http://www.naa.org)).*

