

Hamilton County LAW LIBRARY NEWS

Professional legal information, services, and education

February 2015

How to Remove Private or Embarrassing Photos from Facebook, Twitter and Instagram

By Whitney Gibson of Vorys, Sater, Seymour and Pease LLP.*

People today love sharing photographs of themselves and their whereabouts. And today's technology makes it so easy. While there are numerous websites and apps that make this possible, among the most popular are Facebook, Twitter and Instagram. This trio ranks second, eighth, and twenty-fourth, respectively on Alexa.com's rankings of top websites in the United States.

Of course, the combination of modern technology and people's obsession with photo sharing has made it so easy for anyone to also share a private or embarrassing photo of someone else online. Even if the poster is not truly influential online, within hours – in particular on Facebook – a private or embarrassing photo can be seen by hundreds of eyeballs. And, the more racy the photo is, the more likely it is to spread.

In the event that a friend has innocently posted an embarrassing

photo, the subject of the photo can typically ask them to remove it and little harm will have been done. On the other hand, if someone has posted a photo with the intent to harm someone else (such as a former significant other), such a photo will likely be more difficult to remove from the internet.

Mainstream websites such as the aforementioned Facebook, Twitter and Instagram have well-developed mechanisms for users to report and potentially have the websites remove these photos. And these companies are consistently attempting to update their policies and tools in order to best satisfy users and keep up with the new and evolving ways people are being harmed through social media. In fact, on Dec. 2, Twitter announced

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Hamilton County Law Library

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Open Monday-Friday 8 - 4

<http://lawlibrary.hamilton-co.org>

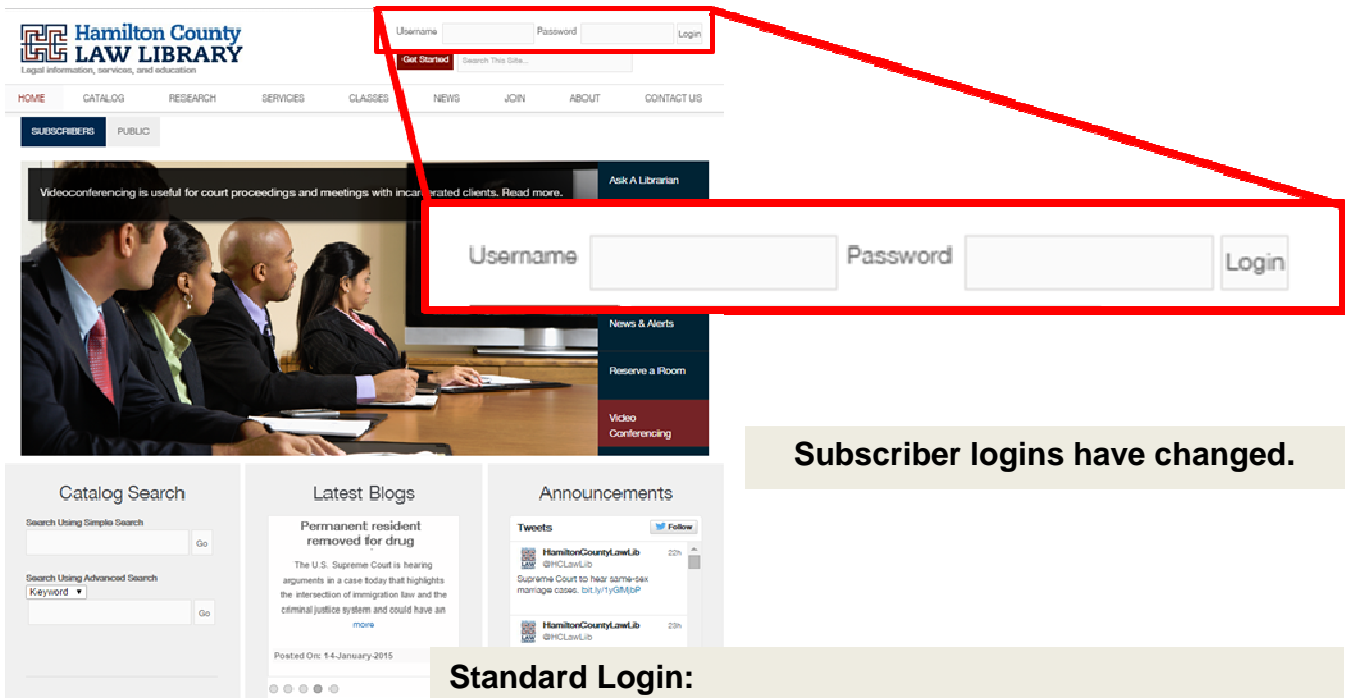
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Tech Tip: New Website Offers More Efficient Login!

By Julie Koehne, Assistant Law Librarian, Systems

The Law Library’s new website offers a more efficient login procedure for 24/7 access to our legal information databases.

Go to <http://lawlibrary.hamilton-co.org>



Subscriber logins have changed.

Standard Login:

The user name is lastnamefirstname (like smithjoseph) but the password is unchanged; it's your library borrower number.

Exceptions:

If you have a last name with an apostrophe or a space, we've eliminated that character, but if your last name includes a hyphen, use that character.

Usernames are **NOT** case sensitive

Examples:

Name	Username	Explanation
Julie Koehne	KoehneJulie	standard
Julie Berlage Koehne	KoehneJulie	remove space in lastname
Julie Von Koehne	VonKoehneJulie	remove space in lastname
Julie O'Koehne	OKoehneJulie	remove apostrophe in lastname
J. Ann Koehne	KoehneAnn	eliminate first initial
Julie Berlage-Koehne	Berlage-Koehne	keep hyphen in lastname with NO firstname

Call us with any questions: 513.946.5300. We can modify user names if needed.

Upcoming CLEs

Free to subscribers; \$50 for non-subscribers
To register, call 513.946.5300, email reference@cms.hamilton-co.org, or register via the website <http://lawlibrary.hamiltoncountyohio.gov/classes/cle/>

What's New with WestlawNext CLE

Presenter: Susan Reale
Wednesday, February 18
Noon-1pm
Approved for 1.0 hour of general CLE credit in Ohio

Mobile Device Charging Stations

We've placed mobile device charging stations in the computer room and the main room for the convenience of library users. No need to carry chargers with you! The charging stations work well with mobile phones, tablets, e-readers, and laptops. You will find multiple charging tips; just pick the one that fits your device. There are universal electrical outlets and USB ports.

Please do not leave your mobile devices unattended while charging. Library staff are not responsible for the theft or loss of personal belongings, including mobile devices. We have confidence in these stations, but we don't assume responsibility for damage, so your use of the stations implies your acceptance of risk. Please see a staff member for more information about the charging stations.

Passing of Long-Time Library Director

We regret to inform library patrons and friends of the death of Carol Elaine Meyer-Keener, Law Librarian and head administrator of the Cincinnati Law Library Association for nearly thirty years. Carol passed away on December 18, 2014. She saw the Law Library through many changes before her retirement in 1995 including renovations to the library's space and the emergence of electronic resources.

Carol served the Ohio Regional Association of Law Libraries, the OSBA's Law Libraries Committee, and other groups, in addition to heading the Law Library. Carol was a graduate of the University of Florida (B.A.) and the University of Illinois (M.S.L.S.) Earlier positions included cataloger at Marx Law Library, University of Cincinnati, and reference librarian at the Public Library of Cincinnati and Hamilton County. Carol authored *A History of the Cincinnati Law Library Association* (1972) and wrote for several local, regional, and national law library publications. The legal community will remember Carol's enthusiasm and congeniality as well as her service to many organizations. Carol's [Cincinnati Enquirer obituary](#) provides additional information.

A celebration of her life was held on Sunday, January 11, 2015 at the Montgomery Inn. The family requests memorial donations to [The Library Foundation](#) in support of the St. Bernard Branch.

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and began to roll out enhancements to its harassment reporting mechanisms.

Facebook

In the case of Facebook, again, the removal of a photo may be as simple as asking a friend to remove it. Untagging one's self does little to help a Facebook user for anything greater than a less-than-flattering photo, as it will remain on Facebook regardless. When a photo is posted by someone intending to publicly humiliate the subject of the photo, he or she should likely report the photo/notify Facebook.

Facebook users can anonymously report photos that conflict with Facebook's Terms of Service or Statement of Rights and Responsibilities. For instance, Facebook prohibits posting content that "infringes or violates someone else's rights or otherwise violates the law." Like with anything else, there is no guarantee Facebook will remove a photo will be removed.

To actually report a photo via Facebook.com, the user should access the photo, hover his or her cursor over it and select: 1) Options; 2) Report Photo; and 3) "I think it shouldn't be on Facebook." On the mobile app, the person can press the ellipsis symbol ("..."), select "I don't like this photo" and select "I think it shouldn't be on Facebook."

Alternatively, photo subjects can turn to Facebook's "Report a Violation of the Facebook Terms" page (which also addresses dealing with others' threats to share private photos). Meanwhile, if the photo is a selfie,

the subject of the photo/photographer may have a copyright claim, which is discussed generally in this blog post. Moreover, Facebook also allows users to submit infringement complaints through the website.

Instagram

Instagram, which is specifically a photo-sharing platform, prohibits nudity and other mature content and offers "built-in reporting features" for inappropriate photos and other content that conflicts with its Community Guidelines or Terms of Use.

To report an Instagram post from the computer, an Instagram user should similarly click the ellipsis icon below the post and select "Report Inappropriate" (specific bullying/harassing users can also be reported). Similarly, a mobile app user can tap the ellipsis icon, select "Report Inappropriate" and then choose from a list of options why they are reporting the particular post.

Again, Instagram will have the ultimate say in terms of whether a photo will be removed. However, if an image clearly violates Instagram's Guidelines or Terms, it is likely that Instagram will comply. Instagram also has its own reporting mechanisms and policies regarding potential copyright infringement.

Twitter

Similar to other websites, Twitter users' best bet, to the extent possible, is to report and/or to persuade Twitter to remove a photo that violates its Terms. Twitter allows subjects of abusive or harassing behavior (and their attorneys, parents, etc.) to report information such as the posting of a private photograph. This includes both photos taken of

the person or selfies, the latter category again invoking potential copyright issues (Twitter also has an online copyright violation form).

Like with Instagram (and the Facebook mobile app), a Twitter user can click or tap an ellipsis icon and then select “Block or report.” This involves potentially reporting an “abusive” image or indicating that the other Twitter user is being harassing (such as by posting private information).

Other strategies

In extreme circumstances (or if the above methods are unsuccessful), it may be necessary to involve legal counsel. In most cases, the subject of the private or embarrassing photo will personally know the poster of the photo. In this event, the subject’s attorney can potentially issue a cease and desist letter. Alternatively, an attorney can contact the entity (i.e. Facebook, Twitter or Instagram) and make a case for why the content, in light of a terms violation, should be removed. And in some extreme situations (such as dealing with private nude photos), it may be necessary to take more serious actions, such as pursuing copyright takedowns or even – when possible – criminal charges.

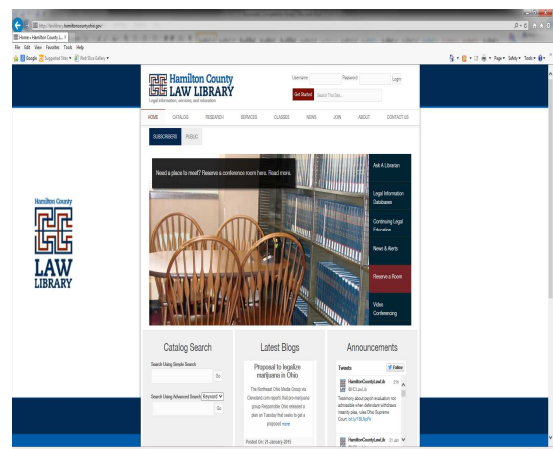
Many states have begun criminalizing revenge porn, including California, which passed a new law in October 2013. On December 1, 2014, a Los Angeles man became the first person convicted under this law after he posted a topless photo of his former girlfriend to her employer’s Facebook page. After a jury found him guilty for violating this statute and a restraining order, he was sentenced to a year in jail and three years probation.

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For more information, contact Whitney Gibson at 855.542.9192 or wcgibson@vorys.com. Read more about the practice at <http://www.defamationremovalattorneys.com> and follow @WhitneyCGibson on Twitter

New Website

In case you missed the early January announcement, the Law Library’s new website is available for your use, replacing the former site fully now. The new web address is lawlibrary.hamilton-co.org. The website sports a modern, clean look and new features including self-registration for classes and room reservations. Typically, the subscriber login is lastnamefirstname and the password is the library borrower number. Room reservations and the databases like Fastcase, HeinOnline, Aspen treatises, IntelliConnect, and EBSCO are the only items that require a login. Look under the [Research](#) tab and jurisdiction for content like Clerk of Courts forms and other publicly available webpages. Please [ask a librarian](#) any questions about the site.



Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive electronic databases from the Law Library, including LexisNexis, Shepards', Westlaw, IntelliConnect, Hein Online Law Journals and Federal Register, and over 70 Aspen /LOISLaw treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom videoconferencing

Five meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

Inexpensive CLE seminars throughout the year, on legal research and substantive Topics

Bi-Weekly news updates in various practice areas

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/ LOISLaw treatises, HeinOnline and IntelliConnect.

You and the Legal System: Personal Injury/Auto Accidents

Attorney Tom Pugh is our next speaker in the *You and the Legal System* series for the public. Mr. Pugh will discuss personal injury/auto accidents on Friday, February 20 at noon in the Law Library.

The program is free to the public. To register, call 513.946.5300 or register via our website at <http://lawlibrary.hamiltoncountyohio.gov/classes/you-and-the-legal-system/>

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact Laura Dixon-Caldwell at 513.946.5300.

You and the Legal System is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service. Save the date for the next event in the *You and the Legal System* series. Attorneys Tammy Stickley and Nick Zingarelli will discuss Bankruptcy on Friday, March 20 at noon in the Law Library.



Securities Resources on CCH Intelliconnect

Law Library subscribers* have remote access to CCH databases on a variety of subjects via our website.** Below are the Securities resources available via CCH. For more information about accessing these or any of the library's remote databases, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300

Securities (State):

Blue Sky Law Desk Reference Report Letters
Blue Sky Report Letters
NASAA Report Letters
NASAA Tracker Daily
NASAA Tracker Archive
Securities Transfer Guide Report Letters
Blue Sky Law Desk Reference
Blue Sky Law Reporter
Blue Sky Smart Charts - Compare Jurisdictions
NASAA Reports - Policy statements, forms, surveys, comment letters,...
Securities Transfer Guide
Uniform Securities Acts
Indexes & Tables

Securities (Federal):

Securities Regulation Daily
Compliance 360
Dodd-Frank News Center
Federal Securities Law Reporter - Report Letters
Federal Securities Laws, Regulations and Forms - Report Letters
Financial Services News
Hedge Funds and Private Equity: Risk Management and Regulatory Update

Jim Hamilton's World of Securities Regulation Blog
International Securities and Financial Reporting Update
International Securities Outlook Archive
SEC Accounting Rules Report Letters
SEC Tracker Daily
White Papers and Memos - Federal Securities
Dodd-Frank Wall Street Reform and Consumer Protection Act: Law, Explanation and Analysis (July 2010)
Federal Securities Law Reporter
Federal Securities Law Reporter - Transfer Binders (1993 - 2001)
Federal Securities Cases Archive - Selected cases (1941 - 1993)
Federal Securities Laws and Regulations
Jumpstart Our Business Startups Act: Law, Explanation and Analysis (April...
Sarbanes-Oxley Act of 2002: Law & Explanation (July 2002)
SEC Accounting Rules
SEC Compliance and Disclosure Interpretations
SEC Enforcement Actions
SEC No-Action Letters
SEC Releases and Other Materials
SEC Staff Comment Letters
Securities Topic Navigator - Search by Topic
Indexes & Tables

*Remote access is available to subscribers who are solos or firm attorneys whose entire firm has a subscription to the Law Library.

**See the Tech Tip on page 2 for login instructions for the library's new [website](#).

Upcoming Events:

February 18: WestlawNext CLE

February 20: You and the Legal System: Personal Injury/Auto Accidents

Law Library Holidays:

The Law Library will be closed on Monday, February 16 in observance of Presidents' Day.



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ADDRESS CORRECTION REQUESTED

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