

# Should We Regulate “Social Media” & “Mobile Media”?

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# Exceptionalism

How do “social media” and “mobile media” differ from other online media?

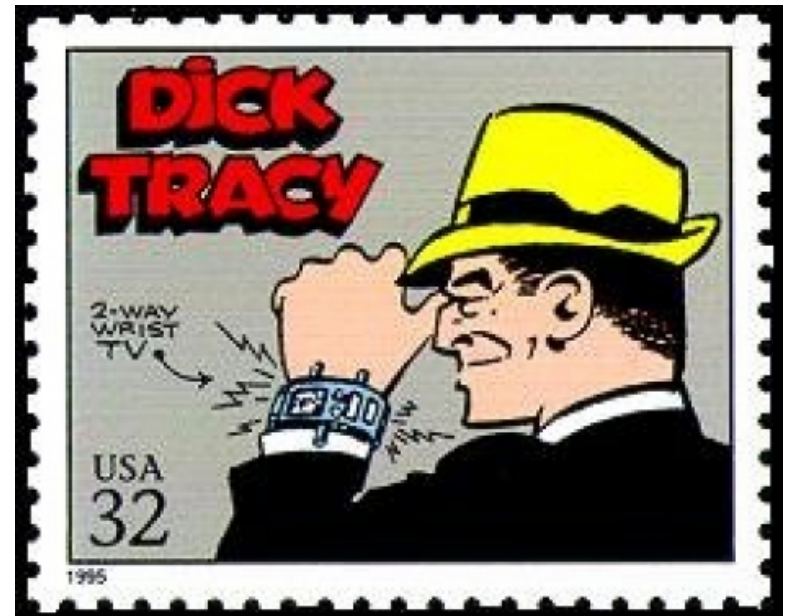
# Social Media Definition

Cal. Labor Code §980: “social media” means **an electronic service or account, or electronic content**, including, but not limited to, videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet Web site profiles or locations

# Mobile Media Definition

Joffe v. Acacia Mortgage Corp., 211 Ariz. 325 (Ariz. Ct. App. Sept. 20, 2005): “The TCPA’s provisions at issue here apply to any type of call, voice or text”

# Mobile Media Definition



# Mobile Media Definition



# Head-Scratchers

- Privacy Policies
  - 2003: Cal B&P 22575 = websites must have a privacy policy
  - 2008: [Hoofnagle & King](#): “California consumers overvalue the mere fact that a website has a privacy policy, and assume that websites carrying the label have strong, default rules to protect personal data”
  - 2012: CA AG Kamala Harris enforces 22575
- Protecting Kids’ Privacy
  - 2001: COPPA
  - 2007-08: State AG agreements with Facebook/MySpace
  - 2011: [danah boyd](#): “Not only are kids lying about their age, but more often than not, parents teach them to lie about their age”
  - 2012: COPPA amendments

# Observations

- If you can't define it, you can't regulate it
- Technology-siloed regulation ages poorly
- Regulation of emerging technology = social experiment
  - Follow the scientific method!