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

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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

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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!