

Defamation & Right to Privacy

Media Law & Ethics

TODAY

We will understand the difference between libel and slander, the burden of proof for libel, and four rights to privacy journalists need to know.

I will analyze scenarios and determine if the journalist would lose or successfully defend themselves in a lawsuit.

ON YOUR OWN

What should you do in this situation? Are you breaking a law? What happens if you don't comply with the request?

You are shooting a football game for the yearbook and the star quarterback's leg is snapped by a surprise tackle. You get photos until an assistant principal gets in your way and tells you to stop because you are exposing private health information about the player.

ON YOUR OWN

What should you do in this situation? Are you breaking a law? What happens if you don't comply with the request?

You should tell the AP that a football game is a public space and that there is no right to privacy when it happens in a public event. In addition, the health privacy law (HIPPA) only applies to government and medical professionals, not the media when they obtain it legally.

However, the AP may still kick the photographer out of that game (even if it is illegal) or confiscate the camera (also illegal). It would be wise to comply if the AP refuses to move and get help from your adviser or SPLC later on.

YOU SHOULD HAVE LEARNED

1. **Libel is written; slander is spoken; both are lies.**
2. *Burden of proof is on the person suing to show it was: false, published, identified them, harmed them, and was the media's fault.*
3. **Minors can agree to be interviewed without parent permission if they give informed consent.**
4. **Right to privacy is not in the Constitution, but set by courts and other laws at federal and state levels.**
5. *Four common privacy violations: publication of embarrassing facts, false light, intrusion into seclusion, and misappropriation.*

EXIT TICKET

What should you do in this situation? Are you breaking a law? What happens if you don't comply with the request?

A reporter records an interview with permission from a senior. The senior tells the reporter about her morning routine for a yearbook spread including that they sleep naked. The reporter publishes it in the yearbook. The senior sues, claiming an invasion of privacy.

EXIT TICKET

What should you do in this situation? Are you breaking a law? What happens if you don't comply with the request?

The reporter would win. Any right to privacy violation is null and void if the person told the reporter on the record.

That doesn't mean the reporter **SHOULD** publish the information; just that they can if they needed to.