

Electronic Communication and Social Media –
the New Frontiers

“There’s (Quite Probably) an App for That”
...Or a Professional Advisory

Wiki

Friend Request

Comment Tweet

Upload Text Mobile
Blog Subject Line

Status

E-mail

Subject Pos

SMS

Ontario
College of
Teachers
CAPSLE 2011



Source: "2010 Social Networking Map," <http://www.flowtown.com/blog/the-2010-social-networking-map>.

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Overview

The proliferation of social media and electronic communication in the past few years has compelled individuals, groups and organizations in all domains to consider their use and impact. Education is no exception. In this paper, we will provide a discussion of what social media and electronic communications are and how they are used as well as the general benefits and disadvantages associated with these forms of communication, with a specific focus on privacy implications. We will then turn our attention to how educators are using electronic communication and social media sites to communicate and why they may face particular problems. We will highlight the reasons the Ontario College of Teachers developed a professional advisory to guide teachers and provide an overview of its contents.

What the Ontario College of Teachers is

It is important to understand the mandate and role of the Ontario College of Teachers (the College) as a self-regulatory body in order to appreciate the College’s advice to members regarding the use of social media and electronic communication.

The College is charged with the responsibility to license, govern and regulate the teaching profession in Ontario. It was established in May 1997 following the recommendation of the Royal Commission on Learning for increased public accountability and improved quality and co-ordination of pre-service and in-service teacher education programs.¹ The College’s powers and duties are contained within its enabling legislation, the *Ontario College of Teachers Act* (the Act),² the regulations under that Act and its bylaws. In carrying out these duties, the College has an overriding statutory duty to serve and protect the public interest.³

The College is the largest regulatory body in Ontario and Canada, and currently has over 230,000 members who are licensed and eligible to teach in Ontario’s publicly funded elementary and secondary schools.

The College has previously issued two professional advisories (*Professional Advisory on Sexual Abuse and Professional Misconduct* and *Professional Advisory on Additional Qualifications⁴ and Extending Professional Knowledge*),⁵ and has developed a third advisory on the appropriate use of electronic communication and social media: *Professional Advisory on the Use of Electronic Communication and Social Media*.⁶

Social Media and Electronic Communication – Here Today and Gone Tomorrow or Here to Stay?

The rapid⁷ proliferation of social media sites and means of electronic communication⁸ has had a profound effect on society. There are very few aspects of society that are untouched by technological advances in this area – advances that seem to be limited only by an inventor’s imagination (and whatever funding and effort are required to get a site up and running or to develop new software and applications). When we refer to electronic communication and social media, we mean software, applications (including those running on mobile devices), e-mail and websites, which enable users to interact, create and exchange information online.

The speed with which these sites, software and applications are created means that what was once, “That’s so last year”, has become “that’s so five seconds ago.” In terms of their popularity, it’s less of a tide and more like a world-wide tsunami in force.

This phenomenon is so much more than a simple exchange of e-mail. Electronic communication and social media have had a significant impact on, and irrevocably changed, how people participate in society, interact and communicate with one another – whether for social, commercial, employment, political, formal intergovernmental diplomacy, entertainment, archival and historical, medical, artistic, cultural, international, national or local news, religious, educational, legal, law enforcement or investigation, medical, sports, charitable or philanthropic purposes⁹ – in unique ways.

What about “Apps” or application software that can be downloaded onto devices such as computers, iPads, smart phones or iPods? They are described by Wikipedia as having been “designed to help the user to perform singular or multiple related specific tasks. It helps to solve problems in the real world.” This is an understatement to say the least!

It is difficult to estimate exactly how many apps exist. One source put the number over an estimated 100,000 apps in 2009,¹⁰ and Apple estimates that it is approaching its 10-billionth App Store download.¹¹ Apps, whether from Apple or elsewhere, range from the inventive (any of the scheduling apps, the how-to-locate-your-vehicle-in-a-parking-lot app, the app that functions as a *quasi*-stethoscope); the how-to-pass-the-time-on-a-long-commute variety (Sudokus, crossword puzzles, ping pong, and bubble wrap popping, complete with that satisfying sound) to the odd but possibly useful in some circumstances (how-to-dodge-parking-fines, how-to-avoid-sending-e-mails-while-inebriated, how-to-write-love-poetry); and those of questionable value, except perhaps to anyone who likes “bathroom humour” (flatulence-related apps, of which there are at least 50).¹²

Quite recently, a free mobile phone application was developed by an international security consultancy firm for the purpose of identifying potential pedophiles – adults posing as children on social media sites – a need for which was ironically generated by the widespread use and popularity of social media.¹³ In a related vein, a new app called the SafetyNet Mobile was recently developed. It allows police to check for criminal records simply by pointing an iPhone’s camera at a location and using the GPS function to retrieve the address, any law enforcement history or other important information, all within seconds of receiving a 911 call.¹⁴

Finally, apps are not limited to social media butterflies. An “anti-social” app, currently in the development phase, would allow those of us who hate to line up (or who simply like to keep our distance from other people) to determine when there is less likely to be a line-up at a particular location or for a particular service.¹⁵ The developer concedes, however, that at this stage of development it might be faster “to phone ...and ask a human”.¹⁶

With an estimated two billion Internet users by the end of 2010,¹⁷ it is unlikely that the popularity of electronic communication and social media can be dismissed as just a “fad.” Even the Queen, the last word in genteel sensibilities, has her own channel on YouTube,¹⁸ and Buckingham Palace has a Twitter account.¹⁹ For those who are royal wedding watchers, you now have an “official” site to visit.²⁰

Pope Benedict XVI has not only embraced social media, but has encouraged “Christians... to join the network of relationships which the digital era has made possible”, and has invited “young people above all to make good use of their presence in the digital world”.²¹ In fact, there is an app for that. Little iApps, a South Bend, Indiana firm, has developed an iPhone confession app, which is “designed to be used in the confessional” and to encourage those who have been away from the Church to re-engage with their religion.²²

Of course not everyone has embraced social media with enthusiasm. A recent survey indicated that 34 per cent of those surveyed could be described as “hardcore...skeptics” about the power of social media and electronic communication, and felt that business-oriented social networks would never “be a significant method of reaching customers”.²³ In a recent hearing concerning privacy matters before the U.S. Supreme Court, the justices were puzzling over the role of text-messaging. The Chief Justice offered this comment: “I thought, you know, you push a button; it goes right to the other thing.” To which Mr. Justice Scalia replied, “You mean it doesn’t go right to the other thing?”²⁴ Mr. Justice Breyer (an associate justice with the U.S. Supreme Court) dryly observed of the court, during a speech at Vanderbilt Law School, “It’s quite clear, we don’t have a Facebook page,”²⁵ which really is another way of saying that the court hasn’t found the on-ramp to the Internet highway. In this, they are quite alone (or at least in a very small group).

The numbers tell the story – dollars and demographics

Skeptics notwithstanding, social media sites are “big business”. The numbers (in terms of both revenue and users) speak volumes. Facebook, established in early 2004, claims to have more than 500 million active users (or one person in every 14 in the world), and estimated that its 2009 revenue was US\$800 million. Revenue for ads alone for 2010 was reported to be \$1.86 billion, and is projected to reach \$4.05 billion in 2011.²⁶ Its worth was recently valued at \$59.4 billion.²⁷

MySpace, launched in 2003, was the most popular social networking website in 2006 until it was overtaken in the popularity race by Facebook in 2008. It estimated that it has 66 million users (as of June 2010). Its revenue was estimated in 2009 to be US\$385 million. Twitter, also created in 2006, has more than 100 million users throughout the world and in terms of monthly unique visitors, recently surpassed MySpace.²⁸ It was estimated in 2010 that it was exceeding 65 million daily tweets.²⁹ Its 2010 projected income is estimated at US\$150 million. Its money-making potential was not lost on others in the social media/electronic communication field. In recent media reports, Facebook and Google – the Internet search engine that is ranked first in the world and is estimated to have generated approximately \$29 billion in revenue in 2010 – were said to be considering a corporate takeover of Twitter.³⁰

Social media are clearly the way of the future insofar as business is concerned. A recent survey conducted by Léger Marketing concluded that almost 90 per cent of Canadian businesses use social media tools.³¹ Globally, a July 2010 Regus survey indicates that between half and three quarters of companies worldwide use social media for a variety of networking functions. Twenty-seven per cent of firms devote a portion of their marketing budgets to communicate with existing clients.³² The survey also revealed that a smaller number than average of “business social media skeptics” exists in Canada. Given that in the next five years, more than half of the work force may be comprised of the Millennial Generation,³³ the generation that eats technology for breakfast, the rate at which businesses rely on social media will likely only increase.³⁴

Where was all this statistical background information found? From the respective sites themselves, assorted surveys, and, of course, through Wikipedia³⁵ – another social media format – the free, multilingual, online encyclopedia created in 2001, and a prime example of the collaborative aspect of social media. It’s a site to which anyone with access to the Internet can contribute articles and even edit them, with some restrictions.³⁶ [It is also the bane of many teachers’ existence, when their students turn to Wikipedia as their exclusive source of information in order to research class projects.] There are 3,572,987 articles in English.³⁷ There are more than 91,000 contributors, more than 17,000,000 articles in more than 270 languages.³⁸ The topics range from the mundane to the arcane,³⁹ from the oddly useful⁴⁰ to the just odd.⁴¹ As of January 2010, the site had almost 78 million visitors monthly.

Insofar as Canada is concerned, a research market survey estimated that by the end of 2010, 15.1 million Internet users in Canada will have visited social networking sites at least monthly (which was up from 13.6 million in 2009). The same source estimated that by 2014, at least 18.4 million Canadians will have visited these sites at least once a month.⁴² As is the case in the US, Facebook is the favourite social networking site,⁴³ and Twitter sits at third place, as indicated by unique monthly visitors.⁴⁴ Insofar as general Internet use is concerned, it was estimated that in 2010, 24.1 million Canadians used the Internet (or 70.9 per cent of the population).⁴⁵ By 2013, it has been estimated that almost 75 per cent of Canada's population would use the Internet.⁴⁶

According to Statistics Canada, age predicts Internet use, even when factors such as level of education and household income are taken into account. In 2007, 94 per cent of those in the 15- to 24-years-of-age category used the Internet. Among those aged 45 to 54, 85 per cent were users, as were 70 per cent of those aged 55 to 64. Those over 65 years of age were significantly less likely to use the Internet: rates of use were 45 per cent for those aged 65 to 74 and only 21 per cent for those 75 and over. Internet use has increased overall for all age groups since 2000.⁴⁷

College membership statistics also show that Internet use is on the rise. In its annual 2010 survey of College members, the College asked a number of social media-related questions – how much time members spend using social media, what they use it for, what sites they visit and whether they thought the College should use social media sites.⁴⁸ The results were not surprising. Those with access to a computer at home estimated that they spend 8.3 hours a week on average searching the Internet. Almost 40 (38.9) per cent of respondents indicated that they used their own computer at home several times a day. Those with access to classroom computers use them 5.1 hours per week. As to why members use the Internet – mainly for professional help. Members report spending 4.8 hours a week doing online research in connection with their work. They also spend 3.7 hours weekly looking for classroom resources, 3.5 hours a week finding lesson plans, 3.4 hours each week staying current on education trends, 2.8 hours per week networking with other professionals, 2.1 hours a week managing a class or school web site and 1.3 hours weekly blogging about the teaching profession.

Many members get the news electronically, and report scanning the Web for 3.3 to 3.5 hours a week to read newspaper web sites and other sources of news and current affairs. Forty-eight per cent said that they spent up to an hour a week reading newspaper web sites online. Fifty-two per cent use the Internet to access other sources of news or current affairs. Almost two-thirds (63.5 per cent) read a newspaper online for any amount of time and 38.3 per cent read a newspaper for an hour or less. Almost 72 (71.7) per cent use the Internet to access other sources of news or current affairs. Clearly, professional interests are more important than recreational pursuits in terms of weekly online activity. Respondents use Facebook an average of 3.6 hours a week as compared to 2.5 hours on YouTube, 1.2 hours on Twitter and 1.1 hours on MySpace.⁴⁹

What are school-aged children doing? Many of them are what researchers in the social media field describe as “digital natives” – “those who grow up immersed in digital

technologies, for whom a life fully integrated with digital devices is the norm.”⁵⁰ One study estimated that by the time many children are two years of age, they will have an online presence,⁵¹ and will likely be completely conversant with technological gadgets.⁵² According to a poll cited by the Privacy Commissioner of Canada, 83 per cent of 13- to 17-year-olds and 74 per cent of 18- to 29-year-olds have visited at least one social networking site.⁵³ Another recent survey of almost 200 teens indicated that the typical teen texts 200 times a day, and more than half sleep with their phones.⁵⁴

Interestingly, however, according to a recent survey of over 2,600 teens by the Ontario Student Trustees’ Association, while students use cellphones to “text or communicate with friends,” 72 per cent of those surveyed don’t want “cellphones to be part of their classroom learning.”⁵⁵ Presumably, however, other forms of social media and electronic communication would be acceptable.

A survey of 2,445 children in the UK aged five to 16 found that 62 per cent have their own computer, and almost half (46 per cent) have Internet access in their own room. Roughly two-thirds of those surveyed are online almost daily, and in total, children in the UK spent 13 million hours on web site daily. Children use their mobile phones and game consoles to get access to the Internet. Seventy per cent of children aged five to 16 have their own mobile phone, and 97 per cent have one from the age of 11. The study also indicated that a large percentage of children surveyed spent time on social networking sites. Thirty-six per cent of seven- to 10-year-olds were on Facebook during the week prior to the survey. For those in the 11- to 12-year-old and 13- to 16-year-old categories, this figure was 71 per cent and 85 per cent, respectively.⁵⁶

If the numbers aren’t convincing, consider this: Social media have not only introduced an entirely new short-form lexicon (in which “friend” is a verb) used world-wide,⁵⁷ social media sites themselves are new words, and have been given the stamp of approval by the *Oxford English Dictionary*. For instance, the OED declared “Google” to be a verb.⁵⁸ “Tweeting” has an entirely new meaning that is unrelated to the sound that birds make⁵⁹ – and, again is recognized by the OED as a legitimate social media-related word.⁶⁰ And the OED recognizes many social media acronyms: OMG (“Oh my God/goodness”) and LOL (“laugh out loud”), which are the latest to be added, and join IMHO (“in my humble opinion”) and TMI (“too much information”).⁶¹

Why are so many people of all ages and walks of life using social media and electronic communication as an integral part of their lives? Their popularity may be explained, at least in part, by the ease with which they can be used. There is no requirement that one be “tech-savvy” in order to “successfully” navigate social media sites or use electronic communication; they are, more or less, idiot-proof (as far as their basic use goes⁶²), which is perhaps their most compelling feature.⁶³

There aren’t generally any restrictions on who can log on to a site. Participation is, for the most part, open to all. It isn’t limited to the rich and/or educated. You need neither immense wealth nor multiple (or any) university degrees to participate in a group discussion or comment on an article that you’ve read in a newspaper – you need only

come to a chat room armed with a computer, a Blackberry or some other similar device, Internet service, and an opinion that you're willing to share. The ability to spell and an even basic grasp of grammar is entirely optional, given the new social media lexicon.⁶⁴ Further, there are so many uses to which social media can be put and/or adapted that it is the electronic equivalent of a smorgasbord-esque dessert table. There is, literally, something for everyone (and their pet).⁶⁵ One might be justified in asking whether there is anything social media can't do.⁶⁶

One last number – ease of use aside, although billions have flocked to social media sites, ironically one of the largest, Facebook, doesn't score big points in terms of customer satisfaction. A 2010 survey indicates Facebook scored a rating of 64 out of a possible 100 points on the "American Customer Satisfaction Index's E-Business Report", a ranking that puts it "near airlines and cable companies". Ouch.⁶⁷

The Good, The Bad, and the Just Plain Weird

Like any technological development, electronic communication and social media have strengths and benefits (expected and sometimes, at least to some, unexpected). As well, they have downsides (both anticipated and again sometimes, at least to some, completely unforeseen). Ironically, the upsides of electronic communication and social media are often its unforeseen downsides too. And, as is often the case with new developments in anything, there are the truly bizarre with questionable value.

The Good

The benefits of electronic communication and social media are obvious, and are connected to the relative ease with which they can be used, as well as the fact that they offer an immediate and low-cost way to connect with a potentially huge number of persons worldwide.

Reach out and touch someone – "People who need people"

Friends and family can keep connected to one another, whatever the geographical distances might be, without any significant financial outlay, through sites such as Facebook, MySpace, or Twitter, or through software applications such as Skype.⁶⁸ They also allow those who live in remote areas or who can't travel for whatever reason to have immediate access to a range of activities from the mundane, such as personal banking and shopping, to the exotic – all from the comfort of home. One can be connected to other parts of the world – to the arts, to different cultures, to educational materials, to almost anything or anyone – with only a click of a mouse or the touch of a track pad. All of a sudden, it really is a small (and accessible) world.

As a means of reaching a large number of people with relatively little effort, the Internet and social media sites really are leaders – especially where the target audience is familiar with them as a means of communication. Information about issues that affect youth, such as drug and alcohol addiction, the dangers of smoking, cyber- and other forms of bullying, teen pregnancy, sexually transmitted diseases and (ironically) the dangers of social media can be effectively conveyed via social media and electronic communication to those who need most to learn about them.⁶⁹

Social media support groups, blogs and personal websites have sprung up across the Internet. They may have been created by those who can offer professional support to those who, for instance, are battling addiction or illness.⁷⁰ They may have been created by someone who is ill, as a means of updating friends and family. Blogs have been created by people who wish to chronicle the life of a gravely ill family member, again as a means of updating friends and family, but also to bring a medical condition or illness to the forefront.⁷¹

They have been instrumental in allowing those who cannot speak to find other ways to communicate. For example, one 16-year-old, Carly Fleischmann, who is autistic and has severe apraxia (a disorder which prevents her from speaking), uses her iPad and software, such as WordQ⁷² and Proloquo2Go,⁷³ to communicate.⁷⁴ She is in a gifted English class in a mainstream high school class, and with the help of technology is able to participate on Twitter and Facebook, and send e-mails to friends, family, teachers and classmates. She also has her own web site.⁷⁵ As she puts it, “Everyone has an inner voice waiting to come out.”⁷⁶ Social media and e-communication allow her voice to be heard.

As it did following the earthquake in Haiti, Google created a web page devoted to providing information about the recent devastation in Japan – through this site (“Person Finder”), those wishing to donate to various charities could do so, survivors could search for, and contact, and family members, and friends and families of those missing could look for information about their loved ones. Person Finder was created and launched 72 hours after the Haiti earthquake, within one day of the February 2010 Chile earthquake, and within three hours of the February 2011 New Zealand earthquake.⁷⁷

Social media and electronic communication may be used in other forums to connect with individuals – for instance, as an investigative tool in criminal investigations. Some police forces regularly use social media to locate victims and witnesses (especially those who are reluctant to come forward or who are unaware that they may have important information relating to a crime), to gather evidence, to generate interest in unsolved crimes, to educate the public about crime rates and provide other information on police activities, and even to recruit officers.⁷⁸

There is no doubt that social media have radically changed other aspects of the legal landscape. For example, there have been changes in what constitutes an acceptable manner of service of documents or filing of documents in court,⁷⁹ what now constitutes admissible evidence, and how journalists may report legal proceedings.⁸⁰ Some courts even offer the option of signing up for an RSS feed to be notified of new decisions, publication ban orders, or other similar developments.⁸¹ The B.C. Supreme Court recently

allowed TV and, for the first time, web cameras into the courtroom to film closing arguments in the constitutional challenge to Canada's anti-polygamy laws.⁸² Ontario's Attorney General has indicated that he is open to the possibility of cameras in courtrooms, based on the outcome of a 2007 pilot project that put cameras in courtrooms temporarily.⁸³

Others in the legal community, however, have issued cautions.⁸⁴ In a case arising out of a 2009 murder trial in Sheffield, England, *The Sun* and *The Daily Mail* newspapers published photos of the accused on the Internet. The accused was holding a gun in the photos. Both papers were charged with, and found guilty of, contempt of court. The case is thought to be the first on its kind relating to the Internet. Although the jurors had been warned not to search the Internet, the Attorney General argued that the photos had created "a substantial risk that the trial could have been 'seriously impeded or prejudiced.'" In finding the papers guilty, High Court justices, Lord Justice Moses and Mr. Justice Owen, stated: "We conclude that the nature of the photograph created a substantial risk of prejudicing any juror, who saw that photograph against the defendant"⁸⁵ Lord Moses added that "[o]nce information is published on the Internet, it is difficult if not impossible to remove it."⁸⁶ "The courts, while trusting a jury to obey a prohibition on consulting the Internet, have been concerned to meet the problem. This case demonstrates the need to recognize that instant news requires instant and effective protection for the integrity of a criminal trial."⁸⁷

When size matters

They can also be used to encourage political engagement and even cause political change. "Wiki-revolutions,"⁸⁸ such as protests, rallies, demonstrations or any other group activity where the number of participants matter. This can be illustrated by the Egyptian government's response to recent massive "Angry Friday" civil protests that were organized through social media sites – cutting cell phone service and disabling Internet connections.⁸⁹ One writer summarized the effect of social media on political upheaval: "social media has lowered the cost of revolution."⁹⁰

The Ugandan Communications Commission reportedly chose another tactic.⁹¹ It released a list of 18 words and names, which if included in a text, would trigger an immediate review of the content of the message.⁹² If the text were "deemed to be 'controversial or advanced to incite the public,'"⁹³ it would then be blocked.

They like me...they really, really like me

They can also serve as the platform for additional Guinness World records categories – again, where numbers matter.⁹⁴ Guinness currently recognizes seven records for "Facebook use", each with applicable minimum numbers — most comments on a wall post, most comments on a status update, most comments on a picture, largest group, largest fan page, most likes on a status update, and most likes on a picture.⁹⁵

Can you hear me now?

Social media can be empowering in the sense that they provide a forum for individuals who might not otherwise be able to connect with one another.⁹⁶ They can level the playing field and give those who might not otherwise be heard or participate a voice in a debate or discussion of a particular issue.

The “little guy” really can take on impersonal and uncaring corporate giants and win – again because of the sheer size of the audience. Take, for example, the recent case of Dave Carroll,⁹⁷ a Canadian musician, whose \$3,500 Taylor guitar was damaged by United Airlines baggage handlers. After spending nine months trying without success to get compensation for his damaged guitar through United Airlines’ “regular” customer relations channels, Mr. Carroll, who obviously subscribes to the “don’t get mad, get even – revenge is best served cold” school of thought, wrote a trilogy of songs, entitled “United Breaks Guitars,” produced accompanying videos and posted them on YouTube. The videos went viral, and he and his band, Sons of Maxwell, became international celebrities.

The story was covered by a host of media, including CNN, *The New York Times* and *Rolling Stone*. In December 2009, Time magazine named “United Breaks Guitars” seventh on its list of the Top 10 Viral Videos of 2009. Mr. Carroll’s approach was declared third in a list of the top 10 most influential management ideas of the millennium: “The Decade in Management Ideas: The Customer Chorus”, and became a case study in the *Harvard Business Review*.⁹⁸ Mr. Carroll received two guitars and other props for his second video from Bob Taylor, owner of Taylor Guitars.⁹⁹ And, perhaps most importantly, sales of his CD dramatically increased.

As for United Airlines? It did not come out the winner in this battle. After initially denying liability, they eventually conceded that Mr. Carroll’s response had “struck a chord” with them (possibly as a belated feeble attempt at humour or more likely, completely unintentionally). It also discovered that the old adage “no press is bad press as long as they spell your name right” no longer applied. Its stock value reportedly suffered a \$180 million drop – all over a \$3,500 custom-made guitar (to be fair, the drop may not have been entirely explained by the guitar incident, but it would also be entirely fair to say that it didn’t help.)¹⁰⁰

Entertainment tonight

Social media sites are a source of relatively inexpensive entertainment. A 2010 study by Edelman, an international public relations firm, found that 73 per cent of 18- to 24-year-olds in the US and 61 per cent of the same age group in the UK regard social media networks as a “form of entertainment.” Further, the majority of respondents in the US and UK believe that such sites “provide better value than music, gaming and television companies.”¹⁰¹

According to YouTube, people watch two billion videos a day, and every minute, 24 hours of video is uploaded to YouTube.¹⁰² And really, who could fail to be entertained by such viral¹⁰³ (and completely free-of-charge if you don't count Internet access fees) YouTube hits as “Woman falling into a shopping mall fountain while texting;”¹⁰⁴ “the unsuccessful but personable ‘I be in my studio’ contestant and her audition on America’s Got Talent for those who missed the actual show;”¹⁰⁵ the Christmas Food Court Flash Mob, Hallelujah Chorus (or any “Flash Mob” video);¹⁰⁶ the parody of the Old Spice ads (or the Old Spice ads themselves);¹⁰⁷ the ghosts in the library and “who you gonna call” video;¹⁰⁸ and the herd of Myotonic (fainting) goats, who fall over at the drop of a hat (literally).¹⁰⁹ Even an obscure debate in economics got face-time on YouTube, astonishingly with more than 1.8 million views: “‘Fear the Boom and Bust’: a Hayek vs. Keynes Rap Anthem.”¹¹⁰

Mad men

Social media can be a boon to small companies with limited marketing budgets. Social media sites offer low-cost and low-risk marketing opportunities with access to a huge (literally world-wide) market. The Regus survey indicated that small and medium-sized companies were more likely to use social media to expand business connections (34 per cent and 60 per cent respectively, as compared to 15 per cent of larger companies).¹¹¹

But the use of social media as a marketing tool is certainly not limited to small companies. Starbucks’ CEO recently released a 50-second online video in which Howard Schultz explained the thinking behind the redesigned logo.¹¹² Did he have to do this? Absolutely not. But it’s an implicit recognition of the power of social media in the corporate world and their impact on their target markets.¹¹³ Roots Canada recently announced its plans to use Facebook for its ‘pop up’ store, as a means to market its brand, and Sears Canada and Home Depot are asking customers to write product reviews – again, through social media sites.¹¹⁴ Tim Hortons is another example. It has 1.3 million “fans” on its Facebook page – those who have clicked the “like” button now have messages sent from Tim’s directly to them.¹¹⁵

The customer is always right

Social media sites are routinely monitored by some firms as a means of providing customer service. Social media might be used, for example, to gauge customers’ reaction to the level of service (or non-service) provided or to new or rebranded products. Monitoring software, some of which is free,¹¹⁶ allow companies to track any mention of their firm names, products, and services. A number of companies have even dedicated staff in “social media command centres,” whose only job is to monitor tweets, blogs, etc..., for mention (both positive and negative) of their employers and their products – something that United Airlines should consider.¹¹⁷ Clearly, these efforts were intended to improve customer service.¹¹⁸

Other businesses' uses are more unexpected – a benefit? Perhaps. A research team, led by an Indiana University Professor of informatics and computing, claims to have found a connection between the 'mood' of Twitter users and changes in the Dow Jones industrial average – based on data from 9.7 million Tweets posted by 2.7 million Twitter users between March and December 2008, the team measured users' levels of “happiness, kindness, alertness, sureness, vitality and calmness” and found that the level of calmness was an accurate predictor (87.6 per cent of the time) three to four days in advance of the changes in the closing values of the Dow Jones Industrial Average.¹¹⁹ Gone are the days of the mood ring as the predictor of mood levels.

I can see clearly now

Social media can be responsible for generating after-the-fact (i.e., forced but necessary) transparency in a number of forums – largely because of the widespread dissemination of the information and the sheer number of people who become aware of the issue and demand action. For instance, social media and electronic communications have led to criminal investigations and charges that may never have occurred but for incontrovertible evidence of wrongdoing and overwhelming public response in the form of videos taken by members of the public with camera phones and subsequently posted on social media sites.

The recent G-20 summit held in Toronto in 2010 serves to illustrate this point.¹²⁰ A protester (Adam Nobody) alleged that he had been assaulted by members of the Toronto police force and relied on video footage of his arrest that had been posted on YouTube to support his allegations. The SIU, an arm's-length agency that investigates death or serious injury involving the police, concluded that while it believed excessive force may have been used, it could not identify the officers involved, and the case was closed. The investigation was hastily reopened when other videos of Mr. Nobody's arrest emerged, and were posted on various media sites, making identification of the elusive perpetrators possible.

Another more recent and local example that received media coverage involved the Toronto Transit Commission (TTC). Three TTC employees were dismissed after videos of the drivers texting while driving a bus were taken by customers armed with smart phones and emerged on various media sites.¹²¹ Ironically, the TTC implored its riders not to take photos of its employees in mid-text, but the *Toronto Star* was only too happy to provide an address to which riders could send their photos, and the Star would then publish them.¹²²

Farther afield is the case of 23-year-old Li Qiming, a son of a deputy police chief, who, after killing a female college student in a hit-and-run accident, boasted to a crowd that he was prosecution-proof because of his father's position with the police. His statement was caught on video, posted to YouTube, and “went viral.” As one journalist concluded, “the power of the Chinese Internet and the torrent of public outrage that it carried, ultimately forced the government to prosecute the younger Li. He pled guilty to drunk driving and manslaughter while operating a motor vehicle.”¹²³

Social media have forced public organizations to re-evaluate their policies and operations. For instance, the Ottawa police force chose to review its detention policies once videos were released showing officers striking two prisoners and cutting a female detainee's clothing off.¹²⁴ The police chief conceded in an interview that, while the public may have “tremendous confidence” in the force, “they’re shaken by what they’ve seen.”¹²⁵

WikiLeaks

No discussion of the power of social media and electronic communication and their effect on society would be complete without a reference to “WikiLeaks.” WikiLeaks is what its name suggests:¹²⁶ “Wiki” is taken from the Hawaiian word for “fast” – immediacy is a common feature in all social media, and “leaks” means information that was released without authorization.¹²⁷ It is a web site (in this case, established and maintained by a non-profit organization established in 2007) which accepts “restricted or censored material of political, ethical, diplomatic or historical significance” from anonymous sources and then after an investigative and forensic analysis of that information to confirm its veracity, disseminates (or leaks) it widely using electronic communication and social media.¹²⁸

The most recent incident (but by no means the first)¹²⁹ involving WikiLeaks concerned the release of over 250,000 US embassy cables beginning on Sunday Nov. 28, 2010. WikiLeaks claimed that the documents demonstrated how the US had monitored “its allies, ... [how] the UN turned a blind eye to corruption and human rights abuses in states it supported, and how American officials described foreign leaders” in less than glowing terms.¹³⁰

After the November leak, major news media (online or in print) devoted entire sections to “WikiLeaks.” Details (published under the somewhat unfortunate moniker, “WikiLeaks Dump”) appeared on the 28th in publications including the weekly German magazine *Der Spiegel*, the French newspaper *Le Monde*, the *New York Times*, England's *Guardian* newspaper and the Spanish newspaper *El Pais*. Of course no one actually had to buy any of those publications to read about the details of the leaked documents – it was all available for free (to anyone with access to a computer, smart phone, etc.) on web sites, and by the 29th it was doubtful that anyone on the planet had not heard of WikiLeaks.

WikiLeaks led to some other developments in news reporting. The Lord Chief Justice of England and Wales recently stated that journalists could report on court proceedings in the Julian Assange bail hearing via Twitter,¹³¹ a trend that has spread to Scotland,¹³² and is something that the Canadian press had done during the Russell Williams proceedings. The judge in that case lifted a ban on the use of electronic devices by accredited media after hearing a pre-trial motion from the CBC and the *Ottawa Citizen*.¹³³ As a result, there was virtually no delay in reporting on the progress and outcome of each of these proceedings.

Has the fallout from the still-evolving “WikiLeaks” episodes been positive, negative or some combination of both? Is this an example of social media being used as forces of good or forces of evil? What happens when an organization becomes a government’s (or some other corporate entity’s) conscience and has at its disposal literally instantaneous access to a world-wide audience? At a very basic level, “damage-control” becomes a whole other ball-game when the world is watching and commenting. And depending how you view WikiLeaks, the release of documents was either a triumph for transparency¹³⁴ or, at the opposite end of the spectrum, an example of cyber-terrorism, with the effect that governments may become more secretive.¹³⁵ The sheer number of released documents has had, and will continue to have an effect on traditional journalism – specifically, how journalists gather information and how they report the news,¹³⁶ and how people get news. As one journalist put it:

It’s profoundly new and it’s a profoundly new way that our entire society and our entire culture are trying to grapple with information. You’re seeing this explosion of massive amounts of primary source data in all sorts of domains, in research, in science, on the Internet. And it’s impacting journalism as well. Journalists have to try to understand: What does it mean to get 250,000 primary source cables? How do we analyze those? How does our idea of what important information is – how does that change? What does it mean to get handed a database rather than a document? Journalists have certain ways of thinking about what information’s important. Their ability to come to terms with what a database is, is a new kind of profound challenge for journalism.¹³⁷

The “WikiLeaks” episodes (or as they have been called, “cablegate”) may even change how and when history is written.¹³⁸ It may come as no surprise to WikiLeaks’ supporters that WikiLeaks is among the nominees for a Nobel Peace Prize.¹³⁹ Those who follow Nobel Prize nominations have stated that the award would “highlight the growing role of specialist Internet sites and broad access social media in bringing about world change,” including the role played by social media sites such as Twitter and YouTube “in mobilizing people in countries with a tight grip on official media, such as Egypt where mass anti-government protests have been taking place.”¹⁴⁰

The Bad

Newton’s third law of physics, “for every action there is an equal and opposite reaction”, appears to hold true insofar as electronic communication and social media are concerned. Many of the benefits of social media and e-communication – free, accessible to all, few limits on content – are also its weaknesses. Most of the downsides are glaringly apparent – the innumerable sites and wide variety of content, all available 24/7 at no charge, can prove to be a temptation for anyone, including employees who waste time at work, surfing sites with no, or at best, questionable value to the employer or anyone else.¹⁴¹ There is a reason that Ontario drivers are forbidden from using cell phones and other means of texting while driving – they’re distracting.¹⁴² Other downsides may not be so intuitive.

The four “As” – Accuracy, Addiction, Anger and Anxiety

Accuracy – David Beckham is an 18th century Chinese goalkeeper

It’s not called the “world wide web” for no reason. Because there is so much information from so many different sources, how does one identify the trustworthy wheat-bearing sites from the less-trustworthy chaff-stuffed ones? Unless the site is a major mainstream media site or one with recognized credentials in a particular field such as an academic journal or a blog from a recognized expert, there is little, if any, “quality control” – simply put, the information available is not necessarily accurate.¹⁴³ The information may be a product of learned and scholarly research, or it may just be someone’s musings that were posted post-party in a drunken haze because it seemed like a good idea at the time. At first glance, sometimes it’s hard to tell the difference.

Wikipedia, the go-to-first site for all school-aged students with projects, essays or other school assignments, openly recognizes this particular shortcoming of its own site, and invites readers to report any errors in articles and information.¹⁴⁴ But many articles on that site can be altered by readers/editors at large – while the changes might be intended to “correct” an entry, the results are not always an improvement in accuracy. A recent Northwestern University study of 210 students and their use of Wikipedia indicated that none looked at the history or discussion pages, where information on who wrote an article or a portion of it and the date it was written or edited can be found.¹⁴⁵

Some “corrections” are done to rewrite history (and do not necessarily reflect reality). For instance, members of Dutch royalty edited out a reference to Princess Mabel’s relationship with a slain drug baron.¹⁴⁶ Other “corrections” reflect a personal bias. A user with an IP address originating from a Canadian government department “removed Wikipedia’s entire entry on homosexuality several times on July 20, 2005, and replaced it with such sentences as: ‘Homosexuality is evil’, ‘Homosexuality is wrong according to the Bible’ and ‘Homosexuals need our help and counselling.’” Edits were made from the same IP address to the same entry on homosexuality two dozen times over a one-year period (2005-2006). Edits from the same address also appeared in more than 500 other Wikipedia articles on a variety of other topics.¹⁴⁷

And some errors are intentionally introduced as a form of cyber-war of words. It has been reported, for example that a particular British foreign secretary, “makes surprise visits to Ilford instead of Iraq”, “Robbie Williams [English singer-songwriter, vocal coach and part-time actor] earns his millions eating pet hamsters”, and David Beckham was “described as a Chinese goalkeeper in the 18th century.”¹⁴⁸ Still other “updates” are purely vitriolic. The unfortunate artist, Esperanza Spalding, who beat out Justin Bieber at the 2011 Grammy awards in the “Best New Artist” category, felt the wrath of Bieber-boppers (or, as one fan put it, “true believers”). Her Wikipedia profile was edited by Justin’s enraged fans, who left messages such as “Justin Bieber deserved it. Go die in a hole. Who the heck are you anyway!” (Other messages were not quite so temperate in tone.)¹⁴⁹ The comments were removed by Wikipedia staff, but not before news of the comments spread via the Internet.¹⁵⁰

These examples illustrate the point that the content of such sites can be manipulated, altered and disseminated without the knowledge or consent of the person to whom the information relates. More to the point, they may not be accurate, may mislead (unintentionally or intentionally) or worse, may even constitute a hate crime. This holds true for personal social media sites.

Addiction – “Hooked on the Internet? Help Is a Just a Click Away”

As with many things that are freely and widely available at all times of the day or night virtually anywhere, addiction to using social media is a real possibility, also it has not yet been formally recognized in the Diagnostic and Statistical Manual of Mental Disorders (DSM) as an addiction disorder.¹⁵¹ But the term “crackberry,” coined to refer to those with Blackberries (or similar devices) who cannot bear to put them down, even during family dinner time, must have some basis in fact.¹⁵² Therapists have reported an increase in the number of clients who admit to such an addiction.¹⁵³

Addiction might also explain these cases: Sometimes the lure of social media is just too strong to ignore. Consider the Facebook-addicted crook who logged onto his Facebook page during a robbery and forgot to log off,¹⁵⁴ or the equally computer-savvy thief who updated his MySpace status mid-robbery to “On tha run for robbin a bank Love all of y’all”.¹⁵⁵ Too much of a good thing is...well...too much.

Anger (non-) management – Reach out and bash someone

While it’s true that many social media sites provide a platform for everyone to express their opinion, many provide the opportunity to do so anonymously. Anonymity is a powerful tool, and while it might provide a forum for creative thinking, it may also be a breeding ground for contempt, empowering some, as Captain Jean Luc Picard said, “to boldly go where no one has gone before.”¹⁵⁶ It can give those who post messages free rein to say things that they otherwise wouldn’t share face-to-face – in other words, interaction that might, at first glance, be “consequence-free.”¹⁵⁷

Related to this feature is the fact that communication on social media sites is often immediate – there is no requirement that participants pause for that “sober second thought” before indulging their “net rage” and hitting “Send”. Further, there is no filter, with the result that *all* opinions, both informed and uninformed, are posted unless removed by an editor for crossing an editorial line. But this is true only where sites actually have staff who vet the comments for content and tone. The result can be exchanges between users that soon divert from the issue being discussed and turn into something mildly amusing,¹⁵⁸ descend into schoolyard name calling and inappropriate comments,¹⁵⁹ or worse, turn into unbridled nastiness, savage personal attacks,¹⁶⁰ and threats of violence.¹⁶¹ [It’s hardly surprising that some hold the view that social media are contributing to the rapid decline of modern civilization (or at least a civil civilization).¹⁶²]

Anxiety – But *all* my “friends” are on Facebook

According to a recent survey conducted by Edinburgh Napier University, many Facebook users reported feeling “considerable Facebook-related anxiety” and “friend-fatigue” connected to the pressure of posting updates about their life for a large number of people. Researchers connected with one recent study likened Facebook posting to

“being a mini news channel about yourself.... You are almost a mini celebrity and the bigger the audience the more pressure you feel to produce something about yourself.” Many also reported that while they appreciated the opportunity to keep in touch with family and friends, at the same time they were afraid to withdraw from the site because they might miss “important social information or offend... contacts.” Much like gambling, researchers concluded, Facebook holds users in “a neurotic limbo, not knowing whether they should hang on in there just in case they miss out on something good.”¹⁶³

Other downsides of this form of communication were apparent from the results of a week-long social media blackout conducted by Harrisburg University’s Provost as an experiment. The ban, which applied to both students and staff, allowed the use of e-mail, texting and other Web surfing, but banned social networking sites and instant messaging. The purpose was not to preclude access to the banned sites (and it would have been impossible to do so, given those who wanted to could simply walk to a nearby building with free WiFi access), but rather to cause people to think about the role social media play in their lives.¹⁶⁴

In-house surveys conducted before and after the experiment indicated that while only 23 per cent of respondents initially endorsed the experiment, 42 per cent were in favour of it at the end of the week. During the blackout, 33 per cent of students reported feeling less stressed, 25 per cent reported an increase in classroom concentration levels, 23 per cent found the lectures more interesting and six per cent reported eating better and exercising more.¹⁶⁵ Forty-four percent of students and 76 per cent of faculty members agreed that the experiment had taught them the “strengths and weaknesses of Facebook and the value of face-to-face communications”.

Social media use may also have an impact on sleep. The results of the annual “Sleep in America” poll (which, for the first time, considered the effects of technology on sleep) found that two-thirds of Americans were not getting sufficient sleep, with 97 per cent of them using “something electronic before drifting off.” The “something electronic” was not limited to TV-watching, although quality-time with their TVs was cited by a sizable portion of respondents. Sixty-one per cent of respondents indicated that they used computers before bedtime (and more than one-third of them had computers in the bedroom). About 63 per cent of those in their 20s reported social networking activities, and were twice as likely as other groups to play video games and more likely to use Skype and stream videos before bedtime.¹⁶⁶

Privacy

Realistic or outdated notion

Social media and electronic communication have created many privacy issues – specifically, the security of personal information.¹⁶⁷ But there is a critical question that must be asked first. Is privacy in a social media-dominated society even a realistic expectation, given that electronic information is about as “confidential as a postcard?”¹⁶⁸ Is it, as more than one writer has suggested, an oxymoron,¹⁶⁹ an analog concept in a digital age?¹⁷⁰

The Office of the Privacy Commissioner of Canada answers these questions with a categorical “no”. Privacy is alive and well, although perhaps in somewhat of an altered state. In remarks made at a May 2010 IAPP Knowledgenet Conference, the assistant privacy commissioner noted that Facebook CEO Mark Zuckerberg has publicly suggested that “the social norm has moved away from privacy towards even more sharing of personal information.” Some social networkers argue that increased transparency (as opposed to the loss of privacy) is beneficial, making us “better people” as a result of being in the public eye all the time.¹⁷¹

In response, Ms. Denham observed that as the guardian of privacy, this apparent departure from Facebook’s earlier privacy philosophy would cause her office to have some “concerns when people have fewer options to protect their privacy.” She continued, “Our ultimate expectation is that people will be able to engage in social networking without relinquishing a meaningful level of control over their personal information.... Even when we *choose* to share portions of our lives with others online, we do not extinguish our rights to control our personal information.” She also noted, however, that individuals also bore some responsibility to protect their own personal data.¹⁷²

Although the Office of the Privacy Commissioner thinks it’s reasonable to expect privacy with respect to personal information, what do members of the general public think? The Privacy Commissioner also commissioned a study of Canadians’ insights on privacy issues and the potential risks of social networking sites, and the results might surprise you.¹⁷³ Of particular note is this conclusion:

Generally, people did not indicate being very concerned about their personal privacy online – either in general, or specifically in terms of their activities on social networking sites...The impression was that the privacy settings already in place on Facebook provide an adequate level of comfort and control over who can and cannot see their personal information. The older groups tended to feel that they had control over the information they put online and who has access to it, therefore their level of concern was mitigated by their own privacy management. Younger generations tended to describe taking fewer precautions and seemed less concerned with their privacy online in general....Regardless of the site or service being accessed online, people typically indicated being comfortable revealing personal information online when they feel that the benefits outweigh the risks. This is particularly true in specific cases (like online banking) where truly valuable information is being revealed but the user trusts that it is being kept secure.¹⁷⁴ [Emphasis added.]

The report also noted that the risk of most concern among participants was economic impact – specifically, conducting financial transactions online. But because they did not undertake such transactions on social networking sites, any other information that was shared was potentially less damaging.¹⁷⁵ The benefits of keeping in touch with friends and family free of charge were seen to outweigh the risks, described as “limited, low-value personal information being exploited in a harmful way.” Finally, few participants indicated that they had looked for information about privacy and social networking sites and none had done so outside of the provider’s site.¹⁷⁶

Interestingly, participants in the study claimed to know that sites such as Facebook were using their personal information as a means to target advertising. Not many seemed particularly alarmed at the prospect of third parties having access to and using their information. In fact, many assumed that this was the case.

Younger social media networkers seem even less concerned about privacy than do adults. In another recent research report, the Office of the Privacy Commissioner drew the following troubling conclusions about young social media networkers and their online activities:¹⁷⁷

- Online communication is “an essential part of their social world and one of the ways in which they connect with friends and family.” Many reported that they feel obliged to participate in online discussions.¹⁷⁸
- Children and young people disclose personal information on social networks and blogs “in order to register for online services and obtain benefits,” such as prizes, game points and quizzes.”¹⁷⁹
- Children indicated that they often post personal information “simply because there is an entry field for the information on the site. However, disclosure is also tied to perceived benefits.”¹⁸⁰
- Information revealed by children and youth is “often highly personal,” such as the user’s full name, phone number, workplace and e-mail address, and also includes discussions or references to alcohol, drug use and sexual activity (including explicit or graphic language); negative comments about parents and siblings (although most often the comments were positive); and information pertaining to the user’s interests (such as movie, music, book preferences and hobbies).¹⁸¹
- Disclosure of such information is “motivated by a desire to express oneself, present a positive self image and remain connected to real world friends.”¹⁸²
- Use and disclosure varies according to gender. Girls prefer social networking sites and communication over other uses, while boys are more likely to play games. As a result, “digital content that contains personal information...is far more likely to be created by girls than boys.” Girls typically rely on such sites to “maintain and deepen their existing social relationships. “Boys are more likely to look for new friends and flirt with strangers.” “Girls are more likely than boys to post a profile, but...are more likely to try and keep that profile private.” “Boys who do post profiles...feel more comfortable than girls with disclosing their last name, city/town of residence and cell phone number.”¹⁸³
- Notwithstanding the foregoing, “nearly 80 per cent of teens report that young people are not careful enough about releasing personal information online.” Further, many have “devised strategies to protect their online activities,” such as physically shielding the computer screen when a parent or teacher is in the vicinity, keeping secret e-mail accounts, and deleting online search histories.¹⁸⁴
- Many children perceive “online space” to be private – this perception is reinforced by a number of factors – “online communication... allows them to communicate behind a screen,” enabling them to “bypass the physical constraints of face-to-face communications”, free of value judgments on body type or facial features. It also allows them “greater control over their image and/or conversations with peers.”¹⁸⁵
- Social networking sites’ design contributes to the sense of privacy. The fact that such

sites require e-mail addresses and impose membership requirements leads those to use them to “believe that their discussions are...private.” Public blogs are also thought to be “relatively anonymous” since they tend to have minimal (if any) content restrictions and few (if any) consequences for “transgressive communications.” In other words, a sense of trust is created, “encouraging children to express themselves more freely than they would otherwise and to post content which would otherwise be considered inappropriate in a public medium.”¹⁸⁶

- Many value and expect “privacy” even though what they have posted is on the Internet – the problem in their view is not what is posted, but who (the “unintended others”) views what is posted.¹⁸⁷

The Privacy Commissioner concluded that insofar as children and teens were concerned, while education was needed to address issues identified, the development of critical thinking skills was the most effective strategy in encouraging them to think before they post – in other words, if this particular demographic group were given the tools to protect themselves, they would use them.

You can run but you can't hide... not when everyone *and* their mothers are posting personal details

How many of us think that important personal information is secure as long as we don't post bank account numbers or PINs on social networking sites? How many of us think that the privacy measures that each of the social networking sites are sufficient to protect our personal information? How many of us even know what the sites' privacy policies say? It's not just about keeping track of your wallet and not writing down your PIN and storing it with your bank card anymore (although those are still good things to do).

While Facebook, MySpace and other similar social media sites may allow you to connect with a long lost relative or find a school mate, it also means that others can find (or target) you, and collect detailed personal information, such as names of the user and his or her family, addresses, birth dates, addresses, financial details (such as recent purchases), educational background, vacation plans, photos, and other details about every aspect of the user's day-to-day life that may be posted on social media sites (or that may exist without the user's knowledge, such as embedded information included in photos). And those are all the ingredients needed for identity theft or worse. According to a recently released US Federal Trade Commission report, 19 per cent of 1.3 million consumer complaints received during 2010 concerned identity theft, making it the leading complaint for 11 straight years.¹⁸⁸

How is privacy lost? Or, put another way, how do others get our personal information? Loss may occur accidentally through technical ineptitude. Who of us (apart from the techies) truly understands the mechanics of social media and electronic communication beyond the bare essentials?¹⁸⁹ Information may be accidentally shared and widely

disseminated because of a failure to appreciate some of the finer technological details of social media, such as what privacy settings mean and what information those settings apply to, and what information may be embedded in data or photos that are posted to a social media site.¹⁹⁰

Combine technical incompetence with “over-sharing” of personal information, and you have the main ingredients for identity theft, or worse. If, for instance, a user has posted vacation plans, a criminal may hack into the user’s account, and use the information learned to solicit money from the user’s unsuspecting family members or circle of friends by claiming that the user has been robbed and needs emergency funds.¹⁹¹ Providing too much information might also leave you vulnerable to blackmail.¹⁹²

The potential for such an error is not limited to adults who may be less familiar with technology than children and teenagers. It can happen to anyone. The case of a 14-year-old girl from Hertfordshire who posted an invitation on Facebook is but one example. She had intended only to invite 15 friends to her 15th birthday party...but sent the invitation without first changing her privacy settings. Twenty-one thousand people RSVPd. The party was cancelled, and the police, who were notified, issued a terse and pointed warning, suggesting that those who had intended to attend the party make other plans.¹⁹³

What about photos? How can privacy be lost through posting photos? If you’ve posted innocent photos of family pets or other family members, along with their names and (in the case of the non-furry family members) birth dates, and you happen to have used that information as one of your PINs, then essentially you’ve provided them with access to your bank accounts. Did you know that smart phones and some digital cameras are “GPS-enabled and can record...meta-data on image and video files, which can reveal when and where the files were captured,” again essentially giving thieves a map to your home? Some web sites remove this information automatically, but others don’t.¹⁹⁴ By posting photos with the GPS information still intact, you’ve literally given out the location of the photo shoot (and, therefore, possibly your home address according to a web site devoted to “raising awareness of over-sharing” and tellingly named “Please Rob Me”).¹⁹⁵

A recent survey conducted by an anti-virus software company, A-V-G, of 2,200 mothers with Internet access and children under two years of age in 10 countries indicates that Canadian mothers were least concerned about privacy issues related to online posting of photos of their children and were most likely to post prenatal sonograms online. Of the entire group of mothers, 81 per cent had uploaded photos of their children.¹⁹⁶ But any photos, including those of children, may be misappropriated by child pornographers and digitally modified and posted on child porn sites.¹⁹⁷

The photos might also provide fodder for cyberbullies. Or your photos might be “repurposed” – i.e., used by others for purposes not originally intended. Consider the case of Danielle Smith who received an e-mail from a friend in the Czech Republic, notifying her that one of her Christmas family photos was now gracing a billboard ad in

Prague. News reports are full of other similar misappropriations.¹⁹⁸ Literal identity theft or “scalping”¹⁹⁹ may occur when a stranger with access to another’s profile on a social networking site, such as Facebook, will sift through the information that is available to the public and pilfer that information for the purpose of constructing another profile, either to misappropriate and use as their own identity or to harm the reputation of the person to whom the information relates.

You’re in good hands with...OK, not so much. Beware of Geeks bearing gifts.²⁰⁰

Social networking sites themselves do not necessarily protect their users’ privacy. Apart from professional high-tech hacking (or cyberattacks), which is discussed below, such sites themselves may have their own weaknesses – some of which are deliberately built into the sites. The federal Privacy Commissioner recently published an article comparing six social networking sites from a privacy perspective.²⁰¹ The six sites included in the study were Facebook, Hi5, LinkedIn, LiveJournal, MySpace, and Skyrock. The comparison of these sites was based on 10 specific indicators of privacy: registration information; real identities versus pseudonyms; privacy controls; photo tagging; accessibility of member information to others; advertising; data retention; account deletion; third-party applications; collection of non-user personal information.²⁰² Each of the six social networking sites was found to be deficient in one or more of the 10 privacy indicators.

Do you receive e-mails from companies you’ve never heard of who advertise products or services you’ve never thought of using? Are they reading your mind? No, it’s not corporate ESP. Corporations may be surreptitiously or openly gathering or mining users’ personal information and tracking their online movements. To give you an idea of what personal information data miners can find, a journalist with *Time* gave his name and e-mail address to the CEO of Reputation.com, an organization devoted to “providing individuals and businesses with the necessary tools to define their online image.” In three hours, the CEO was able to provide the journalist with his Social Security Number. Other data mining companies were able to provide the same journalist with a list (some accurate and others not) of his reading, food and entertainment preferences, the amount still outstanding on his mortgage, and some of his leisure activities.²⁰³

The information may be used for the purposes of marketing their goods and services to a specifically-targeted demographic (or a subset of that demographic),²⁰⁴ or it might be provided to third parties, for their use in marketing their own goods and services – the electronic equivalent of telemarketing. There are even entities that do nothing else but compile information from social networking profiles – they “gather information from public sources, such as property records and telephone listings, and other information ...harvested by ‘scraping’ – or copying – web sites where people post information about themselves.”²⁰⁵ Canada’s Privacy Commissioner recently launched an investigation into Facebook’s privacy policies, after the Wall Street Journal reported that many of Facebook’s apps have been “secretly transmitting” the site users’ personal information

“to advertising and Internet tracking companies”, in violation of Facebook’s own privacy guidelines and likely Canadian privacy legislation.²⁰⁶

Some mobile devices pose the same problem. The CBC recently reported that nearly a quarter of iPhone apps and almost half of Android apps “contained software code that contained...data mining capabilities” – the ability to “pull sensitive data off users’ devices and ship them to third parties without notification.” The data included contact information, texts, photos and Internet search histories.²⁰⁷

Activities such as these have put Facebook and Google on the Privacy Commissioner’s radar. That office has conducted a number of investigations into the practices of both Facebook and Google. In Facebook’s case, the Privacy Commissioner was concerned that “third-party developers of games and other applications on the site had virtually unrestricted access to Facebook users’ personal information.” In response, Facebook amended its practices – users are informed of the “categories of data” and Facebook must seek consent both to have access to the information and to use it. Facebook also amended its privacy settings so that users could apply an individual privacy setting to separate photos or comments. Issues continued with access to information, as it was discovered that 10 Facebook applications had been sending users’ personal information to advertising and Internet tracking companies, and included information about users who had used the appropriate privacy settings to ensure that such information was not shared. In addition, the Commissioner has identified other privacy issues related to default settings – again, in turn, related to access to personal information.²⁰⁸

Google²⁰⁹ was the focus of a separate Commission investigation in Canada,²¹⁰ for allegedly improperly collecting e-mail addresses and other personal data from unsecured wireless networks in neighbourhoods across Canada.²¹¹ The personal data, captured over several years by Google’s “Street View” cars, included “complete e-mails, e-mail addresses, usernames and passwords, names and residential telephone numbers and addresses.” Also included were names of persons suffering from a variety of medical conditions, together with their telephone numbers and addresses. The Privacy Commissioner termed this a “serious violation of Canadians’ privacy rights” that resulted from an engineer’s careless error and the failure to have in place proper controls to ensure that personal information was kept confidential. She noted that while the “impact of new and rapidly evolving technologies on modern life is undeniably exciting...the consequences for people can be grave if the potential privacy implications aren’t properly considered at the development stage of these new technologies.” Google was to have submitted a report to the Commission by February 2011 indicating that it had implemented the Commission’s recommendations.

What about cyberattacks by professional hackers? Apparently no one is immune from these sorts of threats, not even those who are technological geniuses! Mark Zuckerberg, the founder of Facebook, with all his social media skills and computer know-how, and Facebook itself, has been targeted.²¹² Twitter has also been targeted and hacked.²¹³ A simple Google search using the terms “facebook”, “myspace” and “hack” generated 2,240,000 results, many of which appear to have included clear-cut instructions on how to hack those and other similar sites.

While firewalls and security software have become more effective at protecting data (but it must be kept in mind that nothing is effective against all attacks), mobile devices are vulnerable and are said by some to be the next target. The threat increases with WiFi access.²¹⁴ McAfee, a corporation which provides virus scanning software, recently stated that the “popularity of downloading music and videos onto mobile devices provides an opening for cyber attacks.”²¹⁵ In addition, the shortened URLs (3,000 per minute for use on social media sites such as Twitter), provides hackers with another opportunity to hijack personal information. And McAfee predicts that 2011 will be the year that Mac products, so far immune to hackers, will be targeted.²¹⁶

More recently, a “Reddit”²¹⁷ user discovered that over 21 applications available through Android contained a virus. Further investigations indicated that over 50 apps were contaminated. Once the app is downloaded and run, the virus, DroidDream, then sends personal information to a remote server.²¹⁸ As one writer put it, “the open nature of the Android platform” was both a good and a bad thing. While the openness of the “developer market” arguably provided a creative environment, it also created a “very attractive criminal market.”

How do you spell “you’re fired”? T-w-i-t-t-e-r (Alternatively: F-a-c-e-b-o-o-k)

Consider where your words may end up and what happens if they travel beyond the intended recipient. At one end of the scale is mild embarrassment.²¹⁹ At the other end of the scale are possible criminal charges and/or civil actions for defamation or human rights claims, depending on the circumstances and the content.²²⁰

Even when the end-user is well-intentioned and the content is nothing more than mildly embarrassing, do you want your comments shared with others? Two recent college graduates launched their own web site late in 2010, “whenparentstext,”²²¹ which is dedicated to “text messages between befuddled parents and bemused offspring.”²²² The site has somewhere between 60,000 and 100,000 page views daily and receives submissions of parent-offspring online exchanges from many countries. The book rights have been sold, and the two entrepreneurs hope that it might eventually become a sitcom. While the intent and tone behind the web site and the submissions might have been, as one of the site owners put it, “loving”,²²³ it does underscore the issue. Do you know where your postings are and, in this case, do you appreciate having them read world-wide? This point was not lost on one mother, who, after experiencing her “15 minutes of fame” and fearful of even more permanent fame,²²⁴ sent her daughter the following comment:

“So you have not received a text from me lately because I am terrified you will put it on that stupid web site again. Which your father for some reason thinks is a good thing. He put it on Facebook for his friends to vote for us!!! not all attention is good attention young lady!!!”²²⁵

And if you missed the point about permanence and scope, the waiver included on the site is a pointed reminder:

By uploading, submitting or otherwise disclosing or distributing content for display or inclusion on this site, you give this site unlimited license *in perpetuity* to the content and the information therein, and specifically you give whenparentstext.com LLC an exclusive, sublicensable and transferable right *in perpetuity* to use, republish and make derivative works from such content in all media now or later developed, *throughout the universe*.²²⁶
[Emphasis added]

Somewhere in the middle of the scale of “what could possibly go wrong” are forgone job opportunities, workplace disciplinary consequences, denied insurance claims, or a lost chance at scholarships. Consider the possibility that an employer may be checking social networks not only to see what customers or competitors are saying about the employer but may also be surfing social networking sites of current employees for the purpose of monitoring their activities while at work or scrutinizing the sites of potential employees for the purpose of running a background check.²²⁷

There are countless instances of employers who monitor their employees’ online activities, with dire outcomes for the employees under scrutiny. In addition, the results of a 2008 survey of 31,000 employers indicated that one in five employers use social network searches as part of the hiring process.²²⁸ More recent studies indicate that that number is closer to between 45 and 53 per cent of employers.²²⁹ A more important question is what the employers did with the information they gathered from such sites – more than one-third of the employers reported that they did not hire a prospective applicant because of what they discovered online. And what did they discover? Inappropriate photos or comments, references to drinking and drug use, and even negative comments about a former or current employer.²³⁰ In an interesting and recent development, however, a unanimous three-member panel of the Ontario Court of Appeal ruled that while employers may own company computers they cannot give police access to them. In other words, an employer cannot waive an employee’s privacy rights.²³¹

Insurance companies seeking to dispute the *bona fides* of an insurance claim,²³² and educational institutions wanting to know more about their applicants for admission or for scholarships, bursaries and awards may also scour social media sites looking for information.²³³ And, as has been discussed, current or prospective employers, schools and insurers are not the only ones gathering personal information from social media sites – data miners also want your information.

At the far end of the scale are possible civil or criminal charges. Information posted on social media sites has formed the evidentiary basis for a variety of criminal charges and civil actions. For instance, an Ontario speeder who boasted on an online car forum that he drove his BMW 140 km/h in a 40 km/h zone received a six-month ban and a 12-month probationary period for careless driving. The police were alerted to the post, investigated and charged him.²³⁴ Posts (of information or photos) in various social media sites have been similarly used in criminal libel cases,²³⁵ other criminal cases involving the

Internet such as luring, family law proceedings, insurance claims cases, and workplace terminations.²³⁶ Social media sites have even enabled members of the public to identify criminals²³⁷ and solve crimes themselves.²³⁸

The very dark sides

But there are also very dark sides to the down sides of social media and electronic communications. For instance, fraud is a very real possibility. Because of their potentially large audiences, ease of access, and user-friendly nature, with the help of some new equipment, social media and electronic communication are perfect vehicles for perpetrating fraudulent schemes, including credit card scams, phishing e-mail scams, skimming scams, and mortgage-rescue and credit-repair scams.²³⁹ Even the old so-called “419-Nigerian” scam (which, while it may have originated in Nigeria, is by no means limited to that country) has been given new life with new technology, and merits its own Wikipedia page.²⁴⁰ Gone are the laboriously-typed letters replete with misspelled words from a family member of a deposed leader or dictator who has amassed a fortune, asking for your assistance in getting it out of the country. Now e-mails with the same information (and the same egregious spelling mistakes and tortured grammar) can be sent to millions of potential victims asking the same thing.

Social media sites have been instrumental in facilitating the commission of serious criminal cyberoffences such as cyberbullying,²⁴¹ cyberstalking,²⁴² hate mongering via social media sites,²⁴³ and possession and/or distribution of obscene material and child pornography, again through the Internet.²⁴⁴ Each of these crimes can be perpetrated through social media – social media sites are easily used and accessible, free, and provide a huge (i.e., world-wide) distribution network. And because of the size of the audience, the victims may be victimized not just once by the initial act, but repeatedly each time the Internet record or photo of the crime is viewed because the record may be a permanent one.²⁴⁵

If you don’t believe that the Internet poses particular danger to children, consider these comments and statistics. The UK Child Exploitation and Online Protection Centre recently stated that there has been a “notable increase” in “still and moving images captured on webcams.... These can be self-taken as a result of online grooming, for example, inciting a child to commit a sexual act and then using video-capture software to record the video streams for later viewing and trading and/or use as blackmail to ensure further compliance by the child....” Similarly, there is also a marked trend of the use of webcam streaming chat sites, enabling offenders to interact either through instant messages and/or webcam to share previously captured footage or live-time images of abuse of children in their care.”²⁴⁶

Facebook’s response to pressure from British child-protection groups, such as the Child Exploitation and Online Protection Centre, is the provision of an app in the UK that allows children to report “predatory sexual behaviour or cyberbullying” to the appropriate authorities.²⁴⁷

According to Statistics Canada,²⁴⁸ child pornography offences have increased significantly in Canada, from 55 offences in 1998 to 1,408 in 2008, with over five million child sexual abuse images on the Internet. According to Cybertip.ca, from 2002 to 2009, 57.4 per cent of the images on Internet sites containing pornographic images of children were of children under the age of eight, 24.7 per cent were of children aged eight to 12, and 83 per cent were of girls. Over 35 per cent of the images analyzed showed severe sexual assault. Children under the age of eight were most often subject to sexual assault (37.2 per cent) and extreme sexual assault (68.5 per cent). Older children were usually shown naked or in an obscene pose.²⁴⁹

Some recent developments in the law (both case law and statutory amendments) are intended to deal with cybercrime involving children,²⁵⁰ Bill C-22,²⁵¹ [An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service] for instance, is as its title suggests, intended to fight Internet child pornography by requiring Internet service providers and others who provide Internet services, such as Facebook, Google and Hotmail, to report any incidents of child pornography. It was passed by the House of Commons on December 3, 2010.²⁵²

Bill C-54, *Protecting Children from Sexual Predators Act*,²⁵³ received third reading on March 11, 2011 but unfortunately was not passed prior to the dissolution of Parliament in March. Had it passed, it would have amended the *Criminal Code* to increase or impose mandatory minimum penalties for certain sexual offences involving children. The Bill also would have created two new offences, namely that of making sexually explicit material available to a child and of agreeing or arranging to commit a sexual offence against a child. In addition, Bill C-54 would have expanded the list of specified conditions that may be added to prohibition and recognizance orders to include prohibitions with respect to contact with a person under the age of 16 and use of the Internet or other digital network, and would have expanded the list of enumerated offences that could give rise to such orders and prohibitions.²⁵⁴

In 2002, the *Criminal Code* was amended to add s.172.1 – luring a child. That provision is divided into three subsections, which, in turn, deal with children who are under the ages of 18, 16 and 14 respectively. Which subsection a criminal act falls under depended upon the purpose for which the child is being lured or which sexual offence is the object of the “luring”. Section 172.1 makes it a criminal offence to communicate with a person by computer who is, or who the accused believes is, under the ages of 18, 16 or 14 for the purpose of “facilitating” the commission of an offence designated under one of the subsections. The offence of luring a child is an indictable offence, and punishable by imprisonment for up to ten years. If the Crown chooses to proceed by way of summary conviction, anyone who is convicted is liable to be sentenced to jail for up to 18 months.

At issue in a recent unanimous decision of the Supreme Court of Canada was the meaning of the word “facilitating” as it appeared in the luring provisions. In *R. v. Legare*,²⁵⁵ the court found that the lower trial court had adopted an unduly restrictive interpretation of the provision. In this context, the court held, “facilitating” “include[d] helping to bring about and making easier or more probable – for example, by “luring” or “grooming” young persons to commit or participate in the prohibited conduct; by reducing their

inhibitions; or by prurient discourse that exploits a young person's curiosity, immaturity or precocious sexuality.”²⁵⁶

Mr. Justice Fish, who delivered the court's decision, commented that the content of the communication is not necessarily determinative: what matters is whether the evidence as a whole establishes beyond a reasonable doubt that the accused communicated by computer with an underage victim *for the purpose of facilitating* the commission of a specified secondary offence in respect of that victim. Further, in order to constitute the offence, the offender did not have to meet or intend to meet the victim with the intention of committing an offence. He concluded that “[t]his [conclusion] is in keeping with Parliament's objective to close the cyberspace door before the predator gets in to prey....”²⁵⁷

That the possibility of cyberattacks is a serious issue is demonstrated by an announcement made late last year by the Canadian federal government about a new cyber security strategy that is intended to secure federal computer systems and under which funding will be provided for education, as well as a 24-hour-a-day Information Protection Centre to fight cyber attacks.²⁵⁸

Equally important are proposed changes to existing legislation (including the *Criminal Code*, the *Competition Act*, and the *Mutual Legal Assistance in Criminal Matters Act*) in response to technological advances.²⁵⁹ These developments are timely, given the recent cyberattack on a number of federal government networks.²⁶⁰ At the time the program was introduced, Minister of Public Safety is reported to have stated: “But just as cyberspace is constantly evolving, so, too, are the cyberthreats to our security, prosperity and quality of life. It's time to take protection of Canada's cyberspace to the next level.”²⁶¹ Indeed.

In addition to these measures, Bill C-28, the *Fighting Internet and Wireless Spam Act (FISA)* received Royal Assent December 15, 2010. Prior to the enactment of FISA, Canada was the only G8 country without specific spam legislation. According to Industry Canada, “the intent of the legislation is to deter the most damaging and deceptive forms of spam, such as identity theft, phishing and spyware, from occurring in Canada and to help to drive out spammers.”²⁶² Of particular interest is s. 47, which creates a private right of civil action for those who believe that they have been a victim of a contravention of the legislation.

Other countries are also taking steps to protect personal privacy. Sixteen-year-old EU privacy laws are to be updated, so that corporate entities holding personal information will be required to let users withdraw from web sites, terming it the ‘right to be forgotten.’²⁶³

Just Plain Weird (alternative titles: “Is it just me?”, “Social Media Madness”, “Really?”)

No discussion of social media and electronic communication developments would be complete without a brief canvass of some of the more peculiar developments. It was recently reported in the *Wall Street Journal* that a New York University photography professor intended to have a thumbnail-sized camera implanted in the back of his head. Over a one-year period, the camera would take pictures each minute, and the photos, in turn, would then be fed to monitors at the Arab Museum of Modern Art in Qatar. The artwork was to be titled “The 3rd I”. Since he was also teaching, he informed his students of the project and agreed to keep the cap on the camera lens while on university property in order to protect his students’ right to, and expectation of, privacy. The experiment, however, was not without its challenges. He was recently reported to have had the camera removed after he developed an infection. Not to be discouraged, he now wears the camera around his neck suspended by a strap (presumably like the rest of us).²⁶⁴

Chevy recently discovered the true power of social media – it was a stunning example of a marketing strategy gone horribly and publicly wrong. The TV series, *The Apprentice*, sponsored an online contest inviting viewers to create a commercial for the Chevy Tahoe by adding their own captions to video clips provided by the company – no doubt hoping to capitalize on the collaborative aspect of social media. The winner’s ad would be run on national TV.

Although Chevy declared the ad campaign a success, YouTube and Chevy’s web sites were literally flooded with parodies criticizing Chevy for its failure to consider the environment. The company either completely failed to consider, or seriously underestimated, the strength of the pro-environment, anti-SUV contingent of the social media audience.²⁶⁵ This unforgettable entry was just one of many: “Forget Iraq’s missing weapons. Here’s the real weapon of mass destruction, killing an extra 1,000 smaller vehicle occupants, bicyclists and pedestrians annually. Way to go Chevrolet!”. The results were a spectacular win for the environmentalists, and not so much for Chevy.

Molson’s Facebook product promotion also took an unexpected turn. Its social media campaign targeted its largest demographic customer base – 19-24 year olds. Molson asked students to “send in their craziest party pics in an effort to track down the top party school in the country” which, as one writer pointed out, “translates into ‘how drunk can you get on camera.’” Universities, not particularly pleased with the prospect of being known as that ‘drunk school’ complained, as did parents. Newfoundland’s Memorial University was in the lead until Molson finally pulled the ad, conceding that it had a lot to learn about social media.²⁶⁶ One writer in the university’s student newspaper, *The Muse*, responded by saying, “Beer bongos and letterman’s jackets, it’s really not something MUN should strive to be associated with.”²⁶⁷

Do you have a bunch of “e-stuff” and no place to put it?²⁶⁸ There’s a solution to that. One Internet company has developed “storage lockers” for all that data.²⁶⁹ Do you yearn to see chickens roasting by an open fire 24-7? Then Swiss Chalet’s “Rotisserie Channel” is made for you. Dubbed by some as “poultry in motion,”²⁷⁰ the channel will feature a “constant televised loop of 12 roasters turning on a spit to promote the chain.” Available to Rogers’ digital customers in Ontario, it will run for 13 weeks. A Rogers’ spokesperson likened the channel to its hypnotic “fireplace, sunset and aquarium channels”²⁷¹ – all chicken, all the time. Of course, Rogers will be monitoring customer feedback on, among other areas, social media sites.²⁷²

Then there are the “seriously strange social networking sites,”²⁷³ including “nclüdr,”²⁷⁴ a site that asks whether you’re “tired of only having 60, 100, 200 friends.” It advertises itself as the “social network where everyone and everything is your friend,” and promises you that you’ll never be rejected. There is also “RedKaraoke,”²⁷⁵ for those who think that “karaoke night” once a week at their local pub just isn’t enough; and “line for heaven,”²⁷⁶ where you can earn “karma points” by “blessing” people to “get closer to God.” (Perhaps this site could be used in conjunction with the “confession” app.)

Among the more unusual apps (and it is hard to choose) are iPoo²⁷⁷ – a classic example of “way too much information” (or in social-media speak, “TMI”). This app allows bathroom users to “chat with each other, draw graffiti on a virtual [bathroom] stall and look at a map to see where others are doing their business.” As of February 2010, it had 20,000 members. “Drunkblocker” is an app for an Android mobile that prevents users from “Drunk-dialing contacts in your contact list.”²⁷⁸ Users must pass a sobriety test before they can dial their phones. A similar one, “iDrunky”, functions in much the same way and uses the field sobriety tests used by American police forces.²⁷⁹

There are apps for those who are still looking (or looking again) for their perfect match.²⁸⁰ And for those who have found love, there are, courtesy of New York City, the city that never sleeps, the locations of the nearest free condoms.²⁸¹

There are apps to keep pets amused while their owners are out.²⁸² There is even an app from Google that claims to translate animal sounds into English (or other languages), so that you can communicate with Fluffy or Spot.²⁸³ [It was introduced by Google on April Fools’ Day and was later admitted by Google to be a joke.]

And for those who are musicians or who want to be, there are numerous apps that can turn your iPod or iPad into a keyboard, a fretboard, or other virtual musical instruments.²⁸⁴ You can even have your own virtual jug band, with the app providing all the essential instruments: washboard, spoons, kazoo, and of course, jug.²⁸⁵ Apparently, though, skill is not provided – you have to supply your own musical talent.

Why the Ontario College of Teachers developed a professional advisory to guide teachers

How a professional self-regulator can provide guidance to its members through professional advisories on the use of electronic communication and social media

As has been seen by the foregoing review of the upsides, downsides and oddities of electronic communication and social media, generally, it's a new world with new rules, many of which are unwritten or unclear. Teachers who use social media and electronic communication in their professional activities are faced with the responsibility of using them while crossing uncharted territory that is riddled with potential landmines. That is where the College can provide its members with guidance – through a professional advisory.

A professional advisory (a “policy statement”, or “code” or “guideline”) is typically issued in response to a demonstrated need for clarity or precision with respect to either the conduct of the professional, or the regulator’s discretion in overseeing that conduct. It may address imprecision in a regulator’s enabling statute, regulations or other applicable legislation or rules. It may speak to a nuance that is not addressed in statute or other rules. It may be deemed necessary once a court case has been decided that may have some bearing on how the regulator carries out its activities and how professionals carry out their professions. An advisory ideally serves not only the professionals’ interest but also that of the public.

Advisories can serve a number of purposes. They may:

- respond to the professional’s need to understand an aspect of professional practice
- respond to the professional’s need to know how the regulator undertakes adjudicative activity, such as hearings of a tribunal, or
- respond to the public’s need to understand what professionals are (or are not) expected and/or obliged to do.

Professional advisories should not be issued lightly, or simply for symbolic reasons. If a professional advisory enhances the reputation of the College or the profession, that is a positive auxiliary benefit, but self-promotion should not be the reason for producing an advisory.

Professional advisories may vary in tone, which is determined by the issue to be addressed. They may provide a set of guidelines that invite members of a profession to engage in self-reflection and provide strategies that may assist members in working more effectively with the public. They may be instructional or educational in nature for both the professional and the public, and may provide an overview of legislative or other requirements. They may be prescriptive in tone, and discuss conduct that is clearly prohibited under legislation (such as activities that constitute professional misconduct).

What is the legal significance of professional advisories and why are they different than statutes and regulations?

What is their legal significance? As a matter of administrative law, courts may consider codes, guidelines, policy statements, training manuals, and similar documents as a potential element in judicial review of professional conduct or the regulator’s adjudicative activity. Legal experts are unanimous in their view that guidelines or advisories, also referred to as “soft law,”²⁸⁶ can be helpful in “indicating the considerations by which [the regulator] will be guided in the exercise of [its] discretion or explaining how [it will] interpret a particular statutory provision.”²⁸⁷ In other words, they provide valuable guidance to members in a variety of areas in which they are required to exercise professional skill, conduct and judgment.

They are particularly useful in those grey areas where the answer to a professional dilemma is not entirely clear. They have also been described as desirable “tools of effective and fair administration.”²⁸⁸ Further, they have importance for members of the public, who, as a result of the guidelines, will “have a better knowledge of the criteria that will be used in the decision-making process.”²⁸⁹ Legal experts agree, however, that while such policies are useful in providing guidance, they should not be used so that discretion “crystallize[s] in binding and conclusive rules.”²⁹⁰

Why and how did the Ontario College of Teachers develop this professional advisory?

The why

Part of the College’s mandate as the regulator of the teaching profession is to provide for the ongoing education for its members and to establish and enforce professional and ethical standards for its members.²⁹¹ The College also has a statutory duty to communicate with the public on behalf of its members.²⁹² And it has an overarching duty to serve and protect the public interest while carrying out its regulatory activities.²⁹³

Social media and electronic communications offer new options for teachers, but by their inherent nature (as discussed at the outset of this paper) they also present some dangers specifically for teachers, with potentially serious professional ramifications. While the risks may be high, not all organizations, including other professional regulators, have social media policies in place.²⁹⁴ Those who do have policies have taken various approaches. Some have chosen to address the issue by imposing an outright prohibition or placing stringent restrictions on the use of social media.²⁹⁵ And it’s certainly on the radar for many organizations.²⁹⁶

While this is not the first time the College has addressed issues arising from its members’ use of social media, it was clear that more guidance was needed.²⁹⁷

Why now

Why now? Do College members face particular challenges? Yes, they do, and demographics are part of the answer. Simply put, many members are in contact with children and teens on a daily basis – in their professional capacities as, for instance, teachers, principals and vice-principals, or as coaches or mentors. As has been discussed earlier in the paper, school-aged children, teens, and young adults are the most prolific users of electronic communication and social media sites, and are flocking in the hundreds of thousands to such sites, making it an acceptable (if not necessarily expected and desirable) means of communication from their point of view.²⁹⁸ Because of children's and teens' facility with social media and electronic communications (and some argue, because this generation's brains are differently wired),²⁹⁹ some writers believe that both can be a part (big or small) of the classroom lesson plan (although there is not consensus on this particular point).³⁰⁰

But as has also been seen, this particular demographic group has a much different sense of privacy than do other older demographic groups. There is clearly, what one journalist has termed, a "generational privacy divide."³⁰¹ Simply put, youth (whether they are children or teens) view privacy much differently than do adults and because of this factor, are a particularly vulnerable subset of social media users. They may assume that what they post is private and may fail to appreciate that that when they post comments, photos and videos online, that information may be public, permanent and almost impossible to remove. What they post may, in other words, come back to haunt them in ways they don't foresee, thus leaving them particularly vulnerable.

Technology is another part of the answer. As noted earlier, social media and electronic communications are new vehicles of communication. While they may be user-friendly, there is still a learning curve. It's relatively easy for anyone – teacher or student – to make a mistake particularly if one hasn't fully grasped the technological intricacies of the various sites and platforms. As a result, a well-intentioned person may be just one click away from professional disaster, without realizing it.

Part of the answer also lies with a teacher's position as a professional relative to students. College members are in a unique position relative to students, and are expected to maintain appropriate boundaries. The Supreme Court of Canada is quite clear on this point. In a trilogy of decisions,³⁰² each involving teachers, the court agreed that teachers occupy a significant role in society that, in turn, places them in a direct position of trust and authority with respect to their students. They are linked inextricably to the school system's integrity, and parents delegate their parental role to teachers, entrusting them with their children's education. As a result, "[t]eachers occupy positions of trust and confidence, and exert considerable influence over their students as a result of their positions. The conduct of a teacher bears directly upon the community's perception of the ability of the teacher to fulfill such a position of trust and influence, and upon the community's confidence in the public school system as a whole."³⁰³

In another of the trilogy decisions, *La Forest J.*, writing for the Court, emphasized the sensitive environment of a school and the need to hold teachers to high standards of

professional conduct inside and outside the school:

By their conduct, teachers as “medium” must be perceived to uphold the values, beliefs and knowledge sought to be transmitted by the school system. The conduct of a teacher is evaluated on the basis of his or her position, rather than whether the conduct occurs within the classroom or beyond. Teachers are seen by the community to be the medium for the educational message and because of the community position they occupy, they are not able to “choose which hat they will wear on what occasion”...; teachers do not necessarily check their teaching hats at the school yard gate and may be perceived to be wearing their teaching hats even off duty.³⁰⁴

There is, in other words, an important boundary that teachers must maintain between themselves and their students. But social media and electronic communication, by their very nature, may obscure that boundary. Interaction through such sites and by means of e-communication, with all of its attendant abbreviations and lingo, encourages casual exchanges that suggest more of “let’s-be-friends” tone than a professional teacher-student tone. In fact, some argue that they parallel “the steady erosion of formality in society as a whole”.³⁰⁵

The tone and intent of e-communication exchanges can be easily misinterpreted. Communication on social media sites and by electronic means tends to be more informal. The time during which messages are sent may also add to the confusion, and because an e-mail is like a personal letter, a student may feel more valued than the circumstances warrant. As one educator put it, “OMG it’s everywhere!”³⁰⁶ And as another writer put it, “[C]ontact outside the classroom is not only easier but, in many schools, actively encouraged – school web portals on which teachers and students can upload and download assignments, email each other questions and answers, post announcements and sometimes chat in real time.”³⁰⁷ But there is a difference in sending a handwritten note “in a register asking a pupil to come to room 218 after school to discuss...homework, and an email or text message saying, ‘C u 3.45 my room.’”³⁰⁸

Apart from their short-sighted views on the importance of privacy, children and teens are also vulnerable in another sense – they are young, and being popular and accepted (or at least not ridiculed) by one’s peers is very important. But having social media networking “friends” is not necessarily the same as having a real “friend.”³⁰⁹ Being “friended” (yes, “friend” is now a verb) or receiving a “friend” invitation has become like a badge of honour and is tied to popularity – the more “friends” you have, the more popular you are.³¹⁰ Being a “Facebook friend” with a teacher may imply something altogether different than what was intended – purely professional rapport between a student and his or her teacher that crosses that professional boundary line into a personal relationship, no matter who institutes it. As the former registrar of the B.C. College of Teachers put it, “When communicating with students, educators must always remember that students are not and cannot be their friends. Many cases [that come to the B.C. College]...result from educators genuinely believing in the importance of sharing extensive personal information with students. They see this as making them more approachable and better teachers....It all comes down to finding the balance between being friendly, but not a ‘friend.’”³¹¹

A number of writers believe that younger teachers may be more vulnerable and may not realize when the professional boundary line has been crossed. They are well-versed in the use of social media and used to the informality, but at the same time may not realize how the informality typically associated with the use of social could lead them to cross the professional line. A desire to be seen as their students' contemporary may also contribute to the problem.³¹²

That there are challenges is clear from well-publicized reports of educators in other jurisdictions who have misused social media and electronic communication and articles that deal with the issue.³¹³ And the College has seen an increase in the number of complaints made that involve some form of misuse of electronic communication and social media. Some involve students and some do not. Some involve a lapse in judgment on the part of the member, which while unintentional, had serious consequences for the member.

Others involved conduct on the part of the member that was egregious, warranting findings by the College's Discipline Committee of professional misconduct and in some cases, warranting criminal convictions by a court. For instance, in one case, a high school teacher used school computers to view pornographic images and movies featuring teenaged girls, some of whom represented that they were 18 years of age. He was suspended for six months and reprimanded, and the committee ordered that his name be published.

In another decision, the member, an elementary classroom teacher, was found to have acted inappropriately towards a 16-year-old former student. Among other activities, he communicated with her through e-mail and instant messaging, fostering a relationship outside the acceptable boundaries of a teacher-student relationship. His teaching credentials were revoked. The same member was also found guilty in criminal court under the *Criminal Code* of touching a young person for a sexual purpose while in a position of trust and authority.

Over a five-month period in another case, the member made, possessed and distributed child pornography, including photos, stories and videos depicting child porn. The member also superimposed photos of students onto photos of young males depicted in sexual acts, later posting them on the Internet and providing copies to third parties. Some of these activities were carried out on school equipment. He admitted to possessing over 6,400 images of child pornography, thousands of images of child erotica and about 80 binders containing hundreds of pictures and stories, many of them referring to teacher-student relationships. In addition to having his teaching credentials revoked by the College Discipline Committee, he was sentenced to a one-year jail term and another year of probation.

The allegations of professional misconduct in another case related to sexually inappropriate verbal and electronic communications over a one-year period with three female Grade 7 students. The member admitted that he had corresponded with two of the students via computer, asking them if they had been kissed or had engaged in French kissing. In e-communicated exchanges with another student, he asked her if she had a

boyfriend or had been kissed. A panel of the Discipline Committee imposed a reprimand and required the member to take a course on recognizing and adhering to professional teacher-student boundaries.

Finally, a member used the Internet to contact a 12-year-old girl, representing himself as a 19-year-old. Over an almost two-year period of time, he lured the victim to a series of meetings at his home, where he engaged in sexual intercourse with her. A court found him guilty of sexually assaulting and touching a 14-year-old girl, and sentenced him to three years in prison. A panel of the Discipline Committee found him guilty of professional misconduct and revoked his teaching certificate.

The advisory in the making

It was against this backdrop of issues and cases that the College developed a professional advisory for its members in recognition of the important role social media and electronic communication play in the professional lives of College members, and in recognition of the fact that guidance in this area was clearly required.

During the development phase, a cross-departmental College staff committee reviewed relevant background materials in the area of social media and electronic communication generally and how they relate to the teaching profession specifically. Staff also sought and received invaluable input from both expert readers knowledgeable in the field of social media as it relates to teachers³¹⁴ and critical readers representing a wide cross-section of the College's community of stakeholders.³¹⁵ The advisory was considered at the December 2010 meeting of Council, where additional input was provided by Council members. The advisory was also considered by a number of the College's committees³¹⁶ for the purposes of gathering additional suggestions and feedback from committee members. And at a special meeting of the College Council on February 23, 2011, Council unanimously passed the advisory.

What does the advisory say?

The advisory is based on the *Ethical Standards for the Teaching Profession*,³¹⁷ of which care, trust, integrity and respect are integral parts. It is also based on the *Standards of Practice for the Teaching Profession*,³¹⁸ which guide the daily actions of the College's members.

Put in its simplest terms, the advisory recognizes that social media and electronic communication may have value in the classroom as an educational or communications tool, but counsels that College members use caution when using them – whether they are used to communicate with students, colleagues, supervisors, parents and/or guardians, school boards or family and friends. Its purpose is to identify potential dangers associated with the use of both and to offer College members practical suggestions about how to avoid those dangers, keeping in mind the unique societal position teachers occupy and the vulnerable position in which they may find themselves where social media or electronic communication are used inappropriately, albeit inadvertently. It outlines possible criminal and civil law repercussions. It also provides a discussion of potential disciplinary consequences, based on actual cases.³¹⁹

The practical advice, found in three subsections under the title “Minimizing the Risks: Advice to Members”, is as follows:

Interact with students appropriately

- As a digital citizen, model the behaviour you expect to see online from your students.
- Alert students to appropriate online behaviour and the proper use of comments and images.
- Maintain your professional persona by communicating with students electronically at appropriate times of the day and through established education platforms (for example, a web page dedicated to a school program, project or class rather than a personal profile).
- Maintain a formal, courteous and professional tone in all communications with students to ensure that professional boundaries with students are maintained.
- Avoid exchanging private texts, phone numbers, personal e-mail addresses or photos of a personal nature with students.
- Decline student-initiated “friend” requests and do not issue “friend” requests to students.
- Notify parents/guardians before using social networks for classroom activities. Let them know about the platforms you use in your class to connect with students and consider giving them access to group pages.

Understand privacy concerns

- Operate in all circumstances online as a professional – as you would in the community.
- Manage the privacy and security settings of your social media accounts. Privacy settings can shift and change without notice. Check the settings frequently.
- Assume that information you post can be accessed or altered.
- Ensure that the privacy settings for content and photos are set appropriately and monitor who is able to post to any of your social media locations. Students should not be among those who are allowed to view or post on it. Remember, no privacy mechanism is guaranteed.
- Monitor regularly all content you or others post to your social media accounts and remove anything that is inappropriate.
- Ask others not to tag you on any photographs without your permission.
- Ask others to remove any undesirable content related to you.

Act professionally

- Consider whether any posting may reflect poorly on you, your school or the teaching profession.
- Be transparent and authentic. Use your true, professional identity at all times. Even if you create a false identity, courts can compel disclosure of your true identity.
- Avoid online criticism about students, colleagues, your employer or others within the school community.
- Avoid impulsive, inappropriate or heated comments.
- Ensure that your comments do not incite others to make discriminatory or other professionally unacceptable comments.
- Respect the privacy and confidentiality of student information.
- Be aware of your employer’s applicable policies and programs regarding the use of

social media/e-communications and the appropriate use of electronic equipment. Even if your employer has no applicable policy, it is your responsibility to exercise good judgment.³²⁰

Conclusion

While social media and electronic communication have many positive attributes, they have many pitfalls, some of which are intuitive, and some of which are not. They can be useful and even powerful tools in many areas of life, including the classroom. But as is the case with anything new (and technological), there is a learning curve, and caution is required to use them – whether you’re a technological whiz like Mark Zuckerberg, who was hacked, or a rank beginner. Ironically, some of their upsides are their downsides – convenience and immediacy may translate into privacy breaches and inappropriate content or tone of what is posted.

If you remember nothing else from the foregoing discussion, consider these recent and very public examples of the consequences of posting ill-advised comments on a public social media site – in the first case, Twitter, and in the second case, an online blog.

The first example arose in the context of a sexual assault of a journalist, Lara Logan. The assault occurred while she was reporting for CBS in Cairo. Keep in mind that the person who posted his comments about the assault was not a social media networking-neophyte. He was an experienced, professional journalist who was electronic communication- and social media-savvy. The comments were not made in anger, in the heat of the moment, or under the guise of anonymity. They were, however, utterly thoughtless and he seems to have forgotten that his “conversation” on Twitter was not a private one between friends.

Nir Rosen, the Twitterer, was a fellow at New York University’s Center on Law and Security, an author of three books on “violence in the Middle East and martyrdom” and a seasoned journalist/commentator on Middle East issues, having written for the *New Yorker*, *Time*, and the *New York Times*.³²¹ Notwithstanding his considerable experience with the press and social media, he tweeted that it appeared Ms. Logan “had to outdo Anderson Cooper”, who himself had been the subject of an attack while he was in Cairo. Rosen added that, “Yes, yes it is wrong what happened to her of course, but it would have been funny if it happened to Anderson too.” Not content with those comments, he continued: “I’m rolling my eyes at all the attention she’ll get...She’s so bad that I ran out of sympathy for her.” In case there was anyone left on the planet whom Rosen hadn’t offended, he added this observation, “she was probably groped like thousands of other women which is still wrong, but if it was worse than [sic] I’m sorry.”³²² His initial reaction to the online hostility and condemnation was a lame attempt to defend his comments: “Jesus Christ, at a moment when she is going to become a martyr and glorified we should at least remember her role as a major war monger.” That post was followed by a half-hearted apology, “I apologize and take it back. Joking with friends got out of line when I didn’t want to back down. Forgot twitter is not exactly private.”³²³

As outrage over his comments continued to grow, he finally offered a formal and unreserved apology: “I feel I should make one last statement. I offer my deepest apologies to Ms. Logan, her friends and her family. I never meant to hurt anyone.” He then resigned his fellowship and, as one journalist put it, was then “eviscerated”³²⁴ on air by Anderson Cooper.³²⁵ In a subsequent column, entitled “How 480 characters unraveled my career,” he acknowledged that his career was likely over.³²⁶

The second case, which also attracted considerable media attention, involved a teacher (Natalie Munroe) who had posted comments about her students on her blog. The comments, described by the teacher’s lawyer as “honest[,]... raw and a little edgy depending on your taste”³²⁷ and reflective of her “deep frustration for the educational system in America,” included the following comments. She stated that she would have liked to have included them on formal student evaluations:

- “I hear the trash company is hiring.”
- “I called out sick a couple of days just to avoid your son.”
- “Rude, beligerent [sic], argumentative f**k.”
- “Just as bad as his sibling. Don’t you know how to raise kids?”
- “Asked too many questions and took too long to ask them. The bell means it’s time to leave!”
- “Nowhere near as good as her sibling. Are you sure they’re related?”
- “Shy isn’t cute in 11th grade; it’s annoying. Must learn to advocate for himself instead of having Mommy do it.”
- “Too smart for her own good and refuses to play the school ‘game’ such that she’ll never live up to her true potential here.”
- “Am concerned that your kid is going to come in one day and open fire on the school. (Wish I was kidding.)”³²⁸

She concluded, “These comments, I think, would serve me well when filling out the [assessment] cards. Only, I don’t think parents want to hear these truths. Thus, the old addage [sic] ... if you don’t have anything nice to say ... say ‘cooperative in class.’”³²⁹ She also referred to her students as “rude, disengaged, lazy whiners. They curse, discuss drugs, talk back, argue for grades, complain about everything, fancy themselves entitled to whatever they desire, and are just generally annoying.”

Although she had not used her full name or identified either her students or the school, one of her current students found the blog and forwarded the link to other current and past students. It didn’t take long before parents discovered the comments and complained to school officials. Munroe admitted that the blog and the comments were hers, and she was suspended with pay. She may eventually lose her job.³³⁰

Apart from issues such as freedom of expression, there are a number of lessons to be taken from both cases about the use of electronic communication and social media. First, Munroe seemed genuinely surprised that she was identified. You may think that what you post will never be attributed to you, especially if you don’t understand the technology. Never underestimate the ingenuity of the social networking community in unmasking hidden online identities – especially when the community consists primarily of teens (and by extension, their parents). While she apparently had not used her full

name in the blog itself, she had posted a picture of herself, which linked to her profile, which then identified her by first and last name and included a link to “Rob Munroe.”³³¹ In other words, she gave out the identifying information herself.

Second, Munroe attempted to delete her comments and shut down her blog. She received what one writer termed an “object lesson in search engine cacheing” – in this case, Google’s cache.³³² The contents of the blog (intact with original spelling mistakes and profanity) are still visible and available for public review. What happens on social media stays on social media – and not in a good way.

Third, her comments were directed at students, were borne out of frustration, and do not appear to have been posted after she had taken the time to give due consideration to all the relevant factors. A public forum may not have been the appropriate place to air such comments, unless one is prepared to accept the consequences – which might be quite dire and result in the equivalent of professional death.

Fourth, fifth, sixth, and seventh – Twitter isn’t private; “Twitter is not a great place to tell the world what you’re thinking before you’ve had a chance to think about it”;³³³ “Twitter is no place for nuance”; and the “oops” defence may not be very effective when a mistake occurs (as Rosen eventually conceded).³³⁴ The same can be said for *all* social media sites and electronic communications. Nuance can be everything. Intemperate words posted without due thought and that should have been a silent thought-bubble take on a life of their own *forever* once they hit a social media site. In Rosen’s words:

There’s probably some larger lesson about social media to be drawn here, and how its immediacy can be great in its power to connect us, but also a liability because something blurted out and not meant to be serious acquires a greater power. Then, an offensive joke can be seen as an ideological manifesto, gallows humor can be seen as a serious support for sexual assault. I only wish this had been apparent to me before I hit enter.

I hope that one day people will believe me when I say that I did not mean it and that it does not reflect who I am. I hope that people will take time to read my work and understand that I have spent my career taking a lot of heat for defending victims of all kinds, not just Arabs and Muslims. And I hope Ms. Logan and other victims of sexual violence will one day forgive me for my terrible mistake.³³⁵

Well put!

The College’s advisory invites College members to engage in a process of self-reflection, and consider a number of general questions before posting comments or photos.

- When interacting with students electronically am I using electronic communication and social media to enhance their learning or to satisfy a personal need?
- What are my reasons for sharing this information with a student – are they professional or are they personal?
- Is this picture or comment something I would be comfortable with my students, their parents/guardians, my supervisor, my family or the media seeing?

- Would my peers or supervisors consider what I have posted as reasonable and professional?
- Would I communicate this way in my community?
- Are the photos, videos or audio recordings I am posting susceptible to misrepresentation or manipulation?
- Am I keeping current in my awareness and knowledge of social media technology developments to protect myself from misuse?³³⁶

Finally, the advisory asks members to consider these two questions:

How does my online presence – that which I control and that which is posted by others – reflect my professionalism, and how does it reflect on the teaching profession?³³⁷

While the advisory is intended to be teaching profession-specific, the advice really cuts across all professional lines. Had the journalist and the teacher stopped to consider these nine questions, their respective predicaments, fallout and the eventual outcomes might have been averted in both cases.

Endnotes

¹ *For the Love of Learning: Report of the Royal Commission on Learning* (1994);

<http://www.edu.gov.on.ca/eng/general/abcs/rcom/full/royalcommission.pdf>.

² *Ontario College of Teachers Act, 1996*, S.O. 1996, c. 12.

³ *Ibid.*, s. 3(1).

⁴ http://www.oct.ca/publications/pdf/advisory100802_e.pdf.

⁵ http://www.oct.ca/publications/PDF/faq_advisory_2010_e.pdf.

⁶ http://www.oct.ca/publications/PDF/Prof_Adv_Soc_Media_EN.pdf; http://www.oct.ca/publications/PDF/Prof_Adv_Soc_Media_FR.pdf.

⁷ The speed at which things change in the social media world is indeed very rapid as evidenced by the fact that this paper has been updated almost daily to add information.

⁸ Electronic communication and social media encompass software, applications (including those running on mobile devices), e-mail and websites, which enable users to interact, create and exchange information online. Some sites allowed users to create homepages, establish blogs and add “friends”. Some focus on specific interests or services, such as photo sharing, music preferences or education. Examples include, but are not limited to, sites such as Facebook, Twitter, LinkedIn, Zynga, Flickr, YouTube, Wikipedia, Picasa, MySpace, Bebo, last.fm, and Eduspaces. In addition, newspapers that were once limited to paper versions of their publications available only to those who subscribed to them are now available to non-paying readers who have access to the newspapers via the Internet.

⁹ **Social:** Those seeking potential mates or friendship frequently turn to social media platforms such as Friendster, Lavalife, eharmony, or howaboutwe. Facebook also claims to be able to predict when a relationship is over: L. Taylor, “Facebook knows when you’re most likely to be dumped”, *Toronto Star*, Nov. 3, 2010. <http://www.howaboutwe.com/>. For those in a relationship but without any poetic skills, an instant poetry app may assist: <http://itunes.apple.com/us/app/instant-poetry-For-other-love-related-apps>. For other “love” related apps, see “The love calculator and other Valentine’s apps”, *Toronto Star*, Feb. 14, 2011; <http://www.moneyville.ca/article/936903--the-love-calculator-and-other-valentine-s-apps>. See, as well, the “missed connections” portion of Craigslist, the online classified ads site: <http://toronto.en.craigslist.ca/mis/>. One woman campaigned online for friends, after her fiancé promised to set a wedding date if she could persuade one million people to join her Facebook group; “Swindon Facebook campaign fiance sets wedding date”, *BBC Online*, Mar. 2, 2011. <http://www.bbc.co.uk/news/uk-england-12618960>. **Commercial:** Enabling online banking, selling goods and services on eBay, Craigs List, and Kijiji, participation in LinkedIn [business-oriented social media site used primarily for professional networking], marketing strategies. **Employment:** For instance, social media are frequently used by job seekers who are hunting for a position and by employers as a means of assessing a job candidate’s credentials. **Political:** J. Morrissey, “Parliament Hill embracing social media”, Aug. 10, 2010,

<http://www.ottawacitizen.com/technology/Social+media+comes+Parliament+Hill/3409748/story.html>. Most, if not all, mainstream Canadian political parties have a social media presence, with their own websites, blogs, Facebook pages, Twitter accounts, Youtube videos, etc., and make full use of them during campaigns. Barack Obama’s social media campaign strategy has earned him the title, “First Social Media President”, and his strategic use of social media has led to the development of a website dedicated to the analysis of “the Obama campaign’s use of social media from a small business perspective.”

http://www.searchmarketinggurus.com/search_marketing_gurus/2008/11/barack-obama-the-first-social-media-president.html;

<http://www.socialsignal.com/dearsosi/how-can-political-campaigns-and-advocacy-organizations-use-social-media-build-support>;

<http://www.barack20.com/>; S. Verma, “Social Media teaches Grand Ole Party new campaign tricks”, *Globe and Mail*, Nov. 3, 2010; “MPs, staff can use social media on government BlackBerrys”, *Toronto Star*, Feb. 21, 2011;

<http://www.thestar.com/news/canada/article/942518--mps-staff-can-use-social-media-on-government-blackberrys>; See, however, a recent editorial in *Macleans*, in which the editors criticized Prime Minister Harper’s and Industry Minister Tony Clement’s “casual” responses via Twitter to the CRTC’s decision “that usage-based billing offers the fairest and most convenient means of allocating Internet access”; “The Internet should be fair—not free—to everyone”, editorial, *Macleans*, Feb. 18, 2011. In response, Minister Clement said, “There is nothing different from articulating government policy via social media as compared to a news release, or a press conference, or other means that have been traditionally available to politicians: “Embrace Twitter: Clement”, *Metro News*, Mar. 3, 2011, p. 12.

<http://www2.macleans.ca/2011/02/18/the-internet-should-be-fair-not-free-to-everyone/>. The current federal election has been dubbed by some as “Canada’s first social media election”: B. Curry, “Canada’s first social media election is on, but will people vote”, *Globe and Mail*, March 27, 2011. Mr. Curry points to the two of the pitfalls of social media – the immediacy of the message and the audience size: “You have a brain wave and bang: it’s out there in the public domain... Maybe the one saving grace is there’s only 140 characters, so there’s perhaps a limited amount of damage you can do saying something stupid on Twitter”. Perhaps, but you can do a lot of damage in 140 characters. **Diplomacy:** Matthew Lee, “U.S. diplomacy embracing Twitter amid global crises”, Jan. 23, 2011;

http://news.yahoo.com/sap/20110123/ap_on_re_us/us_us_diplomacy_twitter; **Entertainment:** Many people have replaced TV-watching or movie-watching in a theatre, with streaming shows and videos online. Consider also the example of a new phenomenon – the “silent dance party”, where a group of people dance to the music on their personal music players;

http://en.wikipedia.org/wiki/Silent_disco. **Archival and Historical:** “Canada’s ‘bleeding digital heritage’”, *Toronto Star*, October 9, 2010:

“More than 100 MPs, 50 government departments and dozens of public servants use” Twitter... The U.S. Library of Congress has declared Twitter such a valuable resource that it is keeping an archive of all messages sent since 2006”, D. Hope, “Library of Congress to House Entire Twitter Archive”, *TechNewsDaily*, Apr. 14, 2010, <http://www.technewsdaily.com/library-of-congress-to-house-entire-twitter-archive-0432/>.

Medical: Ranging from those wanting to purchase medicine over the Internet (who hasn’t received unsolicited emails for various “performance- enhancing” drugs) to those seeking non-professional or semi-professional advice from others with similar maladies on sites devoted to medical issues. Because of the large number of people who can be reached and, therefore, mobilized, they have been used to assist

those in need of an organ transplant and who cannot find a donor within his or her own family or circle of friends: ⁹J. Aaker, *et al.*, *The Dragonfly Effect*.

Electronic communication has been used to assist patients who live in remote areas – for instance, “telemedicine” is “part of regular clinical and educational activity in Canadian paediatric cardiac centres”; Dr. J. Finley, “Paediatric telecardiology in Canada”, *Paediatr Child Health*, 2009 March; 14(3): 156–158. **Artistic:** A site dedicated to the late Johnny Cash allows contributors to share their vision of the musician; <http://www.thejohnnycashproject.com/>. A cyberspace orchestra [the “YouTube Symphony Orchestra”] is conducting online auditions; http://www.huffingtonpost.com/2010/10/13/youtube-2011-orchestra-co_n_761185.html; H. Travis, “Music alumna wins YouTube orchestra seat”, *Western News*, Jan. 20, 2011; http://communications.uwo.ca/com/western_news/stories/music_alumna_wins_youtube_orchestra_seat_20110120447308/http://www.youtube.com/symphony: See as well this link to a video showing a “silent dance party”, where participants dance to music they listen to on their mp3 players: <http://improvinatoronto.com/tag/subway-dance-party-queens-park-music/>; http://en.wikipedia.org/wiki/Silent_disco. **Cultural:** J. Carter, “Why Twitter influences cross-cultural engagement”, *Mashable*, Oct. 14, 2010, <http://mashable.com/2010/10/14/twitter-cross-cultural/>; “The value of Twitter for cultural heritage”, Feb. 7, 2011, <http://archivesinfo.blogspot.com/2011/02/value-of-twitter-for-cultural-heritage.html>. **International, National or Local News:** Major newspapers all have websites, which reflect items that can be found in their paper versions. Just recently, Rupert Murdoch launched a daily newspaper that was designed entirely for Apple: “Murdoch turns page on digital newspaper, *The Globe and Mail*, Feb. 2, 2011: <http://www.theglobeandmail.com/news/technology/tech-news/murdoch-turns-page-on-digital-newspaper/article1891628/>. Newspapers use social media in other ways to deliver the news – for instance, through blogs, on Twitter, provide forums for comments or discussions, provide links to previous or similar articles, videos, <http://mashable.com/2009/03/11/newspaper-industry/>. W. Lewis, “Ten ways newspapers are using social media to save the industry, Mar. 11, 2009, <http://mashable.com/2009/03/11/newspaper-industry/>”. In addition, the Newspaper Association of America reported that in the first quarter of 2010 newspaper websites attracted “74.4 million unique visitors per month on average - more than one-third (37 percent) of all Internet users”; <http://www.naa.org/PressCenter/SearchPressReleases/2010/NEWSPAPER-WEBSITES-REACH-RECORD-AUDIENCE-IN-FIRST-QUARTER.aspx>. In addition, many major papers have a presence on Twitter and other social media sites, and provide their readers with the means to easily share news items with others. **Religious:** The Pope is online; J. Sternberg, “Social media and religion”, Sept. 18, 2009; <http://www.mediaite.com/online/social-media-religion-even-the-popes-online/>; D. Turner, “Church services in 3D: Whatever next?”, *Online Social Media*, Nov. 19, 2010; <http://www.mediaite.com/online/social-media-religion-even-the-popes-online/>; Some funeral homes are able to “film the service and stream it over the Web”, R. Starr, “Web streaming now a funeral option”, *Toronto Star*, Feb. 22, 2011 <http://www.moneyville.ca/article/941299--web-streaming-is-now-a-funeral-option>. **Educational:** For instance, some forms of distance education are provided by means of social media. Educators have used bulletin boards to post assignments or encourage class discussions. A university that is entirely online and free was recently established. Its slogan is “learning for everyone, by everyone, about almost anything”. Lessons and course materials are online and class discussions occur on Skype. Students of P2PU (Peer to Peer University) “watch videos simultaneously and read one another’s essays and blogs related to assignments”. Anyone can volunteer to suggest, organize and run a course; T. Poulton, “Quirky virtual university is free”, <http://virtual.torontosun.com/doc/torontosun/ContinuingEducation/2010120601/11.html>; *24 Hours*, Jan. 17, 2011 p. 14; <http://p2pu.org/>; See, as well, <http://voicethread4education.wikispaces.com/>; <http://www.edutopia.org/social-media-education-examples-facebook/>; S. Kessler, “7 fantastic free social media tools for teachers”, Oct. 16, 2010; <http://mashable.com/2010/10/16/free-social-media-tools-for-teachers/>. **Legal:** “MySpace and Facebook Becoming Evidence in Court: Social Networking Sites Replacing Private Detectives”, Feb. 3, 2009; <http://cbs11tv.com/local/MySpace.Facebook.Evidence.2.926231.html>. In addition, the law has had to adapt, as evidenced by developments in criminal and copyright law. **Law Enforcement and Investigations:** Police forces have turned to social media for a variety of reasons: for instance, on YouTube and Twitter to generate leads in an active investigation or to demonstrate to citizens what sorts of complaints they faced over a 24-hour period: “Police Twitter page captures ‘modern policing’”. http://www.google.com/hostednews/afp/article/ALeqM5j2B7kd_4QI7iJP6traOwQppZoEQ?docId=CNG_f9d30834fad90fb489bfce32ada2475_801. See, as well, a developing Toronto-based case, where Toronto police continue to ask for assistance and search for more victims through social media: “Doctors seek bail on sex assault charges”, *Toronto Star*, Feb. 23, 2011; <http://www.thestar.com/news/crime/article/943487--doctors-seek-bail-on-sex-assault-charges?bn=1>. **Medical:** There are numerous online sites devoted to providing health information, and some provide a forum for discussions among patients. Some examples include: MedicineNet; emedicinehealth, bodyandhealthCanada; N. Versel, “Doctors and social media: benefit and dangers”, *Medscape Business of Medicine*, Nov. 9, 2009; Health and Social Media: Physician heal thyselfes”; <http://socialmediatoday.com/emoderation/223097/health-social-media-physicians-heal-thyselfes>. See, also information regarding teleconferencing as a diagnostic tool – in particular, for paediatric telecardiology in Canada: http://www.cadth.ca/media/pdf/H0501_Telecardiology_Report_e.pdf. **Sports:** D. Robson, “A fan’s guide to Super Bowl social media”, *Toronto Star*, Feb. 2, 2011; <http://www.thestar.com/sports/football/nfl/superbowl/article/932530--a-fan-s-guide-to-super-bowl-social-media>; in addition to the sites listed in the article, see @MFM_MapleLeafs; @bluejaysbuzztap. See as well the first Superbowl 2011 ad: <http://www.wheels.ca/reviews/article/793602>. **Philanthropic:** D. Schwartz, “How social media is (*sic*) changing the aid business”, *CBC News Online*, Mar. 31, 2010; <http://www.cbc.ca/world/story/2010/03/30/f-haiti-rebuild-tapscoth.html>. Most large charities have a presence on social media sites such as Facebook. Other smaller organizations have followed suit. See, for instance, the Canadian SADS Foundation, an organization dedicated to providing support and information to those living with cardiac arrhythmia disorders. It has a presence on LinkedIn, Facebook and Twitter: <http://www.sads.ca/links.aspx>.

¹⁰ There is some debate over the actual number. Some place it at 300,000, while unnamed Apple sources have placed the number at 280,000. Others report that even half that number is too many. T. Bradley, “App store statistics as misleading as they are impressive”, Nov. 25, 2009; http://www.pcworld.com/businesscenter/article/183141/app_store_statistics_as_misleading_as_they_are_impressive.html; Brennon Slattery, “App overload”, Oct. 18, 2010; http://www.pcworld.com/article/208070/app_overload_apple_passes_300k_apps.html.

¹¹ B. Brown, “Apple reveals most downloaded iPhone iPad apps of all time”; http://www.pcworld.com/article/217092/apple_reveals_most_downloaded_iphone_ipad_apps_of_all_time.html?tk=mod_rel.

¹² M. Sullivan, “Can tech be gross?”, http://www.pcworld.com/article/159501/Apple_iPhone_app_store,_which_currently_sells_at_least_50_flatulence_or_flatulence-related_apps.

¹³ “Researchers launch mobile device ‘to spot paedophiles’”, BCC News Online, Jan. 24, 2011; <http://www.bbc.co.uk/news/uk-england-lancashire-12249172>; <http://www.isis-forensics.com/childprotection/index.php>.

¹⁴ *Lauren Katims*, “Police Test App That Instantly Reveals Criminal Records”, *Government Technology*, February 9, 2011 <http://www.govtech.com/public-safety/Police-Test-App-Criminal-Records.html>.

- ¹⁵ A. MacArthur, “Foursquare, the ‘anti-social’ app”, *Globe and Mail*, Feb. 9, 2011; <http://www.theglobeandmail.com/news/technology/digital-culture/trending-tech/foursquare-the-anti-social-app/article1900522/>.
- ¹⁶ *Ibid.*
- ¹⁷ In a recent report, the UN stated that the number of Internet users will exceed two billion by the end of 2010 (or close to a third of the world population): <http://www.theglobeandmail.com/news/technology/internet-users-to-hit-2-billion-un-agency/article1763211/>.
- ¹⁸ “Queen Launches YouTube Channel”, *BBC Online*, December 23, 2007; www.youtube.com/theroyalchannel.
- ¹⁹ “Royal Household Turns to Twitter”, *BBC Online*, July 10, 2009; @BritishMonarchy.
- ²⁰ <http://www.officialroyalwedding2011.org/>. The site was launched on Mar, 2, 2011. The site offers photos, updates, videos and it may be used to stream the wedding service live.
- ²¹ http://www.vatican.va/holy_father/benedict_xvi/messages/communications/documents/hf_ben-xvi_mes_20110124_45th-world-communications-day_en.html. He cautioned, however, that “virtual contact [should not] take the place of direct human contact with people”.
- ²² <http://www.littleiapps.com/overview.php>. True to digital language, at one point the user is told that the device is “loading data” and is “creating your custom examination of conscience”, with a reminder to “please wait”.; although see the comments from the Office of the Privacy Commissioner, for a discussion of data mining activities and the use of this app: <http://blog.privcom.gc.ca/index.php/2011/02/09/fess-up-where-does-my-data-go/> -- “According to reports, the app asks users to also **provide information on their age, sex and marital status** – paired with detailed information on the user’s transgressions, that’s a potentially detailed profile that would be quite attractive to marketers and others.”
- ²³ Regus, “Social success? A global survey of business social networking: A global report from Regus”, July 2010.
- ²⁴ E. Schelzig, “Breyer says justices must adapt to Facebook world”, AP, Nov. 17, 2010; http://www.law.com/jsp/law/article.jsp?id=1202475039936&Breyer_Says_Justices_Must_Adapt_to_Facebook_World. The case involved a California SWAT officer who sued the City of Ontario for a violation of his privacy after his employer reviewed personal text messages sent by the employee over an employer-issued pager: <http://trueslant.com/KashmirHill/2010/04/19/the-supreme-court-talks-about-an-employees-right-to-private-sexing/>. Other comments made during oral arguments in other cases indicate the court’s shaky grasp of technology. For instance, Chief Justice Roberts, who writes his decisions in long-hand rather than through the use of a computer, asked during a hearing what the difference was “between email and a pager?” *Ontario v. Quon*: <http://www.boingboing.net/2010/04/21/supreme-court-justic.html>; http://www.msnbc.msn.com/id/40224302/ns/technology_and_science-tech_and_gadgets/
- ²⁵ *Ibid.*
- ²⁶ “Facebook’s ad revenue hit \$1.86 billion for 2010”, *Mashable*, Jan. 17, 2011; <http://mashable.com/2011/01/17/facebooks-ad-revenue-hit-1-86b-for-2010/>; <http://www.mnive.com/2011/01/facebook-ad-revenues-forecast-to-reach-4-05-billion-in-2011/>; D. Flavelle, “Word of mouth on steroids”, *Toronto Star*, Feb. 22, 2011.
- ²⁷ J. Cohen, “Facebook soars to \$59.4 billion valuation”, Dec. 17, 2010; <http://www.allfacebook.com/facebook-soars-to-62-5-billion-value-in-sharespost-auction-2010-12>. This number suggests that the expected growth in revenue has been factored into the capital valuation.
- ²⁸ “Tweet This Milestone: Twitter Passes MySpace”, September 28, 2010. <http://blogs.wsj.com/digits/2010/09/28/tweet-this-milestone-twitter-passes-myspace/>.
- ²⁹ Regus, “Social success? A global survey of business social networking: A global report from Regus”, July 2010. [http://online.wsj.com/article/SB10001424052748703716904576134543029279426.html?KEYWORDS=twitter#printMode](http://online.wsj.com/article/SB10001424052748703716904576134543029279426.html?KEYWORDS=twitter#printMode;); <http://www.thestar.com/business/article/936147--facebook-google-size-up-takeover-of-twitter-report?bn=1>
- ³⁰ <http://www.newswire.ca/en/releases/archive/August2010/16/c2648.html>:
- ³¹ Regus, “Social success? A global survey of business social networking: A global report from Regus”, July 2010.
- ³² L. Patel, “The Rise of Social Media”, *T & D*, July 2010, Vol. 64, Iss. 7, pp. 60-61; http://www.astd.org/TD/Archives/2010/Jul/Free/1007_TheRiseOf.htm.
- ³³ Robert Godwin-Jones], *Emerging Technologies: Messaging, Gaming, Peer-to-Peer Sharing: Language Learning Strategies & Tools for the Millennial Generation*; <http://lt.msu.edu/vol9num1/emerging/default.html>; http://www.pbs.org/newshour/extra/video/blog/2010/02/what_is_the_millennial_generat.html: The study also found that millennials are voracious users of new technologies, from smartphones to social networking sites. While blogging is in decline, the use of micro blogging and social media has sky rocketed.
- ³⁴ <http://en.wikipedia.org/wiki/Wikipedia:About>.
- ³⁵ Contributors can contribute under their actual name, a pseudonym or anonymously.
- ³⁶ <http://en.wikipedia.org/wiki/Wikipedia:About> [as of March 2, 2011].
- ³⁷ At the point at which research for this paper was ongoing, there were 3,494,897 articles in English.
- ³⁸ <http://en.wikipedia.org/wiki/Portal:Contents/Lists>
- ³⁹ It provides a list of English words containing “Q” but not followed by “U”, http://en.wikipedia.org/wiki/List_of_English_words_containing_Q_not_followed_by_U. The list was described elsewhere as a scrabble player’s dream list.
- ⁴⁰ http://en.wikipedia.org/wiki/Wikipedia:Unusual_articles. Wikipedia is “not afraid to ask the tough questions”, it has tackled posers such as “number of angels dancing on the head of a pin” and “are zebras black with white stripes or white with black stripes”. Oddly, however, Wikipedia was not among the first 10 search results for, “where do missing socks go?”
- ⁴¹ “Canadians say yes to social media”, Nov. 29, 2010, <http://www.emarketer.com/Article.aspx?R=1008065>.
- ⁴² The federal Privacy Commissioner recently stated that over 40 per cent of Canadians are now on Facebook: http://www.priv.gc.ca/speech/2010/sp-d_20100512_ed_e.cfm.
- ⁴³ *Ibid.*
- ⁴⁴ http://www.emarketer.com/Report.aspx?code=emarketer_2000602.
- ⁴⁵ *Ibid.*
- ⁴⁶ M Dewing, “Social Media: 2. Who Uses Them?”; <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/2010-05-e.htm>; and M. Dewing, “Social media: 1. an introduction”, Feb. 3, 2010; <http://www2.parl.gc.ca/Content/LOP/ResearchPublications/2010-03-e.htm>.
- ⁴⁷ “Survey says...members netsurf and network to improve their practice: 2010 survey”, *Professionally Speaking*, December 2010, pp. 32-36; http://professionallyspeaking.oct.ca/december_2010/features/member_survey.aspx?lang=en-CA.
- ⁴⁸ *Ibid.*
- ⁴⁹ *Ibid.*

⁵⁰ Berkman Center for Internet and Society at Harvard University, Youth and Media Project, “Digital Natives” Project <http://cyber.law.harvard.edu/research/youthandmedia/digitalnatives>.

⁵¹ <http://mashable.com/2010/10/07/toddlers-online-presence/>.

⁵² Recently, a Toronto company developed educational applications for the iPhone and iPad intended for preschoolers. R. Ferguson, “iPhone apps a hit with preschoolers”, *Toronto Star*, Feb. 7, 2011; <http://www.zincroe.com/>.⁵²

⁵³ “Social Networking”, Office of the Privacy Commissioner of Canada, http://www.priv.gc.ca/information/social/index_e.cfm.

⁵⁴ J. O’Brien, “Text-mad teens never far from phones”, *Toronto Sun*, Mar. 25, 2011.

⁵⁵ The survey was created in partnership with Student Vote and Scholarships Canada: K. Rushowy, “Teens say cellphones distracting in class”, *Toronto Star*, Feb. 24, 2011; <http://www.parentcentral.ca/parent/education/schoolsandresources/article/943880--teens-say-cellphones-distracting-in-class>; <http://www.studentsurvey.ca/Ontario%20Student%20Survey%20Report%202011.pdf>.

⁵⁶ <http://www.bbc.co.uk/news/education-12334962>.

⁵⁷ See “Short forms used frequently on social media”; <http://www.techvorn.com/short-forms-used-frequently-on-social-media.html>.

See also a 2002 U. of Waterloo study <http://arts.uwaterloo.ca/~nrandall/LingoOnline-finalreport.pdf> which considered the effect of social media and electronic communication on spelling and grammar. The study report that “over 50% regularly check spelling in their email messages, and over 75% regularly use conventionally proper grammar in email. Over 75% regularly include a salutation or other greeting, and over 50% use a distinct closing. In a clear recognition that instant messaging and Chat are simulations of spoken language, these numbers drop considerably with instant messaging and Chat, according to the survey respondents.”

⁵⁸ J. Duffy, “Google Calls in the ‘Language Police’”, June 23, 2003, Online BBC, http://news.bbc.co.uk/2/hi/uk_news/3006486.stm

“Google” also appears in Urban Dictionary <http://www.urbandictionary.com/popular.php?character=G>; *Webster’s Online Dictionary*,

<http://www.websters-dictionary-online.org/definitions/about?cx=partner-pub-0939450753529744%3Av0qd01-tldq&cof=FORID%3A9&ic=UTF-8&q=about&sa=Search#922>; The *Oxford English Dictionary* declared “Google” to be a verb: Google, v.²

Pronunciation: Brit. / gu gl /, U.S. / gug () /

Forms: also with lower-case initial.

Etymology: < *Google*

1. *intr.* To use the Google search engine to find information on the Internet.

1999 *Re: Hi Guys! in alt.fan.british-accent* (Usenet newsgroup) 10 Oct., Has anyone Googled? www.google.com Ver ver [sic] clean and fast.

2003 *Sunday Herald (Glasgow)* 14 Sept. (Seven Days section) 7/3 You can google all you want and there’s nothing there on them.

2004 *U.S. News & World Report* 14 June 49/2 The couple found themselves Googling for a new place to live.

2. *trans.* To search for information about (a person or thing) using the Google search engine.

2000 *Re: \$Emergency_Number in NYC in alt.sysadmin.recovery* (Usenet newsgroup) 10 Jan., I’ve googled some keywords, and it came up with some other .edu text.

2001 *N.Y. Times* 11 Mar. iii. 12/3, I met this woman last night at a party and I came right home and googled her.

2005 ‘Belle De Jour’ *Intimate Adventures of London Call Girl* 115 Obsessing over the details, including Googling his name every few hours? Too right I did.

⁵⁹ <http://www.oxforddictionaries.com/page/twitterortweet/tweets-leap-from-nature-to-the-net>.

⁶⁰ See however, Lake Superior State University’s 2010 annual “List of Words Banished from the Queen’s English for Mis-use, Over-use and General Uselessness”. Included were: “friend” as a verb, “App”, and “Tweet” (and all its variations). The 2011 list includes “viral”, and “Facebook” and “Google” as verbs. See also Google’s own early efforts to have the word “Google” removed from dictionaries: J. Duffy, “Google calls in the ‘language police’”, *BBC News*, June 20, 2003.

⁶¹ W. Leung, “OMG and muffin top added to the Oxford dictionary. LOL”, *The Globe and Mail*, Mar. 25, 2011;

<http://www.theglobeandmail.com/life/the-hot-button/omg-and-muffin-top-added-to-the-oxford-dictionary-lol/article1956484/>.

⁶² Typing, pointing and clicking are the basic skills. A more sophisticated understanding of privacy issues is required if one is to navigate safely.

⁶³ Although they are relatively easy to use, the more “high-tech” and built-in features of various social media forums are not commonly understood.

⁶⁴ Social media is replete with spelling and grammar gaffes – One example suffices to illustrate the point, which is the social media version of “eats, shoots and leaves”. Taken from a tweet between parent and child: “the dog ate Natalie”.

⁶⁵ Google “Translate for Animals” (beta): Bridging the gap between animals and humans”;

<http://www.google.co.uk/intl/en/landing/translateforanimals/>.

⁶⁶ So far, social media have not cured the common cold. You can, however, search for a cure or a chicken soup recipe using your social media networking contacts. See, as well, <http://www.healthzone.ca/health/newsfeatures/cancer/article/943613--smartphone-app-helps-diagnose-cancers?bn=1> for a discussion of a recently developed a cellular app, which, when combined with “a \$200 portable attachment can accurately diagnose life-threatening cancers at the bedside, without need for often painful and disfiguring surgeries”. *Toronto Star*, Feb. 23, 2011.

⁶⁷ “ACSI Commentary, July 2010; “Facebook flops in customer satisfaction survey”, *CBC News Online*, Jul. 22, 2010;

<http://www.cbc.ca/technology/story/2010/07/21/facebook-hated-survey.html>.

⁶⁸ Skype is a software application that allows users to make calls over the Internet. If the calls are to other Skype users, the calls are free.

⁶⁹ http://www.edweek.org/ew/articles/2011/01/27/401070njcombattingbullying_ap.html?tkn=QOYFfQukWNtpBBMXZS84sgREYhIDZVrYKbrO&cmp=clp-edweek. T. Burnett, “Meth addict mugshots used as anti-drug weapon”, *Toronto Sun*, Mar. 5, 2011;

http://www.torontosun.com/news/columnists/thane_burnett/2011/03/02/17484071.html#news/columnists/thane_burnett/2011/03/03/pf-17484046.html. The article outlines a project initiated by a Deputy Sheriff in Oregon: “Faces of Meth”, a drug awareness project that went viral. There was also a follow-up 48-minute documentary using the same photos and footage of interviews with meth addicts. The documentary is sold online, with proceeds going to drug awareness projects. Google’s website provides a direct link to a U.K charity that offers counseling to those who are contemplating suicide. Internet users who use the search word “suicide” or the phrase “commit suicide” will be directed to a red telephone icon at the top of the list of results; “Google offers Samaritans link-up”, <http://www.bbc.co.uk/news/technology-11734269>.

⁷⁰ <http://www.aagrapevine.org/>. “AA Grapevine” is described on its website as “the international journal of Alcoholics Anonymous. Written, edited, illustrated, and read by AA members and others interested in the AA program of recovery from alcoholism, the Grapevine is a lifeline

linking one alcoholic to another. Widely known as a "meeting in print," the AA Grapevine communicates the experience, strength, and hope of its contributors and reflects a broad geographic spectrum of current AA experience with recovery, unity, and service."

⁷¹ <http://www.caringbridge.org/about>: "CaringBridge provides free websites that connect people experiencing a significant health challenge to family and friends, making each health journey easier. CaringBridge is powered by generous donors. CaringBridge websites offer a personal and private space to communicate and show support, saving time and emotional energy when health matters most. The websites are easy to create and use. Authors add health updates and photos to share their story while visitors leave messages of love, hope and compassion in the guestbook." One such site was created for Emily Yeskoo, a 17-year-old who was diagnosed with MLD, a rare, fatal neuro-degenerative disease. Her mother and other family members write on Emily's behalf, updating friends and family on her condition, and also educating others on MLD. Readers can (and do) leave inspirational messages for Emily and her family. They can also donate to Caring Bridge. Emily's 13-year-old sister, Madeleine, has created a charity to raise funding for a respite centre, "Emily's House": <http://groundbreaking18.webs.com/>.

⁷² Word Qcan predict words and allow the user to choose from among the options offered: <http://www.goqsoftware.com/en/>

⁷³ Proloquo2Go translates text to voice: <http://www.proloquo2go.com/>.

⁷⁴ W. Hauch, "Unlocking Carly's world", *Toronto Star*, Feb. 26, 2011, p. GT4.

⁷⁵ <http://carlyvoice.com/>.

⁷⁶ *Ibid.*

⁷⁷ David Goldman, "Google gives '20%' to Japan crisis", March 17, 2011, http://cnmmoney.mobi/primary/_zeDsSv-iusnN8j6Bx.

⁷⁸ <http://www.torontosun.com/news/torontoandgta/2011/01/16/16909551.html>; <http://www.yorkregion.com/news/article/931431--york-police-weigh-value-of-social-networking>; http://www.denverpost.com/news/ci_17003492; <http://news.bbc.co.uk/2/hi/8363064.stm>;

<http://news.bbc.co.uk/2/hi/8363064.stm>; <http://www.bbc.co.uk/news/uk-england-manchester-11537806>;

<http://www.thestar.com/news/gta/torontog20summit/article/828168--police-to-tweet-g8-g20-road-closures-other-news>; I. Robertson, "Cops look for more sex assault victims", *Toronto Sun*, Feb. 22, 2011; <http://www.torontosun.com/news/torontoandgta/2011/02/22/17364381.html> <http://www.bbc.co.uk/news/uk-12336381>; <http://www.cbc.ca/canada/ottawa/story/2010/12/02/ottawa-white-press-conference.html>; "Police probe four-year-old girl's death in Inveness", Feb. 23, 2011; <http://www.bbc.co.uk/news/uk-scotland-highlands-islands-12550191>

⁷⁹ http://www.ontariocourts.on.ca/coa/en/notices/adminadv/ef_criminal_appeals.htm.

⁸⁰ <http://www.suite101.com/content/facebook-being-used-to-serve-court-papers-a212842>;

⁸¹ <http://www.ontariocourts.on.ca/coa/en/rss/index.htm>.

⁸² Keith Fraser, "Cameras approved for final days of B.C. polygamy trial", Feb. 7, 2011; <http://www.leaderpost.com/news/Cameras+approved+final+days+polygamy+trial/4239287/story.html>.

⁸³ "Ontario could let cameras capture courtroom dramas", Canadian Press, Mar. 14, 2011.

⁸⁴ "Sun and Daily Mail in contempt over online gun photos", *BBC Online*, Mar. 3, 2011; <http://www.bbc.co.uk/news/uk-england-south-yorkshire-12632587>; *Attorney General v Associated Newspapers Ltd & Anor*, [2011] EWHC 418 (Admin) (03 March 2011)

URL: <http://www.bailii.org/ew/cases/EWHC/Admin/2011/418.html>.

⁸⁵ *Ibid.*, para. 53

⁸⁶ *Ibid.*, para. 54

⁸⁷ *Ibid.*, para. 54

⁸⁸ D. Tapscott, "The wiki- revolution", *Toronto Star*, Feb. 12, 2011, p. A15, *Cf.* M. Gladstone, "Small change: why the revolution won't be tweeted", *The New Yorker*, Oct. 4, 2010; http://www.newyorker.com/reporting/2010/10/04/101004fa_fact_gladwell.

⁸⁹ G. Witte and J. Zacharia, "Crowds clash with police in 'Angry Friday' protests as Egypt cuts Internet, cell service", *The Washington Post*, Jan. 28, 2011; <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/25/AR2011012500866.html?hpid=topnews>. Also see M. Gladwell, "Small Change", *The New Yorker*, Oct. 4, 2010, in which the author argues that while social media are effective in amassing a large number of people, they are not that effective at amassing a large number of people who are highly committed and personally connected to a cause. He argues that a petition with 100,000 signatures may give people the *illusion* of participating in social change, participation involves no effort – just a mouse click, unlike other social movements such as the U.S. civil rights movement, which required true commitment of time, energy, resources and lives. But that argument doesn't explain Egypt or former president Mubarak's departure much earlier than he'd planned. It doesn't explain the chain reaction unfolding in the Middle East. More recently, a Facebook campaign was launched urging people to support a 'day of rage' across Saudi Arabia on March 11, 2011 to demand an elected ruler, greater freedom for women and release of political prisoners." At the time of the article, more than 460 people had signed up: "Hundreds back Facebook call for Saudi protest"; *Globe and Mail*, Feb. 23, 2011; <http://www.theglobeandmail.com/news/technology/tech-news/hundreds-back-facebook-call-for-saudi-protest/article1917114/>. See, as well, P. Swire, "Social networks, privacy and freedom of association", Feb. 2011; http://www.americanprogress.org/issues/2011/02/pdf/social_networks_privacy.pdf.

⁹⁰ http://news.cnet.com/8301-13577_3-20031600-36.html#ixzz1FYwtHBhb.

⁹¹ "Uganda lists banned phone text messages", *Africa Review*, Feb. 18, 2011;

<http://www.africareview.com/News/Uganda+lists+banned+phone+text+messages/-/979180/1110134/-/12uxslu/-/index.html>.

⁹² *Ibid.* The trigger words were reported to be the following: Tunisia, Egypt, Ben Ali, Mubarak, dictator, teargas, *kafu* (it is dead), *yakabadda* (he/she cried long time ago), *emuudu/emundu* (gun), *gasiya* (rubbish), army/ police/UPDF, people power, and gun/bullet.

⁹³ *Ibid.*

⁹⁴ For example, "most 'likes' on Facebook in a 24-hour period": <http://community.guinnessworldrecords.com/Most-Likes-on-a-Facebook-Post-in-24-Hours/blog/3316818/7691.html>. Guinness currently recognizes seven records for Facebook use".

⁹⁵ <http://community.guinnessworldrecords.com/Facebook-Records/blog/2309899/7691.html>.

⁹⁶ Two recent examples illustrate the point. A recently constructed website, "HarassMap", "encourages women to send in their reports of harassment via email, text message, Twitter or Facebook", with the goal of chipping "away at complacency about sexual harassment in Egypt," M Eltahwy, "HerSpace: Mideast women log on, speak out", *Toronto Star*, Dec. 19, 2010, p. IN3; OutMilitary is essentially Facebook for gay U.S. soldiers and was launched shortly after President Obama signed the new law overturning the ban on gays in the US military. <http://marketingeasy.net/out-military-the-first-social-networking-website-for-gay-soldiers/2011-01-04/>; W. Leung, "A new 'Facebook' for gay U.S. soldiers", *Globe and Mail*, Jan. 3, 2011.

⁹⁷ <http://www.davecarrollmusic.com/ubg/story/>; 9 million hits on YouTube by July 2010; <http://www.youtube.com/watch?v=5YGc4zOqozo> [first video 9,606,147 hits as of Dec. 1, 2010]; <http://www.davecarrollmusic.com/ubg/>. M. Harvey, "United Airlines gets the blues as Dave Carroll sings another complaint", *The Times*, July 24, 2009; http://www.timesonline.co.uk/tol/news/world/us_and_americas/article6725588.ece

- ⁹⁸ <http://sahnestueckchen.me/the-decade-in-management-ideas-harvard-busine;>
http://www.alumni.hbs.edu/bulletin/2010/september/ideas_casestudy.html.
- ⁹⁹ http://en.wikipedia.org/wiki/United_Breaks_Guitars; And Ms. Irlweg, the United Airlines employee who ultimately denied both that United was liable and Mr. Carroll's claim? She was immortalized in song as the heartless corporate stooge who was "just doing her job" – described hilariously as "emblematic of America's corporate malaise as the villains at AIG, General Motors and Madoff Securities". Ironically, she thought that she had been unfairly portrayed. http://www.timesonline.co.uk/tol/comment/columnists/chris_ayres/article6722407.ece;
http://en.wikipedia.org/wiki/United_Breaks_Guitars; http://www.timesonline.co.uk/tol/comment/columnists/chris_ayres/article6722407.ece.
- ¹⁰⁰ And Ms. Irlweg, the United Airlines employee who ultimately denied both that United was liable and Mr. Carroll's claim? She was immortalized in song as the heartless corporate stooge who was "just doing her job" – described hilariously as "emblematic of America's corporate malaise as the villains at AIG, General Motors and Madoff Securities". Ironically, she thought that she had been unfairly portrayed. http://www.timesonline.co.uk/tol/comment/columnists/chris_ayres/article6722407.ece.
- ¹⁰¹ <http://www.edelman.com/news/2010/SocialEntPresentationDeckforEdelman.com.pdf> ; "Study Reveals Shift as Social Networks Become 'Social Entertainment'"; <http://www.edelman.com/news/ShowOne.asp?ID=247>.
- ¹⁰² http://www.youtube.com/t/fact_sheet
- ¹⁰³ There's a debate about the meaning of "viral" and how many views actually constitutes "viral" – one million seems to be the agreed cut-off point. But as one lead singer of an indie band whose song "Americanarama" received wide acclaim as a result of a YouTube video remarked 750,000 views later, "we went from having zero radio play to having some", but conceded "is it that big a deal what we just did, if bird-sitting-on-cat [video] has doubled us?": M. Oliveira, "It takes more than hits to 'go viral'", *Globe and Mail*, Jan. 12, 2011
- ¹⁰⁴ <http://www.youtube.com/watch?v=jPW8xm14w6U> - 559,993 views; "How do you text? "Yikes, fell into a fountain", *Toronto Star*, Jan. 20, 2011. The *Toronto Star* reported that the woman was contemplating litigation.
- ¹⁰⁵ <http://www.youtube.com/watch?v=cZ7OT7BmM8> - 1,675,267. Likely because of her YouTube popularity, Ms. Parrish was invited back to the finale of *American's Got Talent*, to sing her original and utterly unforgettable tune, "Up in my studio" and was joined onstage by T-Pain: <http://www.theboombox.com/2010/09/16/americas-got-talent-finale/>.
- ¹⁰⁶ <http://www.youtube.com/watch?v=SXh7JR9oKVE> - 30,615,728 views.
- ¹⁰⁷ <http://www.youtube.com/watch?v=2ArIj236UHs> - 2,591,208.
- ¹⁰⁸ <http://www.youtube.com/watch?v=wKB7zfopiUA> - 3,611,044 views.
- ¹⁰⁹ http://www.youtube.com/watch?v=we9_CdNPuJg - 10,456,020 views.
- ¹¹⁰ <http://www.youtube.com/watch?v=d0nERTFo-Sk> - 1,803,986 views.
- ¹¹¹ Regus, "Social success? A global survey of business social networking: A global report from Regus", July 2010; <http://www.mediaincanada.com/articles/mic/20100707/globalsocialmedia.html>; "Social Success July 2010"; Cf., however, D. Flavelle, "Word of mouth on steroids", *Toronto Star*, Feb. 22, 2011, in which advertising on social media is described as a "tough sell".
- ¹¹² <http://online.wsj.com/video/howard-schultz-the-history-of-the-starbucks-logo/A2BE468F-00F5-41A1-8BD5-E1C964E7A8C9.html?mod=googlewsj>.
- ¹¹³ K. Von Hahn, "'Crowdsourcing' lets the masses shape the log", *Toronto Star*, Jan. 23, 2011; M.P. Mueller, "Whose logo is it anyway?", *New York Times*, Jan. 12, 2011; <http://boss.blogs.nytimes.com/2011/01/12/whose-logo-is-it-anyway/>; The video was possibly done in an effort to avoid the Gap's and Chevy's respective marketing fiascos a few months before, where neither company announced a new brand/new product prior to the release of the product and each company received overwhelmingly negative response.
- ¹¹⁴ D. Flavelle, "Facebook 'pop up' stores latest social media trend", *Toronto Star*, Feb. 7, 2011.
- ¹¹⁵ D. Flavelle, "Word of mouth on steroids", *Toronto Star*, Feb. 22, 2011.
- ¹¹⁶ There are many types of social media monitoring tools. http://heardable.com/blogs.php?user_id=7&blogentry_id=234
<http://www.freshnetworks.com/blog/2010/04/social-media-monitoring-review-2010-test-1-results/>.
- ¹¹⁷ A. Zerbisias, "The customer is always writing", *Toronto Star*, Jan. 30, 2011.
- ¹¹⁸ It was reported on one site developed by a disgruntled ex-Rogers customer and devoted to Rogers' customer complaints that Rogers was the registered owner of sites such as [ihaterogers.com](http://www.ihaterogers.com); and [rogerssucks.com](http://www.ihaterogers.info/html/amazing.html): <http://www.ihaterogers.info/html/amazing.html>.
- ¹¹⁹ http://arxiv.org/PS_cache/arxiv/pdf/1010/1010.3003v1.pdf.
- ¹²⁰ <http://www.cbc.ca/canada/toronto/story/2010/12/21/toronto-nobody-siu.html>; <http://www.cbc.ca/canada/toronto/story/2010/12/21/toronto-nobody-siu.html#ixzz1Ccv4XjB3>.
- ¹²¹ B. Popplewell, "TTC driver caught texting while driving", *Toronto Star*, Jan. 28, 2011; <http://www.thestar.com/news/ttc/article/929605--ttc-driver-caught-texting-while-driving>; "Three TTC employees fired for texting while driving", *Toronto Life*, Feb. 1, 2011, <http://www.torontolife.com/dailyinformer/streetcar-named-disaster/2011/02/01/three-ttc-employees-fired-for-texting-while-driving-public-transit-vehicles/>; Got a photo of a texting TTC driver? Send it to webmaster@thestar.ca.
- ¹²² A. Dempsey and C. Rush, "TTC to passengers: Don't snap testing drivers", *Toronto Star*, Jan. 28, 2011; <http://www.thestar.com/news/article/929736--ttc-to-passengers-don-t-take-pictures-of-drivers?bn=1>.
- ¹²³ B. Schiller, "'My father is Li Gang' accused gets six years", *Toronto Star*, Jan. 30, 2011; <http://www.thestar.com/news/world/article/930500--my-father-is-li-gang-accused-gets-six-years>. Upon emerging from his car after hitting and killing the student, Mr. Li is reported to have shouted "Go ahead and sue me! My father is Li Gang!".
- ¹²⁴ <http://www.thestar.com/news/canada/article/900340--ottawa-cops-reviewing-detention-policies-after-release-of-disturbing-videos>
- ¹²⁵ A similar situation occurred in Windsor. A photo, posted online, and viewed more than 162,000 times on imgur.com, depicts a police officer apparently playing solitaire on the police cruiser's computer, also referred to as a mobile data terminal. The photo has led to an investigation: "Photo depicting cop playing solitaire prompts probe", *Toronto Star*, Mar. 1, 2011; <http://www.thestar.com/news/article/946819--photo-depicting-cop-playing-solitaire-prompts-probe>.
- ¹²⁶ Wikipedia defines "Wiki" as a " website allows the creation and editing of any number of number of interlinked webpages via a web browser...and are often used to create collaborative works. <http://en.wikipedia.org/wiki/Wiki>.
- ¹²⁷ "Wiki" (pronounced [witi] or [viti]) is a Hawaiian word for "fast. A "wiki" is a website or database developed collaboratively by a community of users, allowing any user to add and edit content: <http://en.wikipedia.org/wiki/Wiki> and http://www.oxforddictionaries.com/view/entry/m_en_gb0975445#m_en_gb0975445.
- ¹²⁸ <http://wikileaks.org/> .
- ¹²⁹ In October, WikiLeaks released documents that suggested the "U.S. ignored hundreds of reports of abuse, torture and murder by Iraqi police and soldiers". And in July, WikiLeaks released close to 77,000 confidential U.S. military and intelligence document that revealed new

details about the war in Afghanistan, including the close relationship of the Pakistani military with Afghan insurgents. At the time, the posting of those documents was described as the largest leak in American military history since the Pentagon Papers in 1971:

<http://www.cbc.ca/world/story/2010/11/28/wikileaks-release.html#ixzz16z7d9Vs7>; <http://www.cbc.ca/world/story/2010/07/26/f-wikileaks-background-faq.html#ixzz16z7Mmrmu>; <http://www.cbc.ca/world/story/2010/07/26/f-wikileaks-background-faq.html#ixzz16z6dlSNt>

¹³⁰ <http://www.cbc.ca/world/story/2010/11/28/wikileaks-release.html#ixzz16z7d9Vs7>; <http://www.cbc.ca/world/story/2010/07/26/f-wikileaks-background-faq.html#ixzz16z7Mmrmu>; K. Connolly, "Has release of WikiLeaks documents cost lives?" *BBC Online*, Dec. 1, 2010; <http://www.bbc.co.uk/news/world-us-canada-11882092>.

¹³¹ <http://www.guardian.co.uk/technology/2010/dec/20/twitter-court-lord-chief-justice>;

<http://www.guardian.co.uk/law/interactive/2010/dec/20/twitter-court-guidance>

¹³² <http://www.guardian.co.uk/law/2011/jan/27/twitter-courts-scotland/print>

¹³³ See section 136 of the *Courts of Justice Act*. See also <http://www.cbc.ca/canada/story/2010/10/14/colonel-russell-williams-media-hearing.html>, <http://www.cbc.ca/news/pdf/williams-court-order2010.pdf>;

<http://www.canada.com/news/media+throw+curve+ball+into+court+proceedings/4061799/story.html>.

¹³⁴ "Russian President, Dmitry Medvedev reveals WikiLeaks provide positive effects for international diplomacy", Feb. 14, 2011, NewsToday

¹³⁵ <http://wn.com/Media Fail Foxnews Compares Wikileaks To Cyber Terrorist Attacks Cyber War>; "Clinton: Leaks 'tear at the fabric' of government", 11/29/2010; http://www.msnbc.msn.com/id/40412689/ns/us_news-security/; Nancy A. Youssef, "WikiLeaks fallout: Why more secrecy might be worse", December 3, 2010; <http://www.mcclatchydc.com/2010/12/03/104723/wikileaks-fallout-why-more-secrecy.html#ixzz1DwY3Yfx8>.

¹³⁶ C.Q. Choi, "How Will WikiLeaks Transform Mainstream Media?", *Scientific America*, Dec. 1, 2010; <http://www.scientificamerican.com/article.cfm?id=wikileaks-transform-media>.

¹³⁷ Interview - C. W. Anderson How WikiLeaks Affects Journalism", Dec. 29, 2010; http://www.cfr.org/terrorism/wikileaks-affects-journalism/p23696?cid=rss-terrorism-how_wikileaks_affects_journali-122910.

¹³⁸ Timothy Garton Ash, "US embassy cables: A banquet of secrets", *The Guardian*, Nov. 28, 2010;

<http://www.guardian.co.uk/commentisfree/2010/nov/28/wikileaks-diplomacy-us-media-war/print>.

¹³⁹ "WikiLeaks among nominees for Nobel Peace Prize", Feb. 2, 2011;

<http://www.reuters.com/article/2011/02/02/us-nobel-wikileaks-idUSTRE7115QP20110202>.

¹⁴⁰ *Ibid.*

¹⁴¹ http://www.information-management.com/specialreports/2009_165/social_networking_media-10016208-1.html; "Civil servants' online secrets revealed: Ontario staffers try to access porn, drug and racist websites thousands of times a month:", *Toronto Star*, Nov. 27, 2010, p. A1; D. Rider, "City workers posted inappropriate videos about co-workers", *Toronto Star*, Feb. 14, 2011;

<http://www.thestar.com/news/article/938544--city-workers-posted-inappropriate-videos-about-co-workers> Although see

<http://network.nationalpost.com/np/blogs/fposted/archive/2009/02/15/social-networking-in-the-workplace-a-smart-business-strategy.aspx>,

which suggests that employees who use social media may actually be more productive than their non-social networking colleagues.

¹⁴² Bill 118, c. 4, S.O. 2009, c. 4, Countering Distracted Driving and Promoting Green Transportation Act, 2009;

http://www.ontla.on.ca/bills/bills-files/39_Parliament/Session1/b118ra.pdf; See, as well, a recent survey of Ontario students, who concluded that cell phones in class were distracting and for that reason shouldn't be permitted – not even as a classroom educational tool. The Blue Jays' manager also agrees that Twitter and other social media are a distraction: Aaron Gleeman, "New manager John Farrell tells Blue Jays to stay off Twitter", Feb. 23, 2011; <http://hardballtalk.nbcsports.com/2011/02/23/new-manager-john-farrell-tells-blue-jays-to-stay-off-twitter/>.

¹⁴³ T. Ward, "Is Wikipedia a reliable research tool?", Suite101.com, Oct. 20, 2009. According to the author, the error rate was comparable to the Encyclopaedia Britannica. However, see note 92, below for links on Wikipedia for instructions for correcting errors found in articles posted on the site. <http://www.suite101.com/content/is-wikipedia-a-reliable-research-tool-a160977>. Sorting out what was important and credible was an issue that mainstream journalists faced in Wikileaks.

¹⁴⁴ Wikipedia provides this surprisingly frank admission (and disclaimer) that "[o]lder articles tend to grow more comprehensive and balanced; newer articles may contain misinformation, unencyclopedic content, or vandalism. Awareness of this aids obtaining valid information and avoiding recently added misinformation (see [Researching with Wikipedia](#)). See also http://en.wikipedia.org/w/index.php?title=Wikipedia:How_to_edit_a_page&action=edit;

http://en.wikipedia.org/wiki/Wikipedia:How_to_edit_a_page;

http://en.wikipedia.org/wiki/Wikipedia:Main_Page/Errors.

There is a movement developing among students at Imperial University in London to address the importance of research on the Wikipedia site and to improve editing: S. Coughlan, "Academics to 'embrace Wikipedia'", BBC Online, Mar. 21, 2011.

¹⁴⁵ T. Rae, "Wikipedia's editing process still a mystery to students", *The Chronicle*, Feb. 10, 2011.

¹⁴⁶ "Royal couple edited own Wikipedia entry", Harro ten Wolde, Aug 31, 2007;

<http://www.reuters.com/article/2007/08/31/us-dutch-royals-wikipedia-idUSHER15273720070831>.

¹⁴⁷ D. George-Cosh, "Is Wikipedia becoming a hub for propaganda?" *The Globe and Mail*, Aug. 16, 2007

<http://www.theglobeandmail.com/news/national/article116238.ecehttp://www.nowpublic.com/ip-address-traced-canadian-government-wiped-out-homosexuality-entry-wikipedia-several-times>.

¹⁴⁸ Comedy of errors hits the world of Wikipedia", *The Sunday Time*, Feb. 12, 2006,

<http://www.timesonline.co.uk/tol/news/uk/article730025.ece>.

¹⁴⁹ "Esperanza Spalding at the mercy of Justin Bieber fans", Feb. 14, 2011; <http://www.chattershmatter.com/2011/02/15/esperanza-spalding-at-the-mercy-of-justin-bieber-fans/>.

¹⁵⁰ "When Bieber fans attack", Feb. 15, 2011, *24 Hour Entertainment*, p. 10.

¹⁵¹ "Social networking: An Internet addiction?",

<http://www.cbsnews.com/stories/2008/06/24/earlyshow/main4205009.shtml?tag=contentMain;contentBody>; "Internet addiction linked to depression", <http://news.bbc.co.uk/2/hi/8493149.stm>; "Social network addiction: a disorder on the rise;

<http://brainblogger.com/2011/01/07/social-network-addiction-a-scientific-no-mans-land/>; E. Anderssen, "Internet addiction? Blame it on

Information Deprivation Disorder", *Globe and Mail*, Jan. 4, 2011.

¹⁵² One letter to Ellie Teshler, columnist with the *Toronto Star*, detailed the reader's marriage to a true computer addict. After the divorce, the consequence of the addiction, she discovered (and threw out) six computers she never knew were in the house: *Toronto Star*, Feb. 22, 2011;

<http://www.thestar.com/article/941330--ellie-wait-til-after-your-son-s-wedding-to-hit-on-his-mother-in-law>; "Facebook addiction: When

social media becomes a compulsion; <http://www.suite101.com/content/facebook-addiction---when-social-networking-becomes-a-compulsion-a331602>; <http://www.buzzle.com/articles/facebook-addiction.html>.

¹⁵³ *Ibid.*

¹⁵⁴ “Busted: Burglar arrested after checking Facebook during robbery”, <http://mashable.com/2009/09/17/facebook-robber-arrested/>

¹⁵⁵ “MyRobberySpace”, <http://www.dailyrevelry.com/13-incredibly-dumb-criminals/>. See as well, R. Todd, “Social media tripping up litigants”, *Law Times*, Nov. 2, 2009.

¹⁵⁶ http://en.wikipedia.org/wiki/Where_No_One_Has_Gone_Before.

¹⁵⁷ There are those who post inappropriate and/or ill-considered comments because they’re caught up in the heat of the moment. There are those, however, who “troll” sites and deliberately post provocative comments to generate controversy: see the following site for a definition of “troll”, as it applies to social media sites; <http://www.urbandictionary.com/define.php?term=troll>.

¹⁵⁸ Consider the following exchange about Christina Aguilera who sang the American anthem at the 2011 Superbowl: “Canada: Great game...great outcome..... but someone needs to learn how to sing that song correctly! If I was an American... I would be embarrassed! God Save the Queen! Jean: I’d be embarrassed to keep giving millions to a royal family that does nothing.”

¹⁵⁹ Or this exchange that following the news that Mark Zuckerberg, the founder of Facebook had sought a restraining order to deal with a man who was cyberstalking him through Facebook: “Ante: restraining order? Does he have no fists to defend himself? Sissy nerd ... Paniac: That “nerd” can have any woman on the planet he wants, including your hideous train-wreck of a wife/girlfriend.”

¹⁶⁰ This comment was one made in response to an article about an alleged assault by a TTC driver on a passenger. The comment was from “Iamfedup”: “Terry dillon you are a asswhat does this have to do with those people hit by buses.....i hope your not saying the drivers were at fault for the actions of those hit by the vehicles.... read the facts you piece of sh....t and for those that blame the union ...what does it have to do with them? Or the average TTC driver for that matter??”

¹⁶¹ <http://www.thesmokinggun.com/documents/internet/teens-arrested-facebook-death-threats>.

¹⁶² <http://soupstumblr.com/post/3314614733/nir-rosen-a-fellow-at-the-new-york-university>

<http://blogs.hbr.org/davenport/2009/09/are-social-media-contributing.html>. In the author’s words, what could be “more vapid than browsing and tweeting each other about the daily lives of the Tila Tequilas”. In addition, contrast letters to the editor of *The Time* with comments left in response to a media article: [K. Gregory (ed.), *The Second Cuckoo: A new selection of letters to the Times*, Written Aug. 20, 1976: Sir, Mr. Christopher Norman –Butler makes out an excellent though not entirely convincing case for Bavaria’s claim to be Hope’s Ruritania. I would have subscribed more wholeheartedly to his view had the Salic Law prevailed in Ruritania as it did in every other Germanic kingdom...”. Contrast this entry with the following exchange between two readers on the online *Globe and Mail* about the decline in privacy: “to all the Luddites posting here: stay home with your lights off and dwell in your mesoneistic baby-boomer loneliness with your rotary-hones and teletypes... This is 2010 and this millennium belongs to the young. If you want 1970s style privacy, don’t use Facebook. If you want to use Facebook, shut up about privacy”. And in response: How pathetically rude. I bet you have a beard and still rid a skateboard and your jeans are down to your knees. Grow up with the comments”. This exchange is an example of one of the more civil. Other writers have suggested that social media is responsible for the decline of literacy.

¹⁶³ “Facebook ‘friends’ cause stress, research finds”, *BBC Online*, Feb. 16, 2011; <http://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-12479660>; L. Taylor, “Facebook friend requests can trigger high anxiety”, *Toronto Star*, Feb. 17, 2011;

<http://www.healthzone.ca/health/mindmood/stress/article/940666--facebook-friend-requests-can-trigger-high-anxiety-study>.

¹⁶⁴ D. Troop, “Harrisburg U.’s Social-Media Blackout Is More of a Brownout”, *The Chronicle*, Sept. 16, 2010;

<http://chronicle.com/article/Harrisburg-Us-Social-Media/124510/>.

¹⁶⁵ D. Troop, “Opinions Mellow on Social-Media Blackout at Harrisburg U”, *The Chronicle*, Dec. 10, 2010;

<http://chronicle.com/blogs/wiredcampus/opinions-mellow-on-social-media-blackout-at-harrisburg-u/28657>

K. Matheson, “Harrisburg University’s Social Media Blackout Wins Converts”, *Huffington Post*, Dec. 10, 2010;

http://www.huffingtonpost.com/2010/12/11/harrisburg-universitys-so_n_795377.html.

The experiment also caught the attention of late-night TV host Jimmy Fallon, who said this during his monologue: “Check this out. A college in Pennsylvania is blocking computer access to social-networking sites for an entire week, and then requiring students to write an essay about the experience. Yep – the essay will be called, ‘We all have smart phones, dumb-ass’”.

¹⁶⁶ National Sleep Foundation, *2011 Sleep in America – Communications Technology in the Bedroom*;

http://www.sleepfoundation.org/sites/default/files/sleepinamericapoll/SIAP_2011_Summary_of_Findings.pdf

¹⁶⁷ “Personal information” is defined in privacy legislation. The federal *PIPEDA* defines “personal information to mean the following: “means information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization”. “Personal information” is also defined in provincial privacy legislation. For instance, the *Freedom of Information and Protection of Privacy Act* defines the term in s. 2 to mean the following: recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual’s name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

¹⁶⁸ J. Mennie, “Electronic correspondence about as ‘confidential as a postcard’”, Mar. 9, 2011, *Ottawa Citizen*.

¹⁶⁹ E. Qualman, “Social Media Privacy = Oxymoron?”; <http://www.socialnomics.net/2009/12/16/social-media-privacy-oxymoron/>; F. Reed “Is Facebook just an oxymoron?” , <http://www.marketingpilgrim.com/2010/10/is-facebook-privacy-just-an-oxymoron.html>; A. Zaharov-Reutt, “Facebook privacy is an oxymoron”, <http://www.itwire.com/your-it-news/home-it/42539-facebook-privacy-is-an-oxymoron>

- ¹⁷⁰ D. Stevenson, “Privacy is an analog-only concept”, Dec. 23, 2010; <http://it.toolbox.com/blogs/original-thinking/privacy-is-an-analogonly-concept-43320>.
- ¹⁷¹ D. Tapscoff and A.D. Williams, “Social media’s unexpected threat”, Jan. 3, 2011, *Globe and Mail*.
- ¹⁷² “Work and Play in the Age of Social Networking”, IAPP Knowledgegenet Conference, Calgary Alberta, May 12, 2010.
- ¹⁷³ “Focus Testing Privacy Issues and Potential Risks of Social Networking Sites”, Mar. 20, 2009; http://www.priv.gc.ca/information/survey/2009/decima_2009_02_e.pdf.
- ¹⁷⁴ *Ibid*, at pp. 4-5.
- ¹⁷⁵ *Ibid*, at p. 5.
- ¹⁷⁶ *Ibid*, at p. 5.
- ¹⁷⁷ “Summary of Research on Youth Online Privacy”, Mar. 28, 2010; http://www.priv.gc.ca/information/pub/yp_201003_e.cfm
- ¹⁷⁸ *Ibid* at p. 16.
- ¹⁷⁹ *Ibid* at p. 13.
- ¹⁸⁰ *Ibid* at p. 13.
- ¹⁸¹ *Ibid* at p. 13.
- ¹⁸² *Ibid* at p. 14.
- ¹⁸³ *Ibid* at p. 14.
- ¹⁸⁴ *Ibid* at p. 15.
- ¹⁸⁵ *Ibid* at p. 15.
- ¹⁸⁶ *Ibid* at p. 16.
- ¹⁸⁷ *Ibid* at p. 16.
- ¹⁸⁸ B. Ellis, “No. 1 consumer complaint: identity theft”, Mar. 8, 2011, CNNMoney.com.; K Kristof, “6 things you should never reveal on Facebook”, June 23, 2010, CBSMoneyWatch.com.
- ¹⁸⁹ This point is perhaps best captured by this exchange between tech support staff and a customer.
Tech: Do you have any windows open right now? **Customer:** Are you crazy? It’s twenty below outside.”; Taken from the 2010 *Thought-for-the-day Calendar*, Dec. 17, 2010.
- ¹⁹⁰ L. Baldor, “Air Forces warns troops about Facebook feature”, *The Washington Post*, Nov. 17, 2010; B Grubb, “How sites can pinpoint you without the need for a GPS”, *Sydney Morning Herald*, Oct. 8, 2010; <http://www.smh.com.au/technology/technology-news/how-sites-can-pinpoint-you-without-the-need-for-a-gps-20101008-16asi.html>; “Your photos may give away your privacy”, <http://abcnews.go.com/GMA/video/online-photos-give-privacy-11443667>; <http://abcnews.go.com/GMA/video/online-photos-give-privacy-11443667>.
- ¹⁹¹ “Ottawa man victim of Facebook, email scam, *CBC Online*, Mar. 2, 2011, <http://www.cbc.ca/news/canada/ottawa/story/2011/03/02/ottawa-facebook-scam.html>.
- ¹⁹² J. McNish and O. El Akkad, “Facebook users risk blackmail, privacy czar warns”, *Globe and Mail*, Apr. 23, 2010; <http://www.theglobeandmail.com/news/technology/facebook-users-risk-blackmail-privacy-czar-warns/article1545444/>; Agency warns about posting info on social networks”, *Toronto Star*, Feb. 9, 2011.
- ¹⁹³ “Girl’s honor as 21,000 RSVP Facebook party invite” <http://www.bbc.co.uk/news/uk-england-beds-bucks-herts-11376350>. One can imagine that her mother was not amused.
- ¹⁹⁴ D. Nice, “Sharing too much information on Facebook could cost you”, *Globe and Mail*, Oct. 25, 2010; <http://www.theglobeandmail.com/globe-investor/personal-finance/sharing-too-much-on-facebook-could-cost-you/article1771144/>; D. Bascaramurty, “Photo filchers fuel Facebook fears”, *Globe and Mail*, Apr. 26, 2010; <http://www.theglobeandmail.com/news/technology/personal-tech/photo-filchers-fuel-facebook-fears/article1546508/>.
- ¹⁹⁵ <http://pleaserobme.com/why/>; A. Blumberg and P. Eckersley, “On Locational Privacy, and How to Avoid Losing it Forever”, Aug. 2009, <http://www.fff.org/wp/locational-privacy>; F. Groeneveld *et al.*, “Oversharing and Location Awareness”, Feb. 24, 2010, , <http://www.cdt.org/blogs/cdt/over-sharing-and-location-awareness>.
- ¹⁹⁶ R. Cellan-Jones, “Are parents the biggest threat to online”, *BBC*, Oct. 7, 2010; “Canadian fetuses already have an online presence: survey”, *Toronto Star*, Oct. 8, 2010; M. Oliveira, “Canadians prolific sharers of kids’ digital lives: report”, *Globe and Mail*, Oct. 8, 2010; A. MacArthur, “Are you protecting your kid’s online rep?”, *Globe and Mail*, Oct. 8, 2010; G. Shaw, “Social networking starts in the womb for many Canadians”, *Vancouver Sun*, Oct. 8, 2010.
- ¹⁹⁷ Brian Alexander, “Eye of the beholder: Cute, naked photos of tots pose dilemma for parents”, Nov. 2, 2010; http://www.msnbc.msn.com/id/39899002/ns/health-kids_and_parenting/; http://www.reputation.com/how_to/is-it-safe-to-post-photos-of-kids-online/; “Privacy fears as eight in 10 kids have photos online”, 2010.
- ¹⁹⁸ D. Bascaramurty, “Photo filchers fuel Facebook fears”, *The Globe and Mail*, Apr. 26, 2010.
- ¹⁹⁹ K. Gustafson, “Don’t get plucked”, *Toronto Star*, Feb. 20, 2011.
- ²⁰⁰ Line from *Luther*, described by the BBC as a “dark psychological [TV] crime drama”; <http://www.bbc.co.uk/blogs/tv/2010/04/introducing-luther-with-love-t.shtml>. Note, however, that the history of the phrase predates the BBC TV series: <http://www.phrases.org.uk/meanings/63300.html>.
- ²⁰¹ Social Network Site Privacy: A comparative analysis of six sites, Feb. 2009. The six sites included in the study were: Facebook; Hi5; LinkedIn; LiveJournal; MySpace; and Skyrock: http://www.priv.gc.ca/information/pub/sub_comp_200901_e.pdf.
- ²⁰² *Ibid*, at p. 4.
- ²⁰³ Joel Stein, “Data mining: How companies now know everything about you”, *Time*, Mar. 10, 2011.
- ²⁰⁴ See D. Flavelle, “Word of mouth on steroids”, *Toronto Star*, Feb. 22, 2011: “Is your target audience women between the ages of 24 and 35 who live in Ontario, are university educated and like botany? Facebook can tell you how many there are and deliver your ad directly to their home pages”.
- ²⁰⁵ “Escaping the scrapers”, *Wall Street Journal*, Oct. 11, 2010; <http://blogs.wsj.com/digits/2010/10/11/escaping-the-scrapers/>; “Big Broker is watching you”, Office of the Privacy Commissioner, Nov. 4, 2010; <http://blog.privcom.gc.ca/index.php/2010/11/04/big-broker-is-watching-you/>; “Fess up – where does my data go?”, Office of the Privacy Commissioner, Feb. 9, 2011 <http://blog.privcom.gc.ca/index.php/2011/02/09/fess-up-where-does-my-data-go/>.

²⁰⁶ M. Hartley, "Privacy watchdog mulls French Facebook probe", *Financial Post*, Oct. 18, 2010; Office of the Privacy Commissioner, "Privacy in the era of social networking: Legal obligations of social media sites: Remarks at the University of Saskatchewan College of Law Lecture Series, Nov. 22, 2010; http://www.priv.gc.ca/speech/2010/sp-d_20101122_e.cfm. "Security alert on Facebook's new privacy setting 'instant personalization'", a privacy setting that is "automatically set to enable sharing of information".

²⁰⁷ "Mobile devices: Are you concerned about security?", *CBC News Online*, July 29, 2010.

²⁰⁸ "Facebook Fallout: What the Facebook investigation means for the future of the OPC", Nov. 19, 2009; "Facebook investigation follow-up complete", Backgrounder, Sept. 22, 2010; "Privacy Commissioners completes Facebook review", News Release, Sept. 22, 2010; M. Hartley, "Privacy Watchdog mulls fresh Facebook Probe", *Financial Post*, Oct. 18, 2010; "Facebook apps send personal data to ad companies", *Toronto Star*, Oct. 18, 2010; "Facebook to tweak contact data sharing", *CBC News*, Jan. 19, 2011.

²⁰⁹ While you might not think of Google as a "social networking site", it does, in fact, offer access to social networking sites and electronic communication (Gmail). It is described by Wikipedia as follows: "The company offers online productivity software, such as its Gmail email software, and social networking tools, including Orkut and, more recently, Google Buzz. Google's products extend to the desktop as well, with applications such as the web browser Google Chrome, the Picasa photo organization and editing software, and the Google Talk instant messaging application."

²¹⁰ Google was also the subject of privacy investigations in other countries, including New Zealand, the U.S., the U.K., the Netherlands and Germany, for the same privacy-breaching activities that were the focus of the Canadian investigation: A. Oreskovic, "Google says its cars grabbed e-mails, passwords", *Globe and Mail*, Oct. 25, 2010; "Google apologises for privacy breaches", *Stuff.co.nz*, Dec. 14, 2010; M. Eddy, "244,000 Germans say 'no' to Google Street View", *Globe and Mail*, Oct. 21, 2010. See also "Google fined in 'Wi-Spy' fracas": France's privacy watchdog fined Google 100,000 euros (the equivalent of \$141,300 US) for collecting data from its Street View app.

²¹¹ J. McNish, "Privacy chief launches Google probe", *Globe and Mail*, Jun 1, 2010 Preliminary letter of Findings, Oct. 19, 2010; "Google contravened Canadian privacy law, investigation finds", Oct. 19, 2010, News Release. Google.

²¹² <http://www.thestar.com/news/world/article/934958--zuckerberg-gets-restraining-order-against-man-ready-to-die-for-him?bn=1>; See also how Facebook was targeted by this scam: <http://facebook-advertising-marketing.com/facebook-targeted-by-nigerian-419-scam/>.

²¹³ "Hi-tech criminals target Twitter", *BBC*, Aug. 5, 2008; C. Levy, "Twitter hack is a warning for social media users", *Toronto Star*, Set. 24, 2010; <http://www.thestar.com/business/article/865958--twitter-hack-is-a-warning-for-social-media-users>.

²¹⁴ M. Oliveira, "Facebook, Twitter easily hacked over WiFi", *Toronto Star*, Oct. 28, 2010.

²¹⁵ L. Schizas, "The next battleground: Cyber security for mobile devices", *Globe and Mail*, Sept. 27, 2010.

²¹⁶ K. Lau, "Beware shortened URLs, geo-location in social media", *ITWorldCanada.com*.

²¹⁷ Reddit is described as a "social news" website, to which users submit content and others determine through "voting" what's "good" and what's "junk": <http://en.wikipedia.org/wiki/Reddit>; <http://www.reddit.com/help/faq#Whatisreddit>

²¹⁸ Android hit by rogue app viruses, *BBC Online*, Mar. 3, 2011; <http://www.bbc.co.uk/news/technology-12633923>; http://www.reddit.com/r/netsec/comments/fvhdw/someone_just_ripped_off_21_popular_free_apps_from/.

²¹⁹ E. Haggarty, "How to make that drunken photo you posted disappear", *Toronto Star*, Jan. 21, 2011; <http://www.thestar.com/news/world/article/926095--how-to-make-that-drunken-photo-you-posted-disappear>; A. Bartz and B. Ehrlich, "Five Facebook Pics that Make You Look Like a Tool", Nov. 24, 2010, *CNN*, http://articles.cnn.com/2010-11-24/tech/facebook.profile.shots.netiquette_1_facebook-mark-zuckerberg-profile-picture?_s=PM:TECH.

²²⁰ http://www.priv.gc.ca/fs-fi/02_05_d_41_sn_e.cfm.

²²¹ <http://whenparentstext.com/>.

²²² <http://whenparentstext.com/>. A number of particularly amusing tweets are posted on the home page each day. One example is the following, which was featured on March 23, 2011: **Mom:** Boo **Me:** Hi **Mom Mom:** So was it mono you were diagnosed with? **Me:** Yeah **Mom:** Reading on it – it is so odd – trying to figure out why you have it – will email you some info xoxoxo **Mom:** KISSING DISEASE!!!

²²³ F. Kopun, "Parents' texting gaffes fuel web sensation", *Toronto Star*, Feb. 10, 2011; <http://www.thestar.com/living/article/936619--parents-texting-gaffes-fuel-web-sensation>.

²²⁴ Given the permanency of postings on social media sites, "15 minutes of fame" is likely an outmoded expression.

²²⁵ <http://whenparentstext.com/> - "best of the month" category. Featured on Feb. 11, 2011 was the following text from a mother: "Your dog ate Natalie", which is categorized as "sent key mishap".

²²⁶ <http://whenparentstext.com/submit>.

²²⁷ http://www.priv.gc.ca/speech/2010/sp-d_20100512_ed_e.cfm; "Privacy and social networking in the workplace", http://www.priv.gc.ca/fs-fi/02_05_d_41_sn_e.cfm#contenttop; "City report outlines workers' bad behavior", *CBC Online*, Feb. 14, 2011; <http://www.cbc.ca/canada/toronto/story/2011/02/14/toronto-city-audit.html>; M Acharya-Tom Yew, "Canadians on Titter, Facebook, YouTube while at work", *Toronto Star*, Jan. 21, 2011; R. Cuthbertson, "City staff face new online protocols", *Calgary Herald*, Jan. 24, 2011; P. Majendie, "Drunk last night? Don't show you boss on Facebook", *National Post*, Feb. 4, 2008.

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²²⁹ J. Van Grove, "45% of Employers Now Screen Social Media Profiles", *Mashable*, August 19, 2009; <http://mashable.com/2009/08/19/social-media-screening/>; M. Sachoff, "Employers Using Social Networks To Screen Employees", *Web Pro News*; Jan. 18, 2010, <http://www.webpronews.com/topnews/2010/01/18/employers-using-social-networks-to-screen-employees>.

²³⁰ "Work and play in the age of social networking", May 12, 2010, http://www.priv.gc.ca/speech/2010/sp-d_20100512_ed_e.cfm; "Employee fired for f-bomb on Chrysler [Twitter] account", *Toronto Star*, Mar. 10, 2011.

²³¹ *R. v. Cole*, 2011 ONCA 218; <http://www.ontariocourts.on.ca/decisions/2011/2011ONCA0218.htm>.

²³² R. Todd, "Social media tripping up litigants", *Law Times*, Nov. 2, 2009.

²³³ "Online social networks: How to protect yourself", Information and Privacy Commissioner of Ontario, Nov. 9, 2010; "Clean up that content", *Metro News*, Mar. 2, 2011, p. 28.

²³⁴ <http://www.cbc.ca/canada/toronto/story/2010/08/10/facebook-speeding-conviction658.html>. <http://forums.5series.net/topic/95495-going-140-kmh-on-a-40-zone> His post read: The title says it all basically. Anyways, yesterday I was going back home during the day time after the GYM, and when I hit the street next to my house " Appleblossom dr" the zone there is 40 km/h. as soon as I turn into that street, I stopped the car, pressed the (M) button, DSC off, max short shift, and take off 1st gear (8000 RPM, switch) and so on... I hit 140 in like 6 or less seconds lol, some old guy was standing on the sidewalk talking to another guy, he had a pencil and a paper, he decides to run into my car to stop me, but I was too fast. Do you think he could take my licence number ? lol I think I was too fast, I really doubt that. Though, I gotta admit, I cant stop

racing with this car, believe it or not, I killed a black E63 AMG Last week on Dufferin street. It was almost equal but in the end I had more power.

²³⁵ <http://www.digitaljournal.com/article/297721>.

²³⁶ <http://www.thestar.com/news/canada/article/905051--b-c-labour-board-backs-2-firings-over-facebook-comments>; <http://www.fasken.com/files/upload/BC%20Labour%20Relations%20Board%20-%20West%20Coast%20Mazda.pdf>. See also recent cases involving TTC bus drivers caught on passengers' cell phones texting while apparently driving, with potential disciplinary/criminal consequences for the drivers: <http://www.thestar.com/news/article/931262--texting-ttc-drivers-fired?bn=1>; <http://www.cbc.ca/canada/toronto/story/2010/08/10/facebook-speeding-conviction658.html>; <http://www.torontosun.com/news/torontoandgta/2011/01/28/17068261.html> [2].

²³⁷ "Facebook used to trace Holloway would-be rapist", BBC Online, Jan. 14, 2011 [the victim used facebook to trace a man who sexually assaulted her]; <http://www.bbc.co.uk/news/uk-england-london-12193328>.

²³⁸ C. Long, "With the click of a mouse, woman solves her own kidnapping/article1876554". The victim was able to determine that she had been abducted when she was a 19-day-old infant by searching through the website of the National Centre for Missing and Exploited Children. Some criminals make it easy for law makers to find them by their own actions -- for instance, updating their profile while committing a burglary using the homeowner's computer.

²³⁹ A number of articles describe numerous online financial scams. See, for instance, <http://www.moneyville.ca/article/889821--roseman-my-top-three-online-scams>; <http://financialedge.investopedia.com/financial-edge/0710/6-New-Credit-Scams-To-Watch-Out-For.aspx>.

²⁴⁰ http://en.wikipedia.org/wiki/Advance_fee_fraud.

²⁴¹ Tyler Clementi, a freshman at Rutgers University, committed suicide after his roommate and one other person surreptitiously placed a camera in their dorm room and filmed his encounter with another male. The film was streamed live on the Internet; http://articles.cnn.com/2010-09-30/justice/new.jersey.student.suicide_1_bias-charges-sexual-encounter-sexual-orientation?_s=PM:CRIME. <http://www.dailymail.co.uk/news/article-1317174/Tyler-Clementi-Rutgers-suicide-Parents-sex-film-student-break-silence.html>.

²⁴² <http://www.justice.gc.ca/eng/pi/fv-vf/pub/har/part1.html>; http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/. See also a newly developed app, "Breakup Notifier", which allows people to receive a notification the instant their "object of affection [has] changed their relationship status". Originally shut down after attracting 3.6 million users, the app may yet find a home again: E. Anderssen, "Facebook breakup app attracts too many stalkers, gets shut down", *Globe and Mail*, Feb. 24, 2011; C. Alphonso, "Is Facebook, Breakup Notifier relationship on again?", *Globe and Mail*, Feb. 24, 2011.

²⁴³ "Teen arrested for inciting hate on Facebook" June 15, 2010, *CBC Online*; <http://www.cbc.ca/canada/montreal/story/2010/06/15/mtl-hate-speech-arrest-facebook.html> Teen arrested for inciting hate on Facebook.

²⁴⁴ "Child porn charges laid in gang rape of BC teenager", *The Canadian Press*, Sept. 29, 2010; <http://www.ctv.ca/CTVNews/Canada/20100929/rave-gang-rape-100929/>.

²⁴⁵ The recent case of Tyler Clementi, a freshman at Rutgers University, is but one illustration of the impact of such crimes on the victim. He committed suicide after his roommate and one other person surreptitiously placed a camera in their dorm room and filmed his sexual encounter with another male. The film was streamed live on the Internet. A status update to a Facebook page purportedly belonging to him said only "jumping off the gw bridge sorry"; See as well, <http://www.dailymail.co.uk/news/article-1317174/Tyler-Clementi-Rutgers-suicide-Parents-sex-film-student-break-silence.html>. See, as well, the comments of Nadal J. in *R. v. Mathieson*, 2010 ONCJ 616, Ont. S.C.J.; <http://www.canlii.org/en/on/oncj/doc/2010/2010oncj616/2010oncj616.pdf>, at para. 9: "Offences related to child pornography are regrettably common. They are a scourge of society generally and the harm to the victims depicted is likely incalculable. Many prior cases describe the harm done by the production of this material, as outlined at endnote 1. These dangers, detailed in many of the judgments, dealing with child pornography, include the ease with which this material can be disseminated. As the prior decisions note, the damage and danger of child pornography begins at the individual level. The children who are abused in the original production of the pornography are traumatized in a variety of ways including being traumatized by physical pain and physical injury caused by insertions into orifices not designed or adapted to receive them at that stage in life. Additionally, being subjected to sexual assault and abuse as a child necessarily brings with it psychological damage. Moreover, the permanence of the imagery created continues to perpetuate the child's victimization and contributes to the victim's ongoing fear of recognition."

²⁴⁶ "Paedophiles 'increasingly access images from webcams'", *BBC Online*, June 30, 2010, <http://www.bbc.co.uk/news/10461616>.

²⁴⁷ "Facebook launching Pedophile 'panic button' in UK", *AOL News* July 12, 2010.

²⁴⁸ Statistics Canada gathers data on all types of child pornography (not Internet child pornography alone).

²⁴⁹ <http://www2.parl.gc.ca/Sites/LOP/LEGISINFO/index.asp?List=Is&Query=7008&Session=23&Language=e>.

²⁵⁰ <http://www.justice.gc.ca/eng/dept-min/clp/faq.html>.

²⁵¹ http://www2.parl.gc.ca/content/hoc/Bills/403/Government/C-22/C-22_3/C-22_3.PDF.

²⁵² See, however, the federal Privacy Commissioner's comments with respect to the potential shortcomings of the legislation: Statement: Appearance before the Senate Standing Committee on Legal and Constitutional Affairs, Feb. 16, 2011, http://www.priv.gc.ca/parl/2011/parl_20110216_e.cfm.

²⁵³ http://www2.parl.gc.ca/content/hoc/Bills/403/Government/C-54/C-54_1/C-54_1.PDF, Backgrounder: Protecting Children From Sexual Predators; http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32571.html.

²⁵⁴ <http://www2.parl.gc.ca/Sites/LOP/LEGISINFO/index.asp?List=Is&Query=7138&Session=23&Language=e>.

²⁵⁵ <http://scc.lexum.umontreal.ca/en/2009/2009scc56/2009scc56.html>.

²⁵⁶ *Ibid*, at para. 28.

²⁵⁷ *Ibid* at para. 25.

²⁵⁸ "Canada will spend \$3.5M to fight hackers", *CBC Online*, Oct. 3, 2010; <http://www.cbc.ca/canada/story/2010/10/03/canada-cyber-monitoring-program.html>; <http://www.publicsafety.gc.ca/media/nr/2010/nr20101003-eng.aspx>;

<http://www.publicsafety.gc.ca/media/nr/2010/nr20101003-1-eng.aspx>.

²⁵⁹ "Backgrounder: Investigative powers for the 21st century Act", http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32567.html.

²⁶⁰ B. Champion-Smith, "Foreign hackers break into government computers", *Toronto Star*, Nov. 17, 2011;

<http://www.thestar.com/news/canada/article/940355--foreign-hackers-break-into-government-computers>

²⁶¹ *Ibid*.

²⁶² http://www.ic.gc.ca/eic/site/ecic-ceac.nsf/eng/h_gv00567.html.

- ²⁶³ Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: A comprehensive approach on personal data protection in the European Union, Nov. 4, 2010: http://ec.europa.eu/justice/news/consulting_public/0006/com_2010_609_en.pdf; E. Dou, "Internet Privacy and the 'right to be forgotten'", Mar. 17, 2011, Reuters US Online Report Technology News.
- ²⁶⁴ E. Orden, "Sir, There's a Camera in Your Head", *Wall Street Journal*, Nov. 16, 2010; <http://online.wsj.com/article/SB10001424052748703670004575617083483970398.html>; <http://www.discountvouchers.co.uk/news/155223535.html>.
- ²⁶⁵ http://www.globalwarmingart.com/wiki/Wikipedia:Chevrolet_Tahoe; http://news.cnet.com/1606-2_3-6056633.html?tag=mncol;txt; One submission for the ad stated: "larger than any mortal needs with 4-wheel drive for conditions you'll probably never encounter and sized to intimidate other drivers and damage others' cars more than yours and give you a false sense of confidence so you can continue to drive like a heedless jerk...because you're the only one on the whole damn planet". Another entry was: Forget Iraq's missing weapons. Here's the real weapon of mass destruction, killing an extra 1,000 smaller vehicle occupants, bicyclists and pedestrians annually. Way to go Chevrolet!"
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- ²⁶⁷ Molson's Facebook contest leaves some MUN students frothing, *CBC Online*, Nov. 20, 2007; <http://www.cbc.ca/canada/newfoundland-labrador/story/2007/11/20/mun-contest.html#ixzz1EE3YtEzK>
- ²⁶⁸ See George Carlin's classic standup routine about the importance of 'Stuff' in our lives. The link will take you to a video from his appearance at Comic Relief in 1986: <http://www.youtube.com/watch?v=MvgN5gCuLac>.
- ²⁶⁹ "Online storage site thinks inside the box", *Metro News*, Feb. 25, 2011, Box.net offers "online storage 'lockers' for personal and corporate information".
- ²⁷⁰ <http://www.digitaljournal.com/article/303965?tp=1>.
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- ²⁷² <http://www.digitaljournal.com/article/303965?tp=1#ixzz1FYOUicLn>.
- ²⁷³ K. Burnham, "Ten seriously strange social networking sites"; http://www.pcworld.com/article/190139/ten_seriously_strange_social_networks.html.
- ²⁷⁴ <http://www.ncludr.com/>.
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- ²⁷⁷ Buck Wolf, "iPoo Takes Social Media Into the Potty", *AOL News*, Feb. 4, 2010, <http://www.aolnews.com/2010/02/04/ipoo-takes-social-media-into-the-potty/>.
- ²⁷⁸ <http://drunkblocker.appspot.com/>.
- ²⁷⁹ <http://mashable.com/2010/07/07/idrunky/>; Included among the tests is the "Where's Your Nose?" test, which asks users to challenges you to lean your head back and touch a point on your iPhone screen to your nose., while offering the helpful advice: "Try not to fall over".
- ²⁸⁰ "Love is in the air...and on the Net"; Feb. 11, 2010, Office of the Privacy Commissioner . Mobile dating applications, such as *MeetMoi* and MIT's *Serendipity*, alert potential matches when a compatible mate is nearby:
- ²⁸¹ "The City that never sleeps launches free condom app, *24Hour News, News of the Weird*, Feb. 16, 2011, p. 6.
- ²⁸² <http://www.cbc.ca/canada/british-columbia/story/2010/12/22/bc-video-pet-apps.html>.
- ²⁸³ <http://www.google.co.uk/intl/en/landing/translateforanimals/tour.html>. The site cautions that "if you are after quick witted banter it's best to select cats and dogs rather than rabbits, hamsters and guinea pigs", and also issues a disclaimer in the event you are offended or disappointed by what your chosen animal may say", and notes that it does not "guarantee stimulating conversation." [No scientific evidence was cited in support of the premise that guinea pigs are less quick-witted than other animals.] This was Google's April Fool's joke, but like other social media/e-communication developments, it spread like wildfire.
- ²⁸⁴ *Amy-Mae Elliott*, "10 Amazing Musical Instrument iPhone Apps", April 11, 2010; <http://mashable.com/2010/04/11/musical-instrument-iphone-apps/>. You can even have your own jug band!
- ²⁸⁵ <http://www.jugbandapp.com/>.
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- ²⁸⁷ S. Blake, *Administrative Law in Canada*, 4th ed. at p. 98.
- ²⁸⁸ Brown and Evans, *Judicial Review of Administrative Action in Canada*, para. 12:4421.
- ²⁸⁹ G. Régimbald, *Canadian Administrative Law*, 1st ed. at 137.
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- ²⁹² *Ibid*, s. 3(1), para. 10.
- ²⁹³ *Ibid*, s. 3(2).
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- ²⁹⁶ J. Mackenzie, "Schools need rules for teachers on Facebook, union says", *BBC*, Feb. 10, 2011; <http://www.bbc.co.uk/newsbeat/12417183>; C. Fife, "Facing Facebook: Schools for the 21st century", *Education Today*,

http://www.opsba.org/index.php?q=advocacy_and_action/education_today/spring_2011/presidents_message; “Facing Facebook”, *TC Magazine*, Winter 2007, p. 12; “Blurring the Boundaries: Technology and its impact on the teacher-student relationship”, *TC Magazine*, Summer/Fall 2009, p. 6; J. Mackenzie, “Schools need rules for teachers on Facebook, union says”, *BBC Online*, Feb. 10, 2011; <http://www.bbc.co.uk/newsbeat/12417183>. In addition, it was the focus of a recent conference held by the B.C. College of Teachers in 2010: <http://www.bcct.ca/Conference/ConferenceInfo.aspx>.

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²⁹⁸ Cf., however, a recent survey conducted by the Ontario Student Trustees’ Association, in which 72% of teen respondents stated that they didn’t want cell phones to be “part of their classroom learning”; K. Rushowy, “Teens say cellphones distracting in class”, *Toronto Star*, Feb. 24, 2011; <http://www.parentcentral.ca/parent/education/schoolsandresources/article/943880--teens-say-cellphones-distracting-in-class>; <http://www.studentsurvey.ca/Ontario%20Student%20Survey%20Report%202011.pdf>.

²⁹⁹ Anthony Reborna, “Video Break: A Differently Wired Generation?”, Nov. 23, 2010; http://blogs.edweek.org/teachers/teaching_now/2010/11/video_break_a_differently_wired_generation.html; B. Kennedy, “I 5683 you: when texting takes over our brains”, *Toronto Star*, Feb. 21, 2010, <http://www.thestar.com/living/article/942566--i-5683-you-when-texting-takes-over-our-brains>.

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http://www.edweek.org/dd/articles/2010/06/16/03networking_h03.html; “British teachers see educational value in blogging and social networking”, *the Blog Herald*, Oct. 7, 2008, <http://www.blogherald.com/2008/10/07/british-teachers-see-educational-value-in-blogging-and-social-networking/>; Three-quarters of British teachers believe that blogging and social networking can help their pupils learn about the environment and greener living, according to a recent survey by EDF Energy; S. Kessler, “The Case For Social Media in Schools”, *Mashable*, Sept. 29, 2010; <http://mashable.com/2010/09/29/social-media-in-school/>. Interestingly a recent survey conducted among Ontario students indicated that they were overwhelming *not* in favour of the use of cell phones in the classroom as an educational tool. It wasn’t clear where they stood with respect to other social media sites and platforms.

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<http://www.thestar.com/news/sciencetech/technology/lawbytes/article/882491--geist-facing-up-to-the-generational-privacy-divide>.

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³¹⁵ Representatives from OTF; OSSTF; OECTA; ETFO; AEFO; CODE; CODELF; OPC; PCO; and ADFO.

- ³¹⁶ The Professional Advisory was considered by the following Committees of Council: Investigation Committee, Discipline Committee, Fitness to Practise Committee, Quality Assurance Committee, and the Standards of Practice and Education Committee.
- ³¹⁷ http://www.oct.ca/standards/ethical_standards.aspx?lang=en-CA.
- ³¹⁸ http://www.oct.ca/standards/standards_of_practice.aspx?lang=en-CA.
- ³¹⁹ http://www.oct.ca/publications/PDF/Prof_Adv_Soc_Media_EN.pdf; http://www.oct.ca/publications/PDF/Prof_Adv_Soc_Media_FR.pdf.
- ³²⁰ http://www.oct.ca/publications/PDF/Prof_Adv_Soc_Media_EN.pdf; http://www.oct.ca/publications/PDF/Prof_Adv_Soc_Media_FR.pdf.
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- ³²⁵ The interview is available via this link: <http://popwatch.ew.com/2011/02/17/anderson-cooper-nir-rosen/>.
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- ³²⁸ *Ibid.*
- ³²⁹ *Ibid.*
- ³³⁰ "Pa. Teacher strikes nerve with 'lazy whiners'", Feb. 16, 2011; http://www.edweek.org/ew/articles/2011/02/16/405731usteachersuspendedblog_ap.html.
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- ³³³ Chris Pirillo, blogger; <http://www.mirnabard.com/2010/04/99-favorite-social-media-quotes-and-tips/>
- ³³⁴ "There's no defense," said Rosen. "No matter what I say ... I look like a jerk."
- ³³⁵ http://www.salon.com/life/feature/2011/02/17/nir_rosen_explains_twitter_controversy.
- ³³⁶ http://www.oct.ca/publications/PDF/Prof_Adv_Soc_Media_EN.pdf; http://www.oct.ca/publications/PDF/Prof_Adv_Soc_Media_FR.pdf.
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In this paper, we will provide a discussion of what social media and electronic communications are and how they are used, as well as the general benefits and disadvantages associated with these forms of communication, with a specific focus on privacy implications.



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