

Steven Lieberman and Christopher Ott Quoted in The National Law Review on Privacy Implications of the Facebook Whistleblower Testimony

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Partners Steven Lieberman and Christopher Ott ("Chris") are quoted in an article in The National Law Review titled "Privacy Implications of the Facebook Whistleblower Testimony" on Friday, October 15, 2021.

The testimony of Frances Haugen, the Facebook whistleblower, before a Congressional Subcommittee on the harms perpetuated by Facebook has many implications, including on data privacy and safety. In particular, she called for increased regulation and oversight of Facebook. However, this request poses a risk to Facebook and all major social media companies.

"Regulators generally review potential privacy abuses under the Unfair, Deceptive, or Abusive Acts and Practices (UDAAP) standard. While this standard is flexible, it is not always easy to apply in privacy actions. A major risk for companies like Facebook is that Ms. Haugen's testimony may establish a certain 'corrupt' knowledge that will help a regulator articulate cases under the UDAAP. Ms. Haugen has therefore increased their privacy regulatory risk," Chris said.

In response to the testimony, Congress is considering new strategies for regulating Facebook, including perhaps reforming Section 230 of the United States Communications Decency Act (CDA).

"Legislators may very well be motivated by Ms. Haugen's testimony to limit the immunity from civil suits," said Steven. "To the extent that Facebook's behavior appears to depart more and more from the traditional role of an entity that does no more than provide a medium for the posting of information by third parties, the reasons for the immunity provided by the CDA become far less compelling. That would potentially expose Facebook to a wide variety of civil suits by persons allegedly harmed by speech on the Facebook platform."

Key Contact

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Related Areas of Practice

Privacy, Data Protection, and
Cybersecurity

To view the entire article, please click [here](#) to be directed to The National Law Review website.