



Public Comment Appendix for

PAO 2021-01

Case number

Case description

This policy advisory opinion request concerns Facebook's policy on the sharing of residential information and when that information should be considered private and therefore be removed. According to Facebook, this is a difficult question because residential addresses can be relevant to journalism and civic activism, but "exposing this information without consent can create a risk to residents' safety and infringe on an individual's privacy". While there have been several high-profile instances recently where Facebook has removed this type of content, this request for a policy advisory opinion is not linked to a specific post.

In its request, Facebook noted several potential harms linked to releasing personal information, including residential addresses. These include "doxing" (which refers to the release of documents, abbreviated as "dox"). Facebook claims that "justice" and "revenge" are common motivations for doxing behaviour and that this can have negative real-world consequences such as swatting (a wrong-premises police raid) and being targeted for harassment or stalking.

The company highlighted that both human rights and tech experts indicate that doxing and other forms of online harassment disproportionately affect women and girls, as well as other vulnerable users.

Under the current [Community Standard on Privacy Violations and Image Privacy Rights](#), users should not share "personally identifiable information about yourself or others". This includes "private information" such as "imagery that display(s) the external view of private residences". Facebook asks for guidance on "what should render private information 'publicly available'", which means that it could be posted on Facebook. The company requested the Board's opinion on sources that are "not easily accessible or trustworthy", and if and why it should exclude any sources to determine whether information has become public. Additionally, Facebook has asked the Board whether, in some circumstances, it should remove personal information even if this is already publicly available.

The Board would appreciate public comments that address:

- Whether freedom of expression is unduly restricted if Facebook prohibits users from sharing any private residential information and the extent to which existing policies adequately protect people from harm resulting from privacy infringements.

- How Facebook should determine which information sources render private information "publicly available" (including information published by media outlets), the types of accessible public records that should fall within this category and the circumstances, if any, under which "publicly available" information should still be removed (including where previously private information has been made public elsewhere online).
- The benefits and limitations of automated technologies in enforcing this policy.
- How a global policy should account for varying national data protection laws that may apply differing rules to information contained in public records.
- Should disclosure of others' personal addresses be the subject of separate policy or subsumed in a more general policy about "doxing"? If the latter, what should such more general policy say?
- How Facebook should treat private information about a public figure and how this should be defined for the purpose of this policy.
- How Facebook should treat the targeted individual's potential vulnerability to harm from the private information shared (e.g. based on protected characteristics or status as a human rights defender or journalist).
- How Facebook should take into consideration broader political context when enforcing the policy (e.g. election periods, mass demonstrations, civil unrest and/or armed conflict).



Public Comment Appendix for

PAO 2021-01

Case number

The Oversight Board is committed to bringing diverse perspectives from third parties into the case review process. To that end, the Oversight Board has established a public comment process.

Public comments respond to case descriptions based on the information provided to the Board by users and Facebook as part of the appeals process. These case descriptions are posted before panels begin deliberation to provide time for public comment. As such, case descriptions reflect neither the Board's assessment of a case, nor the full array of policy issues that a panel might consider to be implicated by each case.

To protect the privacy and security of commenters, comments are only viewed by the Oversight Board and as detailed in the [Operational Privacy Notice](#). All commenters included in this appendix gave consent to the Oversight Board to publish their comments. For commenters who did not consent to attribute their comments publicly, names have been redacted. To withdraw your comment, please email contact@osbadmin.com.

To reflect the wide range of views on cases, the Oversight Board has included all comments received except those clearly irrelevant, abusive or disrespectful of the human and fundamental rights of any person or group of persons and therefore violating the [Terms for Public Comment](#). Inclusion of a comment in this appendix is not an endorsement by the Oversight Board of the views expressed in the comment. The Oversight Board is committed to transparency and this appendix is meant to accurately reflect the input we received.



Public Comment Appendix for

PAO 2021-01

Case number

43

Number of Comments

Regional Breakdown

3	1	8	1
Asia Pacific & Oceania	Central & South Asia	Europe	Latin America & Caribbean
1	0	29	
Middle East and North Africa	Sub-Saharan Africa	United States & Canada	

PAO 2021-01

Case number

PC-10093

Public comment number

United States and Canada

Region

Laurie

Commenter's first name

Stewart

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I do feel that FB (short in all my comments for Facebook) should delete/remove a private citizen's residential address. Most people do not have access to the dark web - that's a moot point for FB. All the other sources, I do feel that FB knows the large portion of society is LAZY. This is why they're called headline readers. It's known that sensational headlines work. Divisive headlines work. Inaccurate headlines work. The vast majority of people will not look up a person's name In Google, narrow it down by age, city, perhaps marriage, school, etc... To get their residential address. So, if FB doesn't take it down, they're making it way too easy for the harassment to happen. Violence could possibly follow.

Full Comment

I do feel that FB (short in all my comments for Facebook) should delete/remove a private citizen's residential address. Most people do not have access to the dark web - that's a moot point for FB. All the other sources, I do feel that FB knows the large portion of society is LAZY. This is why they're called headline readers. It's known that sensational headlines work. Divisive headlines work. Inaccurate headlines work. The vast majority of people will not look up a person's name In Google, narrow it down by age, city, perhaps marriage, school, etc... To get their residential address. So, if FB doesn't take it down, they're making it way too easy for the harassment to happen. Violence could possibly follow.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10094

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

In this world if insurrectionists and QAnon believers who would do anything their "dear leader" suggested, making so much personal information available is a ludicrous idea. No, no, no. Do NOT make this change. People will be killed and Facebook will be the reason. No, no, no.

Full Comment

See above

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10095

Public comment number

Middle East and North Africa

Region

Charles

Commenter's first name

Shaban

Commenter's last name

English

Commenter's preferred language

Self

Organization

No

Response on behalf of organization

Short summary provided by the commenter

My comment is short anyway: I suggest not allowing Facebook to share personal information for the public, and leave the options of being shared to "friends" or "only me" to the owner to select. Thank you

Full Comment

I suggest not allowing Facebook to share personal information for the public, and leave the options of being shared to "friends" or "only me" to the owner to select. Thank you

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10096

Public comment number

United States and Canada

Region

Julie

Commenter's first name

Henry

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

I do not want my private information shared by facebook.

Full Comment

**It is just simple, I do not want any of my private information shared by facebook.
Thank you**

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10097

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Privacy

Full Comment

I don't want ANY private information published by Facebook. If I want someone to know anything, I will post it myself. Just one of the problems that may happen if FB publishes addresses: with all the arguing on some sites, and social media "warriors" spouting off; someone may go overboard, and go to the other person's home to do physical or property damage. I would think FB would then be liable by law, for said damage.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10098

Public comment number

United States and Canada

Region

Sandra

Commenter's first name

Yukmam

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Facebook should NOT, in my opinion share addresses and other private information about of users. This information is widely available v it s other means if it is truly needed. Facebook can first of all, protect itself from liability by not releasing the information. Second, Facebook will be seen as a safer and more customer friendly platform of people are not afraid of release of information they may not want to be released.

Full Comment

See above.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10102

Public comment number

United States and Canada

Region

Beverly

Commenter's first name

Falls

Commenter's last name

English

Commenter's preferred language

Durham citizen

Organization

No

Response on behalf of organization

Short summary provided by the commenter

**Do not make addresses or personal information readily available for individuals.
(Businesses need to have their addresses easily accessed.)**

Full Comment

I support Facebook not making addresses for private citizens or public figures readily available. Safety is a concern. Women are particularly targeted. Radicalized or extreme viewpoint holders are taking action more often, including arming themselves even with military weapons. Conspiracy believers have gone beyond rational reality.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10108

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Under no circumstances should private residential information be shared on a public page within Facebook or other platforms. As a woman, I am concerned about my safety and the bad actors prevalent in the United States with intent to harm, scam, steal or harrass other Facebook Users. If an address is needed it can be sent on a private message which is how I treat organizing events or family gatherings. No one should obtain a private residential address without the consent of the individual. There are just too many opportunists out there with bad intent.

Full Comment

Under no circumstances should private residential information be shared on a public page within Facebook or other platforms. As a woman, I am concerned about my safety and the bad actors prevalent in the United States with intent to harm, scam, steal or harrass other Facebook Users. If an address is needed it can be sent on a private message which is how I treat organizing events or family gatherings. No one should obtain a private residential address without the consent of the individual. There are just too many opportunists out there with bad intent. In the state of Florida there is a law that prohibits the release of information on residences for police and fire fighters. I think Facebook should adopt a similar policy for all users, in this era of rapidly d dwindling privacy.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10113

Public comment number

Europe

Region

Tim

Commenter's first name

Hodgson

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

No. This platform is not the place

Full Comment

I think the clue is in the words 'private residential information'. That information is private. While I recognise that in some cases the information on public figures may be relevant for journalistic purposes, Facebook is not the platform for the publication of that information, and the possibility of abuse far outweighs any journalistic advantage that may be conferred. There are other avenues and platforms for that.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10114

Public comment number

United States and Canada

Region

Jo

Commenter's first name

Collier

Commenter's last name

English

Commenter's preferred language

DID NOT PROVIDE

Organization

No

Response on behalf of organization

Short summary provided by the commenter

keep our info private and let us choose to release it or not. also FB needs much better ways to block pages that show animal abuse and scams. They deny when we report it.

Full Comment

keep our stuff private please! let us choose what we allow to show. Fb allows animal abuse pages and we report it but they deny it is against community standards. They need that FIXED. Scam ads are all over Fb and they allow those, also. This needs fixing to be much better at blocking or not allowing this stuff. Thank you.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10117

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Facebook use of actual address for public and private owners of property should be limited to owner's self-use. The potential harm and any owners ability to mitigate such harm supports that limitation.

Full Comment

Facebook should not let anyone but the property owner(s) post their own address. And every posted address should tag the owner so that they can remove it and/or appeal any refusal to remove. While there may be journalistic value in knowing a neighborhood (in a few cases where that is relevant to a public issue or perspective) or a city in which a public figure lives, the same cannot be said for the actual address. And the harm is particularly great for those who own their home and therefore cannot easily move to avoid or disrupt the harm.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10118

Public comment number

Asia Pacific and Oceania

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Give out addresses so violent stalking guys can murder their partners? So how much financial compensation are you offering for each victim?

Full Comment

I repeat Give out addresses so violent stalking guys can murder their partners? So how much financial compensation are you offering for each victim?

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10119

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Do not share personal or private information. Period.

Full Comment

Do not share personal or private information. Period. Ramifications of sharing this in these turbulent times are too risky & troublesome to contemplate.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10123

Public comment number

United States and Canada

Region

Barbie

Commenter's first name

Lecaroz

Commenter's last name

English

Commenter's preferred language

Glitzy Corps LLC

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

User Options

Full Comment

Perhaps I am misinterpreting the context of Facebooks opinion request by the Oversight Board; but I do not think I am. In a survey of more than 85 clients and business associates, the following were the most common answers to multiple choice questions. 1.) It is my belief, and the belief of this Private Business (collectively with it's clients,) that Facebook already has too much power over how users interact with audiences. 2.) Users already have the option of choosing what, if any, personally identifiable information is made public. 3.) Granting Facebook more liberties to censor users, solidifies the impression that: A.) Facebook can and will sabotage a small business. B.) Facebook is becoming more problematic than useful for entrepreneurs. C.) Facebook does not care about minority business owners. D.) Facebook targets minorities more than others in removal of content. E.) Facebook is a publicly traded company. Shareholders of any type should participate in decisions which affect them, or their businesses. The question the above information pertains to is: "Do you own or plan to own, any stock in Facebook? Why or why not?" F.) Granting power to Facebook to delete at will: photos of my children at home, photos at home based businesses, photos of pets in or around their home, home addresses which also act as business addresses, telephone numbers used personally and professionally which must be accessible for successful networking and / or marketing, any information they deem "personally identifiable," is completely and utterly invasive. 4.) Facebook as a whole, is not an emotionally safe environment. 5.) There are no human moderators at Facebook but, I'm *stuck* there if I wish to communicate with friends and family, run an online (or other) business. The above impression was based on a survey with more than 75% answering E. to the following question: "Facebook (sometimes wildly unjustly) removes content. Have you ever felt victimized by this? Were you able to resolve it?"

Have you ever been able to reach a human at Facebook?"(Small business owners who pay for services, please skip this.) Choose the best answer. A.) Facebook doesn't employ humans to actually review content, that's why their "policy" doesn't apply to all. B.) I have felt victimized by Facebook and it's modbots, it leaves me feeling anxious and self conscious in my every day interaction on the platform. C.) Facebook doesn't need any additional liberty to make me feel as though, I don't matter. This information thing is just them wanting more and more power. I already have control of my privacy. D.) All of the above E.) All of the above but lacking an alternate platform, I'm stuck there. F.) Overall, I'm satisfied with Facebook and how it serves me. 6.) Lastly, we all know that words such as "stuck" and "victimized" are typically used to describe abusive situations. It is the opinion of this business that Facebook more closely resembles an abusive, controlling partner we feel stuck with, than a social tool which used to help us feel connected; and good. *thoughts from the owner* quoted "You know, I shut the page down months ago because I myself felt victimized by Facebook. I don't even utilize my personal page very often. The imagining that they could just willy nilly start deleting business information, (it is personally identifiable no? She said with a smirk.) Photos of businesses, peoples pictures of their babies...really, where will it end? We were relatively fortunate that our clients don't rely on Facebook for our services but what about others? This idea that Facebook actually believes their control over our personally identifiable info will somehow be a greater good is laughable. When someone is determined, information is accessible. It's funny you know...when Brandon left us, I begged and begged and sent emails every day for 6 months....for them to please memorialize, grant me access to, disable tagging...ANYTHING to combat what we were dealing with. You remember? Nothing. No reply. Not a damn word. And look what happened to his sisters because Facebook had no empathy for my family. No, this isn't about protecting anybody. (Well except maybe the rich white shareholders and blatantly racist...she laments, I laugh.) It's about power. Full stop. Imagine if I have felt attacked by them, how some other people must feel? Do me a favor: create a survey and then submit the results as a response to that email. (She means the original Oversight email.) I'll send you what data I'm looking for in a while."

[Link to Attachment](#)

No Attachment

PAO 2021-01

Case number

PC-10148

Public comment number

United States and Canada

Region

Withheld

Commenter's first name

Withheld

Commenter's last name

English

Commenter's preferred language

Withheld

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Due to the use of Facebook by any/all persons with good or ignoble intent, under no circumstances should private information of any sort be made public without the verified written consent of the person/group directly affected.

Full Comment

As Facebook (and other related social media platforms) are open to many sorts of users with unknown intentions, it is imperative that no private information, i.e. names, birth dates, locations, addresses, group affiliations or any other narrowly identifying information be published or made available to other users. Violent reactions to postings may increase as the world becomes more divided on opinions of governance, authority, climate change, etc. Having access to private information about someone or some group is the first step in potentially planning violent actions to silence a perceived threat to a group's doctrine or dogma. All personal data should be treated as a potential means to allow a person's life or group to be targeted, violently, by any extremist organization - to include opposite political parties. Private information should remain private, secured in a database (only if it must legally be kept) away from public access and review.

Link to Attachment

No Attachment

PAO 2021-01

Case number

PC-10150

Public comment number

United States and Canada

Region

Kate

Commenter's first name

Ruane

Commenter's last name

English

Commenter's preferred language

American Civil Liberties Union

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

The American Civil Liberties Union recognizes that the publication of residential information can, at times, place Facebook users in physical danger. This risk must, however, be balanced against the need for disclosure of information related to matters of public concern and the right to protest. We urge the FOB to include in its recommendations robust protections—including, if necessary, exceptions—for the discussion of information related to matters of public concern and for the ability to organize protests. We also urge provisions for human review of enforcement of this rule, appeals for impacted users, and transparency regarding rule enforcement.

Full Comment

Facebook's current rule prohibits the publication of images of a residence where there is "context of organizing protest against the resident," with an exception for embassy buildings that also serve as residences. This appears to apply even absent any resident's objection to the publication of their residential information. This rule is entirely too broad, and does not appear to be tied to the platform's purported interest in protecting users against "exposure" of a private residence. If people have already gathered near a residence in protest, it is safe to assume that that address is publicly known. Applying this rule would cut off an organizational tool that protesters use to safely and respectfully make their voices heard. To provide one example, last year, Chad Wolf was performing the duties of the Secretary of Homeland Security. The Department of Homeland Security, under his leadership, engaged in violent attacks on Black Lives Matter protesters in Portland. DHS officers used tear gas, rubber bullets, batons, and other weapons of war against civilians in the streets of an American city. These officers abducted protesters from the street in Portland without warning and without a warrant or probable cause to arrest. The people of this country were horrified and they chose to let Wolf know. A group of protesters marched outside of Chad Wolf's house on multiple occasions

chanting “Black Lives Matter” and “Who’s afraid of the big bad wolf?” in protest of Wolf’s failure to protect protesters in Portland and across the country. Under Facebook’s current policy, the protest at Wolf’s house could not have been organized or advertised using any images of Wolf’s residence, including photographs of the protest as it was happening, on Facebook, despite the fact that the protesters did not advocate or threaten violence. Outlets like the Washington Post and Newsweek covered the protests, bringing additional attention and public pressure on Wolf to end the very policies the protesters opposed. Assuming that the images included in these articles show Wolf’s home, these articles, too, could not have appeared on Facebook. Alternatively, to comply with Facebook’s policy, they would have had to remove images that offered the public additional information relevant to the advocacy effort, including the size of the protest, the signs displayed, and more. To preserve users’ ability to organize protests and demonstrations that advocate for policy change, and the ability of the media to report on these protests when they occur, the FOB should recommend that Facebook permit the publications of residential addresses—including the publication of images of a residence—as part of the organization of protests where there is no evidence of a threat of violence to residents or to the community. Facebook’s current rule also makes no exception for information disclosed related to matters of public concern. We recommend such an exception. Residential information, including address, GPS location, and images of a house can be instrumental in investigations of public corruption, money laundering, tax evasion, and other criminal enterprises and matters of public concern. Journalists, bloggers, and concerned individuals generally have the right and ability to research and publish that information without restraint in the United States. The freedom to engage in this kind of reporting is essential to maintaining the transparency and accountability necessary to our democracy. For that reason, Facebook should implement a broad exception to any rule against posting residential information to permit discussions and disclosures of that information related to matters of public concern. Relatedly, Facebook’s platform is a powerful distribution mechanism for content. If Facebook prohibits certain content from appearing in articles that can be made available on its platform, Facebook may, in effect, be dictating proper journalistic standards for news publications that cannot afford to lose Facebook as a distributor of their content. Facebook should not be unilaterally dictating journalistic standards. Furthermore, we urge the Board not to make distinctions regarding which outlets or Facebook users can be “trusted” over other users to post this information. While articles published in newspapers should presumptively fall within the matters of public concern exception for disclosure of and articles containing residential information, the exception should apply to all users of the platform, whether the New York Times or an individual user, based on the content of the post. Indeed, this is the approach that U.S. courts take in assessing the application of reporter privilege laws. Finally, Facebook has asked the FOB for advice about the potential role of artificial intelligence in enforcing this policy. We recognize that using artificial intelligence makes policing the sheer volume of content that traverses Facebook’s platforms closer to possible. However, we are also sensitive to the fact that algorithms—including those on which Facebook relies—make mistakes. To

properly enforce this rule, context, and knowledge of specific facts about who resides where and whether they object to images of their residences appearing on Facebook, will be key and we are concerned that an overreliance on AI to enforce these policies will lead to greater censorship than is warranted. For that reason, we urge Facebook to build any AI used to enforce this rule in a manner that attempts to account for the concerns surrounding protests and discussions regarding matters of public concern into its design, and to test the efficacy of the system periodically to ensure effectiveness. In addition, we urge Facebook to ensure that clear notice is provided to a user when Facebook believes they have violated the rule. Facebook should also give the user an opportunity to appeal the decision to a human reviewer.

Link to Attachment

[PC-10150](#)

PAO 2021-01

Case number

PC-10151

Public comment number

Asia Pacific and Oceania

Region

Raphael

Commenter's first name

Ren

Commenter's last name

English

Commenter's preferred language

University of Malaya

Organization

No

Response on behalf of organization

Short summary provided by the commenter

Facebook should adopt the general presumptive rule that any user post disclosing contact information of a person (i.e. residential address and phone number) must be immediately removed. This is because such disclosure gravely violates privacy from all three aspects – territorial, personal, and informational. The victim faces the risk of home invasion, bodily harm, and disruption of communications. Indeed, ‘doxing’ is often calculated to scare people into silence or submission – a form of intimidation, coercion, or even terrorism. Whilst a post may theoretically be restored if the test of legality, necessity, and proportionality is met, it is realistically difficult to conceive a good reason for a user to publicly disclose such information.

Full Comment

A. EXECUTIVE SUMMARY [1] This public comment aims to answer the overarching issue posed in Facebook’s request for a policy advisory opinion on when residential information ‘should be considered private and therefore be removed’. Some of the subsidiary issues will be addressed in depth, particularly on ‘doxing’, public figures, and vulnerable victims. [2] It is posited that Facebook should adopt the general presumptive rule that any user post disclosing contact information of an individual (i.e. residential address and phone number) must be immediately removed.

Restoration may only be justified within a narrow range of exceptions in accordance with the test of legality, necessity, and proportionality. B. PRIVACY INTERESTS AT STAKE [3] There are three distinct (but inter-related) privacy interests generally protected by law: territorial, personal, and informational. [4] Territorial privacy reflects the traditional proprietary notion of privacy. The classical maxim that ‘the house of every one is to him as his castle and fortress’ can be traced back to Semayne’s Case in 1604. In 1886, the US Supreme Court in *Boyd v United States*

affirmed the ‘sanctity of a man’s home’. In 1995, the Canadian Supreme Court in *R v*

Silveira reiterated that ‘there is no place on earth where persons can have a greater expectation of privacy than within their “dwelling-house”’. The inviolability of home is not merely rooted in common law, but also well-enshrined in constitutions of civil law jurisdictions (e.g. Argentina, Finland, and South Korea). Privacy is equally enjoyed by tenants or habitual occupiers. [5] Personal privacy protects our personhood. To paraphrase the US Supreme Court’s catchy axiom in *Katz v United States*, the right to privacy ‘protects people, not places’. In *R v Tessling*, the Canadian Supreme Court opined that ‘privacy of the person perhaps has the strongest claim to constitutional shelter because it protects bodily integrity’. The ECtHR has constantly affirmed that the right to private life under the European Convention of Human Rights protects an individual’s moral and psychological integrity. [6] Informational privacy forms the bedrock of personal data protection. The underlying norm is ‘informational self-determination’ or ‘informational control’. Such norm is intertwined with the concepts of secrecy, confidentiality, and anonymity. This aspect of privacy is closely connected with freedom of expression – the right to anonymous communication. In 2015, the ECtHR Grand Chamber in *Delfi v Estonia* affirmed that ‘[a]nonymity has long been a means of avoiding reprisals or unwanted attention’. Privacy of communications is well-enshrined in constitutions worldwide (e.g. Mexico, Germany, and Belgium).

C. DOXING VIOLATES PRIVACY

[7] There is little doubt that ‘doxing’ is highly dangerous. ‘Doxing’ checks all three boxes of privacy interests – the victim faces the risk of home invasion, bodily harm, and disruption of communications. Worst of all, ‘doxing’ is often calculated to scare people into silence or submission. In short, ‘doxing’ is a form of intimidation, coercion, or even terrorism. [8] The terrors of ‘doxing’ were exemplified in the 2019 Hong Kong protest with victims ranging from public officials, police officers, judges, reporters, teachers, and students (with their families unwittingly caught in the crossfire). To stem the threat, the courts granted interim injunctions, and even cited some delinquents in contempt for breaching the injunctions. In one case, the court noted that the ‘wife of one Judicial Officer has received so many persistent and frequent nuisance calls, that she has been unable to use her personal mobile phone’. The Hong Kong Court of Appeal vividly captures the intense climate of fear: ‘Their personal information is posted and widely spread indiscriminately across various social media platforms on the Internet, carrying with them abusive, vulgar or foul languages and remarks, harassment and intimidation, and serious threats of personal safety and even death, some of which were directed against young children... The damage of widespread doxxing goes well beyond the victims. It seriously endangers our society as a whole. For it will instil chilling effect on our society when many individuals or targeted groups or sectors of the public are intimidated into silence or suppressed to express their opinion openly and honestly or conduct their affairs or pursue their life in the way they wanted for fear of being victimized by doxxing. If doxxing practices are not curtailed, the fire of distrust, fear and hatred ignited by them will soon consume the public confidence in the law and order of the community, leading to disintegration of our society.’ [9] Another notable case is *CG v Facebook Ireland*. A user created a public Facebook page called ‘Keeping Our Kids Safe from Predators 2’ and published the photograph and residential area details of a former convicted sex offender. The

Northern Ireland Court of Appeal found Facebook liable for failure of expeditious removal because the ensuing 'campaign of harassment and threatened violence' amounted to a serious intrusion of privacy'. D. RARE EXCEPTIONS [10] Of course, the right to privacy is not absolute, and may give way to a countervailing public interest or private right of others. Nevertheless, practically speaking, it is difficult to conceive a good reason why a Facebook user would ever wish to reveal the private information of another person (or even oneself) in a post. Only two extreme scenarios come to mind. [11] The first is person in distress. The common examples being missing persons, pets, or property. Someone may wish to cry for help on social media for the public to assist in the search efforts. This is akin to pasting posters on public streets and parks. [Unable to display full text due to technical error in character limit of comment field. Full text available in uploaded document]

Link to Attachment

[PC-10151](#)

PAO 2021-01

Case number

PC-10152

Public comment number

Asia Pacific and Oceania

Region

Alia Yofira

Commenter's first name

Karunian

Commenter's last name

Commenter's preferred language

Lembaga Studi dan Advokasi
Masyarakat (ELSAM)

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

Perlindungan data pribadi, baik yang tergolong maupun tidak tergolong dalam informasi yang tersedia untuk publik harus dilakukan mengacu pada prinsip-prinsip hukum HAM International. Kebijakan terkait hak atas privasi dan perlindungan data pribadi yang dijadikan landasan harus merupakan kebijakan yang memberikan perlindungan yang maksimal dan memenuhi semua prinsip-prinsip penegakan HAM diatas. Dalam penerapan perlindungan data pribadi dan hak atas privasi, kerentanan individu pembela HAM juga harus dijadikan faktor penting yang mengatur seberapa cepat respon yang harus dilakukan Facebook sebagai pemilik platform, untuk mencegah dampak buruk yang dapat terjadi di kemudian hari.

Full Comment

PELINDUNGAN HAK ATAS PRIVASI DALAM PENGUNGKAPAN ALAMAT PRIBADI DI FACEBOOK Menyeimbangkan kebebasan berekspresi dan hak atas privasi dalam pengungkapan informasi tempat tinggal pribadi di Facebook “Blanket approach” berupa larangan pengungkapan informasi yang merujuk pada tempat tinggal pribadi pengguna Facebook tidak secara nyata berkontribusi terhadap perlindungan hak atas privasi dan perlindungan data pribadi, bahkan berpotensi melanggar kebebasan berekspresi bila tidak ditinjau dengan asas proporsionalitas dan kebutuhan. Pelarangan pengungkapan/pembagian informasi seharusnya dapat ditinjau dari berbagai lapisan. Pertama, Facebook perlu meninjau siapa yang mengunggah informasi tersebut, apakah pihak bertempat tinggal di lokasi tersebut atau pihak lain yang mengunggah. Kedua, Facebook perlu menelaah jenis informasi yang disebar, apakah berupa (namun tidak terbatas pada) alamat detil, gambar yang mencantumkan ciri-ciri spesifik tempat tinggal (nomor rumah, plat kendaraan bermotor, dan sebagainya), lokasi GPS, maupun petunjuk jalan menuju lokasi

tempat tinggal pribadi. Ketiga, perlu juga untuk meninjau terkait maksud dan tujuan (adanya niat jahat/malicious intent yang mencirikan doxxing misalnya) pengungkapan informasi tersebut. Hal ini dapat dilakukan dengan melihat apakah pengungkapan dilakukan untuk tujuan pribadi atau tujuan komersial dan periklanan. Selain itu, perlu juga dilakukan “text analysis” apakah bahasa yang digunakan berpotensi menimbulkan kerugian bagi pihak yang informasinya disebarkan (baik secara fisik, mental, dan material) dan/atau mengandung ujaran yang menyampaikan secara langsung maupun yang berpotensi menimbulkan kebencian / mencemarkan nama baik. Standar komunitas Facebook mengenai “pelanggaran privasi dan hak privasi gambar” telah memfasilitasi penghapusan konten yang mengandung informasi pribadi berupa tulisan. Namun daripada itu kebijakan terkait penghapusan informasi yang berupa gambar perlu direvisi. Sejauh ini, Facebook hanya mengakomodasi penghapusan konten berupa gambar yang menampilkan foto tampak luar tempat tinggal pribadi bila semua syarat (yaitu alamat detil, GPS, konten mengidentifikasi penghuni, dan keberatan dari penghuni/perwakilannya) terpenuhi. Penghapusan gambar seharusnya sudah dapat dilakukan bila mengandung informasi (baik berupa gambar maupun teks) terkait identitas penghuni dan subjek data yang informasinya tersebar menyatakan keberatan, didukung dengan salah satu syarat berikut terpenuhi, karena kebocoran salah satu syarat (seperti alamat detil maupun GPS lokasi) telah berpotensi meningkatkan kerentanan individu tersebut. Dalam kebijakan terkait pengaturan penyebaran informasi rumah aman, Facebook mengakomodasi penghapusan gambar maupun informasi terkait rumah aman (safe house) bila salah satu syarat (seperti alamat detil dan gambar rumah) sudah terpenuhi. Kebijakan yang sama juga seharusnya dapat dilakukan melindungi informasi terkait tempat tinggal pribadi. Beberapa alternatif yang dapat Facebook lakukan untuk menghindari penerapan “blanket approach” antara lain penerapan sistem “labelling” dan “text analysis” dalam algoritma, yang dapat membantu pengguna untuk mengkaji ulang terkait jenis informasi, maksud dan tujuan, serta menginformasikan resiko yang dapat terjadi. Sebagai contoh: untuk tujuan komersil dapat menggunakan label “for sale”, dan informasi hanya akan disimpan hingga tujuan komersil terpenuhi dan hanya akan disimpan untuk durasi tertentu. Selain itu, Facebook dapat mengaktifkan fitur untuk menanyakan apakah pengunggah memberikan persetujuan (consent) dan sadar akan resiko pengungkapan informasi terkait tempat tinggal pribadi di dalam media sosial. Beberapa fitur lain yang dapat diterapkan antara lain pilihan untuk memblokir fitur tangkap layar atau “screenshot” maupun fitur “share” yang dapat digunakan oleh pengguna yang secara sadar mengunggah informasi yang berpotensi merujuk pada tempat tinggal pribadinya. Fitur-fitur ini sudah banyak diterapkan seperti di beberapa aplikasi kencan daring maupun aplikasi chat seperti signal. Sebagaimana telah dijelaskan sebelumnya, tidak semua pengungkapan alamat pribadi orang lain, dilakukan dengan niat jahat (malicious intent) sehingga masuk ke dalam ruang lingkup tindakan “doxxing”. Oleh karenanya, Facebook harus mengatur pengungkapan alamat pribadi orang lain (dengan maksud dan tujuan komersial dan personal misalnya) dalam kebijakan tersendiri, yang terpisah dari kebijakan “doxxing” yang lebih umum mengatur tidak hanya pengungkapan alamat pribadi orang lain, tapi

juga mencakup data pribadi lainnya seperti nomor telepon, dst, yang dilakukan dengan niat jahat (malicious intent), Kebijakan mengenai pengungkapan alamat pribadi orang lain ini dapat kemudian mengatur mengenai hal-hal sebagai berikut:

a. Definisi dan ruang lingkup apa saja yang dapat dikategorisasikan sebagai pengungkapan alamat pribadi orang lain yang diperbolehkan di Facebook (e.g. untuk tujuan komersil, personal, dst); b. Upaya-upaya kebijakan, organisasional, dan teknis yang diimplementasikan Facebook guna memastikan bahwa, pengungkapan alamat pribadi orang lain, dilakukan oleh pengguna Facebook dengan sebelumnya memahami resiko-resiko yang mungkin timbul sebagai akibat dibuat publiknya informasi tersebut (e.g. notifikasi pop-up sebelum pengguna Facebook mengunggah foto dan/atau video yang menunjukkan alamat pribadi orang lain, menonaktifkan fitur tangkap layar); (selengkapnya di dalam dokumen tautan)

Link to Attachment

[PC-10152](#)

PAO 2021-01

Case number

PC-10153

Public comment number

United States and Canada

Region

Eric

Commenter's first name

Null

Commenter's last name

English

Commenter's preferred language

Access Now

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

see attached

Full Comment

see attached

Link to Attachment

[PC-10153](#)

PAO 2021-01

Case number

PC-10154

Public comment number

Latin America and Caribbean

Region

João Victor

Commenter's first name

Archegas

Commenter's last name

English

Commenter's preferred language

**Institute for Technology and Society
of Rio**

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

In this public comment, we address three main topics. First, we show how different data protection laws deal with the processing of private data for journalistic and other related purposes. Second, we argue that the community standards should avoid an absolute ban on the disclosure of residential or location information and, instead, consider incorporating two yardsticks: the existence of public interest in the publication and an assessment of the risks involved. Finally, we show how human rights courts have dealt with similar questions before.

Full Comment

[Please see attached document for the full comment]

Link to Attachment

[PC-10154](#)

PAO 2021-01

Case number

PC-10155

Public comment number

Europe

Region

Peter

Commenter's first name

Wright

Commenter's last name

English

Commenter's preferred language

DMG Media

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

Please see uploaded document.

Full Comment

Please see uploaded document.

Link to Attachment

[PC-10155](#)

PAO 2021-01

Case number

PC-10157

Public comment number

Europe

Region

Jane

Commenter's first name

Ashford-Thom

Commenter's last name

English

Commenter's preferred language

Schillings International LLP

Organization

Yes

Response on behalf of organization

Short summary provided by the commenter

Please see the attached enclosure.

Full Comment

Please see the attached enclosure.

Link to Attachment

[PC-10157](#)