



Policy Advisory Opinion 2021-01 on the Sharing of Private Residential Information

1. Policy Advisory Opinion summary

1. Meta asked for guidance on the sharing of private residential addresses and images, and the contexts in which that information may be published on Facebook and Instagram. The Oversight Board recommends that Meta remove the exception to the Privacy Violations Community Standard that allows the sharing of private residential information when it is considered “publicly available.” The sharing of private residential information represents a potentially serious violation of the right to privacy of people both on and off Meta’s platforms, which can lead to further harm that is difficult to remedy. The Board is of the view that international human rights standards permit necessary and proportionate restrictions on expression to protect the privacy of people both on and off Meta’s platforms especially in light of the company's responsibility to adopt policies which avoid causing or contributing to adverse human rights impacts. The Board also issues recommendations on other exceptions to the Privacy Violations policy, as well as in areas including user consent, situations of increased risk, and transparency.

2. The Policy Advisory Opinion request from Meta

2. [This Policy Advisory Opinion request](#) concerns Meta's policy on the sharing of private residential addresses and images and the contexts in which that information may be published on Facebook and Instagram. The company considered this to be a difficult question because access to such information 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 Meta has removed this type of content, this request for a Policy Advisory Opinion is not linked to a specific post or case.
3. In its request, Meta noted several potential harms linked to releasing personal information, including residential addresses and images. These include "doxing"



(which refers to the release of documents, abbreviated as “dox”). Doxing can be defined as the act of revealing identifying information about someone online, such as their real name, home address, workplace, phone, financial, and other personal information (UN Special Rapporteur on violence against women, report [A/HRC/38/47](#), 2018, para. 36). It includes situations where personal information and data retrieved by a person is made public with malicious intent, interfering with the right to privacy. Meta states that doxing behavior can have negative real-world consequences such as swatting (a wrong-premises police raid) and being targeted for harassment, stalking or violence.

4. 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 at-risk people.

2.1. Policy status quo

5. Under the current Facebook [Privacy Violations Community Standard](#) (“Privacy Violations policy”) users should not share “personally identifiable information about yourself or others,” including addresses, “except when shared or solicited to promote charitable causes, find missing people, animals, or objects, or contact business service providers.” This also includes “private information” such as “imagery that displays the external view of private residences if *all* of the following conditions apply”:
 - *“The residence is a single-family home, or the resident's unit number is identified in the image/caption.*
 - *The city/neighborhood or GPS pin (for example, a pin from Google Maps) are identified.*
 - *The content identifies the resident(s).*
 - *That same resident objects to the exposure of their private residence, or there is context of organizing protests against the resident (This does not include embassies that also serve as residences).”*



6. Under Instagram’s Community Guidelines, users should “respect other members of the Instagram community”, including by refraining from posting “personal information meant to blackmail or harass someone.” There is no link provided to the Facebook Community Standards, which are more comprehensive and which generally apply on Instagram as well.
7. In the rationale of the Facebook Privacy Violations policy, Meta explains that “private information may become publicly available through news coverage, court filings, press releases, or other sources.” When that happens, Meta may allow the information to be posted. That is, if a person’s address is considered “publicly available,” images will be permitted on Facebook and on Instagram identifying that individual with an address. Similarly, residential imagery will also be permitted on Facebook and on Instagram, even when the conditions mentioned above are fulfilled, if it is considered “publicly available.”
8. Meta’s [internal guidance](#) provided to content reviewers states that information “published by at least five news outlets” is no longer private information for the purposes of the Facebook Privacy Violations policy. The document further specifies that the following types of sources fall within the current definition of sources of “publicly available information” enforced by the company: “financial records or statements of an organization that are published by the organization itself”; “court records unless filed under seal”; “information from professional and business licenses”; “information from sex offender registries” and “information from press releases from governments, government agencies, or law enforcement.” According to the internal guidance the Board had access to, a number of information sources that may be available to anyone, such as deeds, residential addresses and images advertised on real estate websites/marketing materials, and police reports, are excluded from the definition of sources of “publicly available information.”
9. In its exchanges with the Board, Meta mentioned that the Privacy Violations policy “applies equally to all Facebook users around the world.” According to the company, exchanges with trusted partners inform policy development, but the rules do not change based on local context. In case a post violates local data



protection/privacy laws, but not Facebook’s Privacy Violations policy, its availability may be restricted in the country if “it is alleged to be illegal provided that the report is legally valid and consistent with human rights standards.”

2.2. Meta’s questions to the Board

10. Meta asked for guidance on "what should render private information ‘publicly available,'" which means that it can be posted on Facebook and on Instagram. Meta requested the Board's opinion on sources that are "not easily accessible or trustworthy," and if and how it should exclude any sources to determine whether information has become public. Additionally, Meta has asked the Board whether, in some circumstances, it should remove personal information even if this is already publicly available or was “simultaneously posted to multiple places.” Finally, the company asked whether personal information should be removed from Facebook and Instagram despite its public availability, “for example in news media, government records, or the dark web” because “it creates a heightened safety risk that compels [Meta] to remove the information.”

3. External engagement

11. Over the course of this Policy Advisory Opinion, the Oversight Board engaged both with stakeholders and with Meta in many different ways.

3.1 Stakeholder engagement

12. The Oversight Board received 43 public comments related to this Policy Advisory Opinion. Three of the comments were from Asia Pacific & Oceania, one from Central & South Asia, eight from Europe, one from Latin America & Caribbean, one from the Middle East and North Africa, and 29 from the United States & Canada.

13. The submissions covered themes including:



- The safety risks involved in allowing private information to be published on the platform without the consent of the people affected;
- How doxing is used as a way of silencing and coercing people;
- How women, LGBTQIA+ people and other minorities, as well as journalists, are more likely to be targeted by doxing and be at risk of violence;
- How the reproduction of information that enters the public domain may still interfere with people’s right to privacy;
- The importance of allowing the publication of private information about public figures under some circumstances;
- The need to balance risks to the safety of people affected by the sharing of private information with the value in disclosing information related to matters of public concern and to the right to protest; and
- The risk of overenforcement in case Meta relies extensively on artificial intelligence when enforcing the privacy violations policy.

14. To read public comments submitted for this case, please click [here](#).

15. The Board engaged in further stakeholder consultations for this Policy Advisory Opinion:

- The Board commissioned research from two organizations with expertise in privacy and human rights, which covered the following issues: (i) the effects of doxing, including case studies of online and off-line violence and other harms occasioned by the deliberate disclosure of residential information on social media platforms; and (ii) data protection laws, including national legal standards for the protection of residential information.
- The Board held one workshop on September 20, 2021 with 25 participants and one workshop on October 7, 2021 with 31 participants. Workshop participants were selected considering diversity (including geography and gender). The Board prioritized those impacted by and with expertise on the relevant content policies.

3.2 Meta engagement



16. The Board originally submitted 16 questions to Meta on July 2, 2021, which were answered by the company in a ‘Question & Answer’ session held on July 9, 2021. Following that meeting, the Board submitted seven follow-up questions. On July 30, 2021, Meta responded to the 23 questions in writing: 20 were answers in full, whereas three were partially answered and one Meta claimed it was not able to answer because the data requested was “not technically feasible to provide.” The company then held a second ‘Question & Answer’ session on August 11, 2021. On October 28, 2021, the Board sent Meta three additional questions, to which the company responded in writing on November 3, 2021. Meta partially answered all three.
17. The Board submitted questions about: Meta’s stakeholder consultation process in the development of the Privacy Violations policy; how Meta interprets and enforces this policy; the use of automation in the enforcement of the policy; account level enforcement for violations of this policy; the application of policy exceptions, “spirit of the policy” and “newsworthiness,” to content that otherwise violates the Privacy Violations policy; and cases involving controversial or difficult applications of this policy.

4. Oversight Board Policy Advisory Opinion

18. On 16 March 2021, [Meta announced](#) its [Corporate Human Rights Policy](#), where it outlines its commitments to respecting rights in accordance with the [UN Guiding Principles on Business and Human Rights](#) (UNGPs). The UNGPs, endorsed by the UN Human Rights Council in 2011, establish a voluntary framework for the human rights responsibilities of private businesses. As a global corporation committed to the UNGPs, Meta must respect international human rights standards wherever it operates. The Board’s Policy Advisory Opinion is intended to improve the company’s adherence to the human rights standards it has committed to respecting.
19. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) provides broad protection for freedom of expression through any media and



regardless of frontiers. Sharing private residential information on Meta’s platforms engages the right to freedom of expression, as protected under Article 19, para. 2 of the ICCPR. This right extends to ideas and opinions of all kinds, including “political discourse,” commentary on “public affairs” and “journalism” (UN Human Rights Committee, [General Comment 34](#), 2011, para. 11). Article 19’s protection is “particularly high” for “public debate in a democratic society concerning figures in the public and political domain” (*Ibid.*, para. 34). Additionally, the sharing of residential information engages not only freedom of the press, but also users’ right to seek and receive information “as a corollary of the specific function of a journalist and/or editor to impart information” (UN Human Rights Committee, [Communication 1334/2004](#), Mavlonov and Sa’di v. Uzbekistan, 2009, para. 8.4).

20. A rule that prohibits the sharing of private residential information on Meta’s platforms can affect the right to freedom of expression. While fundamental, the right to freedom of expression is not absolute. Article 19, para. 3 of the ICCPR sets out the conditions for governments to impose permissible limitations on the right. The Board examined Facebook’s Privacy Violations policy in light of such conditions and in accordance with Meta’s human rights commitments.

I. Legality (clarity and accessibility of the rules)

21. Article 19, para. 3 of the ICCPR requires any rules a state imposes to restrict expression to be clear, precise and publicly accessible (General comment 34, para. 25). People should have enough information to determine if and how their access to information may be limited. The Board has applied this principle to Meta’s rulemaking in the Facebook Community Standards. In order to better align the Privacy Violation policy with legality standards, the Board issued recommendations seven, eight and nine explained in detail in section 4.1. below.

II. Legitimate aim

22. Any restriction on expression should pursue one of the legitimate aims listed in the ICCPR, which include the “rights of others.” Facebook’s Privacy Violations



policy generally pursues the legitimate aim of protecting the rights of others (General Comment No. 34, para. 28) to privacy and home (Article 17 of the ICCPR). Additionally, this policy could pursue the legitimate aim of protecting the rights of others to mental integrity (Article 12 of the ICESCR) and to life (Article 6 of the ICCPR), depending on the circumstances.

III. Necessity and proportionality

23. Any restrictions on freedom of expression "must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected" (General Comment 34, para. 34).
24. The Oversight Board understands that the sharing of private residential addresses and images may represent a potentially serious violation of the right to privacy of both people on and off Meta's platforms, which can lead to further harm. Once this information is shared, those harms are very difficult to remedy. The potential for harm is especially context specific, and it is challenging to develop objective and universal indicators to allow content moderators to distinguish the sharing of content that would be harmful from shares that would be innocuous. This is why the Board believes that the Privacy Violations policy should be more protective of privacy.
25. The right to privacy is vital to the exercise of human rights online and offline. It "plays a key role for the realization of a broad spectrum of human rights" (United Nations High Commissioner for Human Rights, Report on the right to privacy in the digital age, [A/HRC/39/29](#), 2018, para. 11), ranging from freedom of expression (UN Special Rapporteur on freedom of opinion and expression, reports: [A/HRC/23/40](#), 2013 and [A/HRC/29/32](#), 2015, para. 15) and freedom of association and assembly (UN Special Rapporteur on the rights to freedom of peaceful assembly, reports: [A/HRC/31/66](#), 2016, paras. 73–78 and [A/72/135](#), 2017, paras. 47–50) to the right to equality and non-discrimination.



26. The sharing of private residential addresses and imagery may expose people to doxing – which may disproportionately affect women, children, LGBTQIA+ people, racial, religious and political minorities, as well as journalists and human rights defenders. Doxing may result in emotional distress, harassment, intimidation, social stigma and isolation, self-censorship, loss of employment, and even physical harm or death, depending on the circumstances. Thus, it has a further impact on a range of rights, including privacy, freedom of expression, physical and mental integrity, safety, freedom of association and assembly, work, health, equality and non-discrimination. Consequences may vary depending on the affected person’s situation. These situational factors include the country they live in, the extent to which national law and law enforcement practices give protection against these forms of abuse, as well as societal attitudes towards these forms of privacy infringements and their consequences. Doxing also may impact family members and co-habitants of a targeted person, as well as neighbors who may live in the same or proximate buildings. Facebook’s Privacy Violations policy largely reflects an expectation that people ought not be harassed at their private homes.
27. International human rights standards permit necessary and proportionate restrictions on expression for the protection of privacy of people both on and off Meta’s platforms – a legitimate aim for restriction – especially in light of the Meta’s responsibility to adopt policies to avoid causing or contributing to adverse human rights impacts (UNGPs, Principle 13).
28. The Board has considered a number of policy options when approaching Meta’s Policy Advisory Opinion request. The Board favors narrowing the exceptions to this policy, which would mean Meta would become more protective of private residential information of people both on and off Meta’s platforms.

4.1 Recommendations on Content Policy

Recommendation one: removing the “publicly available” policy exception. Meta should remove the exception that allows the sharing of private residential information (both images that currently fulfill the Privacy Violations policy’s criteria for takedown and



addresses) when considered “publicly available”. This means Meta would no longer allow otherwise violating content on Facebook and on Instagram if “published by at least five news outlets” or if it contains residential addresses or imagery from financial records or statements of an organization, court records, professional and business licenses, sex offender registries or press releases from government agencies, or law enforcement. The Board will consider this implemented when Meta modifies its Internal Implementation Standards and its content policies.

29. The Board understands that Facebook and Instagram enable users to reach a much wider audience, more quickly and more efficiently, than other forms of communication. Public records and other sources of what could be considered “publicly available” information still require resources and effort to be accessed by the general public. When that information reaches social media, however, it may be shared and accessed on a much bigger scale, which significantly increases the risk of harm as a result. In its exchanges with the Board, Meta highlighted that a “persistent concern” is “ensuring that the ‘publicly available’ definition does not exempt content from removal that poses a risk of offline harm.” The Board proposes entirely removing the “publicly available” exception for sharing of both private residential addresses and images that meet the criteria listed under “Policy status quo.”

30. The Board considered that removing the “publicly available” exception may reduce the amount of content allowed under the Privacy Violations policy, prompting Meta to take down more news articles, including those that discuss issues of public interest. This may add to the more general concerns of interference of social media – and Facebook and Instagram, specifically – with journalism and news producers’ modes of operation. Meta’s platforms are such powerful distribution mechanisms for content that their rules may excessively influence news reporting by causing media outlets to change their coverage choices or to reduce the amount of information included in their articles in order to avoid removals and account-level restrictions, including suspension.

31. Allowing people to engage in, and with, journalism through social media is important to maintaining transparency and accountability around public affairs.



Placing constraints on journalistic reporting may have chilling effects on journalism, be it citizen or traditional journalism, thus making it more difficult for users to access and share information on matters of public interest. The Board notes that social media plays an important role in providing a platform for all people, including journalists, to share information about matters of public concern, which may legitimately include addresses and/or images of residences – for instance, in investigations of corruption, tax evasion, money laundering and other criminal activities, in particular where property has been attained through such activities. However, the Board found the cases where public interest in the sharing of news articles with private residential addresses outweighs the risk of harm to be exceptional.

32. In the view of the Board, cases mentioned in the paragraph above can be dealt with through the [newsworthiness exception](#), when frequently and consistently applied to newsworthy content posted on Meta’s platforms. In rare cases, Meta allows content on Facebook or Instagram if “it’s newsworthy and if keeping it visible is in the public interest, even if the content violates the Facebook Community Standards or Instagram Community Guidelines.” In order to apply the newsworthiness exception Meta’s policy team assesses the public interest of expression against the risk of harm from allowing violating content on the platform. The exception is not applied on the basis of the identity of the speaker as a journalist or media outlet, but instead on the nature of the content. The Board finds this approach to be appropriate when determining the public interest in the publication of otherwise violating content. If Meta applies this exception consistently across cases involving the sharing of private residential information, the risk of Facebook and Instagram interfering with news producers’ modes of operation and users’ access to information should be less significant. It is important to note that the Board did not find the public availability of content to be a good proxy for newsworthiness for the purpose of keeping private residential information on Facebook and Instagram. When applying the “publicly available” exception, Meta currently allows information “published by at least five media outlets.” “Media outlets” is a broad concept that encompass news organizations that may not necessarily adopt ethical journalism standards. Also, the “five media outlets”-rule is fairly easy to



circumvent – malicious agents could simulate the existence of news articles with private residential information for the content to remain on Meta’s platforms. Finally, when enforcing the “publicly available” exception, content reviewers do not assess the risk of harm associated with a particular piece of content, which may lead to potentially harmful content remaining on Meta’s platforms. The newsworthiness exception, on the other hand, is applied by Meta’s policy team following an assessment of the content’s risk of harm.

33. In line with ICCPR Article 19, para. 3’s necessity requirement, the Board considered potentially less invasive options, such as recommending that Meta narrow down the “publicly available” exception by only excluding information “published by at least five media outlets.” It also considered recommending Meta to add friction to “publicly available” private residential addresses and images, by placing a warning screen over it, or to make such content less visible, or by downranking it. While these alternative approaches would have less impact over content circulating on Meta’s platforms, the Board has concluded they would not be sufficient to prevent harms to the privacy and safety of people both on and off Meta’s platforms, and could have unintended consequences.

Recommendation two: *Making sure the newsworthiness exception is consistently applied. Meta should develop and publicize clear criteria for content reviewers to escalate for additional review of public interest content that potentially violates the Community Standards but may be eligible for the newsworthiness exception, as previously recommended in case decision 2021-010-FB-UA. These criteria should cover, in addition to large protests as highlighted in Recommendation No. 3 from case decision 2021-010-FB-UA, content that shares information on investigations of corruption, tax evasion, money laundering and other criminal activities, in particular where property has been attained through such activities. The Board will consider this implemented when Meta publicly shares these escalation criteria.*

34. In order for Meta to consistently and effectively apply the newsworthiness exception, including across cases involving the sharing of private residential information, the Board reiterates Recommendation No. 3 from [case decision 2021-010-FB-UA](#) where the Board stated that Meta should “develop and publicize



clear criteria for content reviewers to escalate for additional review public interest content that potentially violates the Community Standards but may be eligible for the newsworthiness allowance.”

35. In its response to this recommendation, Meta described the criteria its policy experts use to determine when to apply the exception and stated the recommendation covered “work” it “already does.” However, the Board’s recommendation focused on clear criteria for moderators engaged in initial content review to identify and escalate content for review. In later exchanges with the Board, Meta explained that content found to be newsworthy by its policy team is escalated by reviewers due to other reasons – e.g., situation of crisis, or because deciding on the right outcome for a particular piece of content was too difficult – and then when the policy team analyzes the content, it may decide to apply the exception. In the Board’s understanding, Meta’s content reviewers are not provided with criteria to identify possible newsworthy content nor a clear mechanism to escalate content for newsworthiness review. For the newsworthiness exception to be consistently applied when public interest outweighs the risk of harm, Meta should implement Recommendation No. 3 of case decision 2021-010-FB-UA, reemphasized above. Given its discussion in multiple cases, the Board would like to explore the application of this exception in a Policy Advisory Opinion in the future.

Recommendation three: *keeping public interest information in the form of images on the platform [this does not apply to addresses]. Meta should allow the sharing of “imagery that displays the external view of private residences” when the property depicted is the focus of the news story, even when the following conditions listed in the Privacy Violations Community Standard are met (“the residence is a single-family home, or the resident’s unit number is identified in the image/caption”; “the city/neighborhood or GPS pin” is identified; “the content identifies the resident(s)”; and “that same resident objects to the exposure of their private residence”). However, Meta should not allow the sharing of such information when there is a “context of organizing protests against the resident,” that is, an attempt to organize protests in the future, and not news reporting on protests that have already taken place. The Board will consider this implemented when Meta modifies its content policies.*



36. The Board notes that, when applying the newsworthiness exception to content that violates the Privacy Violations policy, Meta should take into consideration that the sharing of private residential addresses is more likely to result in harm to the privacy and safety of people on and off Meta’s platforms than the sharing of residential images and less likely to be justified from a public interest perspective. This is also why the Board considers that Meta’s platforms should have a policy exception only applicable to residential images. This would allow this type of content to stay on the platform in case the property depicted is the focus of the news story.
37. More generally, the sharing of images of private residences is most likely to warrant the newsworthiness exception when the residence itself — and not merely its identification of the location of the individual — is the topic of the news reporting. This would be the case of news articles featuring, for example, a politician who is accused of embezzlement after acquiring a lavish house; a candidate for office who lives outside the jurisdiction; or an advocate for reduced carbon consumption who owns residences with a large carbon footprint.
38. This policy exception for images is important since the newsworthiness exception is only applied in “very rare” cases according to Meta – on November 3, 2021, the company disclosed to the Board it applied the newsworthiness exception to content that otherwise violated the Privacy Violations policy “approximately five” times in the last 12 months. According to the company, its policy team technically “considers every piece of content that is escalated to them for potential newsworthiness, and that team handles thousands of escalations per year.” If the policy against dissemination of private residential images is tightened and strengthened, the need for the exception discussed above increases in importance.

Recommendation four: *Allowing the organization of protests at publicly owned official residences. Meta should allow the publication of addresses and imagery of official residences provided to high-ranking government officials, such as heads of state, heads*



of federal or local government, ambassadors and consuls. The Board will consider this implemented when Meta modifies its content policies.

39. This policy discussion also engages users' right to peaceful assembly (protected by Article 21 ICCPR). Article 21 provides heightened protection for assemblies with a political message (UN Human Rights Committee, [General Comment No. 37](#), 2020, paras 32 and 49), and its protection extends to associated activities that take place online (*Ibid.*, paras 6, and 34). The UN Human Rights Committee has further emphasized the role of journalists and human rights defenders and others monitoring or reporting on assemblies in amplifying the collective expression and associative power of protests (*Ibid.*, paras 30 and 94). Interference with online communications about assemblies has been interpreted to impede the right to freedom of peaceful assembly (*Ibid.*, para. 10).
40. Facebook's Privacy Violations policy may affect users' ability to organize demonstrations against public figures (including government officials) in front of their residences (including publicly owned official residences of high-ranking government officials), as well as to, for instance, report on events that took place at these locations.
41. According to Meta, the company seeks to balance the Privacy Violations policy's effect on the organization of protests with the "publicly available" exception, which "allows the sharing of otherwise-violating private information when it is already in a legitimate source of publicly available information." Meta has assessed that the safety risk of sharing residential information outside the "publicly available" exception outweighs the risk of unnecessarily restricting certain forms of protest. Removing the "publicly available" exception as recommended by the Board would also lead to the removal of images of the official residences of high-ranking government officials, such as heads of state, heads of federal or local government, ambassadors and consuls (e.g. No. 10 Downing Street, the White House, the Kremlin and the Rashtrapati Bhavan may be considered "publicly available" addresses).



42. Social media is instrumental in the organization of protests, and also in publicizing their messages and reactions to them. Given the reliance on digital platforms of those who participate in protests, restrictions to the dissemination of relevant information for protest organization should be carefully considered. On the other hand, the Board notes that restricting the sharing of residential information, specifically, does not affect users' ability to organize protests, on social media, in public venues, in front of public institutions that are not residences, and at the target of the protest's place of work.
43. When the protest under organization targets official residences of government officials, i.e., publicly owned residences of heads of state, governors, mayors, ambassadors, consuls and other high-ranking authorities, where they conduct work-related functions (e.g., 10 Downing Street, the White House, the Kremlin, the Casa Rosada, the Rashtrapati Bhavan), risks to the targeted person's privacy and safety may be substantially lower. Due to the public interest nature of their activities, high-ranking government officials may generally be expected to tolerate lower levels of privacy, especially at their place of work, and to receive heightened protection by security personnel. High-ranking government officials may have access to state security, which could mean risks to safety in a context of protest would also be much less significant.
44. The Board decided, however, to issue a recommendation for Meta to allow the organization of protests at publicly owned official residences – and not private residences of government officials. The Board reached this decision due to the higher risks to privacy and safety of public authorities and other people living at the same building if Meta allows the organization of protests more broadly. During the pro-democratic protests in 2019 in Hong Kong, for example, doxing was weaponized against different groups of people, including public officials, which led to mass harassment and intimidation of officials and their families. Law enforcement officers and pro-establishment figures may have more institutional power and protection to cope with doxing, but the example shows that harm can result from the sharing of private residential information even of public officials. As further explained below, the Board found that Meta's human



rights responsibilities, which are different from those of a state, point towards a narrow exception to the Privacy Violations policy for the organization of protests.

45. As an alternative to its recommended approach, the Board discussed whether it should recommend that Meta allow the publication of private addresses and residential imagery for the organization of protests more broadly, or to only allow it if the protests target a public figure who is not a minor.
46. The Board notes, however, that non-official addresses, even if occupied by a government official, do not necessarily have access to state security to protect in the event of a protest. Additionally, Meta’s definition of “public figures” is quite broad and extends far beyond politicians to potentially encompass vulnerable citizens including journalists, election officials, abortion providers, dissidents from political orthodoxy, and human rights defenders, to name a few. By being more permissive towards the organization of protests at private residences, Meta would expose people both on and off the company’s platforms to an increased risk of harm. The company is in no position to attempt to distinguish between worthy and unworthy targets of residential protest.
47. The right to peaceful assembly may be restricted on a number of grounds, including the protection of the rights and freedoms of others, which “may relate to the protections under the Covenant or other human rights of people not participating at the assembly” (UN Human Rights Committee, General Comment No. 37, 2020, para. 47). Rights that may be claimed by non-participants affected by an assembly include, among others: the right to privacy (protected by Article 17 of the ICCPR); the right to liberty and security of person (Article 9 of the ICCPR); and the right to freedom of movement (Article 12 of the ICCPR).
48. The Board agrees that the Privacy Violations policy is necessary for the protection of privacy and safety of people both on and off Meta’s platforms, notwithstanding its potential to limit the organization of some categories of protest. In this regard, the Human Rights Committee acknowledged that, while gatherings in private spaces fall within the scope of the right of peaceful assembly (UN Human Rights Committee, *Giménez v. Paraguay*,



[CCPR/C/123/D/2372/2014](#), 2018, para. 8.3), “the interests of others with rights in the property must be given due weight” (UN Human Rights Committee, General Comment No. 37, 2020, para. 57).

49. From a regional comparative perspective, the Board notes case *Alkaya v. Turkey* (2012), where the European Court of Human Rights found that the failure of the state in protecting a famous person whose address was published in a newspaper violated the right to privacy. Similarly, in *Frisby v. Schultz* (487 U.S. 484, 1988), the U.S. Supreme Court upheld a municipal ordinance prohibiting residential picketing in light of the substantial public interest in protecting “the privacy all citizens enjoy within their own walls.”
50. According to the UN Human Rights Committee, the extent to which restrictions may be imposed on peaceful assemblies depends on considerations such as “whether the space is routinely publicly accessible” and/or “whether participants have other reasonable means to achieve the purpose of the assembly, in accordance with the sight and sound principle” – that is, within “sight and sound” of their target (UN Human Rights Committee, General Comment No. 37, 2020, para. 57). Generally, in cases where people are prevented from holding assemblies in privately owned places, the rights of the property owner must be considered when assessing the necessity of a restriction on freedom of peaceful assembly. Freedom of assembly should prevail where there is no adequate alternative public space that would allow an assembly to take place in sight and sound of its intended audience and if the owner’s right to enjoyment of their private property will not be significantly disrupted.
51. This type of assessment that is required of state authorities is something that content reviewers may not be able to fully accomplish, especially due to lack of contextual information about the protest under organization, its location and the availability of alternative spaces for the peaceful assembly to take place. If Meta adopts a broad policy exception on Facebook and on Instagram to allow the organization of protests at private residences, the lack of sufficient information available to content reviewers may result in frequent enforcement errors.



52. Additionally, the Board finds it important to distinguish the standards described in the paragraphs above, which are applicable to states under international human rights law, from those that should be applicable to Meta, as a private company engaged in content moderation on social media. A company generally prohibiting the organization of protests at private residences on its platforms is not the same as a state forcibly preventing the peaceful assembly from taking place at a specific location. The protest may still be organized with the aid of other digital and offline tools. Moreover, allowing the sharing of private residential information on Facebook and on Instagram in a context of protest substantially increases the risk of harm, which would place Meta in a position of potentially contributing to adverse human rights impacts.
53. Finally, it may be argued that a protest organized to happen at someone's residence could still achieve its objectives and be in accordance with the sight and sound principle if held at that person's place of work or activity, where risks to their privacy and safety – and that of their neighbors – may be substantially lower.
54. Therefore, the Board finds that generally prohibiting the organization of protests at private residences on Facebook and on Instagram – but allowing it at publicly owned official residences of high-ranking government officials – is in line with Meta's human rights responsibilities, in particular to address negative human rights impacts that can arise from its operations (UNGPs, Principles 11 and 13). The Board believes, however, that users may also wish to share addresses and imagery of publicly owned official residences provided to high-ranking government officials for other reasons, such as news reporting, and should be able to do so. This is the reason why the Board does not restrict Recommendation No. 4 above to the organization of protests.

Recommendation five: *Strengthening the role of user consent. Meta should allow the resharing of private residential addresses when posted by the affected user themselves or when the user consented to its publication. Users should not be presumed to consent to*



private information posted by others. The Board will consider this implemented when Meta modifies its content policies.

Recommendation six: *Strengthening the role of user consent. Users should have a quick and effective mechanism to request the removal of private information posted by others. We will consider this implemented when Meta demonstrates in its transparency reports that user requests to remove their information are consistently and promptly actioned. This recommendation is not applicable to official residences of high-ranking government officials.*

55. If Recommendation no. 5 is implemented, the Privacy Violations policy would become better aligned with strong data protection regimes centered around consent, such as the General Data Protection Regulation of the European Union (GDPR). The Board understands the GDPR to be a good standard for Meta to consider when assessing consent, as well as collecting and processing data, both of EU and non-EU users, due to the greater protection it provides to the privacy of data subjects. Most times when a user is posting someone else's details – and not simply resharing it – it likely is not with their explicit consent. However, there are cases where the user presumptively consented to their information being shared but the content ends up being removed under the Privacy Violations policy. When assessing whether consent was provided by users, Meta should make sure content reviewers are also able to determine whether the consent provided is authentic – that is, provided by the actual owner of a given account or Page.

56. Meta explained to the Board that a broader policy exception on consent was not warranted because an individual's sharing of private information in their own post could still be reshared abusively by others, depending on the circumstances. When questioned about this policy exception during the Policy Advisory Opinion roundtables, a number of stakeholders explained it is fairly common for users to share their own private information for particular purposes (e.g., asking for information about something) in specific spaces (e.g., groups on Facebook) and end up losing control over their personal data. Moreover, it is difficult for a content moderator to evaluate the presence of consent, and the



boundaries of or changes to that consent. However, the Board believes that the malicious resharing of private information and the enforcement challenges mentioned above could be addressed by a privacy feature allowing users to withdraw their consent, as per Recommendation no. 6 above.

Recommendation seven: *Improving the clarity of the rules. Meta should better explain, in the text of Facebook’s Privacy Violations policy, when disclosing the city where a residence is located will suffice for the content to be removed, and when disclosing its neighborhood would be required for the same matter (e.g., by specifically referencing the population threshold at which sharing only the city as part of the content will no longer be considered violating). The Board will consider this implemented when Meta modifies its content policies.*

Recommendation eight: *Improving the clarity of the rules. Meta should explain, in the text of Facebook’s Privacy Violations policy, its criteria for assessing whether the resident is sufficiently identified in the content. The Board will consider this implemented when Meta modifies its content policies.*

Recommendation nine: *Improving the clarity of the rules. The Board reiterates Recommendation No. 1 from case decision 2021-013-IG-UA that Meta should explain to users that it enforces the Facebook Community Standards on Instagram, with several specific exceptions. The Board notes Meta’s response to these recommendations. While Meta may be taking other actions to comply with the recommendations, the Board recommends Meta update the introduction to the Instagram Community Guidelines (“The Short” Community Guidelines) within 90 days to inform users that if content is considered violating on Facebook, it is also considered violating on Instagram, as stated in the company’s Transparency Center, with some exceptions. Meta should also provide a link to the Privacy Violations Community Standard in the language of the Community Guidelines. The Board will consider this implemented when Meta modifies its content policies.*

57. The Recommendations above are intended to better align Facebook’s Privacy Violations policy and Instagram’s Community Guidelines with ICCPR Article 19, para. 3’s standards of clarity and accessibility.



58. The Board agrees that the prohibition of the sharing of personal addresses seems fairly clear to Facebook’s users. The ban on “imagery that displays the external view of private residences”, on the other hand, introduces a list of criteria that may seem unclear to users - “The residence is a single-family home, or the resident’s unit number is identified in the image/caption”; “The city/neighborhood or GPS pin (for example, a pin from Google Maps) are identified”; “The content identifies the resident(s)”; and “That same resident objects to the exposure of their private residence, or there is context of organizing protests against the resident (This does not include embassies that also serve as residences).” For example, Meta should better explain when disclosing the city where a residence is located will suffice for the criteria to be fulfilled, and when disclosing its neighborhood would be required for the same matter.
59. Additionally, Meta should explain its criteria for assessing whether the resident is identified in the content. For example, Meta should clarify whether the person’s full or partial name needs to be disclosed, together with their residential information, or whether their photo and/or a more general description or reference by inference would suffice. In small towns, referring to someone’s profession may be sufficient for identification, whereas this might not be the case in bigger cities. Inference may also create risk for a person whose identity is not disclosed, e.g. “The person who certified this election result lives at X address” or “The woman who accused X of sexual assault lives at this house [+ image].”
60. Under the current version of Instagram’s Community Guidelines, users should not post “personal information meant to blackmail or harass someone.” The Board notes that this section of the Community Guidelines do not include a link to Facebook’s Privacy Violations policy. However, in its exchanges with the Board, Meta explained that “there are no differences” in how the Privacy Violations policy applies to Instagram, compared to Facebook. The Board believes that this is not clear to users, who may not be aware that Facebook’s Privacy Violations policy applies to content they post on Instagram.



61. In previous exchanges with Meta, the Board has already recommended that the company clarify the relationship between Instagram’s Community Guidelines and Facebook’s Community Standards, since Meta repeatedly explained the latter are applicable to Instagram. Adding links in the Community Guidelines to sections of the Community Standards does not sufficiently address the problem and may generate confusion as to what rules are in force on Instagram. Therefore, the Board suggests that, for the sake of clarity and consistency, Meta should explain to Instagram users that, if content is considered violating on Facebook, it is also considered violating on Instagram. Where applicable rules differ, Meta should also make it clear to users.

4.2 Recommendations on Enforcement

Recommendation ten: *Responding more quickly to situations of increased risk. Meta should let users reporting content that may violate the Privacy Violations policy provide additional context about their claim. The Board will consider this implemented when Meta publishes information about its appeal processes that demonstrate users may provide this context in appeals.*

Recommendation eleven: *Responding more quickly to situations of increased risk. Meta should create a specific channel of communications for victims of doxing (available both for users and non-users) that may be easily accessed, allow the victim to explain in detail their situation and risks the content creates for them, and prompt swift action from the company. Additionally, Meta could provide financial support to organizations that already have hotlines in place. Meta should prioritize action when the impacted person references belonging to a group facing heightened risk to safety in the region where the private residence is located. The Board will consider this implemented when Meta creates the channel and publicly announces how to use it.*

Recommendation twelve: *Responding more quickly to situations of increased risk. Meta should consider the violation of its Privacy Violations policy as “severe,” prompting temporary account suspension, in cases where the sharing of private residential information is clearly related to malicious action that created a risk of violence or harassment. The Board will consider this implemented when Meta updates its*



Transparency Center description of the strikes system to make clear that some Privacy Violations are severe and may result in account suspension.

62. Doxing may disproportionately affect members of vulnerable groups, such as women and children (UN General Assembly, Resolution [A/RES/75/176](#), 2020, item 7(i)). In 2018, a number of UN special procedures and independent experts [issued a public statement](#) noting that doxing can be a form of gender based harassment and violence. Women journalists and human rights defenders are especially susceptible to this form of pressure. LGBTQIA+ people, as well as racial, political, religious and other minorities, are also disproportionately affected by different forms of online harassment due to discrimination and prejudice, as evidenced in the two reports commissioned by the Board (see section 3.1. above). This is not to say they are the only potential victims. Such privacy infringements may make online spaces challenging for users to safely engage in, undermining their freedom of expression, as well as a range of other rights depending on the context.

63. In exchanges with the Board, Meta explained that when content moderators perceive an “immediate risk of harm,” they escalate content to expert internal teams that work with law enforcement. This means that moderators, who may be external contractors, are provided with criteria to identify situations of “immediate risk of harm” and may send content to Meta’s teams on this basis. The Board believes that Meta should be able to act promptly and firmly when the sharing of private residential information targets members of groups that are at a heightened risk of harm (women, children, LGBTQIA+, racial, religious, and political minorities, as well as journalists and human rights defenders) in the region where the attack takes place. By implementing Recommendation no. 10, Meta will allow users to provide context that may help content moderators identify increased risk situations more accurately. By implementing Recommendation no. 11 the Board believes that Meta would be able to identify cases involving increased risk more quickly, to act upon the content before more harm is caused and escalate it to law enforcement when necessary/possible.



64. In exchanges with the Board, Meta explained that violations of the Privacy Violations policy result in a standard strike (i.e. not “severe”). By implementing Recommendation no. 12, the Board believes that Meta would be able to prevent the escalation of doxing campaigns more efficiently.

Recommendation thirteen: *Reversing enforcement errors. Meta should give users an opportunity to remove or edit private information within their content following a removal for violation of the Privacy Violations policy (i.e., a threat of harm is present, but the story could be allowed on the platform if the image of residence or other information, such as the address, the city/neighborhood, GPS pin, or the name and picture of the resident was removed). The company could issue a notification of the violation and give the user a short deadline for them to act on the content, during which the content should be made temporarily unavailable. If the user removes/edits the private residential information out of the content within the deadline, the temporary block on the content would be lifted. If not, then the content would remain blocked. The Board will consider this implemented when Meta publishes information about its enforcement processes that demonstrates users are notified of specific policy violations when content is removed and granted a remedial window before the content is permanently deleted.*

65. The Board acknowledges that implementing the preceding recommendation may require time and the allocation of a reasonable amount of resources but could be an effective way of reversing enforcement errors and reducing its impact in the circulation of non-violating content on Meta’s platforms, protecting users’ right to share and receive information. Additionally, the Board believes that this recommendation would reduce the risks of Meta interfering with journalists’ coverage choices, since they would be able to edit affected content after it was found to violate the Privacy Violations policy. The effectiveness of this recommendation depends, however, on Meta being properly resourced to act swiftly when reassessing the content after the user has edited it.

Recommendation fourteen: *Reversing enforcement errors. Meta should let users indicate in their appeals against content removal that their content falls into one of the exceptions to the Privacy Violations policy. The Board will consider this implemented*



when Meta publishes information about its appeal processes that demonstrates users may provide this information in appeals.

66. The Board recommended in case decision [2021-005-FB-UA](#) that Meta “let users indicate in their appeal that their content falls into one of the exceptions to the Hate Speech policy.” The Board recommends that this reform should also apply for users who violated the Privacy Violations policy and would like to appeal Meta’s decision. This would provide the company with additional context for reversing enforcement errors.

4.3 Recommendations on Transparency

Recommendation fifteen: *Improving enforcement transparency. Meta should publish quantitative data on the enforcement of the Privacy Violations policy in the company’s Community Standards Enforcement Report. The Board will consider this implemented when Meta’s transparency report includes Privacy Violations enforcement data.*

67. In its exchanges with the Board, Meta claimed error rates for enforcement of the Privacy Violations policy are generally consistent with error rates in other policy areas, but did not provide data. The company also explained that it does not use automation to flag and/or automatically remove new pieces of content that may violate the Privacy Violations policy. However, Meta mentioned that automated tools “operating in other policy areas sometimes pick up content that is subsequently removed by human reviewers for privacy violations.” Most content removed under the Privacy Violations policy is currently reported by users, but Meta is “exploring the possibility of building out automated enforcement.”

68. The Board notes with concern that the Privacy Violations policy is not included in Facebook’s Community Standards Enforcement Reports and advises that Meta increase user awareness around how this policy is enforced.

Recommendation sixteen: *Improving enforcement transparency. Meta should break down data in its transparency reports to indicate the amount of content removed following privacy-related government requests, even if taken down under the Privacy*



Violations policy and not under local privacy laws. The Board will consider this implemented when Meta’s transparency reporting includes all government requests that result in content removal for violating the Privacy Violations policy as a separate category.

69. Additionally, the Board finds that the existing policy on reporting takedowns prompted by government requests, in the context of Community Standards enforcement, does not provide sufficient information about their nature and may artificially diminish statistics related to government interference in users’ speech.

Recommendation seventeen: *Improving enforcement transparency. Meta should provide users with more detail on the specific policy of the Privacy Violations Community Standard that their content was found to violate and implement it across all working languages of the company’s platforms. The Board will consider this implemented when Meta publishes information and data about user notifications.*

70. Finally, the Board recommended in case decisions [2020-003-FB-UA](#) and [2021-002-FB-UA](#) that Meta should give users more detail on the specific parts of the Facebook Hate Speech Community Standard that their content violated, so they can behave accordingly. The Board found that this recommendation should also apply for Meta’s communications with users that violated the Privacy Violations policy by posting private residential addresses and/or imagery. This would also contribute to increasing transparency around the enforcement of these rules and help educating users on the Privacy Violations policy.



***Notes:**

- **Authority and scope:** Meta can ask the Board for policy guidance to clarify one of its previous decisions or request guidance on possible changes to its content policies (Article 3.7.3 of the Charter). The Board may accept or reject these requests (Article 2, Section 2.1.3, of the Bylaws). This guidance is not binding on Meta, but Meta is required to publicly respond to it (Article 3.7.3 of the Charter, Section 2.1.3 of the Bylaws).
- **Procedure:** the Oversight Board's Policy Advisory Opinion is prepared by a committee of at least five Members and must be agreed by a majority of the Board. This Board Policy Advisory Opinion does not necessarily represent the personal views of all Members.