

1 ☐ Publication of Private Facts

- Also call embarrassing facts
- It involves publication of private information that
 - Would be highly offensive to a reasonable person
 - Is not of legitimate concern to the public
- Hard to win because the information published has to be so offensive and lacking in newsworthiness
- Least accepted tort in the judiciary
- 11 states have not or refuse to recognize it
 - Punishes the press for truthful information obtained lawfully

2 ☐

- Plaintiff must prove all of the following:
 1. Publicity to private facts
 2. Revelation of material must be highly offensive to a reasonable person
 3. Material is not of legitimate public concern

3 ☐

- What is publicity?
 - Different than publication
 - Material is communicated to a wide audience
 - Newspaper or broadcast is assumed publicity

4 ☐

- What are private facts?
 - Plaintiff must show material was private
 - Sipple v. Chronicle Publishing (1984)

5 ☐

- Rape Victims Names?
 - Additional victimization?
 - Society judge victim as also guilty?
 - Victims won't report crime?
 - Using names adds credibility to crime?
 - Treat like any other violent crime?
 - Cox Broadcasting v. Cohn (1975) SCOTUS
 - Florida Star v. B.J.F. (1989)
 - Florida v. Globe Communications (1993)
 - Star-Telegram v. Doe (1995)

6 ☐

- Is material offensive to a reasonable person?

- Press has significant advantage
- Fry v. Ionia Sentinel-Standard (1980)
- Barber v. Time (1942)
- Daily Times-Democrat v. Graham (1962)
- Was the material of legitimate public concern?
 - Public concern is that in which the public is concerned
 - Virgil v. Time (1975)
 - Sidis v. F.R. Publishing (1940)

7 ☐

- The way the story is presented:
 - Not a factor if the story is newsworthy
 - Kelly v. Post Publishing (1951)
 - Cinel v. Connick (1994)
- Who the story is about:
 - Celebrities must endure far more publicity about their private lives than average people.
 - What about when average people's lives intersect with famous people?
 - Howell v. New York Post (1993)
 - Virgil v. Time (1975)
- Recounting the past
 - Stories that recount a past event
 - Stories that recount a past event and attempt to also present what the participant does today

8 ☐ Private Facts & the Internet

- Intrusion involves the non-consented gathering of private information on the Internet
- Disclosure of private facts come to play depending on how the information is used once gathered.