

KIMBERLY A. HOUSER, LEGAL GUIDE TO SOCIAL MEDIA: RIGHTS AND RISKS FOR BUSINESSES AND ENTREPRENEURS (2013).

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**Protecting Yourself Online: Your Legal Rights, Responsibilities,
and the Consequences for Having an Online Presence**

"Because it is very easy to forget that you are not just venting to a friend, unchecked postings can lead to trouble. I often caution my clients to cool off before responding to an issue that upsets them. While a blog is a wonderful vehicle for getting your opinions out there, you must always remember that it is a permanent record of your statement. Even if you delete it, it still exists in cyberspace."¹

Kimberly A. Houser's *Legal Guide to Social Media: Rights and Risks for Businesses and Entrepreneurs* is a comprehensive question and answer book, which simply describes what type of online actions can and cannot get a person or business in legal trouble, and what persons and businesses can do to prevent legal issues resulting from online postings. The book was written with the layperson in mind, in an effort to help highlight the legal risks people subject themselves to everyday on social media sites. The book also serves as a legal refresher for the lawyer, and a legal crash course for the business entrepreneur. The author's focus for this book was to create a comprehensive guide for her clients to review before proceeding with certain

¹ See KIMBERLY A. HOUSER, LEGAL GUIDE TO SOCIAL MEDIA: RIGHTS AND RISKS FOR BUSINESSES AND ENTREPRENEURS 16 (2013).

online activities to help grow their businesses. The end result was a guide, which explains a person's legal rights and responsibilities online, as well as how to prevent issues, and what to do after an issue has become a problem, applicable to anyone with an online presence. This review will highlight the strengths and weaknesses of the text, and ultimately conclude that the book accomplishes its primary objective.

Kimberly A. Houser is currently a clinical assistant professor of Business Law at Washington State University's Carson College of Business.² For over a decade, she has counseled clients and lectured on Internet law and e-commerce issues.³ In addition to her legal and academic career, she is a blogger and writer.⁴ In 1984, she graduated from the University of Texas with a Bachelor of Business Administration, and in 1987, she graduated from the University of Illinois College of Law.⁵ She focuses on legal issues arising from the difficulties of applying current laws to new technology.⁶ Kimberly has been published by the Illinois Bar Journal and the International Journal of Business and Public Administration, as well as being the recipient of the Rickert Award of Excellence in Clinical Legal Education and an Am Jur in Trial Advocacy.⁷

This book is broken down into ten chapters, each addressing a different legal risk area. The areas are: Defamation and Other Tort Risks in Posting Content; Avoiding Infringement Issues When Posting Content; Advertising Laws and Other Governmental Regulations; Privacy Laws and Security Issues; Employment Law Issues; Protecting Your Name and the Work You Create; Enforcing Your Intellectual Property Rights; Legal Issues to Consider When Setting Up

² See Eric Sorensen, *IRS breaking law by mining data, probing social media, says WSU professor*, WASHINGTON STATE UNIVERSITY NEWS, (Aug. 23, 2017) <https://news.wsu.edu/2017/08/23/irs-breaking-law/#more-159511>.

³ See Houser, *supra* note 1, at 195.

⁴ See Houser, *supra* note 1, at 195.

⁵ See Houser, *supra* note 1, at 195.

⁶ See Houser, *supra* note 1, at 195.

⁷ See Houser, *supra* note 1, at 195.

a Website; Documents and Notices on Websites; and Legal Considerations When Setting Up an E-Business.⁸ Within each chapter, there is a brief introduction highlighting the focused on legal area. Then, the format changes to question and answer style, with legal concepts defined and described in the simplest of ways. It also includes case examples and hypotheticals. Each chapter addresses what you can and cannot do, what to do once you've posted something which results in a problem, and which defenses are available for each act.

The book also debunks some common misconceptions about what you can and cannot do on the Internet. For example, most people think they have a right to free speech, which you do, but free speech does not protect you from defaming a person or writing false statements and hiding behind anonymity. The book explains the difference between opinions and statements. Statements that are considered a verifiable fact will result in defamation charges if they turn out to be false.⁹ But opinions made online, which are not considered a verifiable fact, because you cannot verify an opinion, will not result in legal action no matter how negative the opinion may be.¹⁰ The example used is the difference between calling a person a jerk and a crook. To call someone a jerk is an opinion. To call someone a crook is a verifiable statement, in which defamation charges can result if the person referred to as a crook has never done any actions resulting in criminal deceit. Each legal area is illustrated in this simplistic style.

The book ends with a reminder that if you have an online presence, whether it be running your own website or simply having social media accounts, each state has different rules and regulations and persons should have a basic understanding of intellectual property law, tort law, and Internet regulations in order to avoid legal issues.¹¹ Houser also references the phenomenon

⁸ See Houser, *supra* note 1, at 1.

⁹ See Houser, *supra* note 1, at 12.

¹⁰ See Houser, *supra* note 1, at 12.

¹¹ See Houser, *supra* note 1, at 160.

that our laws do not match the current technology, even the laws made recently are at risk of being outdated, due to how fast technology changes. She closes the book on a light note, reminding us that technology is an asset we should embrace, and taking the time to educate ourselves on our rights and responsibilities that come with the Internet and technology should be a priority so our world can continue to progress.

Houser's primary purpose for writing this book was to create a comprehensive guide to educate individuals about their rights and responsibilities online, in an effort to help reduce the number of foolish errors made online that lead to litigation. Seeing as there are many areas of law, and an infinite amount of foolish actions, this book does a great job of breaking down the basics. The book starts off by explaining what actions can get you in trouble online. Then about halfway through, Houser addresses what rights and protections individuals have online. She relies on real life cases to demonstrate to the reader that this is real and important.

Starting off by highlighting a significant portion of foolish actions online, such as the tort risks for online defamation, was an easy way to hook the reader. Whether you have an online presence or not, surely, you've seen nasty comments written on social media sites, or at the least, heard reports on the news about such things. Houser made the book relatable through common experiences. She then moves on to everyday actions people do online without thinking twice, such as, copying Google images and reposting them. Houser explains the copyright and trademark infringement issues this often leads to, and details the risk and repercussions from those acts.

The latter half of the book addresses what rights people have online, such as their right to privacy and security, and what protections the law provides for infringement on those personal rights and how a person can ensure their online "self" is protected. Houser covers protecting an

individual's name, created works, and intellectual property, as well as addressing some legal issues revolving around setting up your own website. Lastly, Houser goes over some considerations to keep in mind online, that do not have legal cases attached, either because they are new and have no precedent, or because they are concepts that have not happened yet but undoubtedly will arise because our laws have not created safeguards for those areas. Houser does a great job of providing simplified explanations to complicated legal issues in the world of technology that inform and entertain the reader at the same time.

Seeing as the intent of this book was to create a legal guide for the non-legal mind, in an effort to minimize foolish errors made online that have real and serious legal repercussions, I would say that this book has accomplished the educational purpose. It is difficult to say if there was a minimizing of foolish errors made by business entrepreneurs, since there is no data to analyze that particular notion. After reading the book as a law student, it has accomplished two primary purposes: (1) I feel refreshed in some of the basic legal concepts that were taught in first year; and (2) I have learned some concepts that are not taught in any school program, but are applicable to real life and are important to know in order to remain out of trouble online.

This book is a valuable contribution to the world at large, not just the legal community. It does a good job of establishing an educational foundation for its reader, but lacks on expanding further. This is understandable, seeing as the world of technology is constantly evolving and there is no way of keeping up with it, let alone staying ahead of it. On occasion, the book does come off as repetitive, however, this is because the book does not have to be read cover to cover like traditional books. Instead, the reader may flip to the question they want answered, get that answer, and move on. Additionally, only providing just enough information to educate the reader, allows the reader to begin questioning more and rethinking choices, which

in turn should lead to less foolish online errors and thus accomplishing the objective of creating this book in the first place.

I enjoyed reading this book and would recommend anyone with an online presence to give it a quick skim, at the least. The information is helpful and presented in a way that is easy to read and understand. A person can only benefit from educating themselves, especially about a topic that is such a prominent part of our everyday lives. To not do so would be just as foolish as some of the real-life example blunders presented in this text.