

I. INTRODUCTION

Life is easier with the Internet. With one click you can buy a book, a chair, and a lamp, and then read in comfort. With another click, you can make purchases, post to your bank account, or review your credit card transactions. Sitting in your pajamas and drinking a cup of coffee, you never have to leave the cozy confines of your house. As to the privacy of these activities, you can often opt out of sharing your information. Some websites have privacy policies indicating that your information will not be shared. Others operate aggregate sites that share the information within the site,¹ and some share the information with third parties.² The truth of the matter, regardless of the policy, is that with each click on the Internet, your browser leaves a piece of information about you behind. As these pieces of information accumulate, a roadmap of personal, private information emerges.

In some respects, the computer on your desk, the laptop in your brief case, the Blackberry in your pocket, or the cell-phone on your belt are omniscient—these devices are all-knowing with respect to your thoughts,³ correspondences,⁴ and desires.⁵ The information stored by these devices is not restricted simply to hard business data, and it can remain on your device even after you think it has been deleted.⁶ This information also includes more intimate details such as photos, birthdays, vacation plans,⁷ and other details.⁸ The mobility of all this information makes it even more significant because “[t]he Internet has no territorial boundaries.”⁹

The Internet began as a one or two-dimensional system of information and transactions. But it has morphed into a three-dimensional platform through which we participate through online shopping, email, and social networking sites sharing intimate details of our lives with e-friends. For unexplained reasons, the Internet also inspires a trust factor that otherwise does not exist outside of the online world.¹⁰ Unfortunately, the definition of “friends” in the Internet world is nebulous at best.

A dichotomy within the law has emerged out of the continued development of the Internet as a tool of commerce, society, and interaction. Privacy, when viewed through

1. See, e.g., Google Privacy Center, <http://www.google.com/intl/en/privacypolicy.html> (last visited Feb. 28, 2009) (setting forth Google’s policy for how the company shares information through Google’s related websites).

2. See, e.g., The Official Website of the United States Tennis Association, Privacy Policy, <http://www.usta.com/USTA/Home/Site%20Services/Privacy%20Policy.aspx> (last visited Feb. 28, 2009) (addressing “Third-Party Ad Serving & Audience and Traffic Measurement Services”).

3. Many people maintain blogs that vary between online diaries and social commentaries and that enable users to post their perspective on events of the day or happenings within the users’ lives. Popular blog websites include www.blogger.com, www.TypePad.com, and www.googleblog.blogspot.com.

4. Email is replacing both postal mail and telephone calls as a preferred means of correspondence. An ironic example of this transition is the United States Postal Service’s email response to a newspaper reporter noting that email is responsible for the decrease in mail. Kery Murakami, *No Parking Anytime: Mail Boxes Going the Way of, Well, Snail Mail*, SEATTLE POST-INTELLIGENCER, Jan. 27, 2009, at A6, available at http://seattlepi.nwsourc.com/local/397562_noparking27.html?source=mypi.

5. For example, Amazon allows its users to create wish lists so that family and friends know what the users want to receive. Amazon Wish List, <http://www.amazon.com/gp/registry/wishlist/> (last visited Feb. 28, 2009).

6. See, e.g., *United States v. Comprehensive Drug Testing, Inc.*, 513 F.3d 1085, 1111 n.46 (9th Cir. 2008).

7. For example, sites such as Southwest Airlines and Orbitz allow users to save their itineraries, which could include airline reservations, hotel accommodations, rental car plans, and other events. Southwest Airlines Home Page, <http://www.southwest.com> (last visited Feb. 28, 2009); Orbitz Home Page, <http://www.orbitz.com> (last visited Feb. 28, 2009). Ostensibly, a user’s every move while on vacation could easily be tracked.

8. One author has properly noted that the use of intimate details constitutes “over sharing.” Sander J.C. Van Der Heide, Note, *Social Networking and Sexual Predators: The Case for Self Regulation*, 31 HASTINGS COMM. & ENT. L.J. 173, 178 (2008).

9. *Blumenthal v. Drudge*, 992 F. Supp. 44, 48 (D.D.C. 1998).

10. A word of caution with regard to relying on the Internet as legal or evidentiary authority. The Eighth Circuit recently struck down a decision in which an immigration judge relied on Wikipedia.com entries. *Badasa v. Mukasey*, 540 F.3d 909, 910 (8th Cir. 2008).

traditional business applications of the Internet, has largely been successfully addressed through the traditional legal framework. But privacy, when viewed through emerging Internet technologies, such as social networking sites and their myriad applications and metamorphoses, has met traditional legal regulation with stiff resistance.

Part I of this article provides an overview of the Internet and the difficulty of defining privacy in the Internet Age. Part II analyzes the application of privacy laws and regulations to traditional business uses. Part III of this article familiarizes the reader with social networking sites, highlights the difficulty associated with legal regulation of this evolution of the Internet, and identifies further evolutions of an Internet based hyper-connected society. Finally, this article concludes with a comparison of these two areas of the Internet and suggests some practical solutions to issues that arise through the use of social networking sites.