

The future of Facebook and lawyers

Peter Moon

Logie-Smith Lanyon Lawyers
peter.moon@logielaw.com



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About Peter Moon

Peter Moon is a partner in the commercial law group of Logie-Smith Lanyon.

In the early 1990s, he developed an amateur interest in law office technology that grew into a new career path. He now acts for all kinds of tech companies from ISPs and telcos to web-based traders and software and games developers.

Many of his clients are non-technology enterprises looking for expert assistance with IT procurements and projects.

For many years, Peter was a regular on ABC Radio's Jon Faine program, answering all kinds of computer-related questions. His popular *Hands On* technology column in each Tuesday's *Australian Financial Review* is now in its fourteenth year.

He also produces a specialist telco / ISP resource at www.cspcentral.com.au.



What is Facebook ?

About Facebook

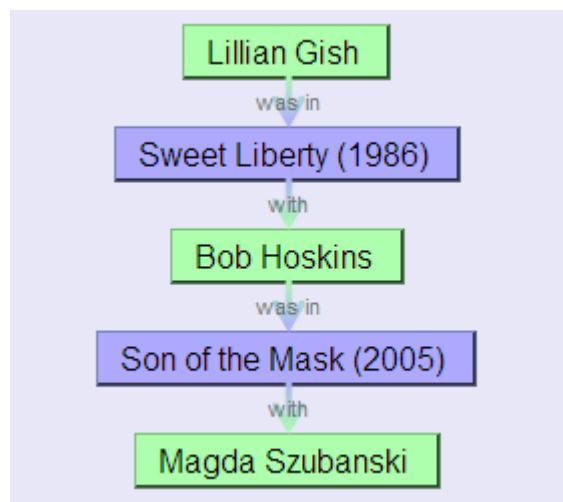
Founded in February 2004, Facebook is a social utility that helps people communicate more efficiently with their friends, family and coworkers. The company develops technologies that facilitate the sharing of information through the social graph, the digital mapping of people's real-world social connections. Anyone can sign up for Facebook and interact with the people they know in a trusted environment.

1. A social network

- Communities of interest, not geography.
- Building blocks are nodes and ties.
- Grail: to understand the non-obvious implications and information.
- Weapon 1: We'll come to that.
- Weapon 2: Computational power.

e.g. Oracle of Bacon¹

to



¹ <http://oracleofbacon.org>




- Weapon 3: Social network theory.
e.g. Sexuality and loyalty cards.
- Privacy implications, including consent – what information *are* you handing over ?
- Privact Statement: 'We may use information about you that we collect from other sources, including but not limited to newspapers and Internet sources such as blogs, instant messaging services and other users of Facebook, to supplement your profile.'

2. A Web 2.0 service

- 'Second generation' use of WWW.
- Info peer-to-peer, not client-server.



- Video sharing e.g. YouTube
- Wikis e.g. Wikipedia
- Blogs e.g. www.cspcentral.com.au

- Folksonomies²
- Social networking e.g. Facebook, MySpace, LinkedIn, Twitter.
- 'A piece of jargon ... Nobody really knows what it means...If Web 2.0 for you is blogs and wikis, then that is people to people.'

² End user tagging of content with keywords to facilitate searching.



- Facebook APIs: web plugs into FB, FB doesn't plug into the web.

4. An application platform

- More than 52,000 applications currently available on Facebook platform.⁵



Lexulous

By **Rajat Agarwalla** and **Jayant Agarwalla**

Lexulous is THE most amazing word game in the world! Join millions of players and see what great fun it truly is! You can play games without being online at the same time as your opps. Plus, you can also practice solo or against the computer.



Family Tree

By **Familybuilder**

Build your family tree and include your relatives both on and off Facebook. Showcase your genealogy on your profile and use this application to find new relatives on Facebook.



Hugs

By Hugsalot Inc

Hug your friends and spread the love!



Transport for London - Jobs

By Transport for London - Jobs

You can view (and share with your network) all of Transport for London's externally advertised vacancies and access our careers home page, as well as links to our apprenticeship and graduate sites.



CrossReference

By **Paul Shriner**

An application to identify when your friends are changing their status on facebook, AND the ability to post when you are offline.




Get Paid

By FreeDealsAndDiscounts.com

Get Paid is a great way to get paid REAL MONEY on Facebook. Complete offers, sign up, and get paid. Don't you deserve to Get Paid?

5. An advertising platform

Get Paid To Type



Get paid up to \$250/day just for typing. If you have a computer and free time you can start working from home today.

[Report](#)

My Car - Where's Yours?



I became rich in 4 weeks being lazy. Read my story and do the same.

[Report](#)

⁵ Source: Facebook

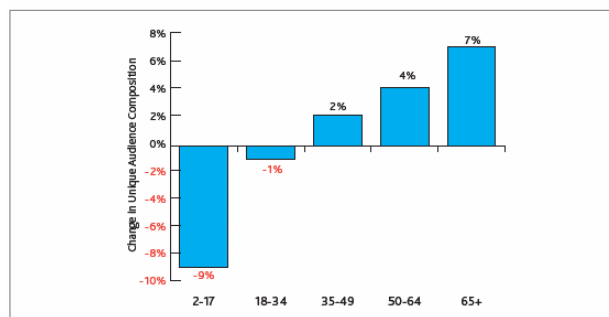


6. A magnet for personal information⁶

- 175 million active users.
- More than 10% update status at least once each day.
- Average user has 120 friends on the site.
- More than half of Facebook users are *not* in college.
- Fastest growing demographic is those 30 years old and older.
- More than 25 million active user groups exist on the site.
- More than 70% of Facebook users are outside the United States⁷.

7. A data source in search of a revenue model

- No convincing revenue model.
- Estimates circa \$US400,000,000 p.a.
- Underpinned by Microsoft.
- Key product is targeted advertising.
- But doesn't own a category.
- Concern it's becoming less focussed.



Source: Nielsen Online, Custom Analytics, December 2007 – December 2008. E.g. Between Dec 07 and Dec 08, the share of the online global audience to 'Member Community' sites accounted for by 2-17 year olds decreased relatively by 9%
 *Global refers to AU, BR, CH, DE, ES, FR, IT, UK & USA only

- Explains some very ordinary advertising practices.

⁶ Source: Facebook

⁷ 'By using Facebook, you are consenting to have your personal data transferred to and processed in the United States.' – Facebook Privacy Policy



8. But above all: a rapid deployment web site builder

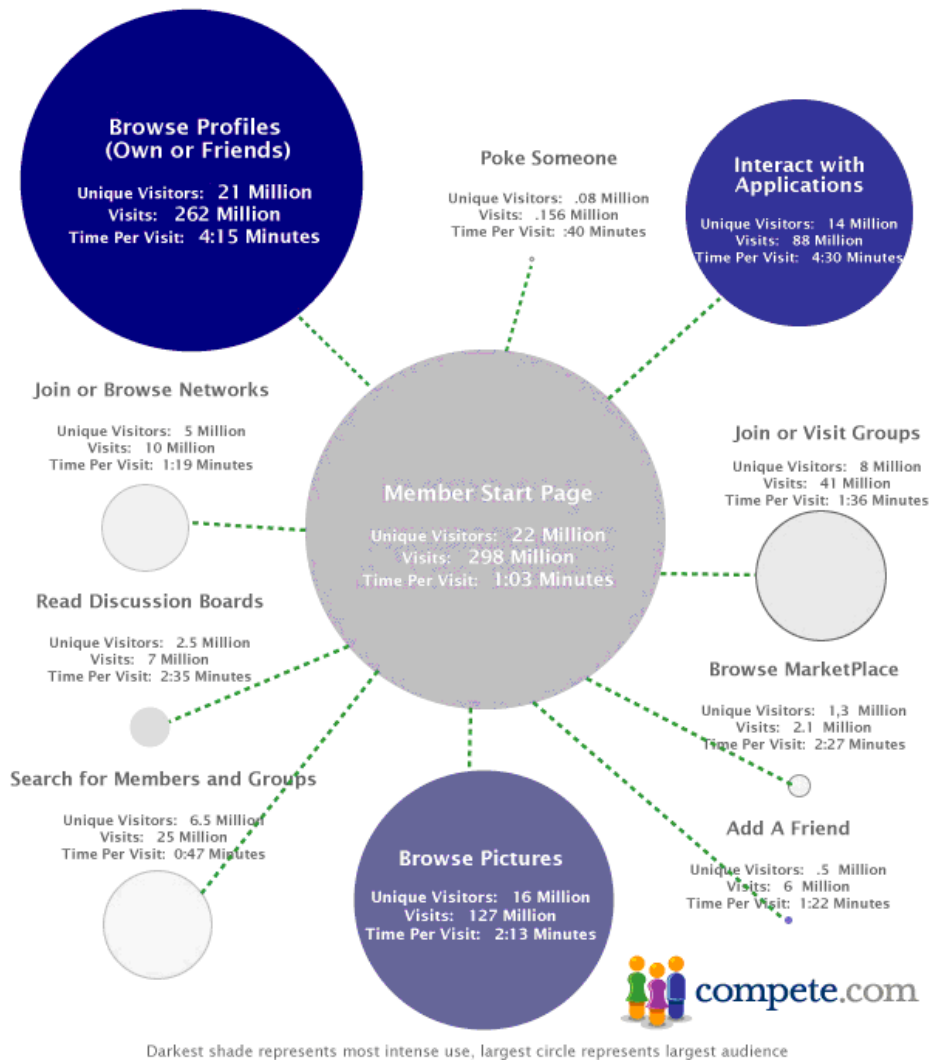
- People want a web presence.
- Web development remains tricky.
- Can *you* maintain a web site ?
- Facebook = up in an instant, few questions asked, no excuses to make.
- The tools are a 'bonus'.



What do people use Facebook for ?

Facebook Activity Breakdown, August 2007

Size represents total number of users, shade represent usage intensity



9. Networked newsletters

- Online newsletters with recipient interaction.

10. Project hubs

- Organise a national conference.

11. Document exchange

- Instead of FTP.



12. Activism

- Political groups and causes.
- Infiltration target.

13. Class actions

- Several Opes Prime networks.
- Infiltration target.

14. Franchisee networks

- Infiltration target.

The courts are taking notice

- MKM Capital Pty Ltd⁸ v Corbo and Poyser.
- ACT Supreme Court Rule 6460 – Substituted Service

(1) This rule applies if these rules require or allow a document in a proceeding to be served in a particular way (the authorised way).

(2) A party to the proceeding may apply to the court for an order allowing the document to be served in another way (the alternative way).

(3) The court may make the order if satisfied that—

(a) it is impracticable, for any reason, for the document to be served in the authorised way; and

(b) the alternative way is reasonably likely to bring the document to the attention of the person to be served.

(4) If the court makes the order, it may, in the order, provide that the document is taken to have been served on the happening of a stated event, at a stated time or at the end of a stated period.

- 11 failed attempts to find the defendants at home between November 8 and December 6.
- Coincidental information:

⁸ www.mkmcapital.com.au



- Beware giving out random facts about yourself.
- Don't recycle passwords ... phishers count on it.
- Use a password vault like Roboform.

18. Other attacks

- 419 scams⁹.
- Fake emails.
- Chain mail.

19. What if an account is compromised ?

- Usual warning: Email from your account.
- So include self as a 'friend'.
- Reset Facebook password immediately. Click the 'Forgot Your Password' link on the login page or by going to the Account Settings page once logged in.
- If can't reset, contact:

A screenshot of a web browser showing the Facebook help page for a compromised account. The browser's address bar contains the URL: http://www.facebook.com/security#/help/contact.php?show_form=account_compromised. The page title is "My Account Has Been Compromised". The form contains several input fields: "Full name on the account:", "Network(s) the account belongs to:", "Email addresses that may be affiliated with the account:", "Your contact email address:", "URL (web address link) of the profile page (please copy and paste the URL of the profile)", and "Description and steps to reproduce the issue:". At the bottom right of the form are two buttons: "Submit" and "Cancel".

- Malware scan.

Facebook and the enterprise

20. The 'yes' or 'no' decisions

- Do you want a personal / professional / enterprise presence on Facebook ?

⁹ Refers to section 419 of Nigerian Criminal Code.



- Will your staff have access to Facebook ?

For me: 'No' to the first and 'yes' to the second.

21. The productivity problem

- A species of general web-wasting.

The recent popularity of social networking sites such as Facebook, MySpace and Bebo are costing UK corporations close to £6.5 billion annually in lost productivity, according to a poll conducted by Information security consultancy - Global Secure Systems (GSS) and Infosecurity Europe 2008.¹⁰

22. The Nielsen Online survey¹¹

- Social networking is No 4 internet time-taker.

Rank	Sector	Global Active Reach Dec 08	Global Active Reach Dec 07	% Point Increase in Active Reach
1	Search	85.9%	84.0%	1.9%
2	General Interest Portals & Communities	85.2%	83.4%	1.9%
3	Software Manufacturers	73.4%	72.0%	1.4%
4	Member Communities	66.8%	61.4%	5.4%
5	E-mail	65.1%	62.5%	2.7%

Source: Nielsen Online, Global Index, December 2007 – December 2008. E.g. In Dec 08 the Search sector reached 1.9% (points) more of the world's online population than it did in Dec 07
¹ 'Global' refers to AU, BR, CH, DE, ES, FR, IT, UK & USA only

- With blogs = 9% of internet time.
- 'Time spent growing at 3x internet average.

23. System resources

- What's using up your bandwidth ?

One FTSE100 CISO reported that they now block Facebook as it was consuming 30% of their bandwidth and they are looking to block both

¹⁰

http://www.gss.co.uk/press/article/17/Social_Networking_Sites_Costs_UK_plc_%A36.5_Billion_In_Lost_Productivity/

¹¹ www.nielson.com



MySpace and e-bay as they consume 10% and 5% of the corporate Internet browsing bandwidth.¹²

- Would you know ?
24. **Loss of control of information**
 - Facebook runs Facebook.
 25. **Inadequate offline back up**
 26. **No version recording / control**
 27. **A data dead end**
 - Treat it as disposable.
 - Non-transferable.
 28. **Generally not googlable**
 29. **Only works if you drag and / or are dragged in**
 30. **Series of immature business behaviours**
 - Unsatisfactory IP provenance: 'Facebook's settlement with ConnectU, whose founders include twin brothers Cameron and Tyler Winklevoss, was for \$65 million, according to promotional material from their law firm, Quinn Emanuel Urquhart Oliver & Hedges, a law journal called The Recorder reports.'
 - Dodgy advertising.
 - Changes to rules / IP ownership.
 - Playing catch up too often e.g. Twitter.
 31. **Facebook won't be there in 3 years**

Defamation, misleading content, etc

¹²

http://www.gss.co.uk/press/article/17/Social_Networking_Sites_Costs_UK_plc_%A36.5_Billion_In_Lost_Productivity/



32. ID theft pages

33. Anonymous detractors

34. Difficulties in dealing with the beast

- Facebook.
- Google e.g. ASIC banning order.
- eBay e.g. product safety recall ... solved by user account.
- What would you do ?

So why might a professional / enterprise be on Facebook ?

35. EY's explanation

Why has EY joined Facebook?

Facebook allows us to share the EY experience with people who are interested in the firm, and creates a way for interns and employees to stay in touch with one another. The group provides a forum for people to share their questions, experiences, and comments regarding the Firm, and we can let you know when we're coming to your campus for "Meet the Firms" nights, career fairs, on-campus interviews and other events.

EY is a professional organization with a social atmosphere, and Facebook provides us with an opportunity to show our fun environment with pictures, comments and discussions. Don't be shy about adding a comment to the wall, joining a discussion, or adding pictures to our photo album (make sure you tag yourself and your friends!).

36. Rapid development web site

- The key reason.
- Involves few choices.
- Reduces committee drag.
- Confounds finance.



Managing Facebook access

37. For admins, it's an easy decision to block

- But why pay for easy decisions ?

38. Limit access times

- e.g. Lunchtime only.

After analysing the traffic patterns, however, we realised that around 25 per cent of our Web usage was for social networking sites such as Facebook. After locking down this traffic and just allowing staff to view these sites during their lunch hour or after work, we found we didn't actually need to upgrade our bandwidth after all and have saved a considerable amount in the upgrade costs.

39. Access to approved accounts only

- e.g. By Roboform two level credentials.
- Permit access to the firm page only.
- Tie access rights to office held.

40. And what about your policy ?

- Reflect real, enforceable rules.
- Specify acceptable use.
- Notify of monitoring.
- Consider a log-in warning.
- Prohibit job-seeking.
- Instructions / advice re personal pages.

41. NSW Workplace Surveillance Act 2005

10 Notice of surveillance required

- (1) Surveillance of an employee must not commence without prior notice in writing to the employee. Subsection (6) provides for an exception to the notice requirement.
- (2) The notice must be given at least 14 days before the surveillance commences. An employee may agree to a lesser period of notice.
- (3) If surveillance of employees at work for an employer has already commenced when an employee is first employed, or is due to



commence less than 14 days after an employee is first employed, the notice to that employee must be given before the employee starts work.

- (4) The notice must indicate:
 - (a) the kind of surveillance to be carried out (camera, computer or tracking), and
 - (b) how the surveillance will be carried out, and
 - (c) when the surveillance will start, and
 - (d) whether the surveillance will be continuous or intermittent, and
 - (e) whether the surveillance will be for a specified limited period or ongoing.
- (5) Notice by email constitutes notice in writing for the purposes of this section.

12 Additional requirements for computer surveillance

Computer surveillance of an employee must not be carried out unless:

- (a) the **surveillance is carried out in accordance with a policy** of the employer on computer surveillance of employees at work, and
- (b) the employee has been **notified in advance of that policy** in such a way that it is reasonable to assume that the employee is aware of and understands the policy.

17 Restrictions on blocking emails or Internet access

- (1) An employer must not prevent, or cause to be prevented, delivery of an email sent to or by, or access to an Internet website by, an employee of the employer unless:
 - (a) the employer is **acting in accordance with a policy on email and Internet access** that has been notified in advance to the employee in such a way that it is reasonable to assume that the employee is aware of and understands the policy, and
 - (b) in addition, in the case of the preventing of delivery of an email, the employee is given notice (a "prevented delivery notice") as soon as practicable by the employer, by email or otherwise, that delivery of the email has been prevented, unless this section provides that a prevented delivery notice is not required.

Alternatives to a Facebook 'web site'



42. Blog

- Easy to maintain.
- Many hosted options.
- Customised.
- 'Yours'.
- Googlable.
- Can be interactive.
- Back-uppable.
- See Wordpress.

43. Wiki

- More complex to maintain.
- More like a traditional web site.
- Library functionality.
- Sophisticated ens user access control.
- Publishing controls.
- Sophisticated version recording / control.
- See DekiWiki.

44. www.jumpbox.com



- Wikis.
- Blogging.
- Content Management.
- CRM.
- Customer Service.
- Database Management.
- Discussion Forums.
- Document Management.
- eCommerce.



- Education.
- Human Resources.
- Instant Messaging.
- Portal.
- Project Management.

About Roboform

Peter Moon's AFR *Hands On* column

24 February 2009

Last week we preached the virtues of password protecting USB sticks and a reader retorted with the obvious complaint. One more password, they cried, will turn our brain to mush. The alternative is to use just one password for everything, and that's hardly best practice. The solution is a password vault, and the king of the vaults is RoboForm.

A vault works on the principle that you only need to remember one password, and that one keeps all the others secure. Technically it's just an encrypted database, but RoboForm adds some very handy smarts.

Want to log in to your eBay account ? Select eBay from the dropdown list RoboForm adds to the browser toolbar and the utility opens the right page, completes your user name and password and logs you in. Likewise your Google account, Hotmail, online banking or most other sites that call for credentials. RoboForm calls each log in record a passcard.

Over the years we've signed up to more than fifty sites that need passwords. Once, we managed risk by using several variations of one password. At least they weren't all identical. But now we have the luxury of truly distinct codes for each site, and we don't need a photographic memory to retain them. The software will also generate strong passwords that won't be cracked without a seriously potent computing attack.

RoboForm offers a limited access mode, so an employee might be able to use stored details to log in to a site, but can't actually view or edit the password. It's a good solution where you want to provide staff, or the teenagers, with access to a site but not to know the log in details.

As well as passcards, the program keeps secure notes. Not every code you need to record is a web page password. RoboForm's SafeNotes are



useful for recording banking PINS, software registration keys and all manner of other important and confidential data.

The third string to this utility's bow is form filling. After receiving all kinds of personal details via several tabbed screens RoboForm can use them to populate corresponding fields in online forms. It depends on forms using predictable names for different data types but it works remarkably well.

For most standard forms, the kind that want your name, address, email and perhaps phone, it generally gets things correct with one click. We'll be frank, we don't always provide true details where we aren't certain that a site can be trusted. Our colleague Billy Bottoms has registered for countless software trials on our behalf and his details, including an email address that redirects to ours, are also a click away in RoboForm. It can cope with multiple identities, which is also handy for distinguishing between your work and home personas.

It's hard to get excited about any database that's empty. eBay runs on pretty neat software but without any bargains it would interest no-one but database designers. So it is with RoboForm. Record just a log in or two and there's nothing to write home about. Later, when you realise that you're better organised and more secure across dozens of sites, you see the value of it. And there's even an Australian distributor at www.roboform.com.au.