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Twitter's new privacy policy could clash with journalism

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On Tuesday, Twitter said it is expanding its privacy policy to include what the company calls “private media.” Its current privacy policy prevents users of the service from sharing other people's private information, such as phone numbers, addresses, and other personal details that might make someone identifiable against their will; under this policy, users who have shared such data have had their accounts blocked or restricted in a variety of ways. The new addition to the policy forbids “the misuse of media... that is not available elsewhere online as a tool to harass, intimidate, and reveal the identities of individuals.” Twitter said it is concerned because personal imagery can violate privacy and lead to emotional or physical harm, and this can “have a disproportionate effect on women, activists, dissidents and members of minority communities.”

Twitter's blog post describing the new policy goes on to say that the ban applies to any imagery—photo or video—regardless of whether it includes actual abusive content. The important criteria, the company says, is that the content is posted “without the consent of the person depicted.” The only exceptions to this rule are if the person in question is “a public figure,” or if the relevant imagery is shared “in the public interest, or adds value to public discourse.” How the company will determine whether or not the content is in the public interest is unknown. How it defines the term “public figure” is also unclear, which suggests that the new policy may re-ignite the debate that Twitter's “newsworthiness” standard sparked when it was used to justify keeping abusive tweets by former president Donald Trump.

Even the “public figure” exception is not absolute. If Twitter determines the person in question is a public figure, it may still remove images or videos if it believes the content was shared in order to “harass, intimidate, or use fear to silence them”—though, once again, how Twitter will determine whether the images were posted in order to harass, intimidate, or silence an individual is unclear. The company says it will “try to assess the context in which the content is shared,” including whether the image is publicly available, whether it is being covered by traditional media, and whether it adds value to the public discourse or is “relevant to the community.” The policy adds that media shared about private individuals is acceptable provided it “contains eyewitness accounts or on the ground reports from developing events.”

The latter appears to be an attempt to create an exception for journalism, but how the company will balance newsworthiness and the public interest with its desire to protect individual privacy is unknown. Some photojournalists say they are concerned that the new policy, and the lack of clarity around its terms, could make their jobs even more difficult. Mickey Osterreicher, general counsel for the National Press Photographers Association, said the policy change shows a lack of understanding that “a person photographed in a public place has NO reasonable expectation of privacy.” If the company chooses to enforce the new rules, Osterreicher said, it will be “undermining the ability to report newsworthy events by creating nonexistent privacy rights.”

On Wednesday, cyber-security expert and anti-fascist activist Chad Loder wrote that the new policy had already been used to block an account belonging to a photojournalist because they posted video of two right-wing extremists who were planning to attack another journalist. Loder also wrote that a number of videos posted by an anti-extremism account were removed by Twitter under the new policy, following a complaint from someone involved in the January 6 Capitol insurrection. According to Loder, they and others have been blocked in the past from posting certain images by false Digital Millennium Copyright Act claims, and they expect right-wing groups to try to weaponize the new privacy policy in the same way. “Vague policies and subjective enforcement always favors the powerful,” Loder said.

James Temple, an editor with MIT’s *Technology Review*, asked whether, under the new rule, a person or a media outlet could “still share the video of the Central Park birdwatching incident, the couple waving guns at protestors, the Jan. 6 capitol attack, the Kenosha shootings, or the murder of Ahmaud Arbery?” Julian Sanchez, a fellow with the Cato Institute, described the new policy as “a well-intentioned idea that sounds like an absolute horrorshow to actually implement,” in part because social media itself has made it “incredibly thorny” to determine who is a public figure. “Have they become a public figure if the image/video has already gone viral on other platforms?” Sanchez asked. “If mainstream news outlets have referenced it? Can going viral on Twitter itself make you a public figure?” Twitter’s new privacy policy raises a number of questions, and how the company will answer them remains to be seen.

Here’s more on Twitter and journalism:

- **Vague:** Matt Willie, writing for *Input* magazine, says the new Twitter policy is “frustratingly vague” because it leaves too much room for interpretation. “Is a police officer harassing a protester considered allowable, or could that officer request that Twitter remove the video?” he asked. “Twitter says large-scale protests are exempt ‘generally,’ a term that doesn’t exactly inspire confidence in its enforcement potential.” In attempting to be as inclusive as possible, Willie argued, Twitter “ends up creating policies that are vague to the point of almost creating more issues than they solve.”
- **Toxic:** In 2019, Farhad Manjoo, a *New York Times* columnist, argued that Twitter is toxic for journalists. In a follow-up discussion on CJR’s Galley platform, reporter Ashley Feinberg said that while Twitter could be problematic, “it’s also allowed for some things that probably wouldn’t exist without it.” Whether we like it or not, she said, “Twitter is a huge part of how we do our jobs now. I think the best thing any of us can do is realize that someone is always going to be mad, some people are always going to be acting in

bad faith, and there's really nothing we can do to game that, other than just being as honest as possible."

- **Editorial:** In 2017, after Trump threatened North Korea in a tweet and Twitter changed its policy on removing tweets to add a "newsworthiness" exception, Nausicaa Renner, a former CJR editor, wrote about how the company's decision made it even more of a media entity. "By deciding what is newsworthy, Twitter will effectively be making editorial decisions, moving its platform even further into the role of a media company," Renner wrote. Twitter later tried to clarify its "public interest exception."

Other notable stories:

- A coalition of news organizations has sided with former Trump adviser Stephen Bannon in asking a federal court to release documents that are part of Bannon's prosecution for refusing to testify before the January 6 congressional committee, according to a report from the *Washington Post*. "Bannon is fighting a proposal by prosecutors to keep the documents under wraps, including more than 1,000 pages of witness testimony, grand-jury proceedings and other information generated as part of the discovery process," the paper reported. "Journalists would be unable to see the documents if the Justice Department prevails in persuading a judge to impose a protective order." The coalition includes the *Washington Post*, the *New York Times*, CNN, and NBC News, among others.
- *Politico* reports that allies of former president Donald Trump "are trying to rip up the traditional book publishing paradigm in politics by setting up a publishing house of their own," called *Winning Team Publishing*. Trump announced last week that he was publishing a coffee table book of photographs from his time in the White House, which has been produced by the new imprint. *Politico* says the publishing house has "a decidedly MAGA flavor, run by former Trump campaign aide Sergio Gor and Trump's son, Donald Trump Jr."
- Jeff Bezos, the founder and CEO of Amazon, claimed in 2019 that the *National Enquirer* tried to extort him with embarrassing texts and photos related to the breakup of his marriage, material that Bezos's security team suggested might have come from agents of the Saudi Arabian government hacking his phone. According to a new report by the *Wall Street Journal*, "probes by the US government haven't led to any public action on either front," marking a "quiet end to a bizarre saga." The FBI looked into the possibility of a hack as part of a broader counterintelligence investigation, the *Journal* reported, but nothing came of it.
- Margaret Sullivan, media columnist for the *Washington Post*, wrote that CNN management finally did the right thing by putting star anchor Chris Cuomo on indefinite suspension. "There was no other choice consistent with even a modicum of journalistic standards after the New York state attorney general released thousands of pages of evidence related to the investigation of sexual misconduct charges by 11 women," Sullivan wrote. She added that the problems arguably began when the network "carved out a major loophole that allowed their host to actually interview his governor brother on air several times." Jon Allsop wrote about Cuomo's suspension for CJR.

- Sasha Chavkin, a reporter with the Organized Crime and Corruption Reporting Project, wrote for CJR about the challenges of reporting on the deforestation crisis in Nicaragua, where President Daniel Ortega has overseen “a sweeping crackdown on political dissent, jailing dozens of rival politicians, activists and journalists.” Chavkin wrote about how those dynamics affected Cristopher Mendoza, a reporter in Nicaragua who worked with OCCRP. “When Mendoza returned to Managua... his situation quickly deteriorated. Prosecutors requested a meeting with Mendoza, to ask him about his colleagues at a local news organization, who were facing trumped-up charges of money laundering.” Mendoza postponed the meeting, Chavkin reports, “and fled the country, ultimately arriving in Costa Rica, in exile from the country where he had lived his entire life.”
- Sites and accounts that traffic in misinformation use images and videos of cute animals to bring in audiences that will help spread their messages, Davey Alba reports for the *New York Times*. “The posts with the animals do not directly spread false information, but they can draw a huge audience that can be redirected to a publication or site spreading false information” about election fraud and other baseless conspiracy theories, Alba wrote. “Sometimes, following a feed of cute animals on Facebook unknowingly signs users up as subscribers to misleading posts from the same publisher.”
- Archant, which owns a number of regional newspapers in the United Kingdom, said it is planning to close two-thirds of its newsrooms by the end of March because many of its journalists have said they prefer to continue working at home, according to a report from *Press Gazette*. The company said the “very low” numbers of staff going into its offices, combined with feedback from staff surveys, showed that “home-working was now the preferred option for more flexibility and a better work-life balance.” The publisher will retain four offices, *Press Gazette* reported, but they will all be downsized.
- Yesterday, Dotdash, a digital publishing company owned by Barry Diller’s IAC, said it has completed the \$2.7 billion acquisition of Meredith Holdings and its magazine titles, including *People*, *Better Homes & Gardens*, *Southern Living*, and *InStyle*. IAC said the deal is the largest in its history, and that the combination of Meredith and Dotdash creates the largest digital and print publisher in the US, reaching almost 200 million people.