

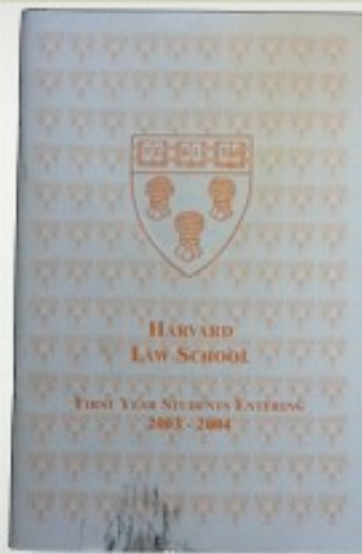
FRESHXPERTS SOCIAL MEDIA ROUNDTABLE

JONATHAN R. WHITEHEAD
JRW@WHITEHEADLAWLLC.COM
HTTP://WHITEHEADLAWLLC.COM/RSO/WHITEHEADS
JUNE 2, 2011

BE THERE.

LAW I.

BE THERE BECAUSE YOUR CUSTOMERS ARE THERE.



A SOURCE FOR DECISIONS

BUSINESS INSIDER

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Home Business Tech Energy Wealth Business Energy Sports Lifestyle Politics Opinion

More Proof That Facebook is Supplanting Search

By Matt Rosoff | Nov 16, 2010 12:00 PM | 1,000+ | 10

Facebook

The existence of the search and on the Web from Google and search engines is Facebook and social networking has been steadily replacing it. Facebook is the most popular social network in the world, with over 800 million users. It's not just a place to share photos and videos, it's a place where people are finding jobs, making deals, and even getting married. Facebook is becoming a one-stop shop for everything you need to know about your friends, your business, and the world around you.

Facebook is becoming a one-stop shop for everything you need to know about your friends, your business, and the world around you.

On November 16, Apple's iTunes store finally started offering Beatles songs for sale. It's been over 30 years since the band's first album was released, and now they're finally making their music available to a new generation of fans.

The Beatles, Now on iTunes

Apple's iTunes store is now offering Beatles songs for sale. The first album, *Let It Be...Naked*, is available for \$19.99. The other albums are also available for purchase.

Album	Price	Change
Let It Be...Naked	\$19.99	0.00
Abbey Road	\$19.99	+0.00
White Album	\$19.99	+0.00

A SOURCE FOR DECISIONS

TechCrunch

What's Hot: Android · Apple · Facebook · Google · Instagram · Microsoft · Twitter · YouTube

Watch On Live At 6:30 PM ET

How Facebook Can Put Google Out of Business

Ben Chesley

Jun 3, 2011

179 Comments

Author's note: Guest author Ben Chesley, [@benchesley](#), is co-founder and CEO of [Requisite](#), an online publisher with an audience of 10 million monthly unique, and author of the [Digital Quarterly](#) blog. Prior to Requisite, Chesley co-founded [Blue Haze](#), the online retailer of luxury goods. He is an angel investor in media and e-commerce companies.



I was surprised to hear former Google CEO Eric Schmidt [publicly lament](#) lost opportunities and missed chances to catch Facebook the other day.

I used to know Google and the vast digital empire that Schmidt commanded. Google had one of the most intricate monopolies of all time. It had the most impressive dataset the world had ever seen, the most sophisticated algorithms to make sense of it, an audience of a billion users expressing their interest, and more than a million advertisers bidding furiously to reach those consumers at just the right moment.

A SOURCE FOR DECISIONS

TechCrunch

What's Hot: Android · Apple · Facebook · Google · Instagram · Microsoft · Twitter · YouTube

Watch On Live At 6:30 PM ET

Facebook's data allows it to do more than just guess what its customers might be interested in, the company's data can help it know with greater certainty what its customers are really interested in. And this key difference could potentially give Facebook a tremendous advantage in search when it eventually decides to move in that direction.

If Google's business has been built on choosing which Web pages, out of all those in the universe, are most likely to appeal to any given (but anonymous) query string, think about this: Facebook already knows, for the most part, which pages appeal to whom—specifically and directly.

growth. He is an angel investor in media and e-commerce companies.



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MATCH STRATEGY AND EXECUTION

MATCH STRATEGY AND EXECUTION



MATCH STRATEGY AND EXECUTION



MATCH STRATEGY AND EXECUTION



MATCH STRATEGY AND EXECUTION



SUPPORT YOUR STRATEGY WITH WRITTEN POLICIES AND PROCEDURES

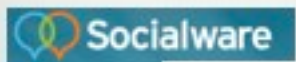
LAW 3.

DO I NEED A POLICY?

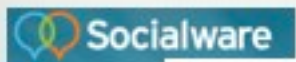
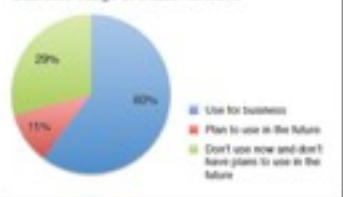




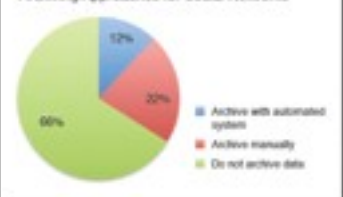
New Survey Published on Advisor's Use of Social Media



Business Usage of Social Networks



Archiving Approaches for Social Networks



POLICIES: DON'T BE EVIL

- Identify your role: if you're talking about the company, make sure you identify yourself and your role.
- Respect copyright and fair use laws.
- Ask permission to refer to clients or individuals.
- Use work-appropriate language.

CONTRACTS: ASSIGN OWNERSHIP & LIABILITY

- Who owns what employees write?
- Who owns the list of "friends?"

HIRING & FIRING



NATIONAL LABOR RELATIONS BOARD

Home | Rights We Protect | What We Do | Cases & Decisions | Who We Are

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Complaint issued against New York nonprofit for unlawfully discharging employees following Facebook posts

May 18, 2011

Contact:
Office of Public Affairs
202-273-1991
publicaffairs@nrlb.gov
www.nrlb.gov

The National Labor Relations Board has issued a complaint alleging that Hispanics United of Buffalo, a nonprofit that provides social services to low-income clients, unlawfully discharged five employees after they took to Facebook to criticize working conditions, including work load and staffing issues. The complaint was issued May 9 by Rhonda Ley, NLRB Regional Director in Buffalo, New York.

HIRING & FIRING



Who is covered by the National Labor Relations Act?

The NLRA applies to employees in most private-sector workplaces, including manufacturing plants, retail centers, private universities, and health care facilities. Agricultural workers and domestic workers were excluded in the original law and are not covered. Also exempted are supervisors and independent contractors. The organizing and collective bargaining rights of railway and airline employees are protected by the [National Mediation Board](#), not the NLRB.

The Act does not cover federal, state or local government workers, with the exception of employees of the U.S. Postal Service. The [Federal Labor Relations Authority](#) has jurisdiction over federal employees. The organizing and collective bargaining rights of state and local employees are determined by state laws enforced by individual [state agencies](#).

publicinfo@nrlb.gov
www.nrlb.gov

The National Labor Relations Board has issued a complaint alleging that Hispanics United of Buffalo, a nonprofit that provides social services to low-income clients, unlawfully discharged five employees after they took to Facebook to criticize working conditions, including work load and staffing issues. The complaint was issued May 9 by Rhonda Ley, NLRB Regional Director in Buffalo, New York.

MAKE SURE YOU WANT TO SEE IT
AGAIN.

LAW 4.



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TROPICAL

WEATHER

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BDO Nails Numerous

Unlicensed Contractors

- Tolls Start Sat. On Shula, Snapper Creek
- GPS Phone Technology Used To Track Kids
- The Droid-X Versus The iPhone
- Dengue Fever Suspected In Miami-Zade

E-mail Print Share Comments

Jun 4, 2010 4:53 pm US/Eastern

Facebook Becoming Key Evidence In Divorces

[Click To Read or Leave Comments](#)



MIAMI (CBS4) — The days of divorce attorneys hiring private investigators to dig up information on cheating spouses may be long gone thanks to the rise of social networking. According to the American Academy of Matrimonial Lawyers, 81 percent of the nation's top divorce attorneys say using social networking as evidence is growing.

Facebook is the primary source of divorce evidence the



1 of 1

Click to enlarge



MAKE SURE YOU CAN SEE IT AGAIN.

LAW 4.

LAW OFFICES OF JONATHAN R. WHITEHEAD

A JEFFREY M. WHITEHEAD, MICHAEL J. WHITEHEAD & CHRISTOPHER R. WHITEHEAD FIRM

HOME ABOUT US SERVICES CONTACT

Judge Calls post-trial production a "Corrupt Production Strategy"

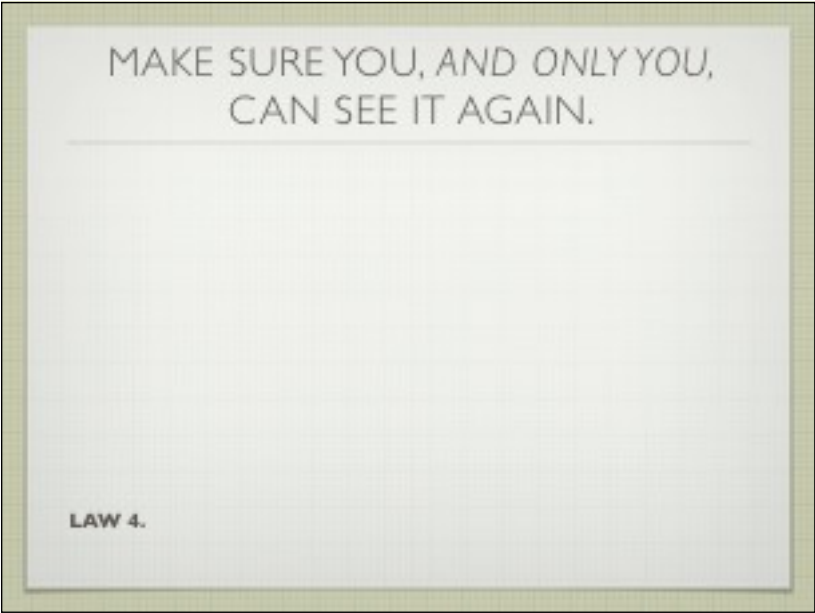
By JEFFREY M. WHITEHEAD, MICHAEL J. WHITEHEAD & CHRISTOPHER R. WHITEHEAD

You don't have to wait until the end of the trial to figure out how Judge Thomas L. Anderson, Chief Judge of the District Court for the District of Columbia, is going to rule. Of course, waiting until the end is exactly the kind of conduct he is trying to deter in his May 6, 2014 opinion.

Imagine a strategy where you deliver the punch line of the joke first, a show with leading your client through just after lunch, or a trial of documents with a single line that opens only after it expires. That's what this strategy is about, after trial is over — it defines the purpose.

The strategy here was to produce all discovery documents within a week after trial — yes, after trial. The District of Columbia, located in a class action over the education provided to its children, advised Plaintiff's counsel that it could not produce documents by the date of trial. Apparently, the District believed that Plaintiff's counsel could never attend the trial record with any new documents.

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KNOW 200 million devices BlueCam has "fingerprinted"

The Web's New Gold Mine: Your Secrets

A Wall Street Journal investigation finds that one of the fastest growing businesses on the Internet is the business of spying on American consumers. First in a series.

- What They Know About You
- The Journal's Methodology
- Q&A: How concerned are you about tracking?

What You Can Do

How to Avoid Frying Your Eyes
The Internet is rife with surveillance technology, but you can protect your privacy by following these steps.
• US Graphics: Step by Step

WSJ Digital Downloads
Download the ebook for **what they know**. The Wall Street Journal's investigative series on the technology of tracking is.

What we found on one site
Dictionary.com installed 234 tracking files. Eleven were "third-party" files placed by the site itself, the rest were from tracking companies. Scroll across the bottom scrollbar to see which companies were tracking.

14 Expires data for all cookies surveyed

Tracked files:

159	Cookies
23	Flash
41	Beacons
11	Third-party

Tracking companies

What They Know Video

- A God's Eye View of the World 2:42
- How Smartphone Apps Spy On You 6:17
- What They Know: Your Digital Fingerprint 3:02

Most Popular

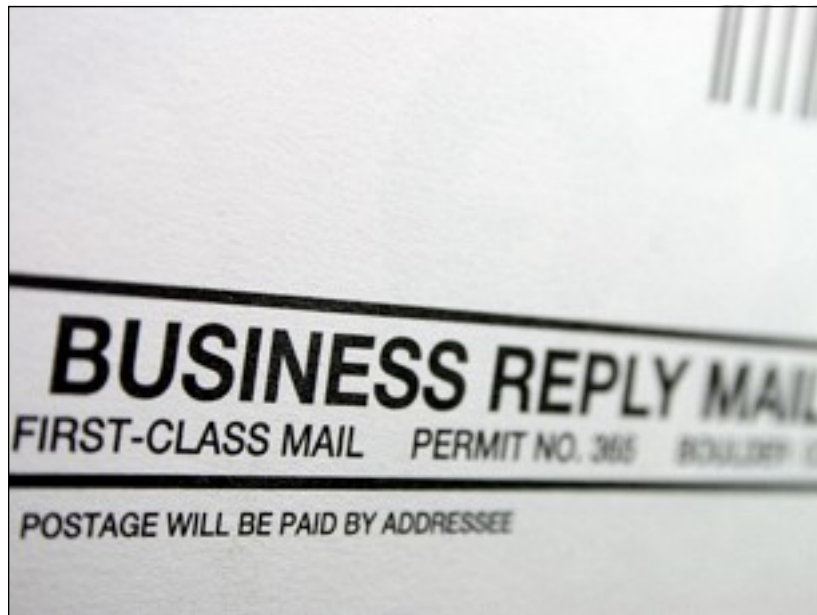
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1. 'Call of Duty' Sets Rights on a Fee
2. Why Early Movies Work—or Don't

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Mailman faulted for 'extreme laziness,' admits to burning mail

By LISA PHILLIPS, SEATTLEPI.COM STAFF
Published: 10:01 a.m., Tuesday, January 10, 2012

Comments: 0

159

0

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An Olympic Peninsula mailman faulted by federal prosecutors for "extreme laziness" has been sentenced for destroying or hoarding thousands of letters he was supposed to deliver.

For the offenses, Richard Farrell was sentenced Tuesday to 120 hours of community service. He'd previously pleaded guilty to a single federal charge of delaying or destroying mail.

Farrell, a 45-year-old Bellair resident, went to work for the U.S. Postal Service as a contract mail delivery driver in 1993, a role he continued until his misconduct came to light in 2010.

According to court documents, the Postal Service began investigating Farrell after other employees found a load of letters he was to deliver dumped in a recycling bin.

Investigators followed Farrell on a route, watching as he spent his day at a tavern before taking the mail to his home and burning it in a fire pit. A search of Farrell's residence uncovered nearly 8,000 letters.

Farrell, it turned out, had no malicious reason for keeping the mail. He just didn't feel like doing the work he was paid for.

Missouri Revised Statutes

Chapter 407 Merchandising Practices Section 407.1500

August 26, 2004

Definitions—notice to consumer for breach of security, procedure—attorney general may bring action for damages.

407.1500. 1. As used in this section, the following terms mean:

- (1) "Breach of security" or "breach": unauthorized access to and unauthorized acquisition of personal information maintained in computerized form by a person that compromises the security, confidentiality, or integrity of the personal information. Good faith acquisition of personal information by a person or that person's employee or agent for a legitimate purpose of that person is not a breach of security, provided that the personal information is not used in violation of applicable law or in a manner that harms or poses an actual threat to the security, confidentiality, or integrity of the personal information;
- (2) "Consumer", an individual who is a resident of this state;
- (3) "Consumer reporting agency", the same as defined by the Federal Fair Credit Reporting Act, 15 U.S.C. Section 1681a;
- (4) "Encryption", the use of an algorithm, process or transaction into a form in which the data is rendered unreadable or unusable without the use of a confidential process or key;

Missouri Revised Statutes

Chapter 407
Merchandising Practices
Section 407.1500

4. The attorney general shall have exclusive authority to bring an action to obtain actual damages for a willful and knowing violation of this section and may seek a civil penalty not to exceed one hundred fifty thousand dollars per breach of the security of the system or series of breaches of a similar nature that are discovered in a single investigation.

Means or process or actual threat to the security, confidentiality, or integrity of the personal information:

(i) "Consumer", an individual who is a resident of this state;

(ii) "Consumer reporting agency", the same as defined by the Federal Fair Credit Reporting Act, 15 U.S.C. Section 1681a;

(iii) "Encryption", the use of an algorithmic process to transform data into a form in which the data is rendered unreadable or unusable without the use of a confidential process or key;



OFFICE OF THE ATTORNEY GENERAL

Catherine Cortez Masto, Attorney General

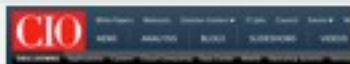
1616 Carson Street
Carson City, Nevada 89401-4017
Telephone: (775) 684-1100
Fax: (775) 684-1108
Web: <http://ag.nv.gov>

CONTACT: Sule Carterlight
775.684.1169

NEW DATA ENCRYPTION LAWS ASSURES SECURITY OF PERSONAL DATA
By Attorney General Catherine Cortez Masto

The newly enacted Senate Bill 227 offers businesses in Nevada that collect personal information a deal – and a unique deal at that. SB 227 was conceived by the Tech-Crime Advisory Board, which I chair, and presented by Senator Valerie Weiner, a member of the Board.

The new law requires data collectors to encrypt personal information to recognized industry standards. In return, the State offers a safe harbor provision in State courts – no liability for a data breach provided the personal information was appropriately encrypted.



Massachusetts Data Privacy and Security Laws Impact Companies Across U.S.

These long-standing privacy and security laws enacted in Massachusetts are likely to impact the policies, practices, procedures, controls and training used by companies nationwide.

By Tom Ichniowski

Beginning on January 1, 2015, all businesses that collect personal data from or about Massachusetts residents will need to adopt a comprehensive written security program, conduct internal and external security reviews and complete employee training regarding their programs. While the efficacy of a

privacy, analytics, controls and training across companies nationwide. The Massachusetts Office of Information Technology and Business Regulation determined that there was a significant need for a set of comprehensive standards that would businesses are distributed across the state. Personal information, which many of these practices are primarily adopted by their companies in some way, shape or form, make a security risk of various degrees all its requests. And, since it may be important for a company to meet information collected from Massachusetts residents differently than others, many companies across the country will need to take seriously all their data privacy and security programs across the country to make sure that they meet the requirements of Massachusetts standards.

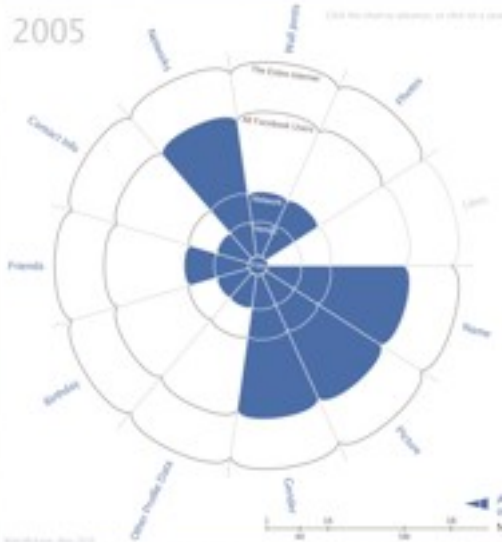
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REMEMBER WHO YOU ARE DEALING
WITH.

LAW 4.

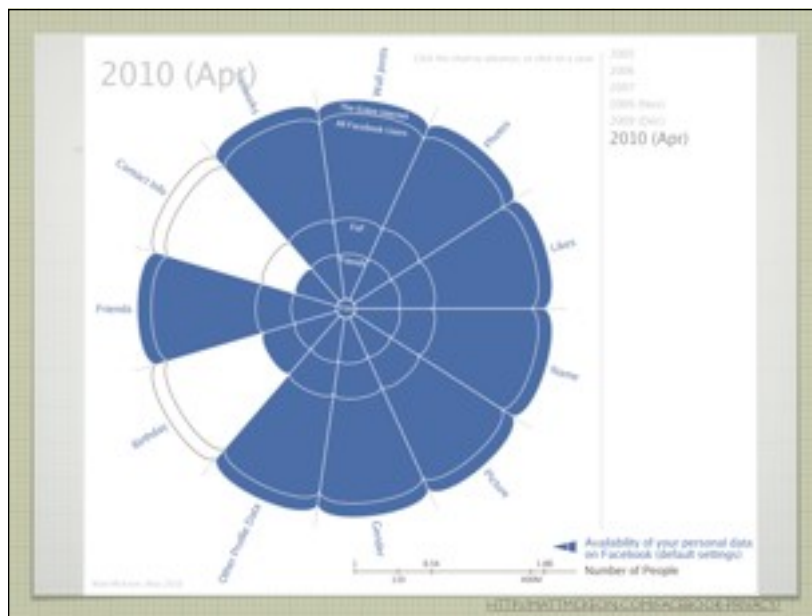
YOU DON'T
GET TO
500 MILLION
FRIENDS
WITHOUT MAKING
A FEW
ENEMIES

2005



2005

2006
2007
2008 (Nov)
2008 (Dec)
2009 (April)



engadget

PUBLISHED: 7:00pm EDT

Facebook admits hiring PR firm to smear Google

By Amer Tawfik posted May 10th 2010 7:22pm EDT

facebook
vs.
Google

It seems like the ongoing rivalry between Facebook and Google has taken a turn for the subversive. Last night, a spokesman for the social network confirmed to the Daily Beast that Facebook paid a top PR firm to spread anti-Google stories across the media and to encourage various outlets to examine allegations that the Mountain View company was violating user privacy. The PR firm, Burson-Marsteller, even

ACTION STEPS

- ❑ COMMIT TO UNDERSTANDING SOCIAL MEDIA'S IMPACT IN YOUR AREA.
- ❑ DEVELOP A SOCIAL MEDIA STRATEGY THAT MATCHES YOUR GOALS.
- ❑ SUPPORT YOUR STRATEGY WITH A WRITTEN POLICY.
- ❑ COMPLY WITH THE LEGAL AND REGULATORY REQUIREMENTS IN YOUR AREA.
- ❑ MONITOR SOCIAL MEDIA DEVELOPMENTS FOR CONTINUED SUCCESS.

FRESHXPRTS SOCIAL MEDIA ROUNDTABLE

JONATHAN R. WHITEHEAD
JRW@WHITEHEADLAWLLC.COM
<http://whiteheadlawllc.com/freshxperts>

JUNE 2, 2011