

# Discussion on Drones and Privacy

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# Drones Present Unprecedented Opportunities for Newsgathering



Do we need new privacy laws and regulations that are specific to drones?

# Common Law Torts that Already Restrict the Use of Drones to Gather Information

- Intrusion upon seclusion
- Public disclosure of private facts
- Trespass
- Nuisance

# Intrusion Upon Seclusion

- “One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.”

# Public Disclosure of Private Facts

- Imposes liability for the publication of private facts about an individual, provided that publication was highly offensive to a reasonable person.
- In some states, the plaintiff also must show that the facts that were disclosed were not newsworthy.

# Trespass

- A flight above privately owned land constitutes trespass if:
  - the aircraft enters into the immediate reaches of air space next to the land, and
  - the aircraft interferes substantially with the landowner's use and enjoyment of the land

# Nuisance

- Protects an individual's right to use and enjoy land
- Unlike trespass, a plaintiff may bring a nuisance claim without a tangible physical invasion



# State peeping tom statutes

- Example: Georgia Code 16-11-61:
  - It shall be unlawful for any person to be a "peeping Tom" on or about the premises of another or to go about or upon the premises of another for the purpose of becoming a "peeping Tom."
  - "Peeping Tom" means a person who peeps through windows or doors, or other like places, on or about the premises of another for the purpose of spying upon or invading the privacy of the persons spied upon and the doing of any other acts of a similar nature which invade the privacy of such persons.

# State Wiretap and Surveillance Laws

- Example: Maryland Courts and Judicial Proceedings Section 10-402
  - Prohibits the willful interception of any wire, oral, or electronic communication without the consent of all parties to the communication