

CASE SUMMARY

Beyond Borders intervenes in case of privacy protection for minors ***Unknown Facebook poster terrorizes teen with anonymity***

A.B. is a 16-year-old girl in Nova Scotia, Canada. Someone posted a fake Facebook profile of her including her pictures. Disparaging sexual comments about her were also posted. A.B. wanted to find out the author of the fake profile so that she could take civil action against him or her. She had no idea if the poster was a prankster, pedophile or child sex tourist. It was an unknown potential threat to her safety.

Facebook agreed to provide the IP address of the party who posted the profile. However, the Internet service provider, Bragg Communications, took the position that it could not release the information without a court order, but was not opposed to the application. The application was brought using the pseudonym of A.B. to protect the girl's identity.

As is the practice in many courts when any application is brought seeking a publication or anonymity order, the media are notified. The Halifax Herald and Global Television opposed such an order and were successful at both the trial and Court of Appeal level.

In order to protect her identity, the child victim has appealed the decision of the two lower courts to the Supreme Court of Canada. Global Television and The Halifax Herald have now abandoned their legal action. Beyond Borders, has intervened in the Supreme Court to asking that A.B.'s identity be protected as she is a child.

Beyond Borders' position is that the Rules of Civil Procedure ought to be immediately amended in every province in Canada (civil rules are provincial) so that young people can protect their identity in such situations. Further, this is a prime example of why IP addresses should be registered like license plates or phone numbers.

The case was heard May 10, 2012.