

Internet in Society: From Email and Social Media, To Cyberstalking and Cyberspying

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In this article, we'll be talking about the use of computers and the internet and how family law cases may be affected. Part of this discussion will focus on issues involving shared information by email and social media networking. We'll also introduce some very serious matters that may rise to the level of criminal activity. Those are cyberstalking, cyberharassment, cyberbullying, and cyberspying. The "cyber" in all of these activities refers to the use of computers and electronic devices in stalking, harassing, bullying, or spying on another person.

Social media is useful evidence in family court.

Social media includes emails, online images, photographs, videos, social networking posts and comments, blogs and microblogs, tweets, and so on. If you're using social media to communicate and network, be very cautious about your content and the messages you share.

When you post to YouTube, Facebook, or MySpace, to name only a few, you publish information that's useful as evidence in your family law case. *Images and messages posted on social networking sites are strong evidence in family law courts.* Opposing parties and their attorneys routinely look to social media forums to gather evidence for use in court.

Always protect your privacy online! Never provide your Personally Identifiable Information (PII) -- social security number, birth date, mother's maiden name, bank information, and the like -- in any email message. Don't give away anyone else's PII either. Criminals use PII to exploit and steal identities. Think before you send and remember that email is about as secure as a postcard -- any carrier can read it and forward the content.

Cyberstalking and cyberharassment of others.

When the internet or some electronic means of communication is used to stalk another person, and there is a malicious pattern of threats, then that is known as cyberstalking -- the threat is a credible one. The term cyberharassment involves using email, instant messaging, blogs, and the like, to torment and harass someone -- the torment is very real to the victim of this electronic activity.

In Arizona, like many states, communicating electronically via the internet is combined with more traditional harassment laws, making cyberstalking a form of criminal harassment. Under our anti-cyberharassment law it is a crime to intentionally or knowingly harass someone, whether anonymously or not, by communicating through electronic or telephonic means.

Cyberbullying between children.

We hear more and more about online bullying of children by other children. Many states have enacted cyberbullying laws to prohibit this type of harassment between minors. Arizona has an anti-cyberbullying statute that, when violated, may result in punishment of a petty offense or up to a misdemeanor. Not all states have specific anti-cyberbullying statutes, but they may instead apply other existing laws to prohibit

this form of electronic and online activity to protect children from being threatened, harassed, and bullied by other juveniles.

Cyberspying and eavesdropping on communications.

Spying is espionage – that is, clandestine surveillance. *Spying involves obtaining information secretly, without permission from the person who holds the information.* So cyberspying involves using computer technology and electronic devices to secretly obtain information.

In Arizona, eavesdropping on an electronic communication includes a transfer of data or intelligence by computer or telephone, among other things. A person may commit a crime by intentionally eavesdropping on another's communication, even if one of the parties to the conversation is a spouse. When someone eavesdrops on an oral or electronic communication, *without consent*, then this act of listening in is essentially spying.

The *felony act of communication interception* is accomplished by intentionally intercepting another's communication without consent, either by electronic means or by the use of some other person to accomplish the same end. A felony may also be committed by tricking, or conniving, a communication service provider into disclosing the content of another's electronic communication. Even the possession of a device that could be used to intercept an electronic or oral communication, with the intent to use it, may be a criminal act.

No matter how innocent a party's motivation is in attempting to acquire evidence for a family law case -- spying or cyberspying on the other party's private communications, without their knowledge or consent, is a bad idea. If you're in a divorce, don't spy on the opposing party's computer or email, doing so can seriously undermine your case and could even result in criminal sanctions.