

4 TYPES OF INVASION OF PRIVACY



INTRUSION UPON SECLUSION

Elements of the Tort:

Defendant's conduct must be intentional or reckless.

Defendant must have invaded, without lawful justification, the plaintiff's private affairs or concerns.

A reasonable person would regard the invasion as highly offensive, causing distress, humiliation or anguish.



APPROPRIATION OF PERSON'S NAME OR LIKENESS

Elements of the Tort:

Defendant made commercial use of an essential element in the marketing of the plaintiff's persona.

Defendant made the use without the plaintiff's consent.



PUBLIC DISCLOSURE OF PRIVATE FACTS

Elements of the Tort:

The defendant gives publicity to a matter concerning the private life of another.

The plaintiff did not consent to the publication.

The matter publicized or the act of publication would be highly offensive to a reasonable person.

The publication was not of legitimate concern to the public.



PUBLICITY PLACING PERSON IN FALSE LIGHT

Elements of the Tort:

The false light in which the person was placed would be highly offensive to a reasonable person. (Unlike defamation which requires that impugned words lower the plaintiff's reputation.)

The actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.