

**ADDRESSING INACCURATE  
INFORMATION ABOUT YOU IN  
THE MEDIA BEFORE IT  
AFFECTS YOUR KYC PROFILE**

 **lecocq**associate

WEBINAR  
15 MARCH 2022

# Speakers

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Speaker



**Moisés Lárez Barrios**

Reputation Management Associate

An Online Reputation Management expert with extensive experience in managing the reputation of many celebrities, UHNWI and multinational corporations since 2010. He joined lecocqassociate's UAE team in 2021.

Speaker

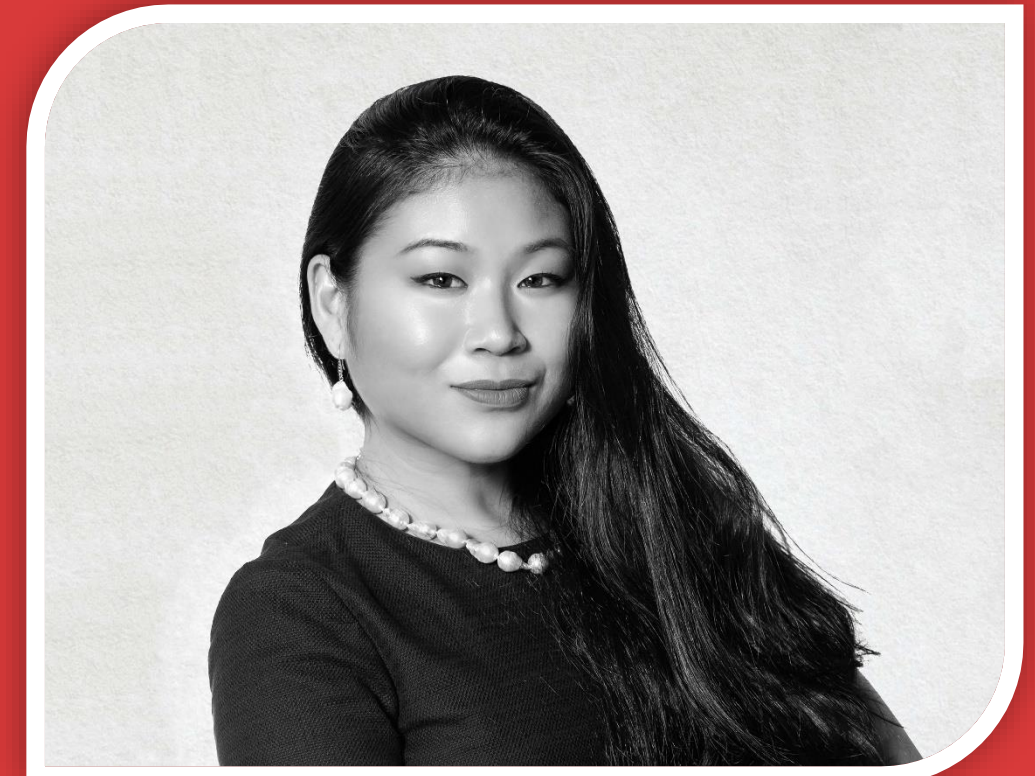


**Celaine Vella**

Associate

She has 6 years of legal experience and has been with lecocqassociate since 2016. She currently leads most of the firms' corporate matters in Malta.

Moderator



**Nada Kurahashi**

Marketing & Project Manager

She leads all the groups' marketing initiatives as well as exciting internal projects. She has prior experience in wealth management and financial planning.

# Overview

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# Case Study

**Client:** Danish female, a socialite who is moving to Italy for work

## Facts

- Her ex boyfriend was convicted of money laundering recently, which brought her name into the media.
- She also has a past but she's paid her dues and is clear of any charges.
- There are blog posts about her from a specific individual who wanted her job position, a hater.

## Consequences

- Is being refused the opening of a bank account in Italy.
- She lost her job opportunity due to the influx of negative articles ranking on the internet.
- Adverse articles are ranking in her name on Google.
- Her future is uncertain at this point.
- Her socialite reputation is being heavily impacted.

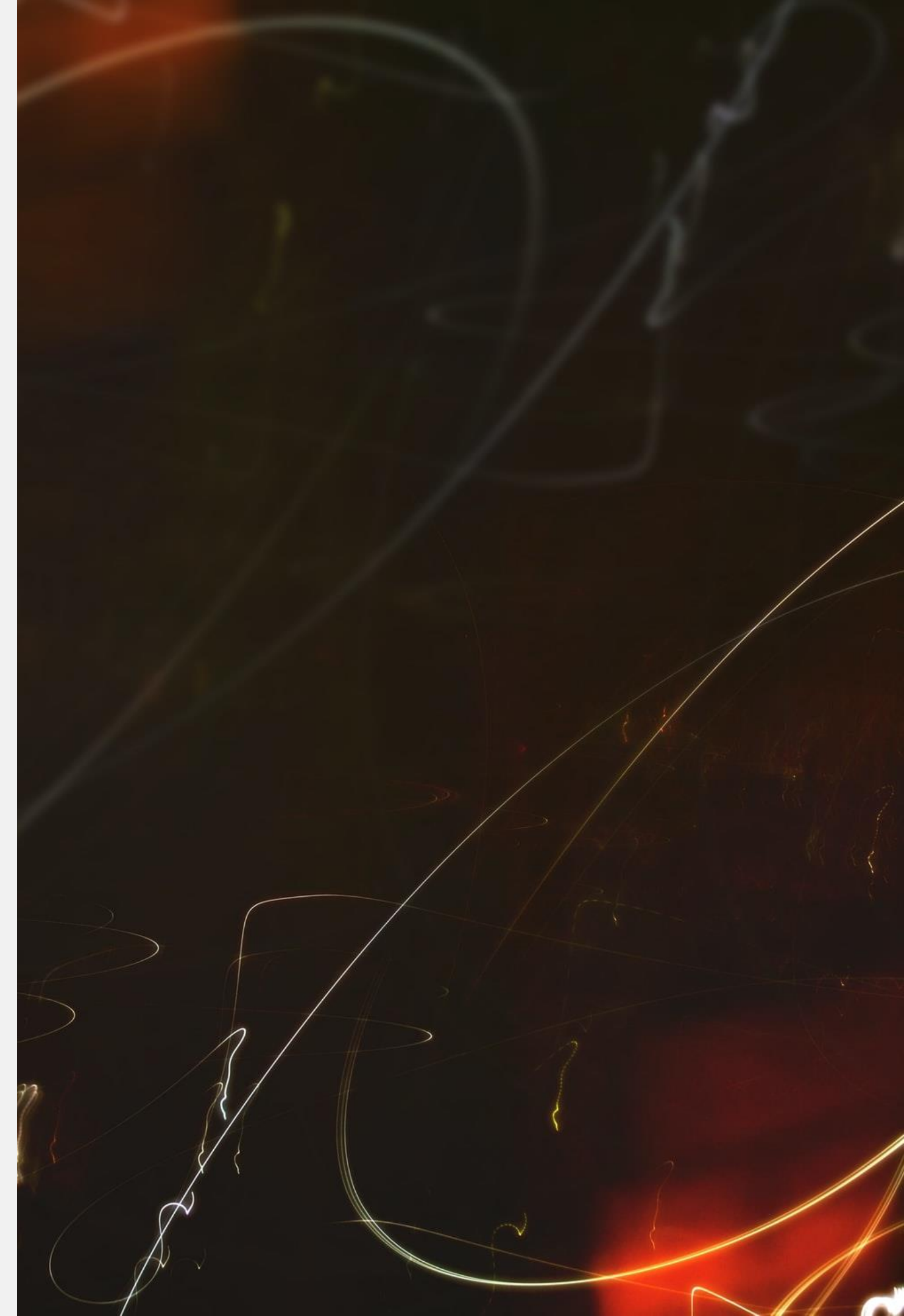


# So, what **now**?

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# First things first

- Client risk assessment
- Online content
- Relevant jurisdictions
- Applicable laws
- ORM strategy



# GDPR

## Article 16

The Right to Rectification.

## Article 17

The Right to be forgotten or the right to have your data deleted.

## Article 18

The Right to Restriction.

## Article 21

The Right to Object.

# KYL – Know Your Laws!

The Universal Declaration of Human Rights is broad, vague, generic and puts together privacy, secrecy and honour, reputation and freedom of expression;

The European Convention of Human Rights was tailored specifically for privacy however makes reference to freedom of expression as having both a negative and positive limit;

The Charter of the Fundamental Rights of the EU follows the European Convention and focuses on 'Privacy', however provides for the right to Data Protection as well as for freedom of expression.



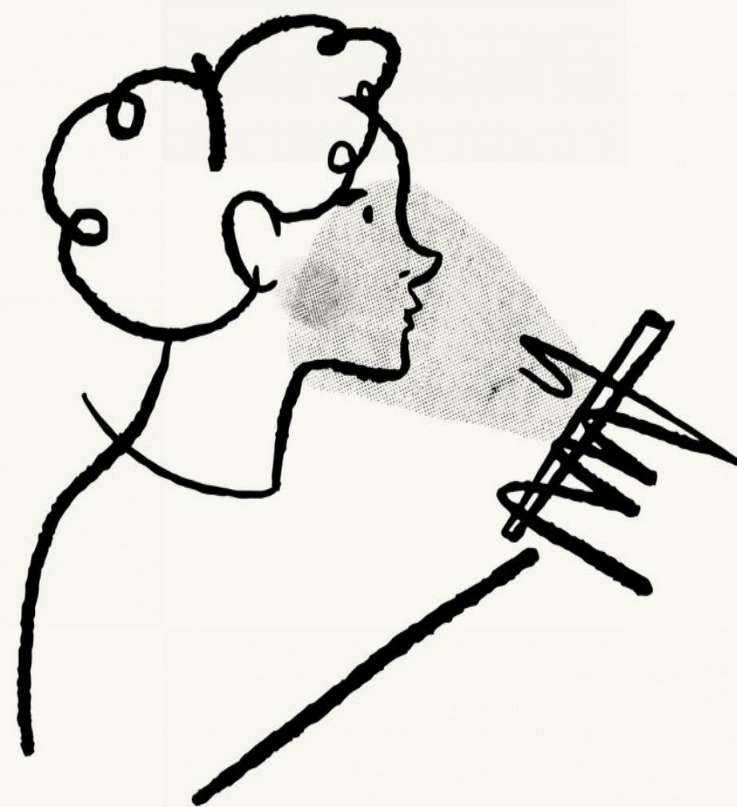


# Key Points – Know the Difference

- Data Protection vs Privacy
- The terms used to refer to Data Protection and privacy often overlap, but one must note the difference between the two.
- Example: A mandatory blood sample taken for drug testing and the data resulting from the analysis.
- The ‘mandatory’ blood sample is an invasion of privacy whilst the data resulting from the same blood samples are an intrusion of Data Protection.
- In general, when we refer to invasion of privacy, specifically the right to a private life, we refer to the individual as a whole however, data protection on the other hand is only concerned by the ‘data’.

# Freedom of Expression

## How free are we?



- Freedom of expression can have both a positive and a negative limit to privacy and data protection.
- How Positive? Cannot be used as an excuse for intrusion.
- How Negative? May allow and justify intrusion.

# PRESS-ing Charges

- Evaluation of the freedom of the Press
  - Is it a matter of public interest?
- The degree of notoriety of the person affected.
  - The subject of the news report.
- The prior conduct of the person concerned.
  - The veracity of the content.
- The form and consequences of the publication and the circumstances.

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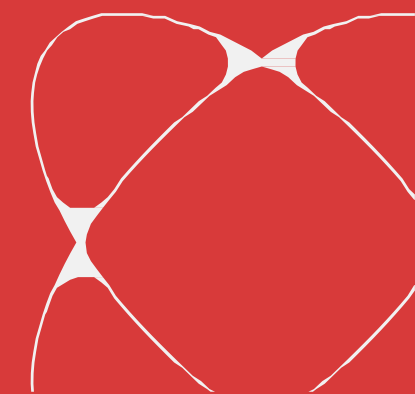
# The “Good Name”

- How would you protect your own good name?
- How important is it to protect it?



# What is **SEO** and why is important for **ORM**?

- Search Engine Optimisation: It is the process of improving a site to increase its visibility when users search.
- Search Engines: Google has the 90.46% of the worldwide searches. Other Search Engines are: Baidu, Yandex, Bing and DuckDuckGo.
- As of January 2022, Google was processing 8.5 billion search queries a day, meaning 98,400 queries per second approximately.
- Technical impact of SEO in ORM: Around 85% of users click on the first five results of the first page. Less than 5% users go to second page and click results there.



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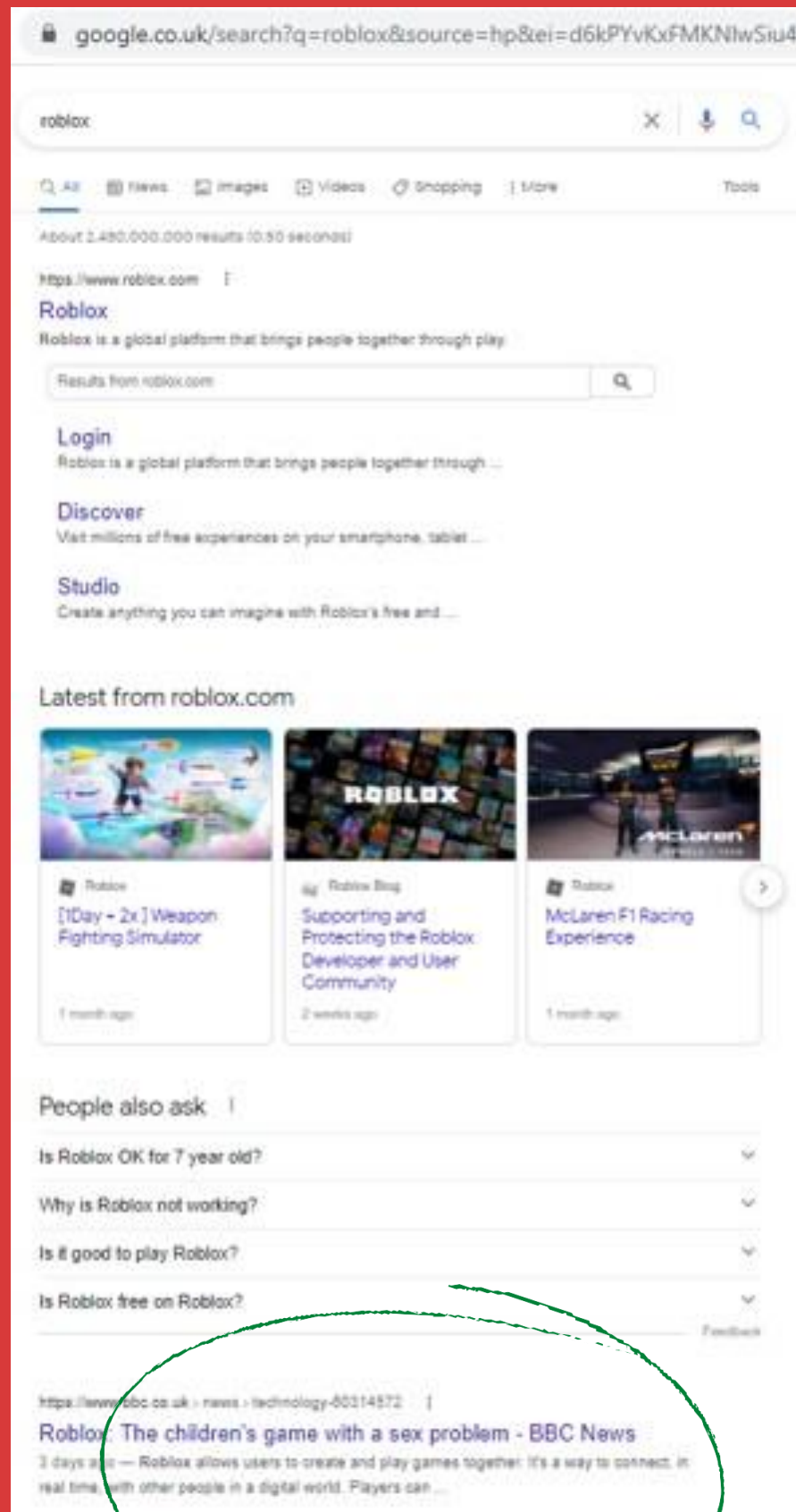
# Search Engine Result Pages

**Results may vary based on:**

- IP Address (location)
- Language
- Cookies and Google account
- Google Algorithm changes
- Trends, events, traffic and news.

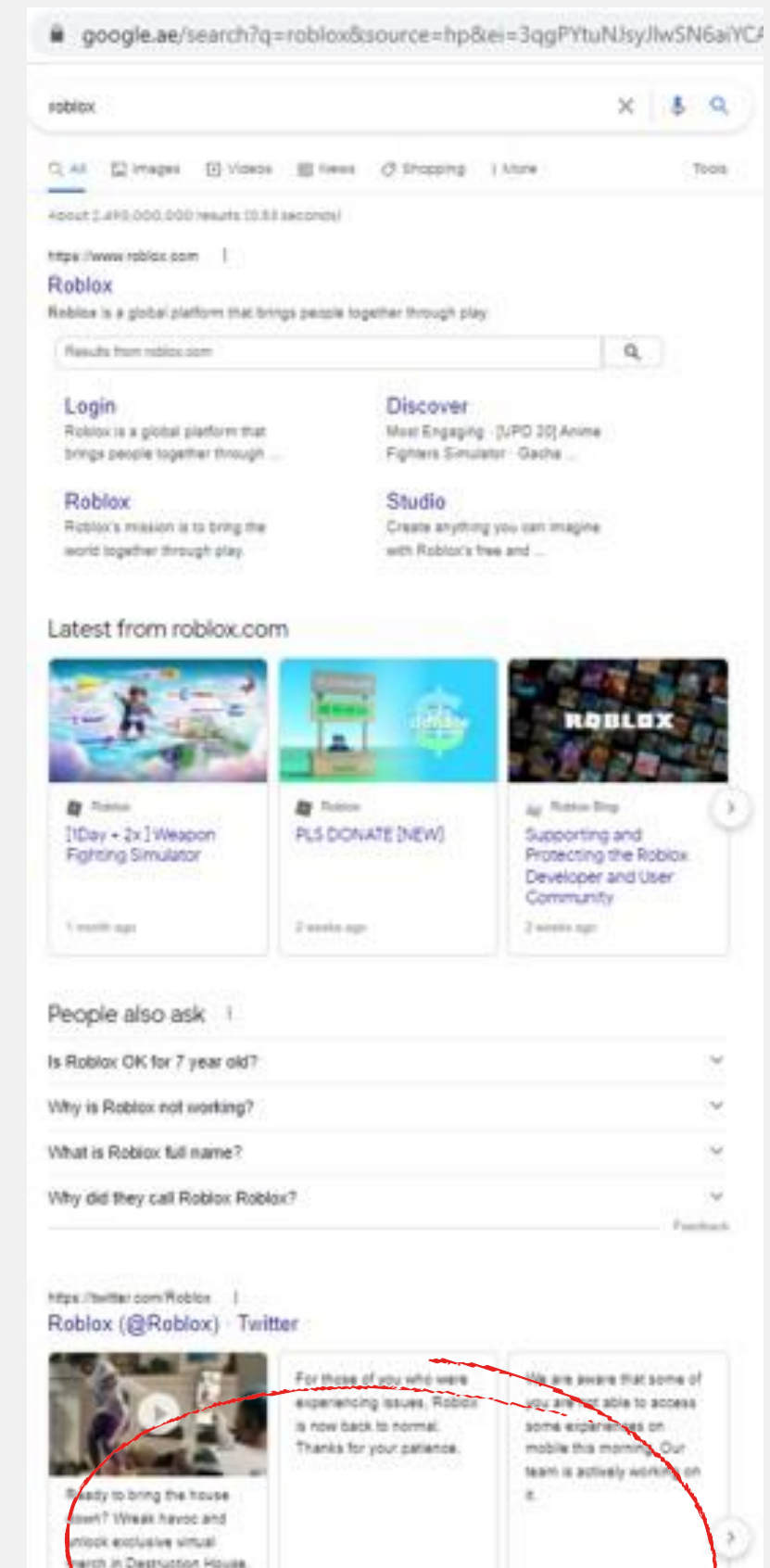


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Results in the UK

# UK vs. UAE results for the query Roblox



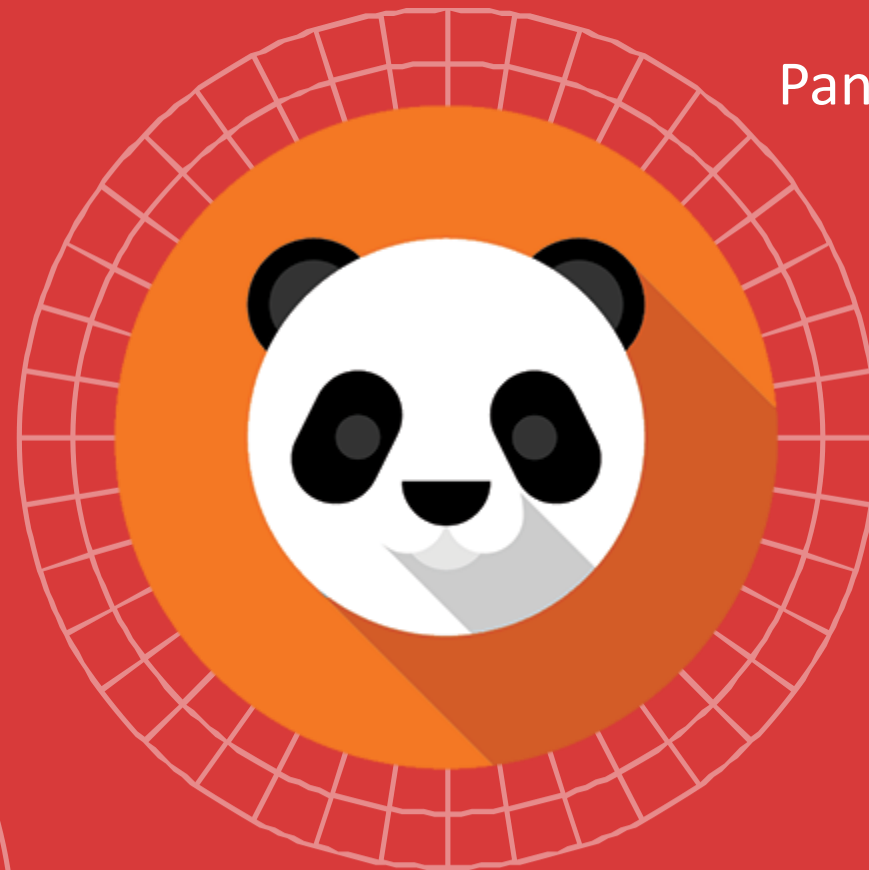
Results in the UAE

# 4 things that has changed

Penguin Algorithm



Panda Algorithm



Smart Phones

Google +

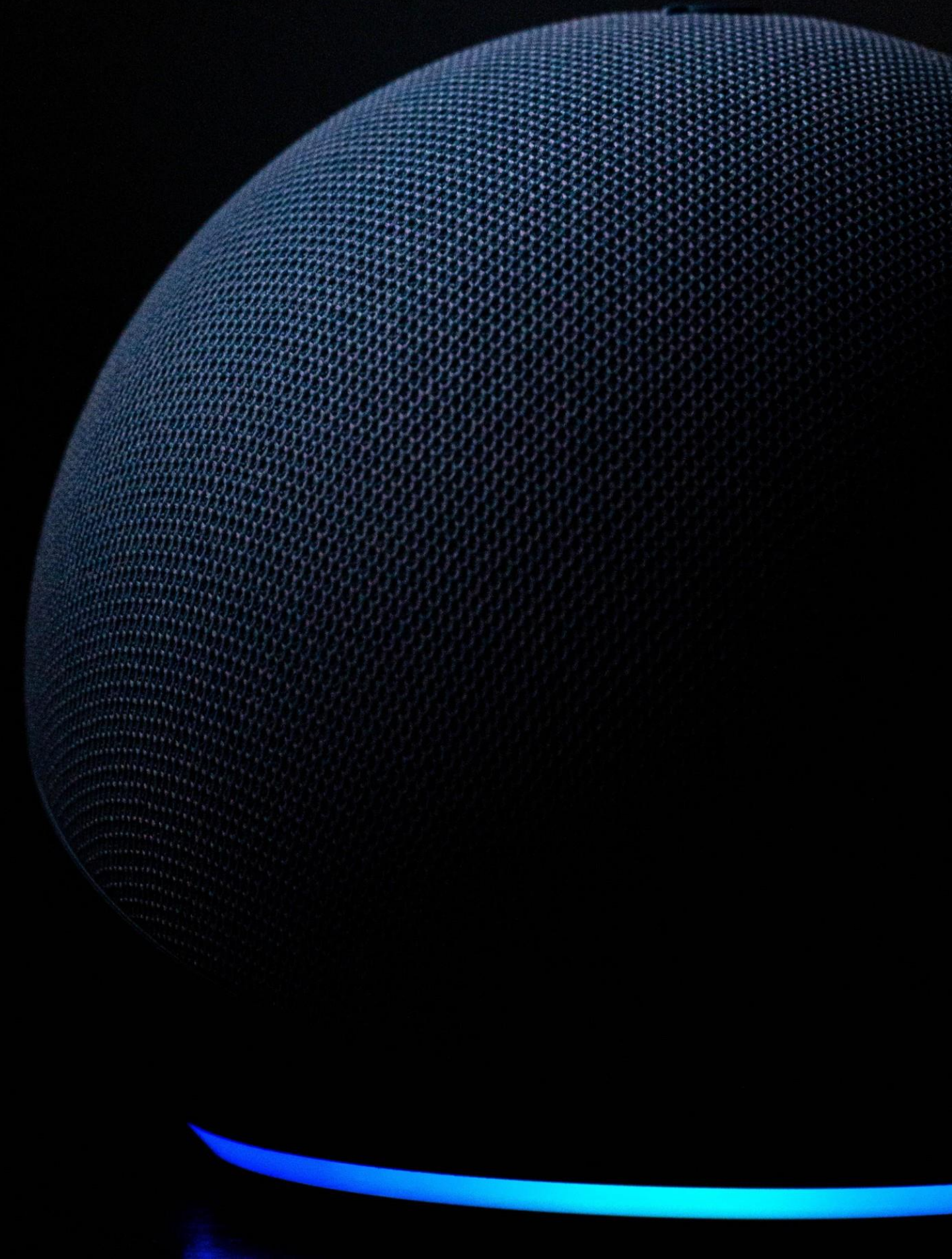






# Search Voice Results

- 33% of Americans are using voice search to find information today.
- 55% of Americans are using smart speakers. They will outnumber usage tablets soon.
- The main players are Apple's Siri, Amazon's Alexa, Microsoft's Cortana, and Google Assistant.

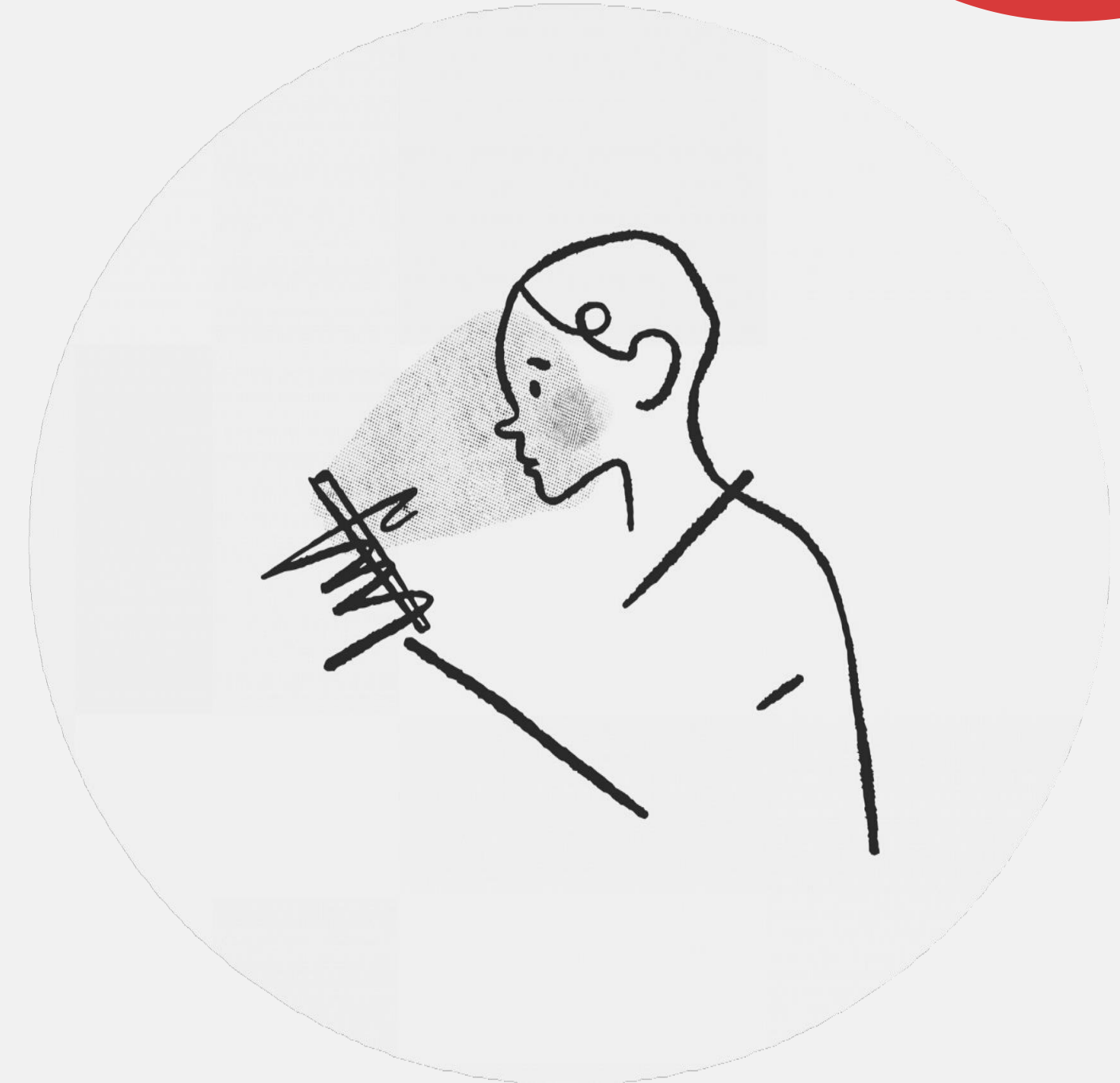


# Metaverse Reputation Management

- In the next 5 to 7 years 90% of the video content online will be synthetically created using the same technology as the deep fake technology.
- Identity Fraud and Theft could be two challenges for Reputation Management departments in the near future.
- The Content Authenticity Initiative promotes the adoption of metadata standards to address digital authenticity and provenance.
- The Living Avatar NFT promotes the use of unique verifiable avatars interoperable within the multiple virtual realities available in the Metaverse.
- Data protection and AI laws are evolving. Jurisdictions such as California and Virginia in the USA are criminalising the negative use of deep fakes.

# Is it **Criminal**?

- There is no “crime against humanity” when fake news is published and might be tricky to classify as ‘Criminal’. It is not prosecutable everywhere and therefore the case depends on the nature of the fake news and related jurisdiction(s).
- It can be defamation, false accusation, insult or abuse criticism, if a specific jurisdiction treats it/them as a crime.
- According to the content and the jurisdiction, it could be seditious, blasphemous or obscene libel, which can be considered aggravating circumstances or crimes on their own.
- The problem is that with criminal law, you need to be specific.



# The Civil and most Important Aspect

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## WHY CIVIL LAW?

Civil Law is the law that pertains to the law of persons, things and relationships amongst them.

## DATA PROTECTION

GDPR does not explicitly address the topic of defamation, however, as a consequence of the scope of the regulation, personal data (information that refers to a specific individual, either directly or indirectly) entails a series of rights. Those rights can be used to fight against the fake news.

## OTHER TORT AND REMEDIES

According to a specific jurisdiction, libel could be connected to other torts: *convicium* (Scotland), emotional distress (UK), outrageousness (India) or even false light (USA). In general, it is connected to the general idea of a nuisance inflicted on a person, his honour or reputation. However, it is quite broad and without a specific case or jurisdiction, it is a complicated to go into details.



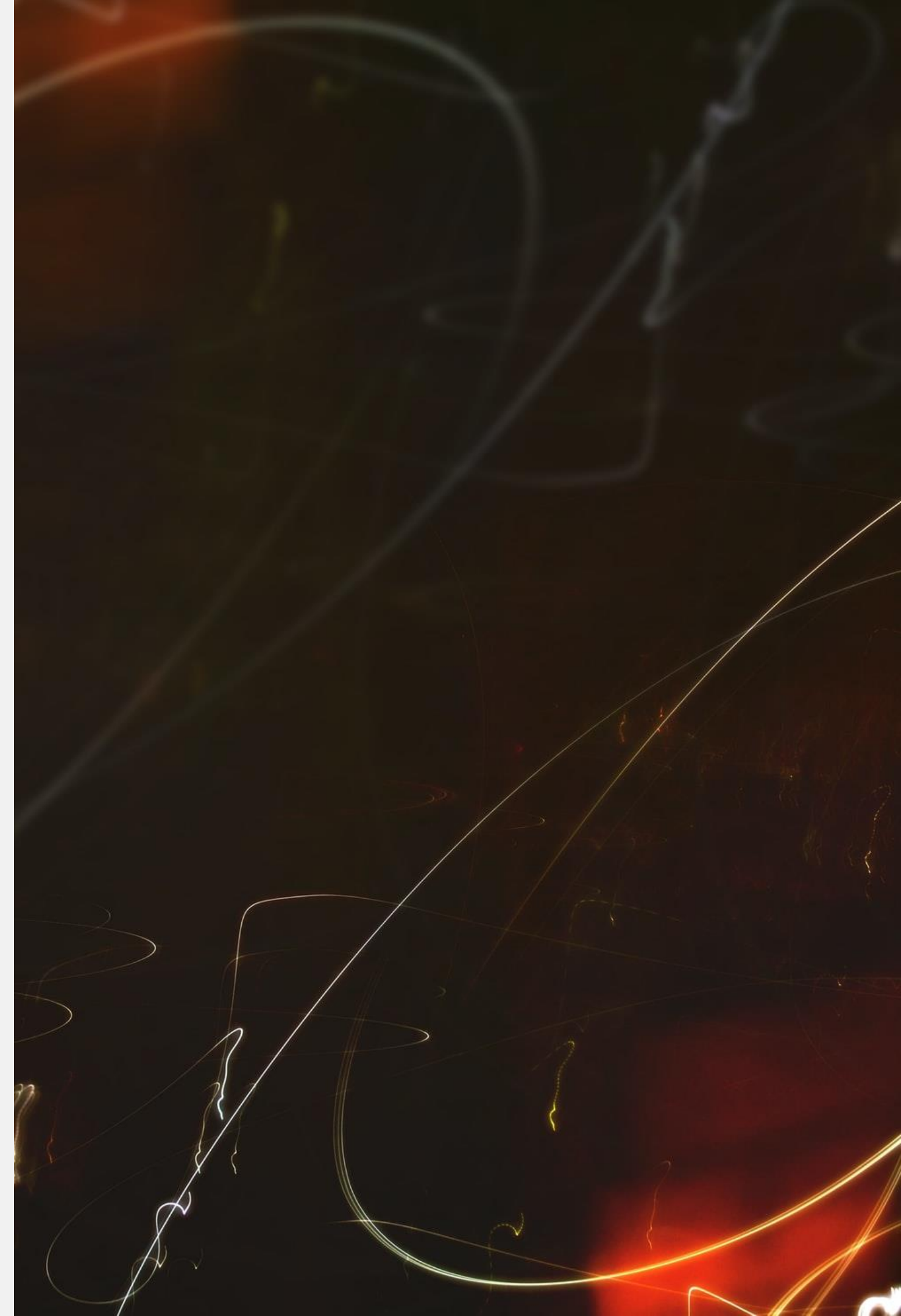
# Administrative

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- In almost every jurisdiction there is data protection authority with whom a claim can be lodged
- Certain jurisdictions have also a telecommunication authority that may help.
- Sometimes there are also orders, associations or self-governing bodies of journalists.

# ORM Strategy

1. Risk assessment
2. Legal action
3. SEO strategy



# Thank you!

If you have any questions, please email them to Nada Kurahashi  
[nku@lecocqassociate.com](mailto:nku@lecocqassociate.com)

