

What Is the 'Reasonable Expectation of Privacy'?

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The reasonable expectation of privacy is an essential element of privacy law. We sometimes refer to privacy as the "right to be left alone." You might wonder: When do I have the right to privacy? In what places do I have the right? What circumstances or which activities give me a legal right to privacy? The reasonable expectation of privacy allows you to hold someone accountable for violating your personal privacy. When another party unreasonably interferes with your desire to keep your personal matters away from the public, the court can hold them liable for their intrusion.

Remember that an expectation of privacy isn't absolute — it must also be "reasonable." The disclosure or discovery of a private matter must have occurred in a place or situation where a reasonable person would take offense. Below are some examples of places or activities where a reasonable expectation of privacy might exist.

Reasonable Expectations of Privacy and Constitutional Rights

It's crucial to distinguish the expectation of privacy in the civil context from the criminal law context. In the criminal context, the phrase limits searches by individuals acting on behalf of a city, state, or federal government. Your Fourth Amendment rights protect you from unreasonable searches and warrantless searches. Under the Fourth Amendment of the U.S. Constitution, law enforcement must obtain a search warrant.

Judges need probable cause to issue a warrant. A warrant allows law enforcement officers to move forward and search for evidence of a crime, such as in a person's home or car. There are exceptions, such as when a police officer finds contraband in plain view or the cops have to go after a potential criminal in hot pursuit. These matters are for a criminal defense lawyer instead of a personal injury attorney.

This article concerns the expectation of privacy only in connection with invasion of privacy causes of action in the civil context. These cases are in state courts where a private citizen compromises the solitude or seclusion of another private citizen. Because invasion of privacy laws vary by jurisdiction, something that can make a person liable in one state might not do so elsewhere.

Expectations of Privacy in the Home

The home is the clearest example of a place where you have a reasonable expectation of privacy. A person doesn't have to be a homeowner for the law to protect that

expectation. Tenants who rent their homes also have a protected right to privacy. Invasion of privacy is not solely when someone physically enters a place where a person has a reasonable expectation of privacy. **It can also happen if someone uses electronic equipment to monitor or record what someone is doing in the home.**

Expectations of Privacy in Public

Whether you have a reasonable expectation outside the home gets trickier. The right to seclusion does not extend to the public view, but the law still offers some safeguards. Privacy law protects you from humiliation or having your private details made public. For example, an individual can sue if a party puts them in a false light or if there is a public disclosure of private facts.

Suppose you were at the scene of an accident after a driver hit you. You likely would not be able to sue a news station for appropriation just for showing images of your likeness. If the event is newsworthy or if it's in the public interest to know about it, you might not have a valid claim.

Reasonable Expectation of Privacy Examples

Suppose a married couple rents an apartment from a landlord in a multi-unit building. They discover that the landlord has installed a device in the bedroom that could transmit and record sounds in that room. The landlord would be liable to the couple for invading their privacy. He would likely be required to compensate the couple for their mental suffering and emotional distress. It makes no difference if the landlord has not listened to or recorded the couple.

Another example is a TV news crew that films the rescue of the passengers of an automobile accident. In most cases, the passengers could not sue the station for broadcasting the rescue because their images appeared in the news story. However, the passengers may have a claim if the station broadcasts the victims' ambulance conversations. The victims can reasonably expect such information to remain private and not on air.

Similarly, privacy law can also protect someone from being shown in the media if their image isn't used in a way that informs on a matter of public interest and if the publication of the image would cause considerable embarrassment, even without personal information.

Learn More About Privacy Laws

An individual's right to privacy brings out a lot of emotion. A lawyer can help you examine the situation with a cool head. They are armed with knowledge of the local jurisdiction's laws. Privacy law attorneys can help you navigate this complex area of law. They can provide helpful legal advice. Contact a local defamation attorney or form a client relationship with a personal injury attorney to learn how they can assist with your case.