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Online Persona Under Scrutiny

Investigators perform background checks using social media



James Domres, a founder and senior vice president of DIGITS LLC, points out that changing privacy settings is one option for people who want to thwart social media investigators.

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What other people know about you can hurt you, especially when you're seeking a job. Despite this, many of us are at our most uninhibited on social networks and the Internet.

A drunken photo. Rowdy humor. A bit of faceless blustering. It can follow you, cost you jobs and stain your reputation. Or it can just give other folks fair warning.

And there are those, such as prospective employers and attorneys, who may have a justifiable interest in your behavior and your character as it appears online. According to a 2010 Microsoft study, 79 percent of recruiters and hiring managers have screened candidates on social networks.

The people of DIGITS LLC, who specialize in computer- and Internet-based investigations, have explained their services into the realm of social networking. The burgeoning 5-year-old business, which recently doubled its staff size, has experience in high-level employment

background checks and legal matters, working with the Securities and Exchange Commission, numerous local law firms and international companies.

But is using online chatter and social fun a fair measure of a person?

“If you don’t want your information to be known, don’t use public sites,” said James Domres, a founder and senior vice president of Digits. “Is it Big Brother? No. This is information people are volunteering.”

Domres, who is not on Facebook himself but does a bit of Tweeting to tout his business, points out that privacy settings are an option to thwart social media investigations.

Marcia Hofmann, a senior staff attorney at the free-speech and privacy advocate Electronic Frontier Foundation, agrees that there is nothing unethical or improper about performing social media background checks as long as investigators are not posing as prospective friends.

“This is something that shows people are making information available that can be used in ways that don’t foresee,” she said. “To the extent that people become more aware, they will start sharing less.”

“If you were on stage with 500 people, what would you want to say to all of them? If happens on Facebook every day,” she said.

Hoffmann is concerned, however, about data-aggregating websites like Spokeo.com and Intelius.com, some of which compile data on everything from the worth of your home and income to the music you listen to on Pandora, an internet radio service. Information and photos from Twitter, Facebook and a host of other social media sites can be included. Spokeo gives away an unusual amount of information free, but like similar sites, reserves full profiles for paying customers.

“These are interesting websites. They only publish information that is publicly available. In some cases, it’s legitimately useful. My biggest concern is the fact that they get information from other places,” she said. “What if it’s inaccurate or incomplete? People make important judgments. How do you fix it?”

Spokeo, which does not include criminal records and describes itself as sensitive to privacy concerns, says the main premise behind its site is locating and keeping up with friends.

“It’s important to understand that offering a more efficient mechanism by which to pull together publically accessible information is not the same thing as providing greater access to personal information,” said Spokeo spokesperson Katie Johnson.

There are ways to prevent damage to your reputation, like avoiding social networking sites or taking advantage of privacy settings. But Reputation.com, a service that defends online reputations, recommends less obvious tactics. Communications Manager Patty Tredway

suggests claiming your name on numerous social media sites to prevent confusion or impressions by others; performing regular name searches that also take account of what others say about you, and building a regularly updated website.

Sites like Reputation.com will, for a fee, request that other sites delete your information, flood the Internet with favorable information on you to push down negative search results and routinely monitor your image. Prices vary widely for such services, which companies like DIGITS also perform for business.

Replacing the dust

At DIGITS, the company's core competency is computer forensics. The social media background checks are seen as a component of other investigations, though they can be performed alone.

Brian Melber, partner at Buffalo law firm Personius Melber LLP, said DIGITS provides a valuable service. "If you're going to make use of the information in a lawsuit, you need a professional who can preserve it in a way that is verifiable and be able to testify about its authenticity as an expert." Personius Melber has used DIGITS for a number of services, including social media background checks.

DIGITS, which does business internationally, also performs checks of computers and related devices for companies, in addition to data recovery. Its services are so sophisticated that dust is reapplied to hard-drive towers that have been imaged so the user will not detect anything.

Gabe Nugent, a partner at Buffalo law firm Hiscock & Barclay LLP, used DIGITS to review laptops and thumb drives in connection with a major dispute. "We found them to be tremendous," he said. "They were very helpful with suggesting things we would not have been able to do and offering ideas."

Domres brings to DIGITS 34 years of law enforcement experience that includes efforts against al-Qaida and those involved in child pornography. During that time, he served as head of computer forensics at the Office of the New York State Attorney General. Former Attorney General Dennis Vacco recalls that Domres helped his office be "on the cutting edge of computer crime in the 1990s.

"What these guys have done is effectively combine long experience in law enforcement investigating complex crimes," Vacco said. " And they have put it to work in cyberspace."