



NONCONSENSUAL PORNOGRAPHY (NCP) “REVENGE PORN” FACT SHEET



What is nonconsensual porn? Is it against the law?

Nonconsensual porn, or “Revenge porn” as it is more commonly known, is the sharing of sexually graphic images without the consent of the depicted person. The different ways that a person might obtain graphic images or videos without another’s consent might be through deceit, such as hidden cameras, or an image being voluntarily shared. Regardless of how the image was obtained, both are equally wrong and against the law when transmitted to other persons. Just because you share an intimate photo or video with another person, it does not mean you have relinquished your right to privacy.

Currently, the state of Georgia statutorily prohibits the transmission of sexually explicit images, or videos, as an invasion of the depicted person’s privacy and as harassment. Georgia law defines harassment as “conduct directed at a depicted person that is intended to cause substantial emotional harm to [them].” Anyone that knows the content of a certain image(s) and without the consent of the depicted person transmits it, is in violation of that individual’s protected privacy and is harassing them in a way that is against the law. O.C.G.A. § 16-11-90. Simply put, the sharing of sexually explicit or nude images or videos is in violation of Georgia’s prohibition of nude or sexually graphic electronic transmissions. For more information on this statute, please look up Official Georgia Code Annotated (O.C.G.A.), section 16-11-90.

Georgia law further provides that any person who violates this law is guilty of a misdemeanor of a “high and aggravated nature;” the perpetrator may face a fine up to \$5,000.00 and, or, confinement in jail for a term up to twelve (12) months. However, if the individual violates this law multiple times, they are subject to felony charges and face up to five (5) years in prison, a fine up to \$100,000.00, or both.

What do I do if I think I have been a victim of nonconsensual porn (NCP)?

First, you should check to see if there is cause for concern. Enter your full name into a Google and, or, Bing search; any offensive material that you are particularly worried about should show up. Additionally, you should visit www.cybercivilrights.org and proceed to the “Resources” tab located at the top of the page. Under that tab, there is a FAQ section applicable to “U.S. Victims” where you can select a link for determining if you have been a victim. The website provides a means to reverse search an image that you are concerned about by providing the provided tool with the relevant image(s). By adding the image(s) of concern to the reverse image search, the tool will scan websites and identify any websites displaying the image. The site emphasizes that any

picture you share will be used only for the reverse search but feel free to contact the cyber civil rights group before using their tool to address any of your concerns. The cyber civil rights group can be reached via their helpline, 844-878-2274, or their website which contains a great deal of useful information, www.cybercivilrights.org or www.endrevengeporn.org.

After validating your concerns, there are a couple of steps you should take to protect yourself. First, as a general rule, if you took the picture(s), you own them and anyone who uses the image(s) without your consent is infringing on your copyright. However, as an additional measure, you should visit www.copyright.gov/eco and register the image. Although you already own the copyright to your pictures, this step further establishes your copyright and grants you the authority to demand any person or any website to remove the sexually explicit image of you. Second, you are encouraged to document any, and every, finding that a Google, Bing, and, or, image reverse search discovers for use as potential evidence. Any, and every, site that you find displaying your image is in violation of your copyright and the infraction should be recorded (via screenshot or other measures) before takedown measures, discussed below, are pursued. Next, you should seek means to remove the image(s) from major social media platforms. Visit www.endrevengeporn.org/online-removal/ for detailed instructions on how to report image(s) of a sexual nature used without your consent and removed from various social media platforms (such as Facebook, Instagram, Twitter, Reddit, Tumblr, Yahoo, Google, and Microsoft). Alternatively, or if the image is on a website you are unsure on how to request removal, you can seek the aid of professional services that can seek removal for you. DMCA Dot Com is an efficient service that identifies websites infringing on your copyright and sends a takedown notice informing the company of the infringement, the applicable law, and the request to remove the image(s). For more information on how to handle this situation, please see www.cybercivilrights.org.

Finally, if you desire pursuing criminal action against the individual(s) who posted your image(s), you should seek the assistance of an attorney. As referenced above, the individual(s) who posted your image are in violation of Georgia law and as such, you may pursue an action against them but issues such as jurisdiction and authoring a complaint may prove too difficult for pro se (personal) representation. The first step in pursuing legal recourse is to file a police report. Unfortunately, the laws against nonconsensual porn practices are relatively new and, consequently, unknown. Although Georgia recognizes criminal liability for nonconsensual porn, going to a police officer to file a report for the infraction may be met with less than helping assistance. To better assist yourself and the police officers in filing your police report print out the Georgia law applicable to your current situation, referenced above, to bring with you when you meet with an officer (O.C.G.A. 16-11-90). Additionally, there are likely other criminal violations that the individual(s) violated by posting your image(s). Related laws useful to remedying your situation may be found at www.endrevengeporn.org/related-laws/ and <http://statelaws.findlaw.com/>. In Georgia, for instance, similar prohibitions might include child pornography (such as if the person depicted is under the age of eighteen (18)), unlawful surveillance, cyber stalking, aggravated stalking, extortion, etc.

You should print out any applicable offense to your current predicament and bring the statutes, or laws, with you when filing a police report.

Finding out that you are a victim of nonconsensual, revenge, porn crime can be an extremely traumatizing event. Moving forward might seem daunting amidst collecting evidence, seeking takedown notices and measures, and pursuing legal action. However, it is important to know that you are not alone. Please visit www.cybercivilrights.org and www.endrevengeporn.org for a multitude of resources provided to assist you and help you cope with your victimization. Furthermore, do not hesitate in scheduling an appointment to speak with legal assistance regarding any questions or concerns you might have.



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