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How to Deal With an 'Impostor Timeline' on Facebook

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It is not uncommon for people to create fake social media profiles of celebrities and other public figures. Unfortunately, some people also imitate non-public figures, often for harassment purposes. This is especially problematic on Facebook, which refers to these accounts as "impostor Timelines."

According to Facebook, there are 1.23 billion active monthly Facebook users, as of December 31, 2013. When a person logs on to the popular website and finds a friend request that includes the name and photograph of someone they actually know, few would think twice about whether the user truly is that individual.

Facebook's Statement of Rights and Responsibilities communicates that "[w]hen you publish content or information using the Public setting, it means that you are allowing everyone, including people off of Facebook, to access and use that information, and to associate it with you (i.e., your name and profile picture)."

So one can imagine the harm that could be caused to a person's reputation if someone creates a fake public Facebook account purporting to be another individual; then "friends" some of the person's real life friends, family, co-workers and acquaintances; and proceeds to publicly post false and embarrassing information.

This behavior has become prevalent enough that Facebook has reporting mechanisms in place, both for reporting fake accounts pretending to be you and those impersonating friends.

Facebook has also addressed this issue throughout its policies. For example, on its Community Standards page, which notes the company does not tolerate bullying or harassment: "Claiming to be another person, creating a false presence for an organization, or creating multiple accounts undermines community and violates Facebook's terms."

Identifying Anonymous Creators of Impostor Timelines

While notifying Facebook is a good first step, the reality is that if someone truly damaged your reputation, merely getting the impostor Timeline removed may be insufficient. A harmed individual may be entitled to relief. Thus, victims of Facebook impersonation often may choose to go further and – borrowing the phrase from Eduardo Saverin’s character in 2010’s “The Social Network” – “lawyer up.”

If you have been defamed and/or harassed on Facebook through an impostor Timeline (and, of course, someone can defame you by posting disparaging comments from their personal accounts too), it helps if you know the identity of the person(s) behind the account.

However, even without knowledge of an impostor Timeline’s creator, you can seek basic identifying information from Facebook by sending a subpoena. The process goes as follows:

1. Issue a subpoena to Facebook in California, requesting the basic information sufficient to identify the person behind the fake account, such as name, email, date of account creation and recent Internet Protocol (“IP”) logs [note: if the pending litigation is not in California, the party will need a California-licensed attorney to execute and issue the subpoena];
2. Facebook will notify the person and give them 21 days to file an objection or Motion to Quash the subpoena;
3. If the person does not file a Motion to Quash or otherwise object, Facebook will likely produce the basic identifying information.

Often times, the information produced by Facebook is not sufficient to identify the potential defendant, typically because that person used a fake name and email address to register. When this happens, the plaintiff must subpoena the internet service provider for information relating to the IP address(es) used by the potential defendant.

For anyone that is the victim of this behavior on Facebook, it is important to document the activity on the Timeline, as the creator delete posts at any time. Therefore, saving and printing screenshots can be extremely helpful. Facebook also allows users to request data from impostor accounts.

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