

**Wis. Stat. § 995.50**

This document is current through Act 142 of the 2023-2024 Legislative Session

*LexisNexis® Wisconsin Annotated Statutes > Construction of Statutes, Repeal of Existing Laws, Curative Acts (Chs. 990 — 995) > Chapter 995. Miscellaneous Statutes (§§ 995.10 — 995.67)*

**995.50. Right of privacy.**

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(1) The right of privacy is recognized in this state. One whose privacy is unreasonably invaded is entitled to the following relief:

- (a) Equitable relief to prevent and restrain such invasion, excluding prior restraint against constitutionally protected communication privately and through the public media;
- (b) Compensatory damages based either on plaintiff's loss or defendant's unjust enrichment; and
- (c) A reasonable amount for attorney fees.

(2)

(am) In this section, "invasion of privacy" means any of the following:

- 1. Intrusion upon the privacy of another of a nature highly offensive to a reasonable person, except as provided under par. (bm), in a place that a reasonable person would consider private, or in a manner that is actionable for trespass.
- 2. The use, for advertising purposes or for purposes of trade, of the name, portrait or picture of any living person, without having first obtained the written consent of the person or, if the person is a minor, of his or her parent or guardian.
- 3. Publicity given to a matter concerning the private life of another, of a kind highly offensive to a reasonable person, if the defendant has acted either unreasonably or recklessly as to whether there was a legitimate public interest in the matter involved, or with actual knowledge that none existed. It is not an invasion of privacy to communicate any information available to the public as a matter of public record.
- 4. Conduct that is prohibited under s. 942.09, regardless of whether there has been a criminal action related to the conduct, and regardless of the outcome of the criminal action, if there has been a criminal action related to the conduct.

(bm) "Invasion of privacy" does not include the use of a surveillance device under s. 995.60.

(3) The right of privacy recognized in this section shall be interpreted in accordance with the developing common law of privacy, including defenses of absolute and qualified privilege, with due regard for maintaining freedom of communication, privately and through the public media.

(4) Compensatory damages are not limited to damages for pecuniary loss, but shall not be presumed in the absence of proof.

(6)

(a) If judgment is entered in favor of the defendant in an action for invasion of privacy, the court shall determine if the action was frivolous. If the court determines that the action was frivolous, it shall award the defendant reasonable fees and costs relating to the defense of the action.

(b) In order to find an action for invasion of privacy to be frivolous under par. (a), the court must find either of the following:

1. The action was commenced in bad faith or for harassment purposes.
2. The action was devoid of arguable basis in law or equity.

(7) No action for invasion of privacy may be maintained under this section if the claim is based on an act which is permissible under ss. 196.63 or 968.27 to 968.373.

## History

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1977 c. 176; 1987 a. 399; 1991 a. 294; 2001 a. 33; 2005 a. 155 s. 51; Stats. 2005 s. 995.50; 2013 a. 375; 2019 a. 72, § 1, § 2, effective January 23, 2020.

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