



# Employees and Social Media: Managing the Legal Risks Created by Facebook, Twitter and LinkedIn

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# Social Media and the Law

-  Legal Pitfalls
-  Ethical/Public Relations Dilemmas
-  Social Media can be damaging to an association if used improperly

## Dangers of Social Media

-  Your remarks are never anonymous
-  Postings can go viral in a matter of days
-  Comments can live forever on the internet
-  The blurred line between personal and professional information

## Types of Applications

-  **Third Party Sites – Facebook, LinkedIn, Twitter**
  -  Who owns the association's account profile
  
-  **White Label Sites**
  -  Can set up your own policies and User Agreements
  -  Have control over the site
  
-  **Other Sites – Wikis, Blogs, etc.**

## Legal Risks of Social Media



### a. Defamation







Courtney Love









Facebook/T&J Towing







Law currently being developed

-  **b. Trademark Infringement**
-  Make sure you have the right to use the name, logo or tagline
-  Train employees to report any misuse to Executive Director
-  Beware the “enthusiastic infringer”

-  c. Copyright Infringement
-  Cite properly
-  Linking is also a good option
-  Plagiarism



-  d. Antitrust
-  Antitrust statutes are alive and well!
-  The DOJ and FTC will take action against associations.
-  Take great care when talking about any type of pricing issues.
-  No group boycotts.
-  Adhere to association's antitrust compliance policy while online.







-  e. Disclosure of Trade Secrets/Confidentiality
-  Proprietary information is an asset of the organization.
-  Do not conduct business on social media sites.
-  Even seemingly innocuous comments can breach confidentiality.















## f. Privacy

-  Do not disclose personal information or co-workers/clients/members.
-  Should have express written consent before disclosing private information.

# Social Media Policies for Employees

-  a. Be Accurate and Transparent
  -  If commenting on association or association's industry, an employee should disclose his/her name and fact that he/she is employed by association.
  -  Do not use aliases to comment on topics.
  -  Fact check all comments to ensure they are accurate and based in fact prior to posting.

-  **b. Use Disclaimers**
  -  If making comments on an industry related topic and an employee is not making statements on behalf of the association, he should make clear the statements are solely his own.
  -  “I work for ABC Association. However, this is my own opinion, and is not the opinion of ABC Association.”
  
-  **c. Be Respectful and Tolerant**
  -  Whether or not an employee is speaking on behalf of association, he is a Representative of the association to the general public.
  -  Avoid posting material that is inappropriate, demeaning or offensive.
  -  If employee is part of an online conversation that becomes profane or disrespectful, he should withdraw from the discussion.

-  d. Clarify Statements that are Misinterpreted.
  -  Review sites after postings.
  -  In the event posting is misinterpreted or taken out of context, the employee should clarify his statements immediately.
  
-  e. When in Doubt, Consult the Executive Director
  
-  f. HAVE A GOOD SOCIAL MEDIA POLICY
  -  [socialmediagovernance.com](http://socialmediagovernance.com)

# Questions?



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