

Social Media 2.0-Ethics and Legal Issues

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Today's Goals

- The legal, regulatory and practical pitfalls to avoid in the social media arena.
- The importance of having a clearly articulated social media policy.
- To provide practical and concise training to staff members, residents and visitors.



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Areas of Concern

- Privacy and Confidentiality
- Human resources
- Marketing/Reputation
- Copyright
- Liability/discovery
- Defamation
- Securities (public companies)



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Areas of Concern

- Risk=as a function of
 - the **likelihood/probability** of a given threat triggering or exploiting a particular vulnerability, and
 - the resulting **impact/severity** on the organization



Areas of Concern

- Privacy and Confidentiality
 - Greatest probability and vulnerability
 - Resident information, images, data
 - Regulations:
 - State and fed privacy, confidentiality, dignity
 - HIPAA/State laws
 - Reputation



Areas of Concern

- Human Resources
 - Hiring and firing
 - Discrimination
 - Facility drama
 - Concerted activity



Areas of Concern

- Marketing/Reputation
 - Your online presence is as, if not more, impactful as your curb appeal
 - What is said by “you”
 - What is said about “you”
 - Liabilities
 - Representations



Areas of Concern

- Copyright/Intellectual property
 - Use of images not yours
 - Just because it’s on the internet does not make it public domain
 - Particularly risking if doing it yourself



Areas of Concern

- Liability and Discoverability
 - Social media is standard for discovery
 - Trolling in advance of action
 - Retention/document hold



Policy Considerations

- Single "policy" not likely possible, components of existing policies
- Risk analysis to guide focus
- One "policy" for official facility communications
- Expectations for employee usage, likely subset of privacy and confidentiality training/policy.



Policy Considerations

- Official Facility Communications:
 - Part of larger marketing and communication effort
 - Target efforts to intended audience/purpose



Policy Considerations

- Limited official "voice(s)" of facility
 - Fully knowledgeable regarding:
 - medium, privacy settings, access/restrictions
 - Legal do's and don'ts, copyright rules/attribution
 - Privacy/confidentiality/authorization



Policy Considerations

- Limited official "voice(s)" of facility
 - Appropriate temperament
 - Knowledge of response expectations and internal communications
 - Comment/Response: Establish expectations and plan in advance, not on the fly.





Policy Considerations

- Employee Expectations and Policy:
 - Focus on risks
 - Don't prohibit what you cannot prohibit
 - Subset/component of privacy/confidentiality expectations



Policy Considerations

- HR-Employment Screening:
 - Separate rules for HR personnel
 - Know the rules for use, misuse
 - Risk: Discrimination
 - If used as part of hiring process: when, who, what



Policy Considerations

- HR-Discipline:
 - Less a “policy” versus knowledge of do’s and don’t
 - Stay atop what constitutes “concerted activity” to minimize risk



Policy

1. Social Media Policy
 - a. Message to all employees
 - b. Suitable for training as subset of privacy/expectations and marketing/communication
 - c. Policy review of current privacy/confidentiality
2. Instructions/guide for Official Facility use



Policy

- 3. HR rules
 - a. Screening usage
 - b. Discipline

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Policy

Sample discussion

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Questions

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