

SOCIAL MEDIA ETHICS FOR BROADCASTERS : LEGAL ASPECTS AND GUIDELINES

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Broadcasters & Social Media : Two way interaction

- When broadcasters use social media platforms to broadcast content; apart from or in conjunction with traditional broadcasting (TV, radio etc) : Same rules as applicable to traditional broadcasting shall apply apart from compliance with social media's Terms of Use.
- When broadcasters use social media to disseminate information about their work/activities: Matter of internal policy and Terms of Use.

Some Potential Legal Issues

➤ **Copyright:**

- Copyright can vest in all forms of content including images.
- **Important points to be taken into a/c :**
- (a) Verbatim copying of content should not be resorted to, unless paraphrased or in quotations with due attribution.
- (b) Before using an image, permission of copyright holder should be sought unless the image is under one of the permissive Creative Commons licenses or in public domain.

Some Potential Legal Issues (Contd..)

➤ **Privacy:**

- Consensus in academic literature that privacy related to social media is better addressed within the realm of ethics.
- Due to the public nature of social media, care should be taken before posting anything.
- What should be posted? : Same rules as applicable to what can be posted to traditional broadcasting platforms shall be applicable.

Some Case Laws

- In Romano v. Steelcase : The Supreme Court of New York Court held that there was no reasonable expectation of privacy with respect to social media sites such as Facebook and Myspace.
- In Moreno v. Sentinel : The Court of Appeals of California held that there was no expectation of privacy when a girl posted an Ode about her hometown to Myspace.

Some Potential Legal Issues (Contd..)

➤ Right of publicity :

- Closely intertwined with privacy is the right of publicity.
- The right of publicity prohibits the usage of an individual's "*persona*" for a "*commercial purpose*" unless proper consent has been sought.
- Prior written consent should be sought.

Some Potential Legal Issues (Contd..)

➤ Trademark :

- Broadcasters should resist using trademarks, business names and/or logos that could mislead third parties.

➤ Confidentiality :

- Confidential information or information that should not be ideally disclosed subject to Code of Ethics for broadcasters should not be disseminated on social media platforms.

Traditional Laws and Social Media

- No law specific to social media.
- No dedicated regulator for social media.
- Hence, recourse to existing laws and legal system.

Legal Issues Related to Content

➤ Content posted online should not be :

- Defamatory
- Obscene
- Intimidating or Harassing
- Hateful
- Invasive of a person's privacy
- In breach of confidentiality

Social Media Ethics and Compliance

- If social media is used by a broadcaster as an alternative to traditional broadcasting, same Code of Ethics as applicable to traditional broadcasting (only as regards the content) will apply.
- Before posting anything on social media, broadcasters should comply with its TOS.
- Broadcasters who wish to retain exclusive ownership over the content posted on social media should pay particular attention to TOS.

SOCIAL MEDIA GUIDELINES

Introduction

➤ Nature :

- Social media : As a content distribution platform
- Social media : For internal use as a business leveraging tool.

Social Media Guidelines

➤ **Why do we need social media guidelines?**

- To provide a framework to carry out social media strategy.
- Acts as a guide for employees while contributing to organization's social media accounts.
- Helps in mitigation of legal liability.
- Improves social media presence.
- Enables in building social media communities.
- Acts as a business leveraging tool.

Social Media Guidelines : Business leveraging tool

- Dictated by each broadcasting organization's internal policy.
- ABU has been instrumental in creating its own social media policy.
- For information on ABU's social media policy, contact the Legal Dept. at either nawaz@abu.org.my or seemantani@abu.org.my.

Other Important Issues to Consider

- Authorised person to comment on other organizations/programmes social media accounts.
- Compliance with local rules and regulations.
- Affixing editorial responsibility (differentiating between official and non – official/personal social media accounts).
- Cross – promotion on various permissible platforms.

Social Media & Ethics

- No separate Code of Ethics for social media.
- In the absence of social media guidelines/policy, direct questions to your Legal Department.
- Many websites and broadcasters have formulated their own Code for Ethics for Bloggers, Social Media and Content Creators. For Eg : MOR10.com and BBC.

Thank you