
Legal Implications of Social Media

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What I don't like about social media password legislation



Smart employers are scared of social media accounts in the first place



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wiseGEEK

wiseGEEK

It's my minefield, I can sweep if I want to



- If an employer is prepared to brave the minefield it is because they need to
 - Social media skills are relevant to many positions
 - Not just tangential but core
- Great response by Gov. Christie to recent NJ legislation:
<http://bit.ly/njsocial>

Private

Accessible

Public

Laws that forget to ask “Why?”

- Controversy began when Robert Collins was asked for his password when re-applying for his job with the Maryland Department of Corrections
- Despite this leading to the wave of publicity and legislation, several proposed laws exempted state agencies or law enforcement departments



Laws that don't understand the technology

- Usernames and passwords are not the same
- Twitter is not Facebook is not LinkedIn is not YouTube is not...
- Concentrates on employers rather than the ones holding the information



What I like about social media password legislation



Starts the conversation about privacy

- US has a very corporate friendly view of privacy
- Some broad areas of protection
 - Medical information (HIPAA)
 - Children (COPPA)
 - Credit/Financial (Moolah)
- Some narrow areas as well
 - Video Privacy Protection Act of 1988 (Netflix just lobbied for change)
 - Telephone Consumer Protection Act of 1992 (Do Not Call—2003)
- Compare to European Convention on Human Rights
 - Article 8.1. Everyone has the right to respect for his private and family life, his home and his correspondence.
- France has advocated for a Right to be Forgotten; the US scoffs
- Then the FTC in 3/12 Protecting Consumer Privacy in an Era of Rapid Change recommends platforms explore a social media “eraser button”
- Password legislation pushes the conversation, and that’s good

“I think this is a solid step to give people privacy, but I would not be shocked if there’s some new app or application or a laser beam hologram technology we haven’t dreamed of yet that makes further work necessary.”
– **Gov. Jay Inslee (WA)**



Google Glass Used to Record New Jersey Boardwalk Arrest



A New Jersey man's arrest is filmed using Google Glass. (Chris Barrett Using Google Glass)



By JON M. CHANG
July 9, 2013



Social media policy concerns



Social Media Risk: Connections



- Everything and everybody is connected
- People will view your actions negatively if you aren't transparent
- It will happen before you know it

Social Media Risk: Informal Tone Beast

Google Engineer Accidentally Posts Rant About Google+

 October 12, 2011 by Todd Wasserman
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Ads by Google

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More bad news for Google+: First, we discovered that Google's top management apparently aren't big users of the company's social network, then traffic fell and now it appears that at least one of the rank-and-file is pretty critical of the platform as well.

Steve Yegge, a Google engineer, intended his 5,000-word post to be an internal diatribe for other Google employees, but accidentally published it for his 2,000 or so followers. The rant, posted in its entirety [here](#), at first focuses on Yegge's former employer, Amazon, which he calls to task for its inconsistent hiring practices and CEO Jeff Bezos, who is presented as an obsessive micromanager.



- Social media may make you say things forgetting that everyone is watching

Employer Social Media Policies

- Huge difference in policies out there
- Microsoft: “Don’t be stupid.”
- Cisco: 22+ pages
- Dell’s: ~900 words, conversational
 - Focus on readability and retention
 - Already had other organizations ask for permission to copy our policy and reuse, answer is yes
 - Forbes called out Dell policy for being easy to understand and “forward thinking” in discussing account ownership

Social Media Policy

There’s a lot of talk about Social Media these days both at Dell and around the world. Dell end policy should help you on that path. This policy is the first step, not the last, so if you’re intere look into our Social Media and Communities University (SMaC U) classes.

Since the term Social Media is used a number of different ways, we want to make sure you un any tool or service that facilitates conversations over the Internet. Social Media applies to trad to other platforms you may use that include user conversations which you may not think of as part of Social Media.



But Let's Talk About the NLRB



- Over the past few years the NLRB has been particularly active regarding social media policies and cases where employees were fired over social media usage
- There's a great deal of confusion over policies due to language the NLRB does not like:
 - "Don't reveal confidential information"
 - "Communications with co-workers...that would be inappropriate in the workplace are also inappropriate online"
 - "Think carefully about 'friending' co-workers"
 - "Don't disclose...personal information about employees...in any way on social media"
 - Encouraging problems with co-workers be solved offline
 - Oh, and they still won't like if you include a savings clause
 - "Don't reveal material non-public information"
- Please don't make it more complicated



Future areas of concern



Death and Social Media

- Social media platforms don't want to own your content, they just want broad licensing rights to use as they please
- Content still owned by you
- Meaning it should pass to your estate
- But platforms treat deceased users accounts differently, and gaining access can be problematic
- RI and CT addressed email; OK, ID, IN have addressed social media



Many Other Areas

- Elections: Smartphone ban for cameras, what about for ballots and polling places?
- Disaster communications: Amber alerts on social media?
- Justice: Parking violations?
- Wisdom of the crowd: find traffic hot spots, potholes?



Never Underestimate The Desire Of The Internet To Work For Everyone's Benefit

- For free

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English



Questions?



The Social Media Explosion

Social Media is about Relationships

- Video can be found at
- <http://bit.ly/coolsocialmediavideo>
but let's review some key stats, shall we?



Social Media Fun Stats (because I don't have time to show you a 2:35 video!)

- 1 in 5 couples meet online (3 in 5 gay couples)
- 1 in 5 divorces involve Facebook (not sure if connected to first stat)
- What happens in Vegas stays on Facebook, Twitter, YouTube, Renren, Flickr, etc.
- Lady Gaga, Justin Bieber, and Britney Spears have more Twitter followers than the population of
 - Sweden
 - Israel
 - Greece
 - Chile
 - Australia
- Ford Explorer launch on Facebook generated more traffic than a Superbowl ad
- YouTube is the second largest search engine in the world
- 90% of consumers trust peer recommendations; only 14% trust ads



Is Social Media New?

- Social media is any tool or service that uses the Internet to **facilitate conversations**
- These emerging platforms differ from earlier technologies in two significant ways:
 - **Social media is sticky**
Because they connect networks of individuals in a highly personal way, most online activity is concentrated on social media
 - **Social media is fast**
Information spreads virally from one to many to many more
- What has made social media so pervasive is also what makes it risky

