



Social Media Representations

- **Unlimited Charity Partners**
- **Legal & Regulatory Update**

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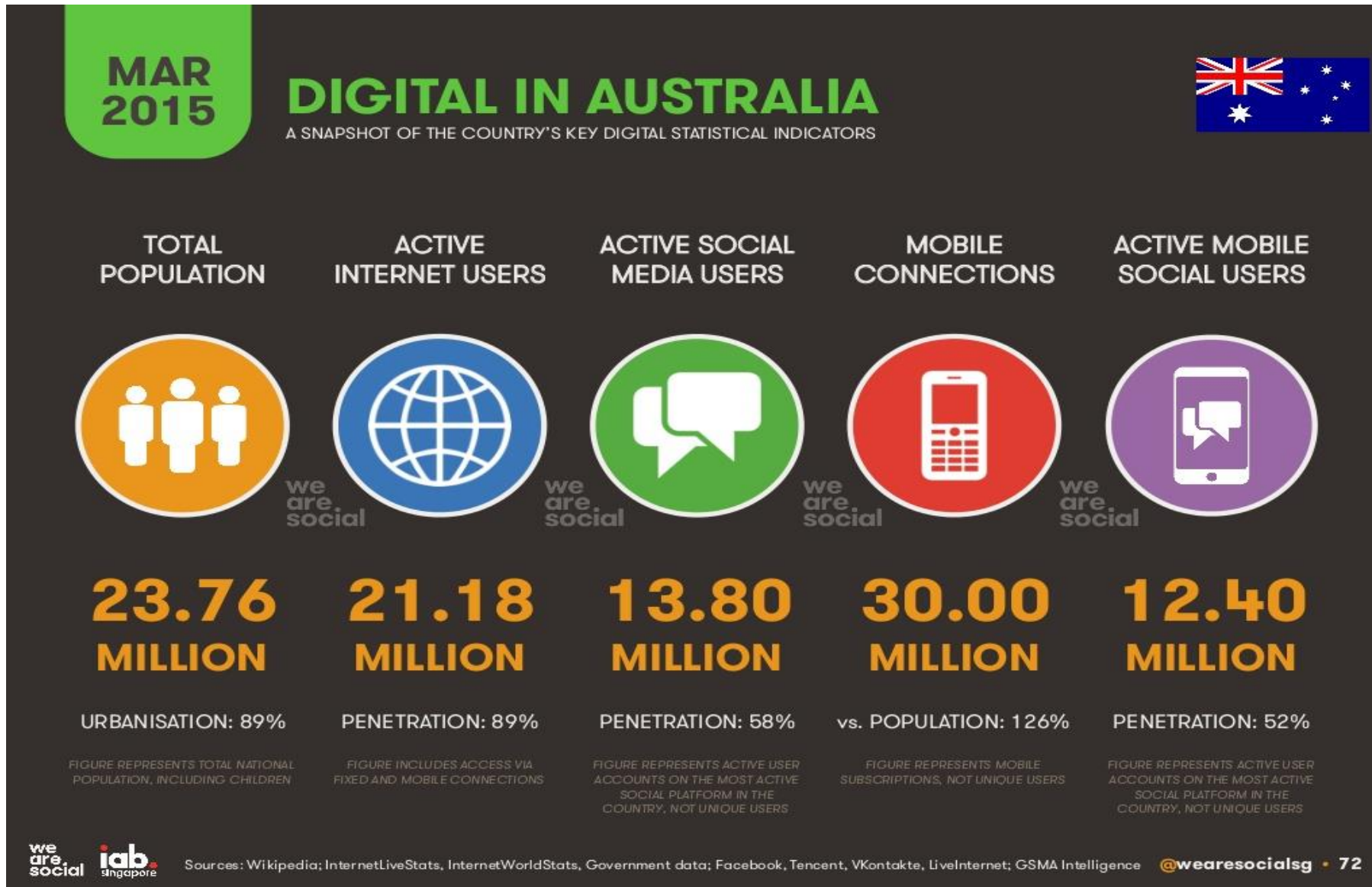
Outline

- 1. The digital market in Australia – overview?**
- 2. Getting the message across and communicating across social media.**
- 3. Using tools like LinkedIn or Facebook – what are you really signing up for?**
- 4. Running competitions and lotteries – a few points about the do's and don'ts**
- 5. Key legal highlights to comply with privacy laws**
- 6. Summary**

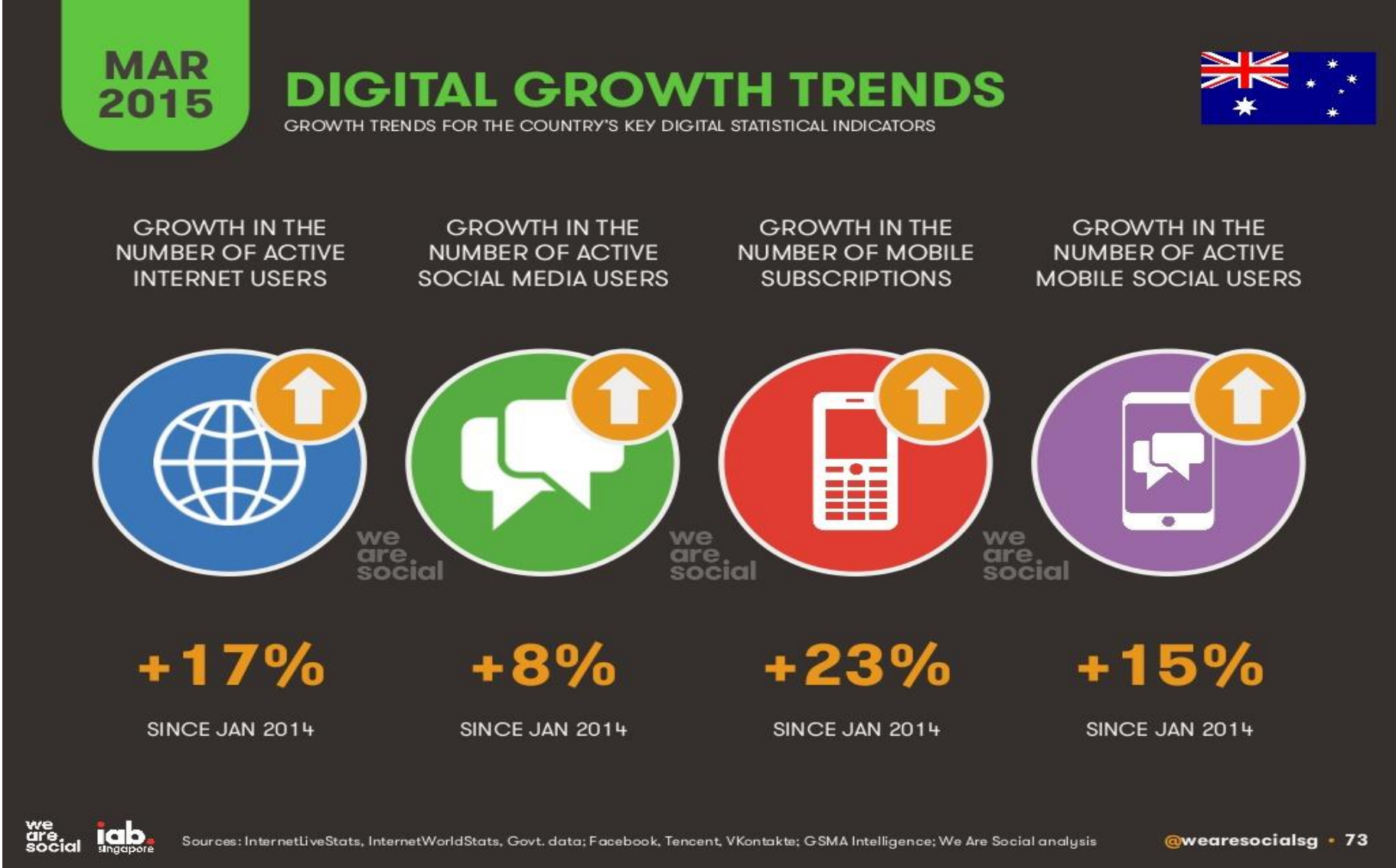
1. The digital market in Australia - overview

- **Population v use of digital media**
 - Internet, media, mobile, social
 - Digital growth
 - Time spent online
 - Internet use
 - Web traffic
 - Active social platforms
 - Mobile phones
 - Mobile activities
 - E-commerce by device

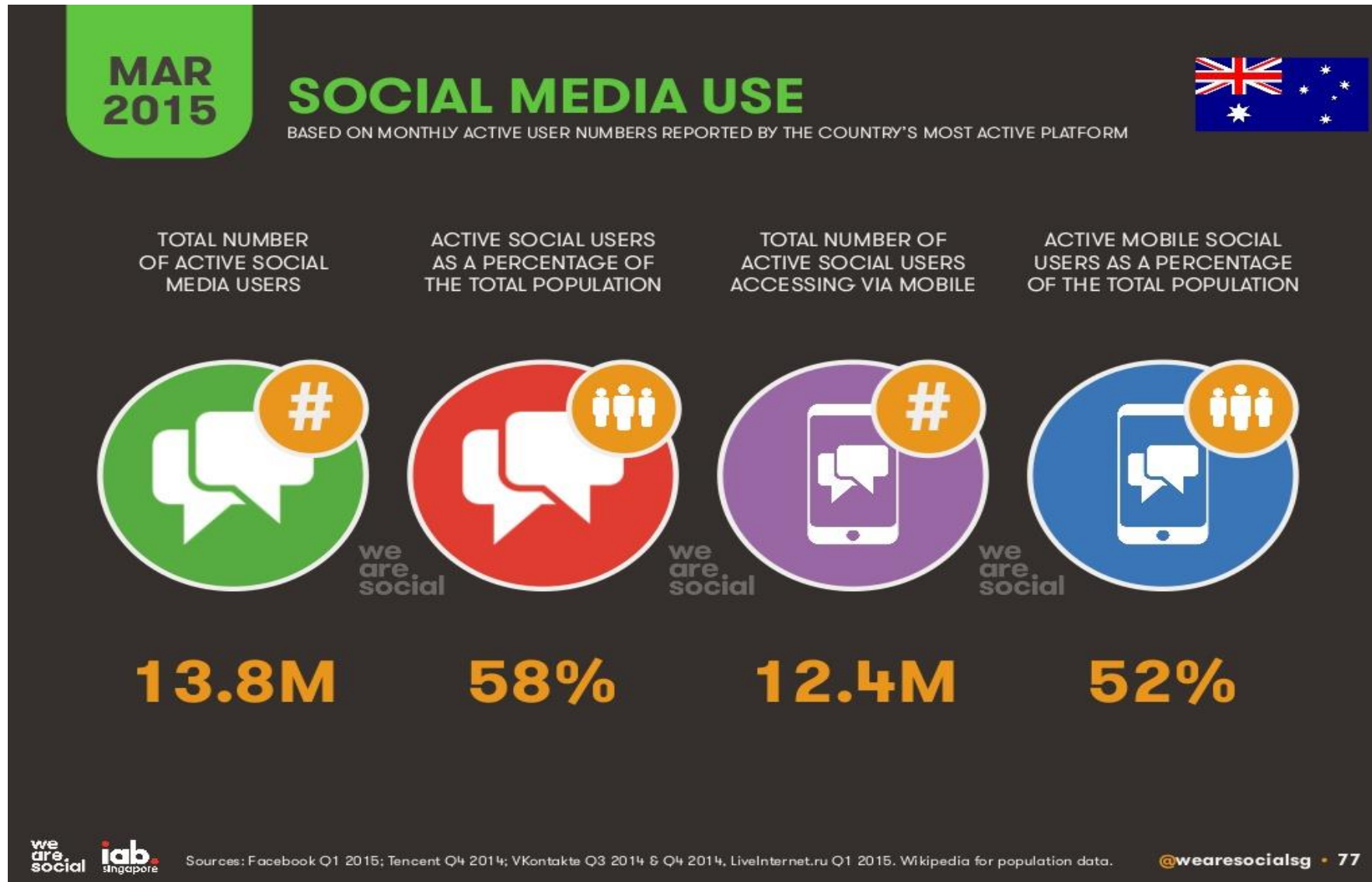
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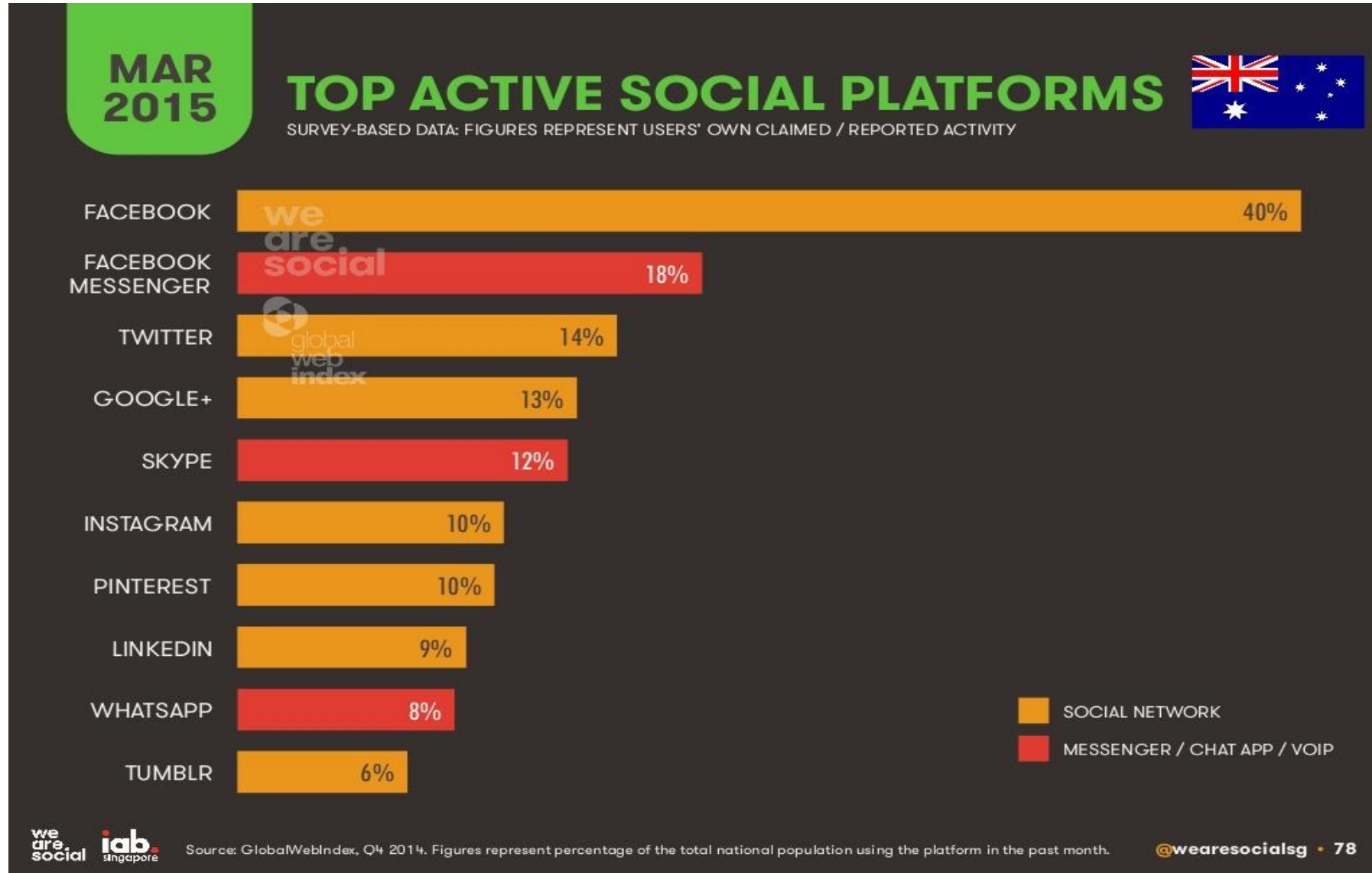
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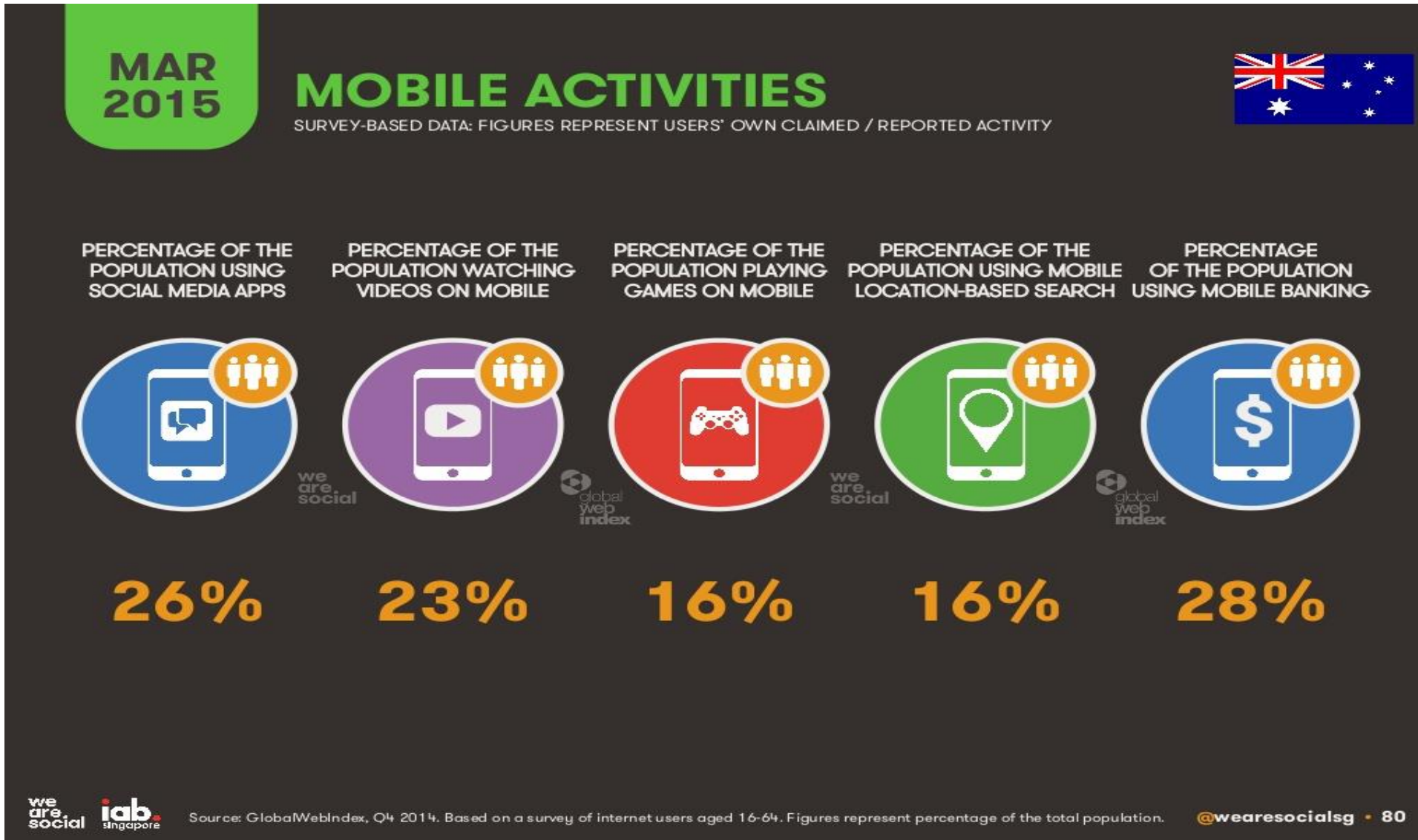
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1. Digital market in Australia – overview



2. Getting the message across and communicating across social media

What's the difference?

- One-way communication – e.g. Twitter
- Two-way communication – e.g. Facebook

Representations

- misleading or deceptive conduct
- False or misleading statements
- the most important question to ask is whether the overall impression created by your conduct is false or inaccurate

2. Getting the message across and communicating across social media.

Representations

- misleading or deceptive conduct
- False or misleading claims

E.g.

An internet company offered '**unlimited**' download plans for users who signed up to their services. However, the plans were **subject to major limitations including speed reductions** when a certain amount of data was downloaded. The court found that **the use of the term 'unlimited'** in relation to plans that were subject to major limitations that were not disclosed **was misleading and deceptive**

2. Getting the message across and communicating across social media

E.g.

A customer is deciding whether to buy a new photo printing device and seeks advice from the electronic section of a department store. The customer mentions the brand of computer they have and buys the photo printing device on the advice of the retailer. However, the ***device is not compatible with the customer's computer.***

The retail assistant knew it was not compatible yet did not advise the customer about this. His conduct might be considered misleading by silence or omission as he did not disclose information that would have significantly changed the customer's mind about buying the product.

2. Getting the message across and communicating across social media.

E.g.

A business uses the phrase '10 per cent **free**' – meaning the price to the consumer is the same but they receive an additional 'free' volume of the product. If the price of the product has been increased this could be misleading, because the additional volume is not actually free.

E.g.

A business makes a '**buy one, get one free**' offer, but raises the price of the first item to largely cover the cost of the second (free) item. This is likely to be misleading or deceptive.

2. Getting the message across and communicating across social media.

E.g.

The Federal Court found that a car manufacturer made false or misleading claims in advertisements for one of its vehicles.

The manufacturer represented that the vehicle had ***seven seats*** as a ***standard*** feature when in fact five seats was the standard configuration.

The manufacturer also represented that the 'drive away' price for the vehicle was \$79 990 when in fact a purchaser would have to pay additional fees or charges for dealer delivery, statutory charges and two additional seats.

2. Getting the message across and communicating across social media

Social Media Moderation - depends on

- **Knowledge**
- **Resources**
- **Impact on network**

Real case study: In 2011, a court found that a company accepted responsibility for fan posts and testimonials on its social media pages when it knew about them and decided not to remove them.

Example:

OPQ Pty Ltd has 300 staff. As larger companies usually have sufficient resources and sophisticated systems, the ACCC would expect OPQ to become aware of false, misleading or deceptive posts on its Facebook page soon after they are posted and to act promptly to remove them.

Example: XYZ Pty Ltd has only 10 staff but more than 50 000 Facebook fans. Given the number of people who could be misled by an incorrect post on XYZ's Facebook page, the ACCC would expect XYZ to devote adequate resources to monitoring its Facebook page and to remove false, misleading or deceptive posts soon after they are posted.

3. Using platforms – what are you really signing up for?

- **Responsibilities when engaging with platforms?**

Linkedin – User Agreement

Flipboard – Terms of Use

Twitter – Terms of Service

3. Using platforms - what are you really signing up for?

Online platforms that enable users to:

- create, share, adapt and reuse content engage in digital dialogue and collaboration
- create linkages, groups and communities
- have peer-to-peer contact
- have social interactions with other users
- create and maintain their own user profiles and IDs

Online platforms:

- are largely public, but walled gardens exist within some platforms
- are accessible 24/7 from a range of devices and locations
- generally expose users to an unknown audience

Content on a social media platform is:

- discoverable
- community moderated
- persistent
- subject to conditions of use

3. Using platforms – what are you really signing up for?

What is it use for? (see pic on next slide)

Collaboration - Slide share, Google docs, Survey monkey

Networking – Facebook, LinkedIn, Google plus, Forums

Image sharing – Flickr, Pinterest, Instagram

Video sharing – YouTube, Vimeo

Blogging – Tumblr, Wordpress

Micro Blogging - Twitter

3. Using platforms



4. Running competitions and lotteries - a few points about the do's and don'ts

- State/Territory based requirements
- Social media promotions need to comply
- Lotteries, competitions, games
- Legal/permit requirements depends on Game of Skill v Game of Chance
- **Game of Skill** – all entries are genuinely judged and the best is declared to be a winner – like a writing competition – no permit
- **Game of Chance** – involves a degree of probability of winning – may also involve some degree of skill – includes – any kind of draw, the first correct entry received – requires a permit
- **Social media crosses boundaries** – so likely to need to comply with the requirements of each of the States/Territories (not just the State where it was thought of)

5. Key legal highlights to comply with privacy laws

- Allow individuals to remain anonymous where possible
- Tell people that their information may be public
- Only collect what you need
- Ensure that any personal information collected is necessary
- Give proper notice when collecting information
- Have a clear, specific privacy policy for each social networking service
- Use and disclose information only for authorised purposes
- Ensure the information you collect is secure at all times

6. Summary

- Growth in the digital market – expanded reach for charities
- Consider the social media platforms that you use to expand your reach
- Communicate for information or for engagement
- Accurate and informative representations – don't hide in the small print
- Using social media = entering into a contract – terms
- Benefits of social media platforms – collaboration, networking, blogging, image sharing – what do you want to achieve
- Competitions and lotteries – sometimes need permits
- Be aware of privacy laws – though may not apply
- Should have a social media policy that outlines your objectives



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