



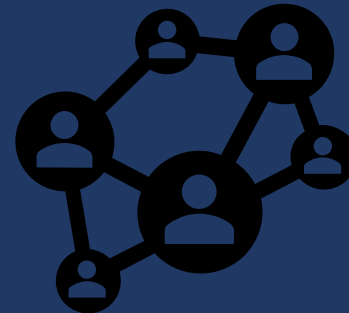
Community Association Legal Webinar - 2024

Social Media: Best Practices

Presented by Dan Blom

What is Social Media?

Computer-based technology used for sharing **ideas, thoughts,** and **information** through *virtual networks*.



Types of Social Media

- **Community Websites**
- **Social Networks** (e.g., Facebook, LinkedIn, Twitter aka X, Instagram, TikTok)
- **Video** (e.g., YouTube)
- **Discussion Forums** (Nextdoor)
- **Photo Sharing** (e.g., Flickr, Shutterfly)
- **Blogs and Podcasts** (e.g., HOA Law Nerds, the Podcast)



Potential Benefits of Using Social Media

- Communicate with and among members
- Solicit communications from members
- Option to comply with “*reasonable, effective, and free method*” of communication under Virginia Code
 - See Sec. 55.1-1817 of the Virginia Property Owners Association Act and Sec. 55.1-1950 of the Virginia Condo Act.

Potential Pitfalls of Using Social Media

- Often complaints, criticism and negativity overtake positive uses of social media.
- Outlet for the spread of misinformation, hostility or disunity in community.



Areas of Concern and Potential Liability

Defamation: act of harming the reputation of another by making a false statement to a third person.

➤ **TIP:** Only post info which is **true and verifiable**.

Intellectual Property: **Copyright** - protects original works of authorship; **Trademark/service mark** - word, phrase, symbol, and/or design

➤ **TIP:** **Seek permission** before using any material that appears to be Copyright or Trademark protected

Areas of Concern and Potential Liability

Unauthorized Disclosure of Private/Personal Information (or claims of Harassment or Discrimination):

➤ Important DON'TS:

1. Don't include personal information about owners without permission.
2. Don't post contact information for a Board, committee or Association member if he or she does not want to be contacted at that phone number or address.
3. Don't post criticisms or potentially defamatory statements.
4. Don't post confidential or privileged documents or information.

Areas of Concern and Potential Liability

Unauthorized Disclosure of Private/Personal Information:

- **TIP:** Consider making Association sites **registrant-only** and **password protected**, so that only owners can be access the site.



If Association Uses Social Media, Consider...

- **Monitoring.** Inappropriate material (e.g., obscene statements, defamatory statements or marketing ploys). Any site that is administered by an Association contains some liability exposure, so monitoring is essential.
- **Policy Resolutions.**
 - *Social Media Guidelines* for internal use (e.g., who may update, how to moderate, what is appropriate content, etc.)
 - *Comments Policy* posted on site to inform users of the rules and to include disclaimer that comments/views may not be opinion of the Association.

If Association Uses Social Media, Consider...

- **Insurance**

- Cyber Liability
- Endorsement to General Liability
- Data Breach Liability
- Cyber Security Liability

- **Scope of Coverage**

- Directors might not be covered when posting on unofficial Association pages or other websites

If Association Uses Social Media, Consider...

- **Update Content Regularly**
- **Ensure Accurate Statements on Site**
 - *TIP:* Only post info which is true and verifiable.
- **Litigation**
 - *TIP:* Social media posts are discoverable in litigation and any social media use will likely increase cost of litigation.

Final Tips and Takeaways

- ❖ Don't take critical remarks personally.
- ❖ Don't engage in arguments online.
- ❖ Note legitimate concerns and follow up offline as appropriate.
- ❖ Use Caution, Common Sense and Restraint when posting on social media.