What Is Your Company's

Social Media State of Readiness?

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Social media use continues to grow at a steady pace. Does your company have company-sponsored social media channels that are part of its broader business communications strategy? Do company employees use personal social media channels and are there business rules that apply to using those channels for business purposes? The intersection between personal and business use of social media channels raises considerations in connection with the company's overall information governance strategies and the potential interplay with e-discovery.

In 2014, according to the Pew Research Center, 52% of online adults used two or more social media sites, representing a 10% increase from 2013. In addition, more than half of online adults 65 and older used Facebook, representing 31% of all seniors; and, for the first time, approximately half of internet-using adults ages 18-29 used Instagram.

Recently, there has been significant growth of social media platforms targeted toward specific user interests. Instagram describes itself as a "fast, beautiful, and fun" way for the user to share her life, which only requires the user to take a picture or video, choose a filter to transform its look, and then post. Pinterest markets itself as a visual discovery tool allowing the user to find ideas for all projects and interests. Twitter continues to cater to text-centered communication, enabling users to communicate via 140-character messages.

The prevalence of social media is not limited to individual users. As the business community continues to build large networks useful for customer and client engagement and to respond to consumer concerns and trends, social media channels are among various key communications channels that comprise broader business marketing and customer relations strategies. Research statistics published by the University of Massachusetts Dartmouth regarding social media use by the 2014 Fortune 500 demonstrate the growth of social media in today's business environment: 97% of Fortune 500 companies have a corporate presence on LinkedIn; 83% have Twitter accounts with a tweet within a 30-day timeframe; 80% of Fortune 500 companies are on Facebook; 31% have corporate blogs; and 20% used Instagram.

Applying Business Rules to Social Media Practices

Having business rules for business communications makes good sense. Organizations with business communications channels that include operating in the social media environment and that develop strategies to preserve and collect relevant information can be better positioned to leverage that information for broader business purposes. In addition, taking these steps can help enable organizations to defensibly and efficiently respond to discovery-related information requests in the government investigations and litigation contexts.

Some questions to consider in crafting a social media information management strategy:

- **Size and Scope:** How robust is the organization's social media presence and what social media channels are used for these purposes? What are the dos and don'ts of using company social media channels? Defining the organization's social media presence and updating it as new social media channels are included within broader business practices will simplify later discussions regarding integrating business rules for these channels with broader information governance practices.
- **Business Rules:** What are the organization's business rules or expectations regarding business communications on these channels? Who is authorized to communicate on behalf of the company on these channels? What types of records management and retention requirements apply? Are these channels considered in connection with legal hold strategies?

- **Personal Social Media at Work:** Does the organization permit employees to access personal social media at work or through company-owned devices? What is the organization's position on employees including professional titles or information in personal social media accounts? Are personal social media channels authorized business communications channels or primarily for professional social networks?

- **Preservation and Collection:** What is the organization's strategic action plan for collecting and preserving information, if necessary, from its social media activity and from any social media activity between the organization and employees or outside users?

Enhancing Social Media Readiness

Some key things to consider in assessing and enhancing integration of social media practices with broader information governance strategies:

- Define authorized social media channels that may be used for business communications.

- Identify relevant business rules and expectations with regard to these channels, including considering how records retention, preservation, and legal hold practices may apply.

- Consider the implications of non-public messaging within social media channels.

- Address brand and logo issues and describe any specific requirements when referring to brands in the organization's social media outlets and whether the organization's employees may use the organization's logos and brand names on their personal social media channels.

- Provide clear guidance to employees on social media use in the workplace and on company provided devices.

- Implement practices that include user guidelines for mobile devices and social media channels.

- Address privacy considerations in connection with social media use and use of company-owned or personal devices for business communications.

- Consider providing specific guidelines and expectations for those employees who publicly align themselves with the organization via their personal social media account.

- Communicate and train on the relevant business rules and expectations in connection with social media.

- Develop a plan to defensibly preserve and collect relevant information from social media channels that are part of broader authorized business communications channels and practices; some social media tools, including Facebook and Twitter, indicate that they allow the user to download or

request their profile information. Additional strategies to consider include exploring electronic information collection tools designed to search social media activity and collect relevant information.

Preservation Considerations- In Specific

A related consideration is the potential need to preserve social media activity. Once a party reasonably anticipates litigation, the duty to preserve relevant information is triggered. Vigilance in this area can be especially important with dynamic social media content. Considering up front the mechanics of who, what, when and how the organization's preservation practices may need to apply to social media content can enhance the organization's overall state of readiness.

Dynamic Business Environment and Integrated Practices

In today's dynamic business environment and connected world, organizations seeking to connect with their customers and potential client base have an ever-increasing array of tools and channels to communicate their value proposition. As organizations change and grow and explore new ways to take in, process, and share information, setting business rules and providing clear guidance regarding the organization's social media activity, and that of its employees, can help best position the organization to operate successfully in the social media environment while also being mindful of organizational information governance requirements and applicable regulatory and discovery-related obligations.

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