

# Directive: compliance is mandatory

## Employee Use of Social Media Policy

**Objective file number:** PE OOS 13-13

**Policy developed by:** System Performance

**Approved at Portfolio Executive on:** 7 February 2013

**Next review due:** 28 February 2016

**Summary** This Directive outlines the principles of appropriate use of social media for personal purposes in order to mitigate personal and organisational risk and to ensure compliance to SA Government and SA Health Policies.

**Keywords** Social media, social networking, public communications, internet communications, e-communications, Directive

**Policy history** Is this a new policy? **Yes**  
Does this policy amend or update an existing policy? **No**  
Does this policy replace an existing policy? **No**

**Applies to** All SA Health Portfolio

**Staff impact** All SA Health staff

**PDS reference** D0317

---

### Version control and change history

Version	Date from	Date to	Amendment
1.0	15/05/2013	current	Original version

# SA Health Policy

## Employee Use of Social Media

Workforce Directorate  
System Performance



---

## Contents

- 1. Policy Statement**
- 2. Application**
- 3. Policy context requiring compliance**
  - 3.1 Code of Ethics
  - 3.3 Legal principles
  - 3.4 Risks of non-compliance
- 4. Standards for use of social media**
- 5. Responsibilities**
- 6. Communication**
- 7. Related Documents**
- 8. Glossary of Terms**

## 1. Policy Statement

SA Health acknowledges that the use of social media and social networking tools can considerably benefit the achievement of SA Health objectives as they allow timely, easy and cost-effective communication, consultation and influencing of a broad audience. SA Health also recognises staff's right to exchange views and other content on social media platforms as private individuals.

Social media communications can reach a broad audience and content can be replicated, repeated and further distributed by users with access regardless of any privacy settings. Therefore all communications and activities on social media websites are considered to be in the public domain and may have significant negative consequences for SA Health and for the initiator.

For this reason, guidance and direction about responsible and safe use of social media are therefore required for SA Health employees. This Policy intends to:

- alert staff to possible risks and liabilities of inappropriate use of public communications.
- assist staff to make appropriate decisions when sharing or posting content on social media sites.
- provide staff with advice about their responsibilities and obligations to SA Health when using social media or networking tools as private individuals.
- provide guidance and direction to staff on managing the risks associated with using social media.

## 2. Application

This policy applies to all staff regarding their use of social media networks and sites – even if it is used outside work and even if SA Health equipment is not used – in situations where:

- their comments or profile can identify them as working in SA Health or the SA public sector (e.g. where their employer or the location of their employment can be established from their comments); *or*
- they refer to issues relating to SA Health or the SA public sector; *or*
- they communicate information on the internet that they obtained in the course of their work with SA Health or the SA public sector; *or*
- they interact with or comment on others working in SA Health.

### 3. Policy context requiring compliance

The policy draws on SA public sector and SA Health policies; and the Code of Ethics for the South Australian Public Sector (the Code of Ethics); and on applicable legal principles.

#### 3.1. Code of Ethics

The Code of Ethics provides an ethical framework for conduct required of public sector employees. It applies to all SA Health staff employed under the Public Sector Act 2009 and the Health Care Act 2008.

When using social media, public sector employees should bear in mind that the *Code of Ethics* requires them to:

- conduct themselves at all times in a manner that will **not bring** them, the agency in which they work, the public sector or Government of the day into **disrepute** and to act with respect, integrity and accountability. These requirements apply to employee conduct and actions that could be published to a broad public audience such as comments or other content placed on the internet. In the context of social media, employees have an obligation to ensure that their communications do not undermine public trust in the integrity of the public sector by tarnishing its reputation or the reputations of its agencies (including SA Health) - or of its employees.
- use their **employer's equipment** efficiently and only for appropriate purposes as authorised;
- maintain **confidentiality of information** acquired during the course of their employment and not use or disclose information that is not generally available to the public without expressed authorisation. Confidentiality obligations also include not using or publishing without authorisation any personal information of others obtained in the course of their employment. Examples include any information that identifies patients, consumers or colleagues, such as their names, addresses; images, likes, opinions or workplace. Similarly staff must not disclose potentially sensitive information gained during the course of their work about any person, for example their political opinions; affiliations with political, professional or other associations; religious or philosophical beliefs; race or ethnicity; sexual preferences; criminal history or health and genetic information.

#### 3.2. Legal principles

Legal principles have implications for staff posting content on social media and for SA Health, such as relating to intellectual property; personal information and privacy; Work Health and Safety (WHS); discrimination and equal opportunity.

In particular it should be noted:

- Staff must respect copyright laws and fair use of copyrighted material. SA Health retains **intellectual property** rights on matter developed during the course of a person's work or employment in SA Health.
- Staff have obligations under **Work Health and Safety** and **discrimination** legislation not to cause injury or harm, discriminate against, harass, intimidate or bully any other employee, client or contractor of SA Health. These obligations also relate to comments posted online on private social networks or made out of work hours where any such comments have a connection to their work in SA Health. Besides the personal consequences for the communicator, SA Health could be held vicariously liable.
- Social media content that may injure the reputation of another person, organisation, association or company may be **defamatory** and may have legal implications for the communicator and for SA Health;
- Information in the public domain that refers to pending court proceedings should not include material that may prejudice or be part of evidence in those proceedings. Before commenting on past or pending proceedings, staff should be mindful of legal principles including **contempt of court** and court suppression orders.

### 3.3. Risks of non-compliance

Substantial breach of the standards of the Code of Ethics or legal principles may result in disciplinary action which may include termination of employment. Dismissal may result where:

- the conduct of an employee seriously and significantly damages the interests of SA Health;
- the actions compromises the psychological or physical safety of other staff, patients, clients or contractors of SA Health;
- the conduct causes serious damage to the employment relationship;
- the conduct is incompatible with the employee's duties as an employee.

To assist staff to use social media lawfully, responsibly and in a manner consistent with their obligations as public sector employees, acceptable standards for social media use are discussed in more detail the next section.

## 4. Standards for use of social media

The Policy does not intend to discourage nor unduly limit staff's' use of social media for personal expression or personal purposes. However, when using social media as private individuals, staff need to be aware of risks to themselves and to SA Health if social media are used inappropriately. To minimise such risks and to assist staff to make appropriate decisions when using social media for personal purposes, this policy requires staff to:

- Refrain from accessing social media or social networks for personal purposes **during work time**.
- Be mindful that activities or content posted on the internet should be regarded as **in the public domain** and permanent in nature.
- Not post content that may bring themselves, SA Health, its agencies or its staff into **disrepute** or could be considered slanderous; otherwise improper or inconsistent with their obligations as staff of SA Health. This includes not posting or participating in interactions that would be construed by a reasonable person as being offensive, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist or obscene.
- Act and communicate at all times with **integrity, respect, accountability** and in such a manner as to uphold the public trust and treat the public and other public sector staff with respect and courtesy.
- Not post content that may compromise the physical or psychological **safety** of colleagues; and of SA Health's clients, patients or contractors.
- Ensure that the **privacy** of personal information of others including colleagues and patients is conserved.
- Not disclose **information** acquired in the course of their work in SA Health without authorisation (where such information is not already generally available to the public).
- Refrain from posting content or making comments on social media sites on behalf of SA Health or the SA public sector unless they have been explicitly authorised to do so as part of their role.
- Ensure that their contributions and communications are regarded as those of a private individual and **not as a representative** of their agency. This includes not using a departmental email address, logo or insignia that may give the impression of official endorsement of personal comments.

- 
- Ensure that their communications are not unlawful, for example do not infringe **copyright**, constitute **contempt of court**; or breach a suppression order.
  - Comply with their obligations and responsibilities under the Code of Ethics, legislation, SA Government and SA Health **policies**, and the social media **guidelines of their respective professional bodies** regarding use of social media and digital communication.

## 5. Responsibilities

All SA Health staff are responsible for knowing, understanding and complying with this policy.

Chief Executive Officers, Executives and Managers are responsible for ensuring full compliance with this policy by:

- communicating the content of the policy to all existing and new staff.
- reviewing the policy with staff on a regular basis.
- clarifying the obligations and responsibilities of staff when utilising social media if there is any uncertainty.
- monitoring compliance to the policy by identifying inappropriate use and taking appropriate action where required.
- ensuring that the interpretation and implementation of the policy reflects new developments in social media, the internet and information technology.

## 6. Communication

The policy will be communicated across SA Health in accordance with the Directive *Policy Distribution System for SA Health*.

## 7. Related Documents

This policy should be read in context of the Health Care Act 2008 (Sections 3 and 93) and SA Public Sector and SA Health policies and guidelines including:

- [Social Media Communications Policy](#)
- [Communications Protocol Directive](#)
- [South Australian Public Sector Code of Ethics](#)
- [Guidance for staff using social media –personal use](#)
- [Code of Fair Information Practice](#)
- [Media Policy Directive](#)
- [Online Policy Directive](#)
- [ICT Electronic Communications Policy Directive](#)
- [ICT Internet and Intranet Specification](#)
- [ICT Acceptable Use Policy Directive](#)



## 8. Glossary of Terms

<b>Social Media</b>	A category of digital communication technologies that make up what is commonly known as 'Web 2.0'. The essence of social media is information sharing in an online community setting referred to as 'social networking'. Examples include YouTube, Facebook and Twitter.
<b>Staff</b>	For the purposes of <i>this policy only</i> "staff" means all workers in SA Health, i.e. employees (including externally funded employees); agency employees; contractors; students and volunteers working within SA Health roles.
<b>Public domain – information</b>	Information that is openly available to everyone; information that people have knowledge of and direct access to.
<b>Publish</b>	In the context of this Policy means any posting of information on social media websites as the possibility exists that content may be shared beyond the intended recipients despite privacy settings on social media websites. The terms and conditions for use of most social media sites state that all content becomes the property of the site on which it is posted, and therefore should be regarded as essentially permanent in nature.
<b>Intellectual property rights</b>	It is a juridical concept which refers to creations of the mind for which exclusive rights are recognised. Common types of intellectual property rights include copyright, trademarks, patents and industrial design rights.
<b>Privacy of personal information of others</b>	All SA Health staff have a duty to maintain the confidentiality of information about patients and their families as well as adhering to legal and ethical privacy restrictions. SA Health staff may not divulge any personal information relating to patients or co-workers, except as authorised or required by law (e.g. mandatory reporting), or by their employer. Employees are also obliged to observe the SA Health Directive Code of Fair Information Practice. This requires that personal information of others should only be disclosed in accordance with relevant privacy requirements.