

Special Report



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Look Before Leaping into the Social Networking Pool

ADDRESSING THE NEEDS OF REALTORS® AND SOCIAL NETWORKING

It's important to understand the risks involved with Social Networking. This article will provide an update to a previous article, and will help to answer some of your legal questions.

Just when you thought it was safe to enter the social networking pool, companies like Facebook come along and cannonballs into the water. Every time you turn on the news or the Internet, there is a story about privacy and social networking sites. Privacy is currently at the forefront of the social networking debate. As Realtors, we know the benefits of social networking, but many sites are making changes to their privacy policies which could affect how we conduct business. For example, Facebook recently made changes allowing more of your personal information on your Facebook page to be made public. In order to prevent this from happening, you have to opt out of these changes (which require you to choose from more than 170 options). Some say sneaky while others say it is good business. What do you need to be aware of if you use these social networking sites as a way to garner more business?

While privacy is a main concern for most individuals, companies also need to be aware of the legal pitfalls associated with using social networking within their business. Most agents and brokers are using social networking sites for professional development and to supplement face-to-face networking. The use of these sites to establish and maintain business relationships can be very productive, but you must always be aware of the possible legal ramifications. Besides privacy concerns, three other areas that agents, brokers, and especially employers need to be aware of are (1) Copyright Infringement; (2) Defamation, disclosure and other tort liability; and (3) Employment issues. Copyright infringement includes any third party content you or your company uses on their social networking sites. Defamation basically arises when a communication harms a person's reputation. Disclosure concerns may result when information is transmitted. You, your company, or an affiliated group can be held liable under a vicarious liability theory for any content posted online.



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How we can help you and your business?

All businesses are faced with legal issues, or concerns. What are yours?

Two questions our office often receives are: Who owns the content and who is responsible for the content? The answer depends on the policy your company has in place or the terms of use for that particular social networking site. This is why it is so important that each company, broker, group, or organization have a social networking policy within its employment manual or bylaws and that each have an acceptable terms of use agreement. For questions, preparation of, or review of an existing social networking policy or terms of use agreements, contact The Giardinelli Law Group, APC at (951) 245-9163 or at Kelly@glawgroupapc.com

[Recently, we published a social networking special report dealing with the influence of social networking on agents and brokers and the potential liability when using these sites. This report can be found at www.glawgroupapc.com under the Education tab.]

SMARTER NETWORKING: Experience and Discipline



Call our office to schedule your business consultation today. Please feel free to visit our website to take advantage of viewing our previous newsletters, and education information.

We understand the difficulties and challenges a business can face, and the effect it has on you. Let us help – call or visit our website today! We have offices in both Riverside County and Orange County.

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