



Legally Smart Social Media Policy

Social Media Policy Audit By Attorney Mark Fiedelholz

Objective: Update social media policy to comply with new federal laws.

Policy Drafter Credentials: 30 years' experience as a media attorney, professional trainer television, and television anchor at the White House and various network affiliates.

Checklist #1: Policy Structure

Position social media policy as a broadcasting and publishing document.	✓
Incorporate 4 new media law principles to fortify the policy.	✓
Identify and incorporate the most important social media legal issues.	✓
Prioritize social media legal issues to create a tightly structured policy approach.	✓
Use specialized language system that reflects current state and federal laws.	✓
Codify each paragraph with proper legal citation and references.	✓
Make sure you have a separate smartphone and social media marketing policy.	✓
Have an experienced social media attorney train employees to enforce the policy.	✓

Checklist #2: Policy Content

Redesign the Policy Purpose section to reflect new First Amendment speech rulings.	✓
Expand the Applicability Section to properly cover all employees and third parties.	✓
Include the 22 most important social media policy definitions.	✓
In the General Section identify the new federal standard of care for social media users.	✓
Insert 2 critical U.S. Supreme Court privacy rulings in the first paragraph.	✓
Identify the 5 most important privacy issues in the next four paragraphs.	✓
Draft very precise policy language on public record requests on personal smartphones.	✓
Use recent federal rulings to draft policies on data safety and ownership.	✓
Cite the 18 core areas of prohibited speech under the new First Amendment rulings.	✓
Design policy language clearly explaining the new standard of care on personal blogs.	✓
Draft language that adheres to new federal rules on responding to negative comments.	✓
Make sure you include the new rulings on social media copyright infringement.	✓
Use very precise language on your Policy Affirmation Section.	✓