

## **University of Florida Social Media Use Guidelines– Draft (February 2011)**

Social networks provide fun and exciting ways to connect with others who share common interests. These guidelines are meant to support appropriate use of social media, while prohibiting conduct through social media that is illegal or against University policy or relevant professional standards. These guidelines also provide suggestions for situations involving social media that could damage either participants or the University.

The University of Florida Social Media Use Guidelines apply to all employees and students of the University of Florida. The Guidelines also apply to other people (such as volunteers and appointees) when using University computing resources. The Guidelines apply to all forms of social media, including but not limited to Facebook, Twitter, blogs, YouTube, Flickr, text messages, and other, less-popular platforms, or those not in existence at the adoption of these Guidelines.

The Guidelines apply to employees outside of work hours and while using personal accounts when the use of social media affects an individual's responsibility as a member of the UF community as further explained in the last section of these guidelines.

Violations of the Guidelines may result in criminal, or civil penalties, and/or consequences for an individual's employment or student status, including but not limited to disciplinary action. They may also result in personal liability.

Users of University computing resources should be aware that such use is not private and may be monitored in accordance with the UF Use of Computing Resources Policy referenced below.

### **Activities Violating the Law**

Use of social media in ways that violate the law, including but not limited to federal, state, local and, when applicable, foreign laws, regulations, rules, and policies, University of Florida or Florida Board of Governors regulations and policies, may result in criminal or civil penalties as well as disciplinary actions. Students must also abide by the Student Code of Conduct. Please refer to: (<http://www.dso.ufl.edu/studentguide/studentconductcode.php>). These Guidelines highlight certain aspects of these laws, regulations, and policies, but are not intended to and do not represent a comprehensive review of them. In addition, what is posted on a social networking site may be used as evidence of activity that violates the law (as described above).

### **Acceptable Use**

The use of social media accessed through UF's computing resources must abide by UF's Use of Computing Resources Policy (<http://www.it.ufl.edu/policies/aupolicy.html>). These guidelines are incorporated by reference in the UF Use of Computing Resources Policy.

## **Confidentiality of Student and Applicant Records**

Federal laws (including the Family Educational Rights and Privacy Act, called “FERPA”), Florida law and UF regulations governing the confidentiality of student and applicant records (and information from such records) apply to social media use. Information from student, alumni or applicant records (including but not limited to academic records, disciplinary records, correspondence through e-mail or other means, or (with limited exceptions) any other records individually identifying students at the University of Florida or applicants to the university) should never be released via social media without approval of the Chief Privacy Officer. Before approval, there must be a signed and dated written consent of all students and applicants involved approving disclosure to the broad public using social media for a purpose. For more information about the privacy of student and applicant information, please view the following resources:

- UF Privacy Office web-site, <http://privacy.ufl.edu/studentfaculty.html>.
- Florida Statute 1006.52 and U.S.C. 1232g and 34 C.F.R. Part 99.

## **Patient Privacy**

Use of social media, even in a personal capacity, must comply with state and federal law concerning information, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA). For a general overview of HIPAA, please visit: <http://privacy.health.ufl.edu/about/overview.shtml>.

Do not violate a patient’s privacy by releasing his or her protected health information unless that patient (or patient’s parent/guardian) has signed an approved University of Florida Health Science Center (HSC) form authorizing the release of such information. The form must specify the individual or entity authorized to release the information. University of Florida personnel may not reveal patients’ health information on personal social media sites unless the patient or patient’s parent/guardian has signed an approved UF Health Science Center form specifically authorizing the individual to release the information broadly. Forms can be found on the UF Privacy Office’s web site: <http://privacy.health.ufl.edu/policies/hipaamanual/forms.shtml>.

Protected health information includes photographs and videos of the patient, even if the patient asked for the photo/video to be made or consented to it being made. It is best to return such photos to the patient, as long as no other patients are in the photos.

Do not post patient information, even if you think you have “de-identified” it.

- It often is possible to identify patients even if you do not include their names or other obvious identifying information.

- Realize that details, such as your name, your place of work/study and the date/time stamp can make it easy to identify patients you describe, particularly to the patients themselves and their families and friends.
- Know how to respond if patients contact you via social media. Simply responding to a patient, with no medical advice, who greets you in a social media platform, is acceptable. Providing medical advice or information through social media is not permitted, even if the patient requests it.

Patients treated outside the U.S., for example, as part of a medical, research, or other international humanitarian mission, also have a right to privacy. In addition to U.S. and Florida requirements, foreign jurisdictions often have their own privacy laws that also apply. Treat these patients' identities and medical information, as well as photos, videos and audio recordings featuring them, with the same respect you would show those of a patient receiving care in the United States and be sure to identify and comply with U.S., Florida, and applicable foreign jurisdiction privacy laws.

- Disclosing information about a patient treated in another country could be a violation of that country's privacy laws, as well as U.S. and Florida laws and UF and Shands policies.
- Before you create, post, or transmit information, pictures/videos, or recordings featuring patients from outside the U.S., please contact UF's Chief Privacy Officer for approval: [privacy@ufl.edu](mailto:privacy@ufl.edu). Collecting certain data on individuals may also be subject to U.S., UF, and foreign requirements on human subjects' research.

Please see the "Recommended Sanctions" links on UF's Health Information Privacy page (<http://privacy.health.ufl.edu/policies/hipaamanual/operational.shtml>) for possible penalties for violating patient privacy.

### **Research and Intellectual Property**

Releasing unpublished research data or unprotected intellectual property may impair its protection. In keeping with UF's Intellectual Property Policy ([www.research.ufl.edu/otl/pdf/ipp.pdf](http://www.research.ufl.edu/otl/pdf/ipp.pdf)) unpublished research data or unprotected intellectual property may not be released through social media in a manner that impairs patent protection or that violates any condition of an applicable research contract or grant.

### **Other Forms of Restricted Data**

Revealing other forms of legally restricted records, data, or information via social media is strictly prohibited. Records protected include but are not limited to: Social Security numbers, financial information, employee or student medical information, limited access

employee records pursuant to Section 1012.61, Florida Statutes, trade secrets, copyrighted materials, and other materials that the University is required to maintain as confidential or has agreed to do so.

While you may disclose information about yourself, you should exercise caution in doing so for your own protection. Once disclosed through social media, the information may be accessed indefinitely and in many contexts (e.g., actual and potential employers, professional licensure authorities, elections, current and future family members) that you may not have contemplated at the time.

### **Misrepresentation**

You may not portray yourself as acting on behalf of the University or any part of the University, such as the Health Science Center, IFAS, a college, department or any other unit, or present a social media account as an official University account unless authorized to do so by the Vice President with jurisdiction over your unit. Even when you act in your UF capacity, you may not represent your own positions and opinions as those of the University. When using social media in a personal capacity, you must take reasonable precautions to indicate that you are engaging in the activity as a private person and not as an employee, agent, or spokesperson of the University.

### **Authorization**

Authorization to present a social media account as an official university activity must come from the Vice President with jurisdiction over your unit as well as the Vice President for University Relations or his/her designee. Permission to use any University of Florida service marks, trademarks, or logos must be obtained and may be requested from University Relations at 352-846-3903.

### **General**

- Employees should not spend more than a minimal work time on personal activities, including the use of social media. However, a Vice President or his/her designee may authorize use of personal social media sites and accounts in furtherance of University interests.
- Social media communications that a reasonable person in the position of the target of the communications would consider to be a true threat of violence against the target—or that a reasonable person knows or reasonably should know would cause (and that do cause) severe emotional distress, likely violates the law and would violate University regulations.
- Social media communications that contain false statements that could harm a person's reputation are likely defamatory and may result in civil liability.

Social media communications that are obscene or that represent child pornography violate criminal laws and would violate University regulations.

### **Professional Standards**

If you are employed or in a course of study in a field that is subject to professional or ethical standards, you must comply with those standards in your University capacity. You also must comply with those standards in your personal capacity, if the standards generally apply at all times, or if your personal conduct would affect or reflect on your University role.

Text, photos, videos and other material posted on social media pages, including personal ones, must be in keeping with generally accepted professional and/or ethical standards for your field(s) of work and/or study.

Depictions of behavior that do not comply with professional and/or ethical standards may result in disciplinary action by professional organizations, or if relevant to a UF role, by the University. Please review the regulations published by the University. University Regulations can be found at: <http://regulations.ufl.edu/>.