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**THE 19<sup>TH</sup> ANNUAL  
CHURCH & CHARITY LAW™ SEMINAR**  
Toronto – November 15, 2012

Avoiding the Pitfalls of an Online Presence  
for Churches and Charities

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A. SOCIAL MEDIA: WHAT IS IT?



Image courtesy of <http://crystalballguy.com/wp-content/uploads/2012/10/social-media-logos.jpg>

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- An online social structure made up of individuals and/or organizations that are tied by one or more specific types of interdependency, such as values, visions, ideas, financial exchange, friendship, business operations, professional exchange, etc.
- Social networking sites provide users with the ability to upload profiles, post comments, links, photos and videos, join “networks” and add “friends”

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- Used both personally (to reconnect with old or distant friends, family and classmates) and professionally (to search for employment opportunities, collaborate with colleagues, or virtually network)
- Some social networking site profiles can only be accessed by invitation, while others are open to anyone in the general public
- Examples: Facebook, LinkedIn, Twitter, YouTube, personal blogs, etc.

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**B. SOCIAL MEDIA STATISTICS & FUN FACTS**

- As of October 4, 2012, there was a reported 1 Billion people using Facebook actively each month
- If Facebook were a country, it would be the third largest country in the world
- Generations Y and Z consider email passé and some universities have even stopped distributing email accounts
- 22% of Americans use social networking sites several times per day

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- Lady Gaga, Justin Bieber and Katy Perry have more Twitter followers than the entire populations of Germany, Turkey, South Africa, Canada, Argentina and Egypt
- 53% of people on Twitter recommend products in their Tweets
- 90% of consumers trust peer recommendations; only 14% trust advertisements
- 1 in 5 divorces are blamed on Facebook
- Babies have been named Facebook and Twitter

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- There were more than 31.7 million election-related tweets on November 6, 2012; at its peak there were 327,452 tweets per minute
- Barack Obama's tweet of "Four more years" was retweeted a record 657,318+ times
- Obama's Facebook photo was "liked" 3,457,364+ times
- Pope Benedict has announced he will have a Twitter account by end of year




Image courtesy of www.facebook.com/barackobama

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### C. POTENTIAL BENEFITS OF SOCIAL MEDIA

- Allows an organization to get information out faster and to a wider audience
- It improves branding by enhancing awareness about the organization
- Is an effective tool for research and communication
- Frequent use of key phrases, title tags, ticker symbols, and links to blogs and other relevant Web content can dramatically improve search engine rankings for the organization

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- Enables organizations to maintain a daily connection to followers, becoming part of the follower's lives
- Lets followers identify with a wider community and make connections beyond the local branch
- Lets outsiders know what is going on in your community

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News via English  
**POPE TO HAVE HIS PERSONAL TWITTER ACCOUNT SOON**

Pope Benedict XVI will soon join the Twitter-sphere, tweeting from a personal account. Vatican spokesman Fr. Federico Lombardi made the announcement on Thursday, saying details and information of the Pope's account will be made public when the Vatican officially launches the account, perhaps before the end of the year. However, the 85-year-old German Pope has already tweeted, sending his first tweet from a...

Facebook: It's back to School! Time To get Smart with your kid's heart. Heart and Stroke Foundation

NEWS.VA: News via English

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### D. POTENTIAL BENEFITS OF ONLINE PRESENCE

- Minimal start-up time and investment
- Easy to update website to keep stakeholders up-to-date with information about your organization
- Inexpensive way to reach new markets
- Global presence 24/7
- A sign of professionalism
- Can make it easier to do business with you
- Can help build and identify relationships

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### E. PITFALLS OF AN ONLINE PRESENCE

- 1) **Protecting your Intellectual Property**
  - Avoid wasting assets
- 2) **Liability issues with Online Presence**
  - What policies does your organization have in place?
- 3) **Regulatory issues with Online Presence**
  - Does your online presence accord with your stated charitable objects?
  - Does your online presence include materials that could lead to revocation?

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**F. PROTECTING YOUR INTELLECTUAL PROPERTY**

- Your brand is your organization's relationship to the public; the communication of identity and credibility
- Your brand is what the public instantly understands about a product or service that is associated with your organization's brands and trade-marks
- Because of the internet, it is now more important than ever to protect your organization's IP, including your name, logo, taglines, slogans, and original creative literary and artistic works

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- According to CRA Charities Listings, there are over 200 charities with the word "Cancer" in its name and there are almost 100 charities with "AIDS" in its name
- Competition that for-profit businesses rarely see
- Branding is important for charities to distinguish itself from other charities, to increase goodwill and the donor base and to create equity and brand value
- The internet means that competition is no longer restricted by geography - you and your competitors now exist in a Canada-wide and world-wide market

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**1) Using Online Presence to Improve Branding**

- Assists in providing a consistent voice across multiple branches of an organization
- Provides an accessible source for the message
- Confirms your credibility

**2) Destroying Your Branding through your Online Presence**

- Commencing a branding strategy prematurely – failing to secure your trade-marks

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- Failing to conduct trade-mark searches and not discovering confusing trade-marks
  - If an earlier user exists, they may object to your brand now or in the future
- Failing to register trade-marks
  - No public notice of trade-mark
  - No exclusive right to use
  - May never recover corresponding domain name
- Failing to control trade-mark use
  - The internet is full of imposters and fraudsters

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- Avoid a costly branding blunder by completing the necessary due diligence ahead of time
  - Remember the web does not forget and enjoys discussing blunders
- Ensure necessary licensing arrangements are in place for third-party use of trade-marks and enforce your rights
- Monitor use of your trade-marks and take necessary action against unauthorized use

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**G. LIABILITY ISSUES WITH ONLINE PRESENCE**

**1) Monitoring Website Content**

- Is the information accurate?
- Who can contribute to the online content?
- Does the information breach privacy laws or policies?
- Is any content possibly illegal?
  - Copyright infringement
  - Libel

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**a) Is the Information Accurate?**

- It is important to carefully review the website and social media content to ensure its accuracy
- Does it accurately describe your
  - programs and services?
  - position on issues?
  - use of donations?
  - affiliation with other organizations?
- Is there the opportunity for members or outsiders to contribute material?

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- Are online discussion forums *moderated* or *open*?
- Is there a clear and accessible policy in place to govern the conduct of posters to online forums?
  - Is the policy enforced?
  - The Law Buzz saga; even lawyers can fall prey
  - Claims of defamation led to costly, embarrassing litigation over online comments by lawyers; Lawbuzz settled and revealed identities
- Taking the time to implement policies and review material can avoid costly and embarrassing mistakes

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**b) Does the Information Breach Privacy Laws or Policies?**

- If member or client information is gathered online, there is a need to ensure consent to collection of personal information and to ensure the security of that information
- Remember to check links to materials that are organizational in content, e.g. duty rosters
- Organization should ensure consent is obtained if member's or client's names or faces are used online

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- Be aware of what information is collected through your website
  - Voluntary (requested) information
  - Passive collection – browser information
- The organization should have an online privacy policy to inform users about what information is or is not collected
- If donations are collected online, then there needs to be adequate protection and security for personal financial information that is collected

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- If donor information is collected online, is that information shared with related organizations? Are there legal requirements to disclose to government or other authorities?
- Charities need to be aware that there is no blanket exemption from privacy legislation
- For example, *PIPEDA* specifically says that it applies to selling, bartering or leasing of donor, membership or other fundraising lists
- Privacy policies and practices should be implemented, monitored and updated regularly

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### c) Is the Content Possibly Illegal?

- Copyright infringement
  - Need to review both reproduced content and links to other websites
  - Remember to also check the newsletters or weekly leaflets that are posted online
  - Creators and authors receive automatic copyright protection for their original literary, dramatic, musical and artistic work
  - Though “cutting and pasting” is easy – it is not always legal!

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- Where the organization is the creator of a work:
  - Automatic copyright ownership and protection
  - If an employee is the author, rights need to be assigned to corporation
  - Copyright can be registered
- Where organization uses someone else's work:
  - Need to obtain permission from the author
  - May need to pay a license fee
  - If it was created for the corporation by a third party, need to have rights assigned in writing

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- Libel
  - Need to review content for defamatory materials
  - Links to third party material can be a source if there is further commenting
  - Once material is posted online it can become impossible to control (just ask the Royals...)
  - The charity needs to control what is posted on its website and social media platforms
  - Increasingly, blogs and other online media are becoming the source of libel actions

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**d) Securing Access**

- Many charities provide wireless access or internet access to staff, volunteers and program participants
- This potentially exposes the charity to illegal or inappropriate use by these parties
- Wireless access may result in use of resources by "hackers" or outside parties
- Important to implement passwords and policies governing use



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## 2) Implementing Social Media Policies

- Social media and the internet permits immediate communication with members and the outside world, but it is a ripe area for legal liability or negative publicity
- This applies whether it is postings done on a personal or professional basis
- Requires organizations to implement a social media policy to prevent damage to the organization's reputation and relationships

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- A social media policy should establish practical, reasonable and enforceable guidelines by which your employees can conduct responsible, constructive social media engagement in both official and unofficial capacities
- It should promote a safe environment for employees, volunteers, members and clients
- It should protect the organization from violating municipal, provincial or federal regulations or laws

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- A social media policy should:
  - Identify the types of social media with which the organization intends to engage
  - Expect employees to exercise responsibility
  - Identify who is able to represent the organization
  - Be reviewed on a regular basis to ensure it addresses the rapidly changing nature of social media

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- There are many issues to consider:
  - Communication with minors; should it be permitted?
  - If permitted, what are the parameters?
    - Limited content?
    - Minimum age to communicate?
    - Communication record-keeping?
    - Personal or organizational platforms?



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- Obtaining parental/guardian consent for communications; copying parents/guardians on communications
- Who does the policy apply to?
  - Employees, volunteers and members?
- Who is responsible for enforcement and monitoring?
- What are the consequences for breach of the social media policy?
  - Termination of employment or membership?

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### H. REGULATORY ISSUES WITH ONLINE PRESENCE

1) Does your online presence accord with your stated charitable objects?

- This is an important issue to consider for both organizations in the process of seeking charitable status and those that have achieved that status
- CRA will review your online content, including the materials to which your organization links, to see if it accords with the information provided in your application

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- Are there errors in previous statements about your
  - Origins, programs or partners?
- Does information on your partners' websites provide different information than yours?
- Does website content indicate programs outside of your stated purposes?
- Does your website link – and therefore by implication agree and endorse – problematic materials?
- Does your website content indicate prohibited activities?

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**2) Does your online presence include materials that could lead to revocation?**

- Revocation of charitable status can result for a number of different reasons and for multiple reasons
- Organizations that have been faced revocation after an audit know that the “nail in the coffin” or the published reason for revocation is rarely the only issue that was raised by CRA during the audit
- No charity has been revoked for the sole reason of inappropriate online material, but it has been a factor

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- CRA auditors will review website content for information and data that will support cause for revocation
- This can include links to other organizations and material, as well as reviewing internet search history for the organization's computers

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## I. LOOKING FOR PROTECTION

- Protection from the pitfalls of an online presence are found in:
  - Implementing effective policies that are uniformly enforced
  - Regular monitoring of materials
  - Ensuring that appropriate insurance is in place
    - Charities should discuss their coverage with insurers to make sure their online activities are not excluded from coverage

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