

## Do Blogs Put Your Facility at Risk?

Blogs have emerged as a popular vehicle to promote facility programs and achievements. However, blogs can backfire, leaving your facility at risk for liability. Consider these scenarios:

**Scenario 1:** Your facility hosts a web site or password-protected intranet site describing your facilities, programs, and schedules. The site contains a blog that permits clients to communicate about various topics. Let's say a client doesn't like something another client writes, and denigrates or threatens that client. Is your facility responsible for monitoring the blog and responding to posts the administration deems inappropriate?

**Scenario 2:** Your facility administration discovers that clients have posted inappropriate messages or videos (that may or may not mention the name of the facility) on a non-managed blog site. Can you suspend the clients or force them to remove the offending message?

**Scenario 3:** A staff member posts pictures of clients participating in competitions on her personal web site. Although your facility may have received written permission from parents to post pictures of clients, does this permission extend to staff on personal web sites? Probably not. Can you discipline a staff member for posting the pictures or messages?

If you have any questions about blog liability, speak with your facility's attorney. Because blogs are new to the legal scene, current state and federal laws leave a lot to interpretation. Insurance companies are working to clarify policy language regarding what is covered under electronic communications, so you may want to discuss blogs with your insurance agent, too.

Here are some guidelines to reduce your liability risk:

- Talk with your attorney and insurance agent about written policies your facility should adopt immediately. Keep in mind that you will probably need to revise these policies as legal and insurance issues are clarified in the future.
- Trademark your facility's name. This gives your facility administration the legal authority to request removal of any pictures with your facility's logo or name from a web site.
- Make sure photo captions reveal only the facility's first name.
- If your facility hosts a blog, save and review all messages and photos before they are displayed publicly.
- Talk with the parents about any offenses that occur. Many parents are probably not aware of what their children are doing online and will cooperate in resolving the issues.
- Establish Internet security training for clients. Emphasize that anything posted on the facility's web site, as well as on personal web sites, is public information for anyone to see.
- Your facility policy should emphasize that participants must know the person to whom they are sending e-mail and blog correspondence (merely having someone's email address or personal web site address does not count as knowing the person).

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If you have a safety or risk management question or a suggestion for a topic, please contact Markel's Risk Management Department at [safety1st@markelcorp.com](mailto:safety1st@markelcorp.com).