



MANAGE YOUR ONLINE REPUTATION

Tony Wilson

Self-Counsel Press
(a division of)
International Self-Counsel Press Ltd.
USA Canada

Copyright©2011 by International Self-Counsel Press Ltd.

All rights reserved.

No part of this book may be reproduced or transmitted in any form by any means — graphic, electronic, or mechanical — without permission in writing from the publisher, except by a reviewer who may quote brief passages in a review.

Self-Counsel Press acknowledges the financial support of the Government of Canada through the Canada Book Fund (CBF) for our publishing activities.

Printed in Canada.

First edition: 2011

Library and Archives Canada Cataloguing in Publication

Wilson, Tony

Manage your online reputation / Tony Wilson.

ISBN 978-1-77040-056-6

1. Internet in public relations. 2. Internet in publicity.
3. Corporate image. 4. Personal information management.
5. Online identities. 6. Online social networks. I. Title.

HD59.2.W56 2010

659.20285'4678

C2010-902051-0

“Top Ten Mistakes Lawyers Make with Social Media” by Doug Cornelius on page 157 is used with permission.

Photograph of Tony Wilson by photographer Kent Kallberg (www.kallbergstudios.com) used with permission.

Every effort has been made to obtain permission for quoted material. If there is an omission or error, the author and publisher would be grateful to be so informed.

Self-Counsel Press

(a division of)

International Self-Counsel Press Ltd.

1704 North State Street
Bellingham, WA 98225
USA

1481 Charlotte Road
North Vancouver, BC V7J 1H1
Canada



CONTENTS

Introduction	xiii
1 An Overview of Social Media	1
1. Networking Sites	2
2. Video Sharing	3
3. Cell Phones and Texting	5
4. Twitter	6
5. Social Media Is Here to Stay	7
2 Managing Your Reputation	9
3 Why Reputation Management Is Important	15
1. Damaged Reputations	18
1.1 A Tiger by the tail	18
1.2 Other damaging scandals	21
2. Case Studies	25
2.1 Case Study 1: United Airlines	25
2.2 Case Study 2: Domino's Pizza	27
2.3 Case Study 3: The Royal Canadian Mounted Police (RCMP)	31
2.4 Case Study 4: The teachers and the pep rally	33

2.5	Case Study 5: Ed Hardy	34
2.6	Case Study 6: Asleep at the switch	35
2.7	Case Study 7: The candidate	35
2.8	Case Study 8: The Russian policeman and YouTube	36
4	A Lesson in Branding and Reputation Management	39
1.	Places Consumers Search Online for Reviews	40
2.	What Is a “Brand,” and Why Is It Important?	42
3.	Brands Aren’t Trademarks	46
4.	Copyright	47
4.1	How copyright may affect you or your business	50
5	The Apology: Sometimes You Have to Say You’re Sorry, and Mean It	53
1.	Accepting Responsibility	54
2.	Sincere Apologies	56
6	Your Right to Privacy and the Protection of Your Personal Information	61
1.	Privacy	63
1.1	Privacy laws	64
1.2	The United States’ approach to personal information	67
1.3	Personal information in Canada	68
1.4	The United Kingdom’s approach to personal information	70
2.	Canada versus Facebook	71
3.	Defamation	73
3.1	Anonymity doesn’t exist online	76
4.	Lawyers May Gain Access to Your Facebook Account	78
5.	Social Media and the Central Intelligence Agency (CIA)	80
7	Teenagers Sexting, Cyberbullying, and Academic Dishonesty	81
1.	Sexting	81
1.1	Serious legal and social consequences	84
2.	Cyberbullying	86
3.	Academic Dishonesty	89
3.1	How to prevent academic dishonesty	91

8	The Dangers of Metadata	93
	1. Digital Images	93
	2. Word Documents	96
9	Reputation Management, Social Media, and Your Business	101
	1. Why Social Media Is Important for Your Business	103
	2. The Importance of Setting Social Media Policies for Your Business	104
	3. Social Media and Internet Policies for Employees at Home	108
	4. Monitor What Is Said about Your Business	113
	4.1 Be aware of your identity, and who may be using it	118
10	Social Media Campaigns	121
	1. Try to Be Your Customers' Friend	121
	2. Find True Believers	122
	3. Dedication and Commitment	122
	4. Consider Using Different Types of Social Media	123
	5. Don't Ignore What Your Customers Are Saying	123
	6. Monitor Your Influence on Twitter	123
	7. Monitor Conversations	124
	8. Things Change So Be There When They Do	124
11	Understanding Privacy Policies on Social Media Sites	125
	1. Facebook's Privacy Policy	127
	1.1 Facebook's statement of rights and responsibilities	129
	1.2 Facebook and minors	130
	1.3 Facebook's copyright and intellectual property infringement policies	131
	1.4 Tagging	131
	1.5 Protecting yourself on Facebook	132
	1.6 Places	133
	1.7 Improper content on Facebook	134
	1.8 Facebook and the legal realm	135
	1.9 Facebook safety and privacy advice	136
	2. YouTube's Privacy Policy	136
	2.1 YouTube community guidelines	137

2.2	YouTube and copyright infringement	138
2.3	Improper content policy on YouTube	138
2.4	Protecting yourself on YouTube	139
2.5	YouTube and minors	139
3.	Protecting Yourself Online Generally	140
3.1	Privacy breach	141
3.2	Someone is pretending to be me	142
3.3	When do you get a lawyer?	142
12	Resources and Interesting Facts	145
1.	Never Underestimate the Power of Social Networks and Social Contagion	145
2.	Every Cell Phone Is a Camera and Every Microphone Is Live	147
3.	All Facebook	150
3.1	Other resources	153
4.	Don't Make Death Threats on Facebook	154
5.	A Different Approach: A Wild Reputation Can Be Good for a Company!	155
6.	You Can Only Have 150 Friends	156
7.	Barack Obama Says, "Watch What You Say on Facebook"	156
8.	Top Ten Mistakes Lawyers Make with Social Media	157
Samples		
1.	Technology Use Policy	109
2.	Basic Social Media Policy	111



NOTICE TO READERS

Laws are constantly changing. Every effort is made to keep this publication as current as possible. However, the author, the publisher, and the vendor of this book make no representations or warranties regarding the outcome or the use to which the information in this book is put and are not assuming any liability for any claims, losses, or damages arising out of the use of this book. The reader should not rely on the author or the publisher of this book for any professional advice. Please be sure that you have the most recent edition.



ACKNOWLEDGMENTS

The good people at Self-Counsel Press, who cajoled me over drinks to write this book, must be thanked for their patience, particularly Eileen Velthuis and Sarah Yu. When the original deadline for this book was missed, I reminded them of my favorite quote from the late Douglas Adams, who wrote *The Hitchhiker's Guide to the Galaxy*: “I love deadlines. I love the whooshing noise they make as they go by.”

I had help from many people in this venture. First, I'd like to thank my children Emma and Jeremy Wilson, who taught me how Facebook works but who still refuse to “friend” me, despite the fact they'll “friend” my old friend Roger Barron, who I'd also like to thank for his input on the way “kids” use social media, and the way they shouldn't. I'd also like to thank my wife Mary-Jane for putting up with me during the book writing process. I'm no fun when there's a deadline I haven't met.

Michael Allabarton of BrandDig Consulting in Victoria must be thanked for his excellent input and advice on branding, both for this book, and for one of my columns that appeared in *The Globe and Mail*, and Samantha Wilson for her input on sexting and Internet safety for children. Thanks also go to Dr. Susan Biali and Aly Kanji for their input on early drafts.

I saw some excellent examples of what *not* to say or post on Facebook and other social media sites from people who probably don't want to be named. But thanks all the same. Your input was immeasurably helpful.

Last but not least, I had some excellent help in researching and preparing draft text on privacy and defamation from Heather Mathison, a Vancouver lawyer who offered her assistance to me (and whose help I gratefully accepted).

Any mistakes, however, although accurate at the time of writing, are purely my fault, but they'll be fixed soon. That's how fast things happen online.



INTRODUCTION: DEATH BY FACEBOOK

Like many of the most interesting moments in life (literary and otherwise), the opportunity doesn't so much knock at the door as fall from the sky from nowhere, landing on your plate for you to either take advantage of or not. If you're really lucky, drinks may be involved.

I practice franchising, licensing, and intellectual property law in Vancouver, British Columbia. Although the bulk of my practice involves franchised restaurants, hotels, and retail businesses, a fair chunk of my legal practice involves trademarks, copyright, technology licensing, intellectual property, and privacy law, and all of these interesting areas of law involve, to some degree, the use or misuse of the Internet.

In September of 2009, I met with the managing editor and publicist of Self-Counsel Press at a warm outdoor patio bar (Cactus Club, if you must know), over a couple of bottles of Kim Crawford Pinot Noir to discuss the just-released second edition of *Buying a Franchise in Canada*. The first edition had sold out and we were about to release the second edition with new updates. It seemed like a good excuse for drinks with the managing editor and publicist!

I used this moment to pitch another book on franchise law but from a different perspective. Instead, the managing editor, Eileen Velthuis, pitched a book to me, which I can tell you, doesn't happen that much in the book business.

“We’d like you to write a book for us about online reputation management,” Velthuis said. “The book would be about how to manage your personal reputation online as well as your company’s brand and reputation over the Internet in this environment of Facebook, Twitter, LinkedIn, and YouTube. There are intellectual property issues, privacy issues, contract issues, and the whole area is very cutting edge. What do you think?”

I knew my own kids were on Facebook all of the time, but I wasn’t “on it,” and frankly, I didn’t see the need or have the desire to reconnect with people who I could just as easily keep in contact with by emailing, sending a card by regular mail, or simply picking up the telephone and calling them. Or, of course, I could choose to avoid them altogether!

As for LinkedIn, I was “on it” but wasn’t really using it for anything other than posting my biography and responding to others who wanted to be part of my business network. LinkedIn is a big online place for building up your résumé. If you’re not in the job market, you might not use it as much as people who are (or who expect to be).

It was an interesting moment to have been pitched a book on something as “cutting edge” as online reputation management. I could have set my mind back to 1978, where, as a summer researcher for the British Columbia Government in Victoria, I was shown a new technological wonder where electronic copies of original documents could be sent from Victoria to Vancouver (or anywhere else in the world for that matter) over telephone lines using a machine about the size of a television set. It was called a Facs machine; facs standing for facsimile (which everyone wrote as “fax”).

Or, I could have recalled 12 years later, a meeting at one of my old law firms where the partners regaled against this new system called “voice mail.” Messages were not personally left with a receptionist and written on a small piece of paper, but recorded through an automated answering system connected to each lawyer’s phone; the type you might have at home.

“We should not go in this direction,” said one older lawyer. “It’s totally insensitive, not what lawyers do, and our clients will hate it because there is no personal interaction.” Of course, he didn’t realize that it was the clients who were now using voice mail because they didn’t have to hire receptionists and other staff to simply take messages on little pink slips. Lawyers are often the last people to understand the implications of new technology.

Or, I could have recalled another meeting at another law firm I was at in the early 1990s where all the lawyers were debating whether to adopt a technology called “electronic mail,” or “email,” where messages were typed into the computer and sent instantly to other parties over this new thing called the “Internet.” Larger documents such as letters or contracts could be “attached” to these emails and when “downloaded,” could be modified within the body of the document itself; something one couldn’t do with a fax. The partners at the firm decided that one computer in the library would suffice for email; otherwise, they would have to pay for computers on all the lawyers’ desks, an Internet connection, and all the security that went along with that. There were flimsy and hollow excuses of why not to use the electronic mail system, and needless to say, that law firm is no longer around.

I could have thought about my own law firm, where the CEO (at the time) was against allowing LinkedIn to be accessible to lawyers from their office computers.

For some reason, I didn’t think of these “eureka” or “ah-ha” moments in communications technology, where something new — something we now take for granted today — was introduced to (or withheld from) my coworkers and I.

Instead, I thought of my mother, Diane Wilson, whose sudden and unexpected death in April 2009 was revealed to me not by a sad telephone call, but on Facebook. Death by Facebook, you might say.

I had last seen her right after a long lunch with a close friend I don’t see often enough at Pagliacci’s in Victoria. After lunch, on the way to the ferry home to Vancouver, I stopped in to see my mother at her apartment, and fixed something on her computer. I vaguely recall her asking me how she could get on Facebook. At the time, I knew little or nothing about Facebook; how things were about to change, for both of us.

Three weeks later, I was at a lacrosse game with my son when my daughter phoned me on my cell. She was at home, totally beside herself, and barely able to string a sentence together. “What’s wrong?” I asked. She couldn’t tell me because she was in tears. She said I had to leave the lacrosse game and get home right away. She wouldn’t say why. I left immediately and drove ten miles home wondering whether she’d been in a car accident, or she’d set the house on fire, or she’d thrown a baseball through our brand new flat screen television.

As soon as I came into the house, she took me by the hand and walked me immediately over to her Facebook page on the iMac, and pointed to the screen. (Remember, I wasn't on Facebook so I wasn't really sure what to look at. At the time, I never expected to be on Facebook, but my daughter and my son were on it constantly.)

My daughter showed me a "status update," posted perhaps 60 minutes previously by my niece in Calgary, which said something like this: "Grandma, we love you, RIP. You're in a better place now."

"What?" I asked myself.

My mom died in her apartment, in her sleep. My brother and my other niece couldn't reach her on the phone for a couple of days. They thought that maybe she was out for a walk, or napping, or out with a friend. My brother and his other daughter drove to my Mom's building in suburban Sidney to check on her. They found she had passed away, and my youngest niece, who lived in Victoria, immediately phoned her sister in Calgary to tell her. My niece in Calgary immediately posted the RIP in her status update on Facebook for the world to see.

When my brother phoned me a few minutes later to give me the sad news in "real time," I already knew what had happened because of his eldest daughter's Facebook post.

I make this point at the very start of the book to emphasize the importance of social networking sites like Facebook, and online communications generally. I also tell this story because of the differing conclusions one could draw from my eldest niece posting my mom's death on Facebook before the rest of the family knew about it.

I've certainly heard the comment more than once, "How could your niece be so insensitive to post your mom's death on Facebook before the rest of the family knew?" In terms of family dynamics, one could say posting my mom's demise on Facebook may not have earned my niece many brownie points for good "online reputation management."

In fairness to her, I don't think my niece was trying to be insensitive. My mom raised my two nieces from the time they were babies, so my mom (their grandmother) was the only mother they had ever really known. Losing her was like losing a "real" mother. My two nieces were in shock and grief, but rather than telephoning her friends (and one would have hoped, her uncle) to share the news and grieve one-on-one, my niece in Calgary did what many people younger than 30 might well have done in the same circumstances. She shared the

news with her “online” family, as insensitive as that might appear to her “offline” family.

This struck me as one of those eureka moments where a communication technology I wasn’t really familiar with, adopted fully by a particular group (in this case, people younger than 30), landed right in front of me with a big, loud thud. It was Death by Facebook.

1. The Digital Tattoo: Why Maintaining Online Reputations Is Important

The fact that everyone in the world can now be an author, photographer, videographer, and publisher (and I suppose, obituary writer), creates some interesting legal, business, and social issues.

Some of these issues are for businesses, small and large. It’s the reason a good half of this book is targeted to business. The following are some questions people in business may want to consider:

- What are people saying about my company, my business, my products, and my brand?
- How can I monitor what people say about my company?
- What should I do if people are saying uncomplimentary or even libelous or slanderous things online about me, my company, and my company’s products or services?
- What do I do if someone puts an uncomplimentary video on YouTube about my company or its products?
- What if someone creates a Facebook fan page dedicated to disparaging my brand? Can I sue? Should I sue?
- Are there strategies to adopt to deal with my company’s online reputation?
- What if some of the comments that are posted online are from my employees? Can I fire them?
- What if the comments are from my customers?
- If others mention my trademark, can I take legal action?
- If others disclose copyrighted information, how can I stop it?
- If everyone seems to be online these days, should my company have an online presence beyond a mere web page?

- Should we have a Facebook fan page, a regular blog, or other on-line ways to promote the company, the brand, and the products?

A good portion of this book will attempt to answer these questions, and at least half the book is geared for small-business people who need to understand they're not in Kansas anymore. It is important to know what consumers, employees, and critics are saying about your business so that you can deal with it, either with better public relations or better products. You need to know that you could lose your reputation in the marketplace and all you've worked for in a nanosecond.

This book isn't just a "business book" for companies. Online reputation management also applies to individuals and their activities online. In many ways, online reputation management can be even more important to individuals, whose relationships with family, friends, and coworkers can be detrimentally affected by their online conduct. That conduct may have an affect on them in the job market where momentary lapses of online reason, really bad judgment, and, dare I say stupidity, can be seen by millions of people, especially current and future employers. Online communications, photographs, and videos, potentially read by millions of people, can damage personal reputations, especially the reputation of the person making the comments in the first place.

This might not matter so much to people older than 30. This may be because "older" adults tend to share things with others in more private ways than the Internet, though there are always exceptions. As for those younger than 30, and particularly the 13- to 25-year-old age group that make up the mainstay of Facebook and other social media sites, it's safe to say that there has never been a generation so willing to share its innermost feelings, not to mention outrageous opinions and inappropriate videos and photographs (again, there are always exceptions). The problem is that many of these people don't seem to understand how the comments, photos, and videos posted online can be publicly accessible, profoundly inappropriate, defamatory to others, mind-numbingly stupid, career limiting, and, in some cases, criminal.

From the 15-year-old high school student's perspective, it might be a badge of honor to post photos of the weekend's wayward drunken vodka bender on Facebook, knowing that, as his or her parents aren't "friends" with the student, they won't see what people said about the night in their status updates, or the posted and tagged photographs with

all the bottles laying around the house. It might be cool to tell the world he or she belongs to groups that are sexually explicit, or that the person likes to swear like a truck driver on his or her “wall,” knowing only his or her “friends” will see it. Or it might be provocative to post (or allow to be posted) digital pictures that are sexually suggestive, or which might belong in *Maxim* magazine or in a Victoria’s Secret catalog.

However, it’s disingenuous to think one’s parents, teachers, or the people close to them (or for that matter, one’s future employers), won’t one day see the inappropriate photos and comments if the teen or 20-something has 750 friends on Facebook. (How can *anyone* have 750 real friends?)

The reality is that, despite amendments to Facebook’s worldwide privacy policies in 2009 and 2010 (thanks, in no small way to the actions of Canada’s Privacy Commissioner), it’s still possible to see and copy what many users have posted to Facebook. Maybe it’s because they haven’t figured out Facebook’s privacy policies. Despite activating some of those privacy settings, sometimes it’s still possible to access Facebook profiles through the “back door,” if someone has made comments or posts on public sites. (Who can figure it out? It changes every few months.) Maybe some people don’t care as much about privacy as older adults do. Maybe it’s like the old VCR machines that always flashed “12:00” because their owners didn’t know how to program them. Maybe Facebook’s privacy policy is so convoluted and so ever-changing, people give up on it or hope for the best.

The truth is, if comments, photos, or videos are anywhere online, there’s a chance they can be (or already have been) accessed and saved by others. The more provocative the content, the more friends the user has as part of his or her network, and the more that person is tagged or makes comments on other sites with his or her Facebook account, the more likely the content will be accessible and recirculated to others, and, I should add, retained in the archives of search engines and data aggregators, or on someone else’s computer.

What happens when the 16-year-old who’s made outrageous (and perhaps legally defamatory) comments online or has posted (or has allowed to be posted) sexually provocative photos of herself online, or photos of her drunk, is in the job market at 22, expecting to deal with clients of an employer, all of whom might be able to see what she posted (or allowed to be posted) five or six years earlier?

I can only echo what I've been told most of the Deans of Canada's law schools and business schools tell their new students each year. They are warned to watch what they say and do on social media and on their personal blogs or on forums. They are advised to get more professional email addresses than `mojokitty69@whatever.com`. They're told, in so many words, to "protect their reputations" because, quite frankly, "their reputations matter."

Clean up your Facebook pages. Clean up your blogs. Think before you post or upload. Your prospective employers will be looking for you and at you.

I can tell you firsthand as an employer, we do check online. Almost all employers check the "online footprints" of their potential employees these days. I check my potential employees' online footprint before I go to the trouble of hiring and training them. As an employer, taking stock of my future (or current) employees is easy to do and information is freely available with the click of a mouse.

Employers like me are in, what I hate to call the "real world," and if we can, we'll always check up on our prospective employees because we want to know why we should give the job to them and not someone else. I suppose it's the twenty-first century's version of checking out a reference letter, except we do the checking ourselves, online (or we'll hire an outside company to do it). We'll look for them on Facebook, MySpace, or Twitter, and Google their names. We'll even look for them in Google Images. We'll use Google Alerts. We'll read their blogs. They'll be judged, and indeed employed on the basis of their résumés, their education, their skill sets for the job, their personalities, their work ethics, their communication skills, and how they handled themselves in an interview (as well as on mundane issues such as their salary demands and our ability to pay them). They'll also be judged on the basis of that online footprint in the digital sand they've left for the world to inspect; those pictures of them provocatively dressed that were posted to Facebook or MySpace way back in 2008 that are still public, or the nasty rant about the boss in a 2006 blog post, or the vodka bottles lying around the kitchen at a party in high school where they're tagged on someone else's Facebook page. Conclusions will be drawn. Judgments will be made. Rightly or wrongly, a job candidate's "digital tattoo" may well be part of the hiring equation. It may not be fair, but suck it up; that's how the real world works.

And why not? My competitors are regularly checking the Web to see what I'm doing on it. All my prospective clients do the same thing when they're trying to determine whether to hire me to do their legal work. They'll look for me online everywhere they can. They'll read what's said about me on my firm's website, in media interviews I've done, and in columns I've written for *The Globe and Mail* and the many other publications for which I write.

Although I may use the Internet to check out a future or current employee or client, the consequences of leaving too large a footprint can be very harsh, as discussed in Jeffrey Rosen's article, "The Web Means the End of Forgetting," in *The New York Times* on July 23, 2010:

Examples are proliferating daily: there was the 16-year-old British girl who was fired from her office job for complaining on Facebook, "I'm so totally bored!!"; there was the 66-year-old Canadian psychotherapist who tried to enter the United States but was turned away at the border — and barred permanently from visiting the country — after a border guard's Internet search found that the therapist had written an article in a philosophy journal describing his experiments 30 years ago with LSD.

Rosen also discussed the case of Stacey Snider:

Stacy Snyder, then a 25-year-old teacher in training at Conestoga Valley High School in Lancaster, Pa., posted a photo on her MySpace page that showed her at a party wearing a pirate hat and drinking from a plastic cup, with the caption "Drunken Pirate." After discovering the page, her supervisor at the high school told her the photo was unprofessional, and the Dean of Millersville University School of Education, where Snyder was enrolled, said she was promoting drinking in virtual view of her underage students. As a result, days before Snyder's scheduled graduation, the university denied her a teaching degree. Snyder sued, arguing that the university had violated her First Amendment rights by penalizing her for her (perfectly legal) after-hours behavior. But in 2008, a federal district judge rejected the claim, saying that because Snyder was a public employee whose photo didn't relate to matters of public concern, her "Drunken Pirate" post was not protected speech.

He goes on to say:

All around the world, political leaders, scholars, and citizens are searching for responses to the challenge of preserving control of our identities in a digital world that never forgets ... Alex Türk, the French

data-protection commissioner, has called for a “constitutional right to oblivion” that would allow citizens to maintain a greater degree of anonymity online and in public places ... the European Union helped finance a campaign called “Think B4 U post!” that urges young people to consider the “potential consequences” of publishing photos of themselves or their friends without “thinking carefully” and asking permission.

After reading this, if you haven't run back to your computer to adjust your privacy settings, delete some photographs, and get others de-tagged, just remember Web 2.0 isn't as private as you might think, and even if you do adjust your privacy settings today so future employers can't see anything, there's still a chance something embarrassing, provocative, or career limiting is available on someone else's computer where the privacy settings haven't been tightened, or it's still archived in Google or another website that collects, retains, aggregates, and stores data.

Think of everything you say and do online, whether on Facebook, Twitter, personal blogs, forums, YouTube, or on other social media sites as your own, personal “digital tattoo.” We all know how hard and painful it is to get tattoos removed, don't we? And if we don't, we will.

2. Who Is This Book For?

This book is divided between reputation management for individuals and reputation management for businesses. Whether you're a business person looking for advice on protecting a brand's reputation or your company's reputation, or you're a parent or schoolteacher wanting to know more about protecting individual reputations, I can tell you this book is *not* for experts in web analytics, marketing theory, branding behavior, search engine optimization, online survey strategy, or for that matter, child psychologists studying the strange animal called the teenage brain. There are other books out there that will help you deal with those issues in more thorough, academic, and detailed ways if that's what you want. This book is introductory in nature, written to give you a general understanding of online reputation management issues.

Although this book is meant to be educational, it's not an academic textbook or a PhD thesis either. I like to stay around the 5,000-foot level, so that readers aren't burdened with too many details, yet they can come away with a good, basic understanding of what online reputation

management is, why it's important, and what happens when things go horribly wrong. I do that by relating stories; "war stories" if you like. That's because people can relate to stories and learn from them.

I also discuss in general ways, without getting mired in technical detail, what tools you can use to manage your online reputation so that you, your company, your child, or your student isn't on the front page of the newspaper because something he or she did is now posted on Facebook, YouTube, or Twitter. Parents, teachers, and school counselors might find this book to be useful, not only for themselves, but for the children they raise and the ones they teach.

It's written in such a way that you might actually finish reading it in a night or two, and be ready to read other books on the topic. Chapters are broken into distinct topic areas that you can read without necessarily having to have read other chapters beforehand. For example, if you're a parent, teacher, or school counselor, you might *not* be interested in corporate branding issues, copyright, or trademark law, or what you should consider when drafting employee social media policies. Those chapters are targeted at people in business.

However, you might be interested in how to find the metadata in Word documents your students have emailed to you (so you can see if the essay has been written by someone else), or you might be very interested in Chapter 7 on sexting, cyberbullying, and online academic cheating, and the excellent research into those areas being undertaken by Pew Internet & American Life Project (a US-based think tank studying issues on the attitudes and trends shaping modern life in the United States and the world), and the Cyberbullying Research Center (CRC).

Parents, teachers and business people might be interested in Chapter 5, which deals with the importance of apologies when you've made a mistake that affects your brand or reputation, and the tools you can use to craft a better apology than no apology at all, (or one that has obviously been written for public relations or legal reasons). Good apologies can save reputations. Bad ones can ruin them.

Or you might just want to see the various online tools which I discuss in Chapter 9. This chapter will help you discover ways of finding out what is being said about you, your business, or your products online.

Chapter 11 includes interesting news, facts, and information that is illustrative of issues in online reputation management.

One big problem is that things change quickly. By way of example, Facebook's privacy policy changed at least two times since October 2009 when I first started working on this book, and legal decisions from courts around the world continue to affect and change the on-line landscape regularly. By the time you read this book, some of the factual information may have changed. The practical advice I give you — the dos, don'ts, and other lessons about online reputation management as well as the sources where you can get further information — won't change, so I assure you, this book is worth reading.

Finally, this is also not a law book. The law regarding reputation management is interdisciplinary, complex, full of nuances, and always changing. I try to cover the basic legal concepts in this area broadly, without getting mired in details or legal niceties, and even then, the legal discussion is general in nature. You should not presume that the legal issues that I discuss are meant to supplant or replace the advice of legal professionals who would review the law as it applies to your particular circumstances, or within your particular jurisdiction. If you think something you have posted or otherwise published might be defamatory or might injure another's reputation, or if you think your own good reputation has been damaged by the comments of someone in an email, a blog post, a message board, a forum, on Twitter, on Facebook, on YouTube, or something as mundane as in a newspaper, you should be talking to a lawyer who knows something about this area. If you don't know where to find one, email me at twilson@boughton.ca or tonywilson1@gmail.com and I'll try to point you in the right direction. Or just Google me. I have a fairly large digital footprint, but I always make sure everything (I'll repeat — everything) that's said by me or is written about me online is there because I want it there. That's the first lesson, I suppose, in good reputation management. Take control of it. It's yours.

In any event, I hope the book will, at the very least, instill a sense of urgency to *monitor* and *manage*, and perhaps even *sculpt* what is said about you, and indeed, what is said by you, online so that you can protect yourself not only from others, but from yourself too.



1 AN OVERVIEW OF SOCIAL MEDIA

Like the telephone in the early twentieth century; the fax machine in the '70s; voice mail in the '80s; email and online forums in the '90s; and blogs, instant messaging, and text messaging on smartphones in the '00s; in this decade, online communication through social networking and other social media is the way many people relate to each other now.

The online environment we live in today, when compared with the environment in 1990 or even 2000, is quite unlike any in which we have ever lived. It's a different world than the one I grew up in. This world has its own customs, protocols, conventions, inside jokes, and taboos.

The Internet wasn't invented by former US Vice President Al Gore. It really started in 1969 as a US Department of Defense project called Advanced Research Projects Agency Network (ARPANET) and connected four US universities to exchange information across a network of computers. The web browser only came into existence with the development of Mosaic in 1993. In the mid-'90s, commercial services such as AOL and CompuServe started offering access to the Internet through subscribed services.

A survey done in December 2009, performed by Pew Internet & American Life Project, revealed that —

- 74 percent of all American adults (ages 18 and older) use the Internet;
- 60 percent of American adults use broadband connections at home; and
- 55 percent of American adults connect to the Internet wirelessly, either through a WiFi or related connection on their laptop, BlackBerry, iPhone, or other wireless device.

As for email, The Radicati Group, a technology market research company headquartered in Palo Alto, California, estimates that 247 billion emails per day were sent in 2009 (of which 81 percent were estimated to be spam, leaving perhaps 47 billion legitimate emails per day). The Radicati Group also estimated that the average corporate user sends and receives approximately 110 messages daily, and around 18 percent of those emails are spam, which includes actual spam and what is termed graymail (i.e., unwanted newsletters, alerts). As of May 2010, there were 2.9 billion email user accounts, and this is expected to grow to 3.8 billion by 2014.

In The Radicati Group's "Email Statistics Report, 2010" (available at Radicati.com), in 2010, 75 percent of all email accounts were owned by consumers, and 25 percent were owned by businesses. This 75/25 ratio is expected to stay constant until 2014. Of all the email users, 47 percent are located in Asia and the Pacific (i.e., China, India, Japan, Oceania), while 23 percent of email accounts are in Europe, and 14 percent in North America.

1. Networking Sites

In July 2010, Facebook reported that it had more than 500 million registered users; if it were a country, it would be the third largest nation in the world after China and India. (By 2015, it may surpass both!) Facebook states that the average user has 130 friends, and that people spend more than 700 billion minutes per month on Facebook. Its users share more than 30 billion pieces of content each month. The average user is connected to 80 pages, groups, and events, and creates 90 pieces of content monthly. Fifty percent of Facebook's active users log on every day. Interestingly enough, only 30 percent of Facebook's users are in the United States. There are more than 150 million active users currently accessing Facebook through mobile devices such as BlackBerrys, iPhones, and other mobile telephones.

Facebook's own statistics show that people who use Facebook on their mobile devices are twice as active on Facebook as laptop or desktop users. You wonder why television is dying? Everyone's eyes seem to be on their computers accessing Facebook and other social networking sites.

Whereas Facebook is for friends connecting with other friends, LinkedIn is for businesspeople connecting with other businesspeople, whether for jobs, business opportunities, profile upgrading, or other networking where one knows that other businesspeople will be looking. It had 75 million registered users in 2010.

Facebook and LinkedIn aren't the only social networking sites that people belong to and use. What social networking site you use depends on where you are in the world, and what you're looking for in a social networking site (i.e., business, pleasure, music, dating, shopping), your age, your occupation, your first language, the "market niche" of the site, and what network your other friends and contacts are using. There's Bebo, MySpace, Friendster, hi5, orkut, PerfSpot, Yahoo! 360°, Zorpia, Netlog, Sales Spider, StumbleUpon, Delicious, Digg, Classmates, Xanga and many more (especially if you include all the dating sites). In fact, Apple launched Ping, a music social networking site the day I wrote this paragraph. However, in this book, I'm going to concentrate on Facebook because it seems to be the one site where everyone "is" and where everyone makes the most mistakes. At least until something else comes along to replace it.

2. Video Sharing

YouTube, the online video-sharing platform, announced in 2010 that 2 billion YouTube videos were viewed per day. In 2010, it celebrated five years of existence. The company was created by three employees of PayPal: Steve Chen, Chad Hurley, and Jawed Karim. They developed what would become the world's leading video-sharing platform. YouTube has made it possible for anyone with a video camera (or a camera, or a cell phone that can shoot video), to post a video on the Internet that can be seen by hundreds of millions of people almost immediately.

YouTube is not without criticism. It relies on its users to highlight videos or content that can be arguably pornographic, that contains copyrighted or trademarked property owned by others, or otherwise contains questionable content that might be deemed defamatory or a breach of YouTube's terms of service that all who upload must agree to.

Clean Cut Media, a website studying the influences of media and pop culture, states that YouTube is the fourth largest destination on the Internet, and the largest video-sharing site. It has 300 million worldwide visitors per month allowing in excess of 5 billion video streams per month. Every day, close to 3.5 million people visit YouTube. The number of videos posted on YouTube in 2008 was estimated to be 83.4 million, and some sources believe the number to be closer to 150 million in 2010.

The market research company, comScore, states the obvious when it claims that YouTube is the “dominant provider of online video” in the United States. More than 14 billion videos were viewed in May 2010, and 24 hours of new videos are uploaded to YouTube every minute.

YouTube has created its own celebrity culture whereby so-called “ordinary people” become famous for no other reason than having appeared on YouTube. Or, because they shot a YouTube video that becomes popular and goes viral. For example, Chad Vader: Day Shift Manager, Amber Lee Ettinger also known as Obama Girl, Chris Crocker for his sobbing rant: “Leave Britney Alone,” and “Bree” for LonelyGirl15 (a fictional story of teenage girl and the video diary of her life).

YouTube also has an interesting business model, at least for the “pirated” clips you can see on YouTube if you look for them. Pirated clips of movies, TV shows, and other copyrighted productions posted by third parties that you’d think would be pulled off of YouTube by the legal departments of Paramount, 20th Century Fox, or other copyright owners, are often allowed to remain on YouTube as long as YouTube and the copyright holder split the ad revenue generated from the page the clips are on!

Business, nonprofits, “traditional” media, politicians, and interest groups of all types have taken advantage of YouTube’s ability to get video messages to individuals without paying for distribution; in a way, democratizing the “airwaves” in a way television cannot.

Whether you like it or not, YouPorn (the pornographic website modeled on YouTube but which is in no way related to YouTube), is the largest free pornographic site in the world and has been ranked among the top 50 most accessed websites in the world.

3. Cell Phones and Texting

The very first mobile telephones were put into New York City police cars in 1924, although cell phones or mobile phones didn't become prevalent until the early 1990s (when some of them looked like, and were as heavy as, bricks). The adoption of this technology has been astounding and transformative, especially in the developing world; in some areas in Asia and Africa, the finance and development of land lines has taken a backseat to the adoption of mobile telephone infrastructure.

By the end of 2009, there were an estimated 4.6 billion mobile phones in use throughout the world. China has a staggering 786,000,000 mobile phone subscribers. India has more than 600,000,000 mobile phone subscribers and the United States has more than 285,000,000. Even less developed countries such as Pakistan (97,000,000 subscribers) and Nigeria (64,000,000 subscribers) have large and growing mobile phone markets.

Most cell phones manufactured since 2005 have the ability to use Short Message Service (SMS) or text message if the subscriber pays for it. Although anyone older than 50 might find the idea of texting with one's cell phone ridiculous when one could just as easily phone the person directly, texting short messages is often used when it's inconvenient or impractical to have a telephone conversation, such as during a meeting, when the surrounding noise (or company) makes a telephone conversation problematic, or if you're a student, while in class. If you're a parent and your kids don't pick up their cell phones or check their voice mail, rest assured the kids will certainly check their text messages. Remember, you're more likely to reach them with a text these days than a phone call.

Of all mobile or cell phones, 75 percent have text capabilities. SMS text messaging, where the sender is limited to 140 (or 160) characters, may well be the most utilized text data application in the world today, even more prevalent than email given its widespread usage in China, India, and other parts of Asia. In China, it's estimated that 700 billion text messages were sent in 2007. In the Philippines, more than 400 million text messages a day are sent (142 billion text messages a year). Text messaging is so prevalent in India, that service providers text transit alerts, cricket scores, and allow for mobile billing and banking services to be performed via text messaging. Over the years,

text messaging has expanded to include digital images, sounds, and video sent via Multimedia Messaging Service (MMS).

There have been unfortunate social side effects of the use of texting on mobile phones. Driving while texting is one obvious example and many jurisdictions have banned all use of mobile devices while driving given that automobile accidents are more likely to happen when the driver is texting a message and not watching the road (duh). Another is the misuse of language that has evolved through the use of texting shorthand (e.g., lol, 2day, lmao, b4, gr8); changing English and other languages (e.g., in China, the numbers 520 sound like the Mandarin words for “I love you”).

Perhaps the worst social side effect from texting, and one that relates to reputation management, involves “sexting,” where teenagers try to impress (or entice) each other by sending either sexual content within a text message, or sexual images they have taken of themselves with their cell phones. What’s worse is when these private communications are re-sent to others; the sender (often being a teenage boy who received the “sext”) is potentially in possession of child pornography and subject to criminal prosecution. If re-texted to others, these sexts could well lead to convictions for distribution of child pornography. (Sexting is discussed in greater detail in Chapter 7.)

We can’t forget golfer Tiger Woods’ exploits (discussed in Chapter 3), that were exposed after his wife Elin found sexually charged text messages on Tiger’s cell phone. A few of Tiger’s girlfriends actually kept these text messages, eventually publishing them on websites and releasing them to the media. (Texts aren’t private, Tiger!)

4. Twitter

According to Twitter’s website: “Twitter is a real-time information network powered by people all around the world that lets you share and discover what’s happening now.” Twitter enables users to send and read other users’ messages (called “tweets”), which are text-based posts of no more than 140 characters to a mass audience of “followers.” Tweets are visible publicly, as is the very intention of Twitter. Users may subscribe to other authors’ tweets.

San Antonio-based market research firm Pear Analytics analyzed 2,000 tweets which were sent in English from the United States over

a two-week period in August 2009 and categorized the tweets as the following:

- Pointless babble (what one might also call “small talk”): 40.55 percent
- Conversational: 37.55 percent
- Pass-along value: 8.7 percent
- Self-promotion: 5.85 percent
- Spam: 3.75 percent
- News: 3.6 percent

There were more than 100 million registered Twitter users as of May, 2010. The US Library of Congress stated that it will be acquiring, and permanently storing the entire archive of public Twitter posts since 2006.

5. Social Media Is Here to Stay

Digital communications are here to stay, and communication through social media will only get more prevalent until something else supplants it. Online forums, blogs, and social networking sites such as Facebook have revolutionized the way people communicate with each other and share their day-to-day experiences, their opinions (thoughtful, bad, ridiculous, poorly informed, or just plain dull), their photographs, and their videos. It’s never been so easy to “publish” something, and have it read by dozens, hundreds, or even millions of people, almost instantaneously. It could be about a particular product or service offered by a business, a meal at a restaurant, the quality of rooms in a hotel, or a high school teacher or university professor. It could be about a particular person. And yes, you can read a death announcement before anyone else in the family hears about it.

A survey released by Pew Internet & American Life Project on July 2, 2010, posed a question (which was framed as two questions in the positive and the negative) that respondents were asked whether they agreed or disagreed:

“In 2020, when I look at the big picture and consider my personal friendships, marriage, and other relationships, I see that the Internet has mostly been a *positive/negative* force on my social world. And this will only grow more true in the future.”

Eighty-five percent of respondents agreed with the positive statement and 14 percent agreed with the negative statement.

Said the Pew Internet report: “Humans” use of the Internet’s capabilities for communication for creating, cultivating, and continuing social relationships is undeniable. Many enthusiastically cited their personal experiences as examples and several noted that they had met their spouses through “Internet-borne interaction.”

Many of the respondents agreed that “time spent online robs time from important face-to-face relationships; the Internet fosters mostly shallow relationships; [using] the Internet to engage in social connection exposes private information; the Internet allows people to silo themselves, limiting their exposure to new ideas; and the Internet is being used to engender intolerance.”

Respondents also noted that “geography is no longer an obstacle to making and maintaining connections.” However, others observed that there will be “variations of depression caused by the lack of meaningful quality relationships.”

There may also be new ways of how users define friendship and privacy that are different than how we might define those concepts or use those words in the future.

Some of the respondents commented on how they met their spouse online, reconnected with old school friends, and stayed in touch with family and friends overseas. These will all be normal things for those born of the Internet age.

So let’s look now at why it is important to manage your online reputation, and some strategies to do it.