



# SOCIAL MEDIA POLICY PLANNING

Online social networking is changing the way people communicate and is fast becoming a requirement for organizations to strategically compete in today's business world. Social media has also become the newest form of discoverable data, and therefore the subject of ever-increasing risk. Corporations are now faced with the significant task of creating and managing a legally defensible strategy and policy to address the electronically stored information (ESI) produced by this medium.

**A Social Media Policy is not simply about policing, but rather setting guidelines for net etiquette and corporate communication on behalf of the company.**

## THE SITUATION

Addressing social media and related e-discovery requirements is one of the biggest challenges facing corporate IT and legal departments. IT must comprehend the legal implications and potential spoliation and sanctions that result from e-discovery missteps and legal must understand the limitations of IT regarding e-discovery and more importantly how social media figures into the mix.

These new social communication tools offer organizations both vast rewards and risks. Many organizations don't have guidelines for what types of information their employees can share in these forums, nor do they know the extent with which they are being utilized. This is further

complicated by the fact that the vast majority of companies would not be able to comply with e-discovery requests for social media information generated by employees. The consequences can be enormous if policies are not implemented. The challenge though is to take advantage of the benefits of social media within a governance framework that includes steps to manage the risks.

## THE SOLUTION

Scarab analyzes an organization's use of leading social media platforms and determines what they should be doing from a policy perspective. This analysis focuses on risk mitigation while supporting the organization's communications and marketing strategies. Scarab Consultants can implement governance: providing the framework for a company's employee empowerment and accountability, developing a Social Media Policy and related procedures, and monitoring systems and metrics that balance risk and opportunity.

While prompt action is always necessary at the start of litigation, it is of particular importance in regard to social media sites to prevent the loss of potentially relevant information. Information can change daily and spoliation of critical evidence can occur quickly. Scarab Consultants are experts at identifying the multitude of places that social media content is created and stored. There is an even greater risk of exposure and negative repercussions for publicly traded companies if employees inappropriately share news or make comments that breach the rules of fair disclosure. Scarab consults with publicly traded companies to develop policies that take into consideration the unique matters that face them.

The Policy Implementation Plan incorporates client-specific procedures and provides a set of established methods for conducting the affairs of the organization. Scarab then assists in developing appropriate procedures to implement the policy which provides the consistency needed to decrease process variation when e-discovery matters arise. At times, third-party technology may be required to manage the communication content flow via social media platforms. Through best-of-breed affiliations and partnerships, Scarab is able to appropriately match technologies for the monitoring or archiving of communications consistent with the approved policy.

With social media increasingly infiltrating every aspect of the corporate environment, companies must regularly audit procedures. Case law and industry regulations regarding social media will continue to change, so Scarab offers a unique six month follow-up Audit Plan. Upon review and revisions for compliance by Scarab consultants, an organization's policies, procedures, and processes will remain defensible.

### THE BENEFITS

A Social Media Policy Plan enables organizations to have a policy and procedures in place that address the complex and changing issue of social media. Benefits include;

- ✓ Legally defensible policy for social media ESI
- ✓ Significantly reduces risk of spoliation and sanctions
- ✓ Reduction of costs and time when a matter involving social media arises
- ✓ Prepare for FRCP (26a) by identifying all potential sources of ESI
- ✓ Improve ability to negotiate during Meet & Confer
- ✓ Expert knowledge of new regulations which may affect policies

### ABOUT SCARAB CONSULTING

Scarab Consulting provides global, results-driven, litigation and investigation oriented discovery services including collections, social media surveillance, processing (electronic and paper), hosting, managed review and court reporting/deposition services to corporations and their law firms, managing the risks and cost before and during litigation. Scarab Consulting's professional consultants utilize their industry-proven experience inside large corporations and law firms to provide proactive, legally defensible and technically sound services relative to information governance and litigation preparedness. With a suite of fixed-priced consulting solutions, Scarab Consulting is able to custom design a solution to fit each client's needs. Legal/technology driven solutions for litigation and e-discovery including electronic data processing, review, and hosting, as well as document scanning and coding, help increase efficiency and reduce costs for organizations. Powerful technology enables Scarab Consulting's Social Media Surveillance Services to monitor web sites and collect information related to the issues and target individuals associated with a particular matter. In addition, Scarab Consulting provides accurate, timely, and quality court reporting and deposition services delivered by a highly qualified, dedicated Scarab Consulting case management team. Scarab Consulting's alliance with numerous technology providers ensures that the industry's best practices e-discovery and litigation tools are utilized, guaranteeing the best possible solution for every client. For more information, go to [www.consultscarab.com](http://www.consultscarab.com).