

Guidelines for use of Social Networking and other Web 2.0 Tools.

Learning and Information Services

Introduction

Social Networking sites are primarily aimed at helping people keep in touch with each other, collaborate and share information.

Examples of the 'keeping in touch' sites are Facebook (www.facebook.com), MySpace (www.myspace.com) and bebo (www.bebo.com). Many of the staff at the University will either use these sites or have friends, colleagues or relatives who use them. Examples of information sharing sites are youtube and flickr (www.youtube.com, www.flickr.com) which help share photos and images and are offer a searchable repository of interesting content. Examples of collaboration and communication sites are WetPaint, Blogger (www.wetpaint.com and www.blogger.com).

All of these web 2.0 sites offer interesting services which can help the University deliver services, improve communication, and improve teaching and learning. They do however carry a legal risk when using them. This guidance note attempts to inform staff of the risks and appropriate controls which can help.

An overview of what Web 2.0 is can be found in the JISC publication - <http://www.jisc.ac.uk/publications/publications/web2socialsoftwarev1.aspx>.

Legal Risks

The legal risks of using web 2.0 tend to summarise into the following categories:-

IPR & Confidentially

Many web 2.0 sites have policies whereby they take ownership of the Intellectual Property Rights IPR of any content published on their site. By signing up to the site and uploading content (personal or work related) you may be giving the site ownership of your content for onward distribution. By publishing University information on such a site you may be giving away IPR that you are not entitled to do. Furthermore, you may be in breach of confidentiality clauses in partner contracts if you share inappropriate information via web 2.0 sites.

Data Protection

All UK organisations have legal obligations under the Data Protection Act. There is a significant liability to the University if the act is breached. The Data Protection Act commits the University and its staff to appropriately manage people's personal data. Anyone within the University who might use a web 2.0 site for staff or student data would come under the control of the act. As an example, if an academic requires a group of students to create accounts on a social networking site and have a discussion. The academic may have in effect asked the students to put personal information (name, address, age etc) on a 3rd party web site. If that information was provided by the 3rd party provider to other organisations (eg mailing lists) or was accessed and used for fraud then the academic and University may be liable under the Data Protection Act.

There is guidance from the Data Protection Act that states anyone using a 3rd party service (eg web 2.0 sites) must ensure they:-

- Select a reputable organisation offering suitable guarantees about their ability to ensure the security of personal data.
- Make sure the contract with the organisation is enforceable.
- Make sure the organisation has appropriate security measures in place.
- Make sure that they make appropriate checks on their staff.
- Audit the other organisation regularly to make sure they are 'up to scratch'.
- Require the organisation to report any security breaches or other problems.
- Have procedures in place that allow you to act appropriately when you receive one of these reports.

It should be noted that typically it is not possible to meet the above by using any web 2.0 site outside of Europe unless the provider has specific policies and contracts in place to support the above. Providers such as Facebook do not. Guidance should be requested from Learning and Information Services before using such services in a way that they will hold personal data.

Disability Discrimination

There may be issues relating to the use of web 2.0 sites if they do not offer appropriate accessibility support for staff or students with disability.

Privacy

Information placed on web 2.0 sites is typically very public and whilst you may be happy to make public your own information and content (eg photos), you could be liable if you make other peoples details or content available without permission. Many sites have privacy settings which can help you control visibility of your information. You should always understand what these are, decide what you need and make the changes before adding any information. Typically sites have their default privacy settings set to be as 'open' as possible. It is likely you will need to change them. Open access to information can also create safety issues, for example, if meetings are arranged (especially with minors) on web 2.0 sites – you cannot be sure who has access to the information and may exploit it.

What is the Learning and Information Services Strategy

Learning and Information Services is required to manage a delicate line between corporate responsibility and legal conformance with the adoption of new and exciting technology to support the University in delivering its services. Clearly, the former take precedence.

Learning and Information Services believes that web 2.0 technology will continue to grow in importance and usage within the University. We need therefore to support usage, but ensure control and compliance. To achieve this balance, LIS will both offer advice and guidance on web 2.0 services to support staff in using the technology, but also maintain control via audit to ensure there are no liabilities being created.

To date, Learning and Information Services has been involved in a number of web 2.0 projects. Some of these projects have had to be stopped, some have been moved to alternative providers (who offer appropriate data protection services), and some have been brought 'in-house' so we can control the data.

LIS wants to help staff exploit technology for the benefit of the University and its students. With web 2.0 technology, this can prove difficult because of the legal constraints within which UK organisations operate. Support will be provided to find alternative solutions where particular providers of web 2.0 carry too much risk for the University.

LIS plans to develop further information and support materials to help staff on the usage of web 2.0 technologies. Please ask us if you need help.

Contact details:

Neil Williams, Learning & Information Services, x1531

Further Information:

For further information, readers are recommended to contact the Centre for Educational Development & Materials (CEDM).