

BLOGS

“Blogs” are online journals or diaries. The name comes from “weblog,” a combination of “web” and “log.” Blogs have become a popular way to publish news and opinion on current events, hobbies, or interests. Individuals and entities such as corporations, media outlets, unions, political parties, clubs and similar organizations use blogs as a forum for parties to share common interests or express personal or institutional opinions. Individuals may also create personal websites such as those found in MySpace for similar self-expression.

In recent years legal problems have emerged with employee use of personal blogs or websites. Employers have fired employees for defamation and breach of confidentiality for information disclosed, comments made, or opinions expressed on blogs and personal websites.

The following policies help address some of the issues associated with employee blogs and websites. You should be aware, however, that new technological tools, such as blogs, pose new legal issues. Employers should be prepared to address these new issues and to revise any policies as the law catches up with technology.

Example #1

[Company Name] views personal websites and blogs (“blogs”) positively, and it respects the right of employees to use them as a medium of self-expression. Some blog readers, however, may confuse your personal website or blog, or their contents, as a reflection of [Company Name] policies or practices, product lines, services, political stances, ethical or moral beliefs, and the like. For this reason, you may not identify yourself as a [Company Name] employee, nor are you allowed to create the impression that you are speaking for or on behalf of [Company Name]. In addition, you are not allowed to display the [Company Name] trademark, logo or any other design that may be confused with the [Company Name] trademark or logo, on your personal website or blog. Finally, do not disclose any information that is confidential or proprietary to the company or to any third party that has disclosed information to us. For good measure, consult the company’s confidentiality policy for guidance about what constitutes confidential information. Should you violate this policy, [Company Name] reserves the right to impose discipline, up to and including termination.

Example #2

1. Please make it clear to your readers that the views you express are yours alone and that they do not necessarily reflect the views of [Company Name]. To help reduce the potential for confusion, we would appreciate it if you put the following notice – or something similar – in a reasonably prominent place on your site (e.g., at the bottom of your “about me” page):

The views expressed on this website/blog are mine alone and do not necessarily reflect the views of my employer.

Many bloggers put a disclaimer on their front page saying who they work for, but that they're not speaking officially. This is good practice, but may not have much legal effect. It's not necessary to post this notice on every page, but please use reasonable efforts to draw attention to it – if at all possible, from the home page of your site.

2. Be careful to avoid disclosing any information that is confidential or proprietary to the company or to any third party that has disclosed information to us. For good measure, consult the company's confidentiality policy for guidance about what constitutes confidential information.
3. Please remember that your employment documents give the company certain rights with respect to concepts and developments you produce that are related to our business. To avoid conflicts or discrepancies, please consult your manager if you have questions about the appropriateness of publishing such concepts or developments related to the company's business on your site.
4. Since your site or blog is a public space, we hope you will be as respectful to the company, our employees, our customers, our partners and affiliates, and others (including our competitors) as the company itself endeavors to be.
5. You may provide a link from your site to the corporate website. However you must receive permission from _____ at [Company Name] to use company trademarks or reproduce company material on your site.
6. Finally, please be aware that the company may request that you temporarily confine your website or blog commentary to topics unrelated to the company (or, in rare cases, that you temporarily suspend your website or blog activity altogether) if it believes this is necessary or advisable to ensure compliance with securities regulations or other laws.

Any violation of this policy will lead to discipline, up to and including termination. If you have any questions about these guidelines or any matter related to your site that these guidelines do not address, please direct them to _____.

Example #3

[Company Name] recognizes that some of our employees may choose to express themselves by posting personal information on the Internet through personal websites, blogs, forums, news groups or chat rooms, by uploading content, or by making comments at other websites or blogs. We value our employees' creativity and honor your interest in engaging in these forms of personal expression on their own time, should they choose to do so.

However, problems can arise when a personal posting identifies or appears to be associated with our Company, or when a personal posting is used in ways that violate the Company's rights or the rights of other staff members.

No Personal Posting Using Company Resources

You may not use Company resources to create or maintain a personal blog or a personal website, or to upload content or make personal postings online, nor may you do so on Company time.

Posting for Company Purposes

You may use Company resources and time to post to sites if it is necessary to do so as part of regular job duties. Content should be reviewed for appropriateness, tone, and content before posting. Anything you write on the Internet in the course of acting for the Company can be taken as representing the entire Company. You should contact your manager or the Director of IT with questions about the appropriateness of a site or message.

Guidelines for Online Posting

You are legally responsible for content posted to the Internet, in a blog or otherwise, and can be held personally liable for defaming others, revealing trade secrets or proprietary information, and copyright infringement, among other things.

Company policies apply to anything written in a personal blog, posted to the Internet, or uploaded to the Internet. You may not use personal postings to harass or threaten co-workers or reveal Company trade secrets or confidential information. Embarrassing or unkind comments about other Company employees, clients, or competitors would also be inappropriate.

If, in the process of making a personal post or upload on the Internet, you identify yourself as employed by [Company Name], whether by explicit statement or by implication, you must clearly state the views expressed in the post, or at the blog or website, are your alone, and do not reflect the views of the Company.

You may not use Company trademarks, logos, or other images, nor make false or misleading statements about the Company's philosophy, products, services, opinions, or affiliations with other companies.

[Company Name] may have a legal duty not to disclose certain facts, particularly about its clients and projects. Revealing this information on the Internet could cause very serious problems. Personal postings will be read not only by friends and family, but possibly by co-workers, your manager, and the Company's clients and competitors. Even if a post is made anonymously or under a pseudonym, the identity of the author can be discovered with relative ease. Exercise sound judgment when posting content.

Example #4

[Company Name] recognizes that blogs, other types of self-published online journals, and collaborative Web-based discussion forums can be highly effective tools for sharing ideas and exchanging information of all kinds. [Company Name], for its part, is committed to using these electronic communications to promote [Company Name's] visibility and maintain communications with current and prospective employees, customers, business partners, vendors and suppliers, affiliates and subsidiaries, and the general public.

[Company Name] also is concerned with ensuring that use of such communications serves [Company Name's] need to maintain [Company Name's] brand identity, integrity, and reputation while minimizing actual or potential legal risks.

[Company Name] therefore establishes the following rules and guidelines for communicating [Company Name] information via blogs or other electronic communications, whether used in or outside the workplace. Any violation of this policy will lead to discipline, up to and including termination

Rules and Guidelines for Blogging

1. General Rules and Guidelines

The following rules and guidelines apply to blogging, whether blogging is done for [Company Name] on company time, on a personal Website during non-work time, or outside the workplace. The rules and guidelines apply to all employees and Board members.

- 1.1 [Company Name] strongly discourages employees from discussing publicly any work-related matters, whether confidential or not, outside company-authorized communications. Nonofficial company communications include Internet chat rooms, employees' personal blogs and similar forms of online journals or diaries, personal newsletters on the Internet, and blogs on Websites not affiliated with, sponsored, or maintained by [Company Name].
- 1.2 Employees have a duty to protect employees' home addresses or other personal information and the confidentiality of [Company Name] trade secrets, marketing lists, customer account information, strategic business plans, competitor intelligence, financial information, business contracts, and other proprietary and nonpublic company information that employees can access.
- 1.3 Employees cannot use blogs to harass, threaten, malign, defame, disparage or discriminate against co-workers, managers, customers, clients, vendors or suppliers, any organizations associated or doing business with [Company Name], or any members of the public, including Website visitors who post comments about blog contents.
- 1.4 [Company Name] provides annually to all employees a paper copy of [Company Name's] blogging rules and guidelines. Employees must sign a written acknowledgment, which is retained in employees' personnel files, that employees received, read, understood, and agreed to comply with [Company Name's] blogging rules and guidelines and any related [Company Name] policies pertaining to on- and off-duty conduct, including company policies on electronic resources, discrimination and harassment, ethical conduct, non-competition, and whistleblowing.
- 1.5 Employees are expected to complete [Company Name's] annual refresher training and education program on ethical conduct, which includes segments on blogging activity, management of risks associated with blogging, and company rules and guidelines on blogging.

2. Company Blogs

[Company Name] authorized, blogs may be used for a variety of reasons, including conveying information about company products and services, advising clients about product updates, obtaining customer feedback, exchanging ideas insights about industry trends, reaching out to potential new markets, providing sales and marketing support to raise awareness of [Company

Name's] brand, issuing or responding to breaking news or negative publicity, brainstorming with employees and customers, and discussing specific corporate or department activities and events.

All [Company Name] related blogs, whether on [Company Name's] external Website or Websites of [Company Name's] subsidiaries or affiliates, are subject to the following rules and guidelines, in addition to rules and guidelines set out in Section 1 above.

- 2.1 Only employees designated and authorized by [Company Name] can prepare content for or delete, edit, or otherwise modify content on [Company Name's] blog, including any business unit or department blog, located on [Company Name's] Website.
- 2.2 Employees cannot post on [Company Name's] blog, including any business unit or department blog, any copyrighted information where written reprint permission is not obtained in advance.
- 2.3 Business units or their departments that maintain blogs are responsible for ensuring that the blogs conform to all applicable company rules and guidelines on blogging. Business unit or department heads are authorized to remove immediately and without advance warning any illegal or otherwise nonconforming content, including offensive content such as pornography, obscenities, profanity, and racial or ethnic epithets.
- 2.4 Employees who want to post comments in response to content on [Company Name's] blogs are asked to identify themselves as employees.
- 2.5 [Company Name] expects invited guest bloggers on company-owned or -sponsored sites to abide by [Company Name's] blogging rules and guidelines. [Company Name] reserves the right to remove without advance notice inaccurate or inappropriate content created by guest bloggers and can take other action, including legal action, against guest bloggers who fail to abide by [Company Name's] blogging rules and guidelines.

3. Personal Blogs

The following rules and guidelines, in addition to rules and guidelines set out in section 1 above, apply to personal blogs.

- 3.1 Employees cannot use [Company Name] owned computers, company-licensed software, or other electronic equipment or facilities for non-business use, including personal blogging during work time.
- 3.2 Employees who maintain blogs on their own or another Website and choose to identify themselves as employees of [Company Name] must state explicitly, clearly, and in a prominent place on the site that views expressed in their blogs are employees' own and not those of [Company Name] or of any person or organization affiliated or doing business with [Company Name].
- 3.3 [Company Name] respects employees' right to express personal opinions in personal blogs and does not retaliate or discriminate against employees who use their blogs for political or other lawful purposes.
- 3.4 Employees cannot use [Company Name's] logo or trademarks or the name, logo, or trademarks of any business partner, supplier, vendor, affiliate, or subsidiary on any personal blogs or other online sites unless their use is sponsored or otherwise sanctioned, approved, or maintained by [Company Name].

- 3.5 Employees cannot post on personal blogs [Company Name's] copyrighted information or company-issued documents bearing [Company Name's] name, trademark, or logo.
- 3.6 Employees cannot post on personal blogs photographs of company events, other employees or company representatives engaged in [Company Name's] business, or company products, unless employees have received [Company Name's] explicit permission.
- 3.7 Employees cannot advertise or sell company products or services via personal blogs.
- 3.8 [Company Name] discourages employees from linking to [Company Name's] external or internal Website from personal blogs.

This information is general in nature and is meant as a guide for members of Washington Employers. As such, it is not intended to be, nor should it be used as, legal or management advice. If you have a question about a specific situation, please contact a Washington Employers' professional staff member at (206) 329-1120.