

Bars help inform members about ever-changing Facebook privacy settings

As bar associations increase their use of social networking sites such as Facebook, they increasingly rely on technologies and standards that are not yet fully established. This has become most visible in recent months in the area of user privacy.

Many bars have been encouraging their members to “friend” or “fan” the bar on Facebook. If Facebook later changes its privacy policy and, as a result, makes it harder for its users to keep information about themselves private, do bars have an obligation to let their members know about the changes? Should bars, in general, help to keep members up to date about these issues?

“I think everyone is asking these questions, and there's no clear answer that works for everyone,” says Landry Butler, publications and advertising coordinator for the Tennessee Bar Association, and a member of the NABE group that helped to develop social networking guidelines for bars to consider.

Butler says it makes sense from a member relations point of view to try to keep members informed of any developments in privacy matters that may affect them. But he's not sure how much further bars need to go. “At the same time, I don't think that the bar is responsible for what Facebook does,” he notes. “Bar members who use Facebook mostly do so for friends and family. It just so happens that the bar also has a presence.”

Others express varying opinions on how much of an obligation the bar has in these areas, but all say the association is well advised to make some effort to alert members to the potential privacy breaches that can occur when using sites such as Facebook, LinkedIn, and others where search engines and the general public can view all or part of what you say there.

“Should you encourage the bar members to come and participate as a fan on your Facebook site? Absolutely. Is it the bar's responsibility to keep members up to date on privacy implications? It would be a best practice,” says Catherine Sanders Reach, director of the ABA Legal Technology Resource Center.

Reach says most of the bar's educational efforts to lawyers on the use of social media tend to be about possible ethics violations where a lawyer may reveal too much information about a case on a social networking site. “We have a duty to teach lawyers about these issues,” she believes.

A bar member who didn't previously use Facebook and was encouraged to do so by the bar, could later be upset to learn that some of what the member thought were private conversations were actually part of the permanent Internet record, Reach says.

To prevent such a situation, Reach suggests that bars develop tutorials on how to use sites like Facebook, and include discussion of the privacy issues. The tutorials should be placed near areas where the bar invites members to join them on Facebook, and also on the bar's Facebook page itself.

The Alabama State Bar recently distributed a reprint of an article to its members called “Facebook Privacy Changes: Five Can't-Miss Facts,” says Brad Carr, director of communications. Carr says ASB leaders believe they have a “responsibility to keep our members educated and apprised if they are using social media.”

Encouraging members to “join us on Facebook” can lead to inadvertent consequences, says Jim Calloway, Management Assistance Program director for the

Oklahoma Bar Association. “The problem is that we present different personas, depending on our situation, and that Facebook combines all of these together.

“You may go on a vacation with your family, and not want to have pictures of yourself in beach attire available for coworkers to see. By the same token, five of your high school buddies discussing some funny or embarrassing incident is no big deal when you’re in person at a reunion. But when it gets reduced to pixels and characters and placed on the Internet, arguably forever, it takes on a far different connotation. We tend to separate parts of our lives.

“I don’t think we as a society have figured out where all that’s going, and then Facebook has complicated things by building an incredibly easy-to-use and fun platform, based on the premise that we could share information only with those we chose. This year, they’ve essentially reversed the policy.”

Where people used to choose the people with whom they wanted to share information, the default became that information was shared with a wider Internet audience, unless the user chose to limit sharing. “That’s what’s created the huge controversy,” Calloway says. In the spring, Facebook tried to assuage many users’ concerns, but initially did so by setting the default in such a way that each user was sharing content only with him- or herself.

While there are risks for members, and, by extension, associations in promoting and maintaining a presence on a site such as Facebook, there are risks to not being there as well, says Peter Hutchins, vice president of knowledge initiatives for the American Society of Association Executives & The Center for Association Leadership.

“Some people prefer to use Facebook, and our goal is to be in front of people where they are,” he explains. “We want as much time share as we can get from individuals. Sometimes that means that we need to meet them where they are.” Avoiding such sites can make you less relevant to your members, Hutchins adds.

Past online membership campaigns have reaped the highest results from Facebook users, Hutchins says. To ignore the members and potential members who use the platform would not be a good business decision, he advises.

A growing number of groups, such as ASAE and some bar associations, are establishing their own social networks, either by installing software or by setting up a group on sites such as Ning, which allow you to create a closed site where you can limit membership and also control what happens to information members share.

The time and effort involved in running your own network can add up, but the payoff comes in having greater control over the process, Hutchins says.

“If we want things to be free, we have to recognize that there are consequences to that. We want music to be free, and television to be free. You can go on YouTube and hear just about any song you can think of. But each time you listen to it, you’re giving YouTube information about what you like, and they’re relating that back to other products or services you use. And there may be ads at the beginning or end of that video.

“It’s got to be a balance. If I’m really concerned about my privacy I have to be willing to pay for things to shield me from that.”

—*By Dan Kittay*