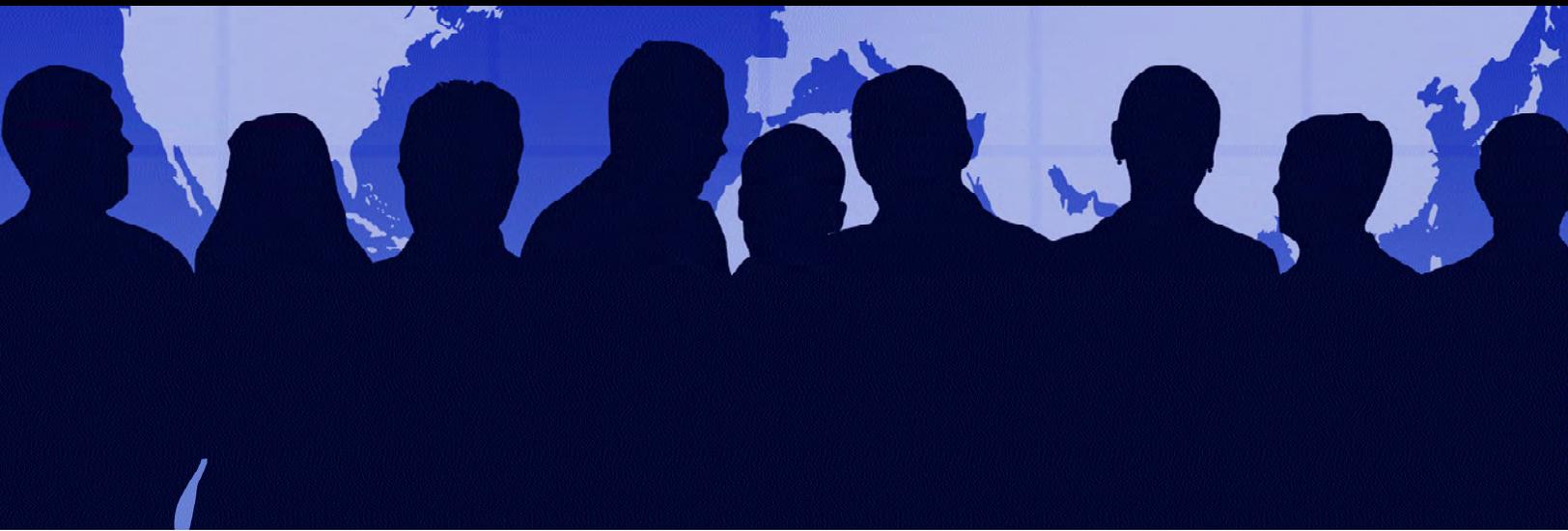


CREATING A SOCIAL WEB POLICY FOR YOUR INDEPENDENT AGENCY

An Agents Council for Technology Report



By the ACT Web 2.0 Work Group
December 2009



DISCLAIMER

THE PURPOSE OF THIS REPORT IS TO ASSIST AGENCIES AND BROKERS IN THE CONSIDERATION OF ISSUES RELEVANT TO CREATING A SOCIAL WEB POLICY APPROPRIATE FOR THEIR PARTICULAR FIRM. THE REPORT INCLUDES ONLY GENERAL INFORMATION, AND IS NOT INTENDED TO PROVIDE ADVICE TAILORED TO ANY SPECIFIC AGENCY SITUATIONS. IT WAS PREPARED SOLELY AS A GUIDE, AND IS NOT A SUBSTITUTE FOR AGENTS AND BROKERS INDEPENDENTLY EVALUATING ANY BUSINESS, LEGAL OR OTHER ISSUES, AND IS NOT A RECOMMENDATION THAT A PARTICULAR COURSE OF ACTION BE ADOPTED. IF SPECIFIC ADVICE IS REQUIRED OR DESIRED, THE SERVICES OF AN APPROPRIATE, COMPETENT PROFESSIONAL SHOULD BE SOUGHT.

THERE IS GROWING ACCEPTANCE

that agents and brokers can benefit from effective use of the social web. Yet, the opportunity presented by the social web is not without risk. There are traditional concerns surrounding such issues as privacy, errors and omissions, security, and protecting proprietary information and new issues surrounding the concepts of transparency and personal vs. company brand.

Some organizations have chosen to avoid the social web altogether by blocking any access and/or banning use in the work place. On the other end of the spectrum, there are companies with very open policies that encourage employee participation in the social web and have guides as simple as “act intelligently” when engaging in the social web. There is no one size fits all. Your company culture and management philosophy will to a large extent determine the detail of your guidelines and the level of the restrictions placed on the behavior of employees using the social web.

The focus of this report is to provide agencies with guidance on establishing an appropriate social web policy customized to the needs of their particular firm. The [ACT website](#) has numerous reports, webinars, and podcasts available that present the considerable marketing and customer service benefits that agencies are achieving today with social media.

Since the world of social media continues to evolve rapidly, this guide will be a “living document” which will continue to evolve. We recommend that agencies too continue to revisit their social media strategies and policies to take advantage of the latest social media developments.

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AGENCY MANAGEMENT'S ROLE

As a first step, the agency's management needs to give careful thought to the agency's business goals and how social media tools can support them. Social media is not a goal in itself, rather it may be integrated with your traditional marketing strategies or even replace some of them. Some of your business goals may be building agency awareness, generating leads, establishing the agency's expertise, building agency relationships, increasing client “touches,” enhancing agency service and being prepared to send mass communications in catastrophe situations. Each of these goals can be supported effectively by various social media practices. It is worth the time and discussion to explore which ones are best suited for your agency's specific goals.

It is only good management to deploy a social web policy that clearly lays out what is and isn't permissible when employees are presenting themselves as agency representatives online. Many agents and brokers already have guides outlining use of the Internet and email. For these businesses, a few additional guidelines covering use of the social web may suffice.

'Assemble a staff team to assess these issues, help write your policy and determine how your agency can take full advantage of social media.'

Before you can write a social web policy, you will need to decide:

1. Will your company participate?
2. Which employees have an appropriate business use for social media? Can only certain employees use these tools during business hours?
3. To what extent will you monitor employee use, and how?
4. How would you prefer an employee mention the agency and their agency affiliation on their personal sites? (Note: Your employees may already mention where they work on their personal social networking sites. This is not necessarily a bad thing and can have a positive impact on the agency's brand. You will want to educate employees on what is and is not appropriate for their personal profiles, and make sure they are using the agency's name and brand appropriately as well.)

A Team Approach

We encourage you to assemble a staff team to assess these issues, help write your policy and determine how your agency can take full advantage of social media. Consider including employees who are savvier with technology/social media, “go-getter” producers and younger employees in this group. Also, be sure to include those responsible for human resources, legal, security and technology functions, whether or not they are part of your regular staff or a partner vendor.

We strongly encourage management to share goals and plans for social media with its legal counsel and technology security professional and involve them in developing plans and policies at an early stage so that the risks can be addressed throughout the process. It is critical that your legal counsel help to create the policy and is aware of it before a potentially negative situation occurs, not after. Also, be sure to review your insurance coverages carefully to be satisfied that you have the breadth and depth of desired protection for the variety of exposures attendant to these activities.

In addition, you will want to decide who is going to be responsible for managing your organization's social web participation, because it is not enough to create a policy. The policy also must be properly implemented and consistently monitored and managed. Management should take the lead. This means management should be a supporter, as well as a participant, so that management understands the new media. Beginning from a position of trust is a key concept in gaining employee acceptance.

'You will want to decide who is going to be responsible for managing your organization's social web participation.'

Lastly, be sure that you enforce whatever policy you select. A policy which is not enforced (or worse, inconsistently enforced) in many instances may be worse than no policy at all.

IMPORTANCE OF INITIAL AND ONGOING AGENCY TRAINING

It is also important to provide thorough employee training with regard to the rationale and requirements of each of the provisions of the agency's social networking policy. That training needs to include the impact the employee's personal use of social media can have on the agency, because of the likelihood of their posts and pictures being seen widely. Since your social media policy is also likely to incorporate several of your other agency policies - such as in the areas of professional conduct, security, protection of intellectual property and confidential information, compliance with laws against defamation, discrimination, etc. - your social media training provides a great opportunity to reinforce these broad agency policies with your employees as well.

As mentioned above, it is not possible to provide a guide that will meet the needs of every organization. Yet, there are several key issues and concepts that companies should consider when addressing the creation of their policy.

CHECKLIST OF SOME KEY STEPS TO TAKE IN CONSIDERING A SOCIAL NETWORKING POLICY FOR YOUR AGENCY

- ✓ In order to orient yourself to what others have done in establishing policies for their companies, we encourage you to start with a review of Debra Littlejohn Shinder's blog, "[10 things you should cover in your social networking policy](#)" because it provides a great framework for a social networking policy and explains why each component is important. We used her top 10 as a starting point in developing our list of issues agencies should consider for their policies.

- ✓ Review the social web policies that other organizations you respect have published for ideas that may work for your agency. A few widely referenced examples include:
 - [IBM](#)
 - [Intel](#)
 - [Dell](#)

- ✓ Review the actual social web policies some independent agencies are using which we have posted at "[Websites & Social Media](#)" on the ACT website. As with any policy, ideas gleaned from policies of others should be tailored to the needs and desires of your agency.

- ✓ Consider the following examples of provisions for their appropriateness to include in your social web policy. These examples are a starting point only, and you should determine the extent to which any of these components work for your agency before you adopt them, and what other provisions may be necessary or advisable for your agency.

EXAMPLES OF POSSIBLE PROVISIONS FOR AN AGENCY SOCIAL WEB POLICY

1. **Company Philosophy** - Our agency believes it is in the best interest of our organization to grant access to and encourage participation in the social web during business hours provided it is for a business purpose, subject to the terms of our policy. Employees shall continue to be responsible for fulfilling their job responsibilities in a timely and responsive manner.

It is important that employees keep comments positive and professional when using social media for business purposes for the agency. Employees should focus on facts and issues, not individuals and organizations, and they should not lead or participate in attacks on individuals or businesses. Employees should not participate in any communications that would be unacceptable in the office.

- Consider here whether it is appropriate for your firm to have two parts to your policy - the first for the use of internal media limited to employees and the second for the use of external media.
- Consider whether to restrict access to only certain employees who have a predefined business purpose for using social media; whether to restrict to certain times during the day for some employees; and whether to limit access to particular sites.

2. **Definition** - For our purposes, the social web includes websites and media (such as video) that allow users to interact with each other and share information, opinion, knowledge and interests.
3. **Identify yourself** - Be transparent. In responding to a work related social web activity, be clear about your role and/or position with the company. Posting anonymously or attempting to disguise your identity may be illegal, and even if it is not, will likely generate far more ill will when discovered than if your identity were clear from the outset. When appropriate, use a disclaimer indicating the opinions expressed are yours and not those of the company, if personal opinions on company-related use of social media are permitted. Report to the appropriate person in your agency any posts or comments you feel are inappropriate/illegal, or otherwise detrimental to the agency or likely to escalate and require a response on behalf of the agency (as discussed in #9 below).
4. **Employee sites and profiles** - It is increasingly easy to connect individuals to their employers, and it is sometimes difficult for readers to know where you've drawn the line between your personal and professional lives. Comments and pictures even on personal sites are likely to be widely seen and can reflect back on the agency. If there is any possibility of ambiguity, your personal sites, blog posts, etc. should be required to make clear that they reflect an employee's own views and not those of the agency. The agency may also want to consider if it wants to restrict employees from taking positions on any social media that conflict with or could undermine the agency and its employees.

5. **Recommending others** - Again, the line between your opinions as an individual and as an employee is thin. Do not recommend customers, employees, past employees or partners in any way that might be misconstrued as an endorsement by the agency or any of its employees.
 - Note that many legal and HR professionals recommend that you never do more than confirm dates of employment and title for a past or present employee, and that it is likely to be imprudent as a social web activity in any case. Also, it is typically best when making referrals to make more than one for the same purpose and remind recipients to do their own due diligence before selecting anyone to whom they have been referred.
6. **Referring** - Do not reference customers, employees or partners without their express consent, and then only as they have agreed to. For example, do not give out personal contact information that is unavailable publicly without advance approval of the person who the information is about.
7. **Terms of service** - When participating in the social web we expect you to read and fully understand and comply with the terms of service of the site or application. Most specifically, do not provide false names or information. If you have not been expressly approved to bind the agency to terms of use for access to social media of others, seek that approval or have someone who is authorized review and agree to terms of use of other sites before they are used.
8. **Use of disclaimers** - In addition to the disclaimer on employee sites provided in # 4 above, employees should incorporate a disclaimer in business use of social media that coverage cannot be bound or written using social media communications, just as a disclaimer would be used on voicemail, email or the website.

The disclaimer should further state that the information provided is intended to be related to general situations and that questions relating to specific risks and individuals need to be assessed individually using the agency's regular workflow for such individual consultations.

9. **Escalation Procedure** - Establish who is responsible for responding to or handling inappropriate/illegal comments posted on one of the agency's sites or on any site reflecting negatively on the agency or an agency employee (in their status as an employee). Provide employees the procedure to take to inform the appropriate agency personnel should they witness inappropriate comments on social media.
10. **Incorporate other agency policies by reference** -
 - **Use of technology tools for business purposes** - If your agency has a policy regarding use of computers, Internet, telephones and other electronic communications tools, this might be appropriate to apply to or modify for social media use as well. Your policy may state that these resources are to be used for business use only, with incidental personal use as long as it does not impact productivity, affect other employees, put your agency at risk or violate other policies, laws, etc.

If the agency encourages effective use of social media to benefit the agency, address that the employee must be mindful of the impact of using social media on productivity. Some agencies state that employees may only use the social web for business purposes during agency business hours. This may or may not work for your agency depending on flexible schedules, remote work arrangements, etc.

If the policy in place does not already expressly permit monitoring of employees' use of these tools, that may be helpful to add so that the agency has a way to investigate and assess questions/concerns about the use of these tools for business and their impact on employee performance.

- **Confidentiality** - Employees must comply with the agency's policy regarding proprietary and confidential information. Failure to do so can, at the discretion of the agency, lead to disciplinary action, up to and including termination. The importance of respecting and adhering to the policies in place to protect the privacy and security of confidential and/or proprietary information is critical.
- **Security** - In the same manner as when using email, the Web or other communications tools, employees must not open attachments sent to them over the social media (including video and music) unless they know and fully trust the source as one exercising care when sending such information and have good reason to believe the attachment has a clear and appropriate business purpose. The risk of malware that may infect the agency network or create other severe negative consequences makes this very important.

Employees should not participate in answering surveys or opening attachments addressed to the general users from unknown sources or from the social media company itself. They should be careful not to get tricked into divulging personal client or employee information or agency confidential information in responding to social media requests due to risks such as phishing. As soon as the discussion moves to an individual client situation, the employee should move the discussion to the regular agency channels for such client communication such as email and the phone. Employees should also be instructed to activate the security settings on their social media sites.¹

- **Privacy** - Employees must comply with the agency's policies and legal requirements regarding privacy and protection of information. Employees should respect the privacy of all other employees and customer information and not use personally identifiable information on social media.
- **Copyright** - For our company's protection, as well as that of all its employees, it is mandatory that you comply with all intellectual property laws, including copyright laws and trademark laws. When referencing an article, blog or other material provide a link back to the source whenever possible if that source allows linking, and if it does not, linking is not appropriate. The copyright laws include strict rules on when content owned by others can be copied - adhere to those "fair use" rules, and if there is any question about if some thing can be copied and used on a site you control or post to, do not do so until it is approved by someone in the agency with authority to make that decision.

¹“Facebook, for example, lets you set your account so that it isn't accessible to anyone but people you accept as friends. Twitter lets you receive notification when someone wants to follow you and you must accept the request before they can see your tweets.” Ken & Daria Dolan, [6 Simple Rules to Protect Yourself on Social Media Sites](#), October 20, 2009.

The agency should be clear on any sites it controls that it has the right to take down any posts or comments, including, but not limited to, those that may violate another party's copyright or trademark rights.

- **Libel & Defamation** - These laws apply fully to what is said or written about an individual or business using social media, and the damages can be substantial because of the potential broad and rapid dissemination of the information. Employees should keep their comments accurate, truthful, positive and professional; and focus on issues not individuals and organizations; and respect the privacy of others.
- **Rules for use of logos and trademarks** - Employees should not use agency or carrier logos or trademarks in personal or business social media without specific authorization from the agency and carrier (where carrier logo is involved).
- **Trade libel and trade secrets** - Employees must not make any false or misleading statements about the products or services of competitors, or disclose proprietary or confidential information about the agency, its carriers or any other entity.
- **Antitrust** - Employees should not participate in calls to action (express or implied) that are anti-competitive, including comments that may result in a boycott or refusal to do business with a carrier or competitor.
- **Employment and discrimination laws** - Employees must comply with all agency policies and laws relating to employment and discrimination.
- **Endorsements and testimonials** - Employees must comply with all disclosure requirements and other laws that apply to making statements about products and services, whether on social media, such as in blogs, or elsewhere, such as advertisements, websites, etc.
- **Compliance with federal and state discovery, document retention and other laws and agency procedures**
- Employees should copy and paste any client specific social media communication into the agency management system and record an activity in the same manner they would in using other media. Employees should follow all other agency policies and procedures on handling information about clients, prospective clients or the agency when using social media.
- **Advertising statutes & regulations** - Social media posts are communications subject to various federal and state laws/regulations, including characterization as advertising under some state laws, so employees should make sure they are complying with all such laws in using social media.
- **Disciplinary action** - Failure to adhere to all agency policies and procedures or applicable laws/regulations may result in disciplinary action up to and including termination.

SOCIAL WEB CODE OF CONDUCT

In addition to a specific policy, we encourage agencies to provide employees with guidance on social web etiquette. Common themes for such guidance might include the items below, subject to all other agency policies:

1. **Speak in the first person and be yourself** - Let your personality and interests show in your online presence.
2. **Be thoughtful and respectful of others** - Respond to ideas not people. Make comments only in a positive and respectful manner, without personal attacks, social insensitivity, discrimination, harassment or other communications that would be unacceptable at the office or for the agency.
3. **Add value** - Be interesting, innovative and informative. Share your knowledge and experience in an honest way, with a focus on factual information. If you make a mistake admit it.
4. **Listen** - Listen to what others are saying, what they mean and what they like and dislike.
5. **Use the social media to build relationships, not make the hard sell** - Treat your virtual networking the same as your networking at a civic club or community organization.
6. **Each social networking site has its own culture** - Learn its customs and “lingo.”

‘DESIGN FOR POSSIBILITY - *THEN* DESIGN FOR RISK’

Joshua-Michèle's statement above provides a great perspective for agents and brokers as they first design their strategy to capitalize on social networking to benefit their agencies and then develop their social networking policy to manage the risks these new media present. He wrote in his blog:

“Disclosure of sensitive information is usually the biggest fear that companies have around social media. Really, this is not a new problem - email and telephone pose the same risks and are harder to monitor.

“I talk a lot about beginning from a position of trust - While there are possible negatives involved in having employees on the social Web, most employees have common sense. Begin with a set of possibilities first. These should be tied to business objectives (increasing awareness, improving customer service, gaining customer insight and so on). Then draw up a list of worst-case scenarios (bad mouthing the company, inappropriate language, leaking IP [intellectual property], to name a few). Modify the guiding principles for your employees below to help mitigate the risks you've identified.

“If you get everyone on board first imagining what is possible - you will enroll them in helping you move forward. Often I find that IT / Legal (the people charged with lowering risk) are not engaged in any planning - just given a program that scares the heck out of them - and they do their job: tear it down because it is risky. Engage them early and often in your planning.”

(- [July 30th 2009 - Joshua-social media guidelines the sequel Michele “Social Media Guidelines - The Sequel”](#))

This report has focused on designing a policy to manage the “risks” agencies face when using social media. As mentioned above, the [ACT website](#) has a number of other reports, podcasts and webinars that explore the exciting “possibilities” agencies can achieve by being active participants on social media, including several agency case studies. In addition, IIABA will be posting additional information and tools to assist members in their productive use of social media in the coming months. (These IIABA resources will be posted in the “Legal Advocacy” tab on www.iiaba.net in the “Memoranda & FAQs” section.)

ACKNOWLEDGEMENTS

This report was produced by ACT's Web 2.0 Work Group whose members are:

Rick Morgan, Rick Morgan Consulting, Chairman • **Cindy Adams**, Holmes Murphy • **Kitty Ambers**, ANeU
Steve Anderson, Steve Anderson Consulting • **Ron Beg**, MetLife Auto & Home • **Mike Bergstein**, Capacity Coverage Group
Amber Blaha, IVANS • **Susan Bonner**, IIABA • **Kevin Brandt**, IIABA • **Treg Camper**, Allstate
Terry Castelli, Zurich North America • **Lyria Charles**, Chubb • **Matt Collister**, Progressive • **Judy DeLaRosa**, Chubb
Linda Dodson, Travelers • **Cindy Donaldson**, Founders Insurance Group • **Cal Durland**, ACORD • **Kathy Glahn**, IIABNY
Tom Greco, UNICO Group • **Katie Herbst**, Westfield Insurance • **Ed Higgins**, Thousand Islands Agency • **Dave Hulcher**, IIABA
Liz Kittell, IIAN • **Susan Labarre**, Liberty Agency Markets • **Danielle Lambert**, Braddy Insurance • **Marc Laspina**, Progressive
Nellie Massoni, Vertafore • **Jennifer Parry**, Parry Insurance • **Paul Peeples**, FAIA • **Mike Peterson**, StoneRiver
Nibby Priest, Vaughn Insurance Agency • **Kristin Rielly**, Irwin Siegel Agency • **John Robinson**, Old Republic Insurance
Sabrina Sally, Swiss Re/Westport Insurance • **Dave Schuppler**, David Schuppler & Associates • **Bruce Shuman**, The Hartford
Bob Slocum, The Slocum Agency • **Jill Spranzo**, The Hartford • **Dave Thompson**, Selective Insurance
Angelyn Treutel, Treutel Insurance Agency • **Peter van Aartrijk**, Aartrijk • **Aaron Wallrich**, Wallrich Insurance
Bill Wilson, IIABA • **Mike Wise**, Mike Wise Consulting

ACT also thanks the social media team at Westfield Insurance as well as the IIABA Office of the General Counsel for their contributions to this report.

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