

Media Release
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New Zealanders want broadcasters to ask permission before using their social media content

New Zealanders' attitudes to their personal social media content and their expectations about how broadcasters can use it, are revealed in new research commissioned by the Broadcasting Standards Authority.

The research is the first of its kind to explore whether broadcasters are held to a higher standard by the public when it comes to publishing or republishing social media content. The finding is, they are.

The research found that, while New Zealanders are savvy about social media and understand that it may form part of the internet public highway, they believe broadcasters should observe strict privacy standards when considering using individuals' social media content.

Despite a strong information-sharing culture, members of the public do not consider that broadcasters can just take any social media content and use it in the broadcasting context. The public expect that social media content will generally remain in the context in which it was published. In some cases, the public interest may justify the republication of social media content in broadcasting. But issues of consent and privacy are core concerns that need to be addressed.

'Based on these findings, we see an opportunity to work with broadcasters to develop guidance about how and when to republish social media content that might affect personal rights,' Broadcasting Standards Authority Chief Executive, Belinda Moffat said.

The research is also relevant to a wide range of organisations that all grapple with issues relating to social media.

'The research provides insights into how New Zealanders are thinking and their expectations. It offers a starting point for conversations that we believe are urgent,' Ms Moffat says.

The research found:

Social media users

- Kiwis have different motivations for capturing and sharing social media content – eg keeping in touch, relationship maintenance, expanding networks.
- Different types of users can be described as *Entertainers, Cautious Observers, Attention Seekers, Caring Connectors*, for example. Or in another model, *Lurkers, Socialisers, Debaters*.
- Social media behaviour is increasingly motivated by publication and users make strategic decisions about content, audience and platform.
- Different expectations and etiquette apply to different platforms, eg Facebook vs Snapchat.
- Despite a strong information-sharing culture on social media, the public expect broadcasters to observe strict privacy standards – suggesting there is a double standard at play.
- In general the public do not consider that broadcasters can just take any social media content and use it in the broadcasting context.
- The public expect their social media content will remain in the context in which they published it because taking it out of that context can significantly affect its impact and message, and the likely audience.

Broadcasters/Mainstream media

- When selecting social media content, the starting point for many broadcasters is whether the content is newsworthy – but they are also alert to issues around individual rights, privacy and consent.
- Broadcasters rely on the general principle that it will usually be okay to republish information already in the public domain.
- However, broadcasters also use processes for dealing with social media content, including verifying the content, seeking consent and using publishing tools to protect individual rights such as pixilation and audience advisories.

Guidance for Broadcasters and the Public

- The key consideration for broadcasters and other republishers is to treat social media content like any other source.
- Consent to use social media content should be sought.
- The public interest is important and may justify republishing social media content without consent in some cases, eg in crisis/emergency situations.
- However, broadcasters should distinguish between legitimate public interest and content that is simply interesting to the public.
- If republishing social media content will take the content beyond the original intended audience or intended purpose, then care needs to be taken. Taking information out of its original context can significantly affect its impact and the message it conveys, and may intrude on individual rights.
- Users of social media have responsibilities, legally and ethically, about what they share.

The research recommendations include:

- Broadcasters ought to take account of the context of the original social media publication before republishing it in the broadcasting context.
- Publicly available social media content should not necessarily be seen as a “free for all”. Issues of consent, individual rights and public interest need to be considered. Workable processes and techniques to safeguard against harm from republication need to be developed.
- It is important that entities that are concerned with these issues take a consistent approach.

‘The impact of social media on our society has been significant and its influence on contemporary culture, and particularly the media industry, continues to evolve. In our role the BSA must keep pace with rapid changes in technology, the rise of social media platforms, developing social dynamics, and the shifting legal landscape,’ said Ms Moffat.

The research was led by Dr Kathleen Kuehn, Victoria University of Wellington, and Katrine Evans, Hayman Lawyers, with focus groups with members of the public conducted by Colmar Brunton. A sample of broadcasters were also invited to complete a questionnaire to inform the research.

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ABOUT THE BROADCASTING STANDARDS AUTHORITY

The Broadcasting Standards Authority is an independent body that oversees the broadcasting standards regime in New Zealand. We do this by determining complaints that broadcasts have breached standards, by doing research and also by providing information about broadcasting standards.

For more information see our website: www.bsa.govt.nz.

ABOUT THE RESEARCH FOCUS GROUPS

- Eight focus group discussions were conducted with 48 members of the New Zealand public.
- The focus groups were held in four locations around New Zealand – Christchurch, Wellington, Hawke’s Bay and Auckland.
- The groups were split by Younger (18-30 years) and Older (30+ years) participants, as well as Active and Less Active social media users. Active social media users were defined as being familiar with one or more social media platforms, eg Facebook, Snapchat, Instagram, Twitter.
- The focus groups also contained a mix of genders, ethnicities, household income, and life stages (children/no children in the household) to ensure a diverse representation of social media users.
- Focus group discussions were qualitative rather than quantitative. This means the findings focus on themes that came out of the discussions, rather than statistics or the number of participants who mentioned a particular point.