



MAY 2022, ISSUE 9

# YOUR TRUSTED LEGAL COUNSELOR



Follow me:



## IN THIS ISSUE:

- 1 *Social Media*  
5 Things to Consider about Your Online Presence
- 3 *Social Media*  
Social Media in the Workplace
- 4 *Social Media*  
What happens to Your Social Media when you die?

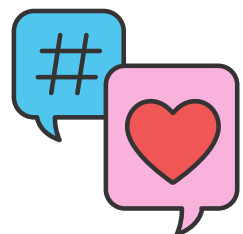
## THE SOCIAL MEDIA ISSUE

*Written by Francine D. Ward*

Social Media can also be a great tool for entrepreneurs and small business owners. Social networking tools allow us to level the playing field by building a customer base at a fraction of the cost of a comprehensive PR strategy.

However, if not done correctly and legally, there can be potential pitfalls to the use of this digital medium. With all the fascinating things that can be done through Blogs, Facebook, Twitter, and Instagram, it is important to be aware of the legal mazes and potential land mines that may lie ahead of you such as defamation, libel, infringement, and more.

Social media will continue to play a large role in the world of business marketing. You have too much riding on the success of your business to not fully understand the dos and don't's of the digital age. This issue offers the tools you need to use social media successfully and legally for you and your business.



*The Social Media Issue*



# YOUR SOCIAL MEDIA PRESENCE

## 5 THINGS TO CONSIDER

*Written by Francine D. Ward*

By now, we all understand that having a social media presence is about connecting with others. You can connect with people at home, in your state, and around the world. That's the beauty of social media. And, if you have an eye toward making a little money, social networking tools can be beneficial. It doesn't matter whether you are a social media influencer, a business owner, or someone just wanting to make a little extra cash, social media is a great marketing venue. That said, here are some things to think about if you have or want to start a business. Your answers will get you closer to protecting what's yours--your income, your memories, and your valuable intellectual property.

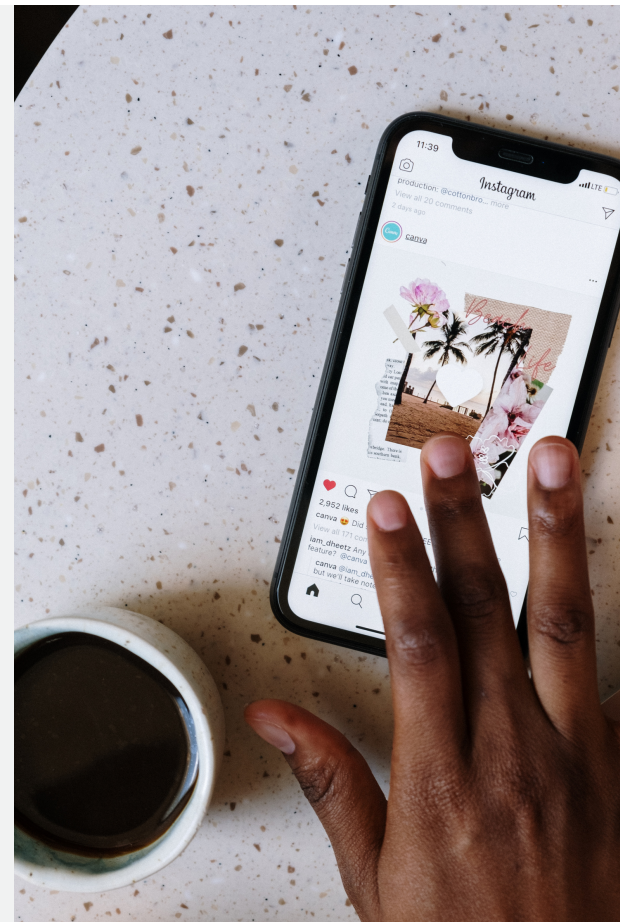
### **Question #1. Are you protecting your business?**

- Are you a sole proprietor or do you have a formal business entity e.g., limited liability company, partnership, corporation?
- Do you have the proper organizational documents e.g., bylaws, operating agreement, shareholder agreement?
- Do you have a succession plan in case something happens to you?
- Do you have insurance in case something happens to you and/or your business e.g., general liability, disability, health?
- Are you current with your government and tax filings?

### **Question #2. Where does your money come from?**

- Is your income generated from the sale of your products and services?
- Are you being paid to sell someone else's products and services?
- Are you paid to advertise someone's products and services?

*Continued on page 2*







### Question #3. What will happen to your income if you are gone or unable to work?

- If you are unable to work, will you still get paid?
- If you are unable to work or die and your accounts are making money, who gets the money? What's your plan?
- Have you thought about how to protect yourself?
- Have you thought about who might step into your shoes if you are unable to handle your affairs?

### Question #4. What happens to your social media accounts if you are gone?

- Most social media venues impose strict guidelines for accessing someone else's accounts.
- What happens to your moneymaking accounts if you die?
- How often do you review the terms of use for your social media accounts?

### Question #5. How much of your information do you want public?

- How private is your information?
- How private do you want it to be?
- What about your family photos?
- Who has access to your passwords if you become incapacitated or die?



A well-drafted estate plan can address these questions. Maybe you think you are too young to start thinking about a will or a trust or a power of attorney? Maybe you think it's too soon to concern yourself with your mortality. Maybe you think it's someone else's responsibility. Don't put off what needs to be addressed today. If anything, living with Covid has taught us that tomorrow is not promised. Take control of your life today before you are unable to do so:

- Appoint someone to manage your finances, if you can't
- Appoint someone to make medical decisions on your behalf if you can't
- Protect your information online
- Except for those with a need to know, keep private who will receive your money and property after your death

**JOIN MY EXCLUSIVE  
FACEBOOK GROUP**



# SOCIAL MEDIA IN THE WORKPLACE

*Written by Francine D. Ward*

Social media has infiltrated our everyday lives, and the workplace is no exception. Because of the rise of social media venues, such as Instagram, Twitter, Facebook, Tik Tok, and LinkedIn, employers have access to an enormous amount of information about employees and potential employees.



In the past, much of that information would not have been available. Today, with people putting so much of their personal lives online, an employer is tasked with determining how much of that self-reported information can legally be used when challenging an employee's behavior. Employers must also consider whether the benefits outweigh the risks of viewing an applicant's social media site and using it in the hiring process. And, if they use it, to what extent?

There are several considerations an employer should take into account when entering this technology minefield. Regardless, proceed with caution. Here are a few things to think about:

1. Have a social media use policy, communicate it effectively, and enforce it fairly.
2. Create a list of screening questions that can be applied to everyone.
3. Delegate the social media screening process to a neutral party who can filter out protected class information.
4. Strictly adhere to a policy of not “friending” applicants to gain nonpublic information.
5. Whatever hiring or firing decision you make, substantiate it with a valid, business-related reason.
6. Consult with counsel to make sure any decision you make is within the law.

Outside of hiring, social media can be detrimental to a company's productivity and can affect all aspects of the employment life cycle, making it important to address the issue in company policies. Companies, at the very least, should add broad statements and prohibitions regarding social media in the workplace to existing code of conduct, harassment, and confidentiality policies, and apply them with consistency. Until next time, think ASSET PROTECTION!





# WHAT HAPPENS TO SOCIAL MEDIA WHEN YOU DIE?

*How many people are on social media?*

Statistics provide that in 2021 in the United States, 82 percent of the population is on social media. Statista, a data research company, found that there were approximately 223 million U.S. social media users as of 2020. Of that number, how many have thought about what happens to their accounts when they die?

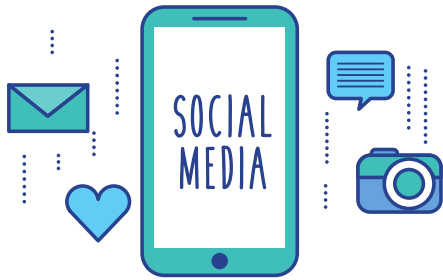
As of January 2021, the number of people using social media is estimated at 4.2 billion. Facebook is the leader in the American market with some 2.74 billion accounts. YouTube then follows with 2.3 billion, and then WhatsApp with approximately 2 billion users.

The use of social media and social networking tools has transformed marketing in ways we could never have imagined. Networks vary in popularity with different demographics and they're still evolving. According to research by Global WebIndex 58.4% of the world's population uses social media. The average daily usage is 2 hours and 27 minutes (January 2022).

**58.4% of the world's population uses social media. The average daily usage is 2 hours and 27 minute. Global WebIndex 2022**



*Continued on page 5*



Do you use social media? If so, have you ever wondered what happens to your accounts when you die?

Each social media venue has its own rules. Here are a few:



Facebook's Help Center provides that it will preserve an account if Facebook is informed that the owner has died. That said, even if an account is memorialized, no one is allowed to make changes unless a legacy contact has been designated. Therefore, if you want your account to be managed after you pass away, designate someone. Whomever you designate will be allowed to accept friend requests, pin a tribute post to your profile, and change the cover photo and profile picture.

You can also choose to delete your account. All content would then be removed. That would include all posts, chats, messages, photos, comments. Whatever you choose to do, plan ahead. Don't wait until it is too late and the choice is made for you. Facebook states, "[p]ages with a sole admin whose account was memorialized will be removed from Facebook if we receive a valid memorialization request."



Instagram will memorialize an account if they receive a valid request. Any posts you shared will remain on your account. Those posts will also remain visible to anyone you originally shared that content with. A family member, such as a spouse, child, or parent may request the removal of your account. To remove an account, Instagram requires proof that the requesting person is an immediate family member. Instagram will not designate someone to manage your account when you die. Again, consider designating someone now.



Once you pass, a family member can notify Pinterest of your passing. Pinterest will then deactivate your account making inaccessible by anyone. Pinterest will not designate someone to manage your account nor is there a way for you to designate someone after you passing. The time to designate your legacy contact is now.

*Continued on page 6*





In order for Snapchat to delete your account once you pass away, a family member must provide Snapchat with a copy of the death certificate. Snapchat does not allow you to designate a legacy contact after you have passed.



The rules for Twitter may be changing now that there may be a new owner. As of today, whomever you've authorized to act on behalf or a verified immediate family member can contact Twitter and request the deactivation of your account. Twitter requires proof of your passing and of the requesting party's authority. That said, if the account is inactive for six months or longer, Twitter may permanently remove the account "due to prolonged inactivity."



Google owns YouTube, therefore an immediate family member need only contact Google to close the account. If there is money in your YouTube account, that person will submit a request for reimbursement of funds from your account. Through Google's Inactive Account Manager, you can designate someone to be contacted if your account has been inactive for a period of time. Your designated person will be informed of any information you've chosen to share with them. They will also receive a link to download the information.

Because each social networking site has its own rules, your designated person should know what social media accounts you have and what your future wishes are. An effective and well-drafted estate plan will provide guidance to your loved ones.

Feel free to contact me to discuss the next steps for protecting you, your accounts, and your loved ones.



#### References

- What will happen to my Facebook account if I pass away?, Facebook, <https://www.facebook.com/help/103897939701143> (last visited Nov. 17, 2021).
- How do I report a deceased person's account on Instagram?, Instagram, <https://www.facebook.com/help/instagram/264154560391256/?helpref=related> (last visited Nov. 18, 2021).
- Deactivate or close your account, Pinterest, <https://help.pinterest.com/en/article/deactivate-or-close-your-account> (last visited Nov. 18, 2021).
- *How to contact Twitter about a deceased family member's account*, Twitter, <https://help.twitter.com/en/rules-and-policies/contact-twitter-about-a-deceased-family-members-account> (last visited Nov. 18, 2021).
- *Inactive account policy*, Twitter, <https://help.twitter.com/en/rules-and-policies/inactive-twitter-accounts> (last visited Nov. 18, 2021).
- *Submit a request regarding a deceased user's account*, Google Account Help, <https://support.google.com/accounts/troubleshooter/6337590?hl=en> (last visited Nov. 18, 2021).
- *About Inactive Account Manager*, Google Account Help, [https://support.google.com/accounts/answer/3036546?hl=en&ref\\_topic=3382254](https://support.google.com/accounts/answer/3036546?hl=en&ref_topic=3382254) (last visited Nov. 18, 2021).



A WORD FROM YOUR

## Trusted Legal Counselor



*Written by Francine D. Ward*



### Blog - Francine D. Ward

[et\_pb\_section fb\_built="1"  
\_builder\_version="4.16"...

francineward.com

will like us, hire us, or  
of failure. We simply  
like.

Simply decide it's too  
weight. Perhaps we  
money than we deserve.

Society, media, school  
want to be with us. It's  
give up and choose no

It's easy to give up on  
hard to go for that dream  
decide we don't really

Or maybe we justify the bad behavior of our unfaithful spouse because we are told that's our job.

Settling for seconds in life becomes so easy that we slip into the "this is just fine" syndrome, and in some cases, we never know we're doing it. We go for the person with money instead of the person we love. Our manuscript sits on our desk, untouched for years because we're afraid someone won't like it.

It takes great courage to fail because it takes great courage to try. It's hard to keep on keeping on when we're faced with one obstacle after another. Hard to stay the course when we feel weary and want to give up. It's difficult to turn the other cheek when we seem to continually get slapped in the face by defeat. Yet how often have we heard that the gift is in the journey? And indeed it is. But perhaps the real gift is to see failure, not as a bad thing, but as an opportunity to learn and grow into our best selves.

Instead of making a safe choice, as a way to avoid failure, consider preparation as an alternative. Had I been better equipped for the Bar exam, perhaps I would have passed the first time. Unquestionably, there are times when no amount of prep work will save us, but it's amazing how often a little groundwork can help us circumvent repeated visits of failure.

If I fail, I get up, dust myself off, and start all over again. I am not a failure as long as I try.  
Until next time, I'm Francine Ward.



COPYRIGHT LAW  
TRADEMARK LAW  
PUBLISHING LAW  
TRUSTS AND ESTATES

WWW.FRANCINEWARD.COM  
INFO@FRANCINEWARD.COM  
760.636.0066

