

Coronavirus Pandemic and Social Media

Any business, governmental entity, or other organization that relies on social media to distribute critical and timely information about the coronavirus pandemic must take steps to monitor false and misleading online content and activity that could harm the intended recipients. If an impostor or other rogue account or presence is located, immediate steps should be taken to disable the content through the platform's complaint mechanism and procedures. These internal complaint procedures are generally the quickest way to neutralize harmful accounts and content.

Most users of social media and other online resources can agree that the coronavirus pandemic has dominated the news feeds, posts, tweets, and other content flowing through the Internet in recent weeks. It is almost impossible to engage with Facebook, Twitter, or Instagram without being bombarded with legitimate, as well as misleading and flat out fraudulent information about the pandemic.

Businesses, governments, and other legitimate parties who rely on social media and other online resources to distribute timely information and updates about the coronavirus pandemic must be diligent in making sure their identities, names, brands, and other source-related information are not being used to spread false or misleading information to the public. For example:

- Local governments may use emails and automated phone messages to update residents about instances of infection and available medical and testing resources.
- Businesses may use Facebook Live to update consumers on hours of operation and delivery options for critical goods.
- School districts may use Twitter to update district parents about virtual learning procedures and meal options for children while the physical schools are closed.
- Religious organizations may use YouTube to convey information about charitable needs in the community and to broadcast live services to the faithful.

Any "interference" with, or "blurring" of, these types of messages by wrongdoers can be potentially damaging to the legitimate entity. Someone who pretends to speak for a governmental entity and circulates false or misleading information on Facebook could cause citizens to not only rely on potentially fraudulent public health updates, but could cause those same citizens to doubt any future governmental information, even if legitimate. Someone impersonating a school district on Twitter could cause parents to become frustrated with the lack of serious information flowing from an account that is perceived to be official, and simply give up on relying on the school's platform for news and information.

Many social media and other online services have rules and procedures that prohibit accounts and content that impersonate other persons or legitimate organizations and entities. For example, Twitter has a specific [impersonation policy](#), which notes "... accounts that pose as another person, brand, or organization in a confusing or deceptive manner may be permanently suspended under Twitter's impersonation policy." Yet, not every instance in which an unauthorized

party uses a name, brand, or other identifying element constitutes a violation of Twitter's Impersonation policy. Fair uses such as parody, commentary, and fan content must be considered and analyzed before you can convince a social media platform that the account or content at issue should be disabled.



This COVID-19 Legal Update is intended to keep readers current on developments in the law. It is not intended to be legal advice. If you have any questions, please contact author Richard E. Peirce at 215.851.8398 or rpeirce@eckertseamans.com, or any attorney at Eckert Seamans with whom you have been working.