LEGAL IMPLICATIONS OF UTILISING SOCIAL MEDIA FOR COMMUNICATION DURING A DISASTER: AN ANALYSIS BY RESPONDER GROUP

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SOCIAL MEDIA PLAYS AN INCREASING ROLE AS A TOOL FOR: INFORMATION DISSEMINATION, SITUATIONAL AWARENESS AND CO-ORDINATING COMMUNITY ACTION. THERE IS CURRENTLY NO COHERENT LEGAL ANALYSIS IN AUSTRALIA AS TO WHETHER LEGAL RISKS WILL ARISE FROM EMPLOYING THIS TOOL FOR THESE PURPOSES.

THE CONTEXT: As a **new technology** social media has the potential to improve **efficiency** and the **effective reach** of emergency messaging in the **response phase** of a disaster. In the policy context of **resilience** and **shared responsibility**, this thesis investigates the **legal implications** for responders of employing social media as a tool.

▶ **Building resilience**: information and communication is 'a priority', is 'core', 'fundamental', 'contributes in a positive way', as a 'lever', a 'parameter', a 'variable' or 'resource' in building resilience.

▶ **Shared responsibility**: 'is it appropriate to share the responsibility for information and communication' by integrating tools like social media and if so, how can it be achieved whilst limiting exposure to legal liability and protecting rights?

▶ **Changing relations:** How are current responsibilities, obligations and rights framed and balanced in legislation? What are the new legal mechanisms required to support the use of tools like social media with a view to building shared responsibility for communication?
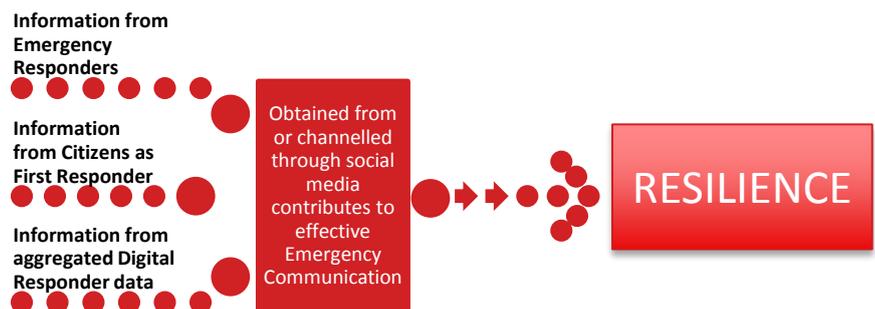
THE RESEARCH PROBLEM:

While there are ongoing discussions on privacy, copyright, defamation in relation to social media generally, there is no coherent analysis in Australia of the legal implications of utilising social media in the Disaster and Emergency context across responder groups. The lack of a clear understanding of legal risk in this context, may act as barrier to building resilience where actors 'play it safe'. Reforms may or may not be necessary.

Methodology

The thesis incorporates theoretical, and doctrinal research, which involves analysis of industry reports, peer-reviewed articles, policy, legislation and current case law. The findings will be applied to hypothetical case studies based on real world problems facing responder groups today.

Figure 1: How can we support this premise in the regulatory environment?

Information from Emergency Responders

Information from Citizens as First Responder

Information from aggregated Digital Responder data

Obtained from or channelled through social media contributes to effective Emergency Communication

RESILIENCE

▶ **Hypothetical Case Studies**

Government and Emergency Services	Digital Volunteers	Citizens
Do we need to verify information obtained via social media? Do we have a legal obligation to correct misinformation on our Facebook page? What if we tweet misinformation that leads to harm?	We are an informal group who map incidents on twitter, we make the information publicly available, what if someone relies on it to their detriment? Are we protected by the law?	When a flood broke out, I decided to create a Facebook page and co-ordinate activity in my community, am I putting myself at risk of legal consequences?