

Removing content from social media sites

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Social networking sites (otherwise known as “social media”) including Facebook, Twitter, Pinterest and Instagram are widely used by individuals to share their lives. More recently, the increased popularity and potential audience-reach of social media has influenced corporate entities to use social media to promote their businesses and communicate with customers.

Users of social media must take care to ensure that their use of social media does not violate the laws of the UAE. Generally, content that is contrary to such laws may be actionable and subject to removal from the social networking sites.

We have previously written articles on the content regulatory framework in the UAE and the use of social media in the UAE, however in summary, the key laws and regulations are:

1. Federal Law No. 15 for 1980 concerning Publications and Publishing (“Printing and Publications Law”) – The Printing and Publications Law covers all forms of published content and sets out matters that may not be published, which include matters related to religion and politics, national security, individual rights, and public morals.
2. Federal Law No. 5 of 2012 (“Cyber Crime Law”) – The Cyber Crime Law is a comprehensive piece of legislation on combatting cyber-crimes. Most relevantly, it criminalizes the publication of information/photographs online for the purpose of violating the privacy of individuals.
3. The Dubai Technology and Media Free Zone (TECOM) Codes of Guidance 2003 (“TECOM Codes”) – The TECOM Codes apply to broadcasters and publishers operating in the Dubai Technology and Media Free Zone and sets out standards for published content, which include matters related to public morals, religion, violence and illicit substances.
4. Abu Dhabi Media Zone Authority (twofour54) Content Code (“twofour54 Code”) – The twofour54 Code applies to broadcasters and publishers licensed in Abu Dhabi’s media free zone. The twofour54 Code sets out rules for published content, which include matters related to religion, privacy and advertising.

In this article, we highlight some issues that users of social media may encounter at any given time and mention ways to get the content removed from the social networking platform. It is important to bear in mind, however, that this may not always be possible and will usually be determined by the terms and conditions of the social media platform.

- Privacy – The use of social media by individuals and companies raises privacy concerns. Individuals often post photographs of themselves and their family and friends on Facebook and Instagram to share their lives. It is important for individuals who use this medium to take care that no private and inappropriate content is posted on these networking sites that would then give rise to an aggrieved person seeking to have the content removed. Companies often use Facebook and Twitter to stay connected with clients and customers. There have been instances where an employee responsible for their employer’s profile on these networking sites has accidentally posted confidential content or posted comments which offend others. Companies who use this medium should monitor the content put online on their behalf, and issue guidelines so as to ensure that such incidents do not occur. For an aggrieved person trying to remove the content, they need to refer to the terms and conditions of the social media platform to see how the content can be removed.

- Defamation – Care must also be taken to ensure that no defamatory content is posted onto these sites because this could lead to civil or criminal liability. Such content could include posting secret information about others without their consent (even if such information is true), or posting photographs without the consent of the subject of the photograph.
- Intellectual Property – Content posted on social networking sites should not infringe the intellectual property rights of a third party. For example, when posting content on Facebook (links to YouTube videos, for example) care must be taken to ensure that the user has obtained the necessary rights to use, copy and share the content. Facebook’s terms of use stipulate that users may not post content that infringes on intellectual property rights. Pursuant to Facebook’s terms of use, copyright holders are entitled to report users in violation of these rights to Facebook and Facebook is obliged to promptly remove any offending content and terminate the user account if the user is a repeat offender.
- Unlawful Behavior – Unlawful behavior can include financial fraud, harassment, sedition and religious condemnation. If a user is found to be engaging in unlawful behavior, social networking sites (Facebook and Twitter, for example) can involve law enforcement officials in the matter and shut down the user’s account. In recent months, a number of Facebook and Twitter accounts in the UAE have been closed down by authorities subsequent to complaints of unlawful behavior.

Depending on the facts of each matter, there may be actions that can be taken at law and with the public prosecutor in relation to each of the above. Users of social media must therefore keep in mind that although their posts may seem temporary and trivial, the consequences can be quite the opposite.