



Social media guide





Contents

	Acknowledgements	4
	Introduction	5
Business practice		
	Compliance	7
	Social media and the DMA Code	7
	Key legislation	7
	Industry codes	7
	Regulatory organisations	8
	Penalties	8
Campaign creation		
	Pre-campaign planning	10
	Internal roles and responsibilities	10
	Social media policy	11
	Passwords and access	13
	Campaign strategy and execution	14
	Producing campaign guidelines	14
	Choosing the right social media	15
	Goal-setting	16
	Handling negative situations	17
	Disaster recovery	19
	Campaign evaluation	20
	Measuring performance	20
	Measurement tools	21
	How often should I measure?	21
	Evolving your campaign	22
	User-generated content (UGC)	23
	Strategy	23
	Compliance	23
	Licence and assignment	24
	Moral rights	24
	Content	24
	User reviews	25
	Contractual restrictions	25
	Privacy and data protection issues	25
	Ensuring social media marketing is compliant	26



Contents

Competitions and prize draws 29

CAP code requirements	29
Social network terms and conditions	30
Promotion mechanic compliance	31
International promotions	32

Campaign delivery

Outsourcing and working with third parties 34

Outsource opportunities	34
Deciding whether to outsource	34
Briefing your provider	35
Legal considerations	36

Glossary

Glossary 38



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Introduction

Social media networks allow people and businesses to create, distribute, exchange and comment on ideas and content virtually. In this respect, they allow marketers to engage with large numbers of people with an immediacy and frequency that traditional media cannot provide.

More than just marketing

This means that you should approach social media as much more than just a marketing channel.

For your organisation, it is inevitable that your social activity and experiences will have an impact on your sales, market research, product development, HR policy, operations such as distribution, third-party relationships, competitor analysis, brand building, PR and more – from granular analytical understanding right up to board-level strategy and policy.

And once you start to engage on social media, your audiences will expect instant responses and regular, high-quality interaction – you must be fully committed, and you cannot just switch the channel on and off to suit your own needs.

This all means that social media offers incredible opportunities throughout your organisation – but you must also make sure that every department is fully engaged, prepared, supported and on-message before you enter.

Give social media its own rules

Social media is also likely to be the 'human face' of your organisation, with its own rules, values, tone, context and etiquette that may well differ from other communication channels. It is important to treat these networks on their own merits in order to build them into powerful, manageable and relevant assets.

As with all marketing, the best way to find a winning approach and avoid any potential pitfalls is to put your customer first. If every action and decision that you make is made in your customer's interest, then you are bound to enjoy positive, mutually rewarding social interactions and to provide what your various audiences are looking for.

This guide is designed to provide parameters and milestones to follow in order to make your social media programme as structured, secure and clear as possible, giving you a sure foundation from which to act with confidence, creativity and commitment.

Disclaimer

This best practice guide aims to rapidly orientate you with the key elements that you need to consider to achieve compliant and successful social media marketing. It is intended as a starting point and guide to what you need to consider, rather than as a complete in-depth handbook on social media marketing.

Social media technology and etiquette is continually evolving, so it is important to keep up to date with progressing compliance and best practice requirements.

We aim to keep the information in this guide as up-to-date and as relevant as possible. However, it is provided for the purposes of guidance only. Seek appropriate professional or legal advice when engaging in social media marketing. The DMA shall have no liability for any act or omission arising from this guide.



Business practice



Compliance

Compliance with the law is the starting point for all marketers. This guide focuses on best practice requirements that exceed the letter of the law and assumes that you are already aware of and compliant with one-to-one marketing law, as well as the DMA Code.

Social media and the DMA Code

The DMA Code is the standard to which all DMA members, their suppliers and clients must agree to operate.

Following the DMA Code and this social media best practice guide is about more than compliance. Rather, it is about delivering one-to-one marketing that is a true exchange of value between your company, looking to prosper, and your customer, looking to benefit.

Marketing in the right way – honestly, fairly and putting your customer first – will also make you a much better and more valued marketer.

Key legislation

There are a wealth of legislative and best practice requirements of which you must be aware. All lead towards making and keeping social media marketing beneficial to your customers.

The two key pieces of legislation governing one-to-one marketing, including social media activity, are:

Data Protection Act 1998 (DPA)

Main areas covered are the rules governing the use of individuals' personal data and the responsibilities of companies using such data.

The DPA will ultimately be replaced by the European General Data Protection Regulation, currently in draft form.

Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 (PECR)

Main areas covered are the rules around one-to-one marketing via email, SMS, calls and other digital channels.

Other pieces of legislation that are likely to apply include:

Consumer Protection from Unfair Trading Regulations 2008 (CPRs)

Main area covered is the prohibition of unfair commercial practices in a B2C context.

Business Protection from Misleading Marketing Regulations 2008 (BPRs)

Main areas covered are the prohibition of misleading B2B advertising and comparative advertising.

Defamation Act 2013

Copyright, Designs and Patents Act 1988

Trade Marks Act 1994

Industry codes

Social media marketing is subject to code requirements from a number of industry bodies:

DMA Code

DMA members must comply with the DMA Code.

Non-members are strongly advised to comply with the Code as it is a useful summary of the legal and best practice requirements for one-to-one marketers.

The Code is adjudicated by the Direct Marketing Commission (DMC).



The CAP Code

The UK Code of Non-Broadcasting Advertising, Sales Promotion and Direct Marketing (CAP Code), which is enforced by the Advertising Standards Authority (ASA).

FCA Sourcebooks

The Financial Conduct Authority Handbook governs financial promotions. See in particular Conduct of Business Sourcebook (COBS) Chapters 4 and 5.

The FCA Consumer Credit Sourcebook governs consumer credit. See in particular Chapter 3.

Regulatory organisations

The Advertising Standards Authority (ASA) and Committee of Advertising Practice (CAP)

Trading Standards (TS) and the Competition and Markets Authority (CMA)

The Information Commissioner's Office (ICO)

Financial Conduct Authority (FCA)

Penalties

ASA

Penalties within the power of the ASA include:

- Investigation and adjudication of advertising compliance with the advertising code
- Requirement that advertising be amended or no longer shown
- Request that media owners refuse advertising space for the misleading advertiser, withdraw certain trading privileges or refer the matter to Trading Standards
- Require advertisers to submit their advertising for pre-vetting

TS and CMA

Penalties within the power of TS and the CMA include:

- Investigating alleged infringement of the CPRs and BPRs
- Taking enforcement proceedings through the criminal courts, potentially resulting in unlimited fines and imprisonment of senior officers or managers of the advertiser

ICO

Penalties within the power of the ICO include:

- Fines of up to £500,000 for infringement of the DPA and PECR
- Criminal liability for failure to register with the ICO and knowingly or recklessly obtaining personal data without the consent of the data controller, amongst other breaches

FCA

Penalties within the power of the FCA include:

- Fines and investigations, potentially leading to revocation of licence and criminal liability



Campaign creation



Pre-campaign planning

Internal roles and responsibilities

Before you use social media for your organisation, make sure that you have prepared so that everyone in your organisation knows what your goals are, who is responsible for what and how every situation should be handled.

- **Understand your organisation's commitment**

Once you become active on social media, you cannot switch it on and off to suit your needs. Social media activity without appropriate commitment is liable to do your organisation more harm than good.

Make sure that you are ready, resourced and willing to maintain the level of commitment you will require throughout your organisation.

For example, you will need to:

- Have appropriate time, skills and strategy in place at all times – including on-hand support for tactical staff in the event of an unfamiliar or negative situation arising
- Keep social networks and pages regularly monitored and up to date
- Remove any pages that are out of date or no longer working

- **Define internal ownership of social media**

Define which team or department in your organisation 'owns' social media.

You can appoint a dedicated team or assign specific functions to your marketing, corporate communications, PR, customer service, product management, legal or HR teams.

Ensure different teams work collaboratively together under single, clear management, so that their actions, approach and messaging are consistent and correct.

- **Create unique profiles for appropriate departments**

There may be value in creating unique profiles for different departments within your organisation. For example, you might create a dedicated Twitter account or Facebook page through which your recruitment team can advertise roles, show what working at your organisation is like and receive applications.

This approach will provide a more efficient communication path between appropriate departments and customers with specific queries or interests, whilst allowing individual teams within your organisation to take ownership of their social media role.

Make sure that all departments keep to your consistent tone and messaging. Make sure all departments have the resources they need to maintain their profiles effectively.

- **Assign clear management**

Because your social media activity may have an impact on many departments within your organisation, it is vital you appoint a single manager to co-ordinate and monitor all activity from both a strategic and tactical perspective.

- **Get complete buy-in**

You are likely to need the support and co-operation of most if not all departments within your organisation.

Consult with each team to ensure that they understand your aims and approach to social media. Make sure they have been able to contribute their ideas and requirements to your strategy and plan and are ready to work together to make your activity a success in both the short and long term.

- **Clearly define all roles**

Ensure you have a clear structure in place. Every department and individual must know exactly what their social media role, responsibilities and parameters are.



Campaign creation



For example, your corporate communications team might be responsible for press and financial statements, while your marketing or customer service team might handle day-to-day interactions.

Make sure that everyone in your organisation can see this structure so that they can collaborate quickly and effectively to handle any immediate demands that social media can generate.

Ensure that escalation routes, lines of authority and supporting resources are all clearly defined.

- **Keep detailed records**

Keep records of significant communications made to customers or prospective customers so that you are able to effectively deal with any queries, claims or complaints.

For businesses regulated by the FCA (such as those involved in investments, financial services or insurance), this is a requirement.

- **Keep records on your own system**

Do not rely on digital media channels to maintain records, as you will not always have control over whether historic content is stored or deleted.

- **Define how long records should be kept**

Undertake a risk analysis to define how long you will need to keep information, based on the legal, reputational and, where relevant, regulatory risks, as well as the nature of your campaign.

Think about who is best placed to undertake this analysis and who will be responsible for ensuring that accurate and sufficient records are kept.

Social media policy

A social media policy is a corporate document that provides employees with guidelines for using social media – both when representing your organisation and when using their own personal profiles in a way that might affect your organisation.

This policy should also define the disciplinary procedure if it is breached.

There is no set template for a social media policy as it must relate to your organisation. However, there are some common themes that you will need to cover.

Some professional companies offer help in producing this essential document.

- **Identify legal risks**

Try to anticipate which aspects of your social media activity could risk breaking the law. Provide clear guidelines and mitigations as part of your social media policy.

Common pitfalls include:

- Trademark or logo infringement
- Copyright issues
- Implying celebrity endorsement
- Defamatory comments about your competitors

- **Train all staff around social media usage**

Make sure every member of your staff and contractors are familiar with your social media policy. Provide appropriate training, with regular refresher sessions to keep everyone up to date.

- **Clarify copyright rules**

Staff must understand how to obtain copyright permissions when posting.

- **Clarify roles and responsibilities**

Clearly define roles, responsibilities, processes and policies around different social media functions and touchpoints. For example, document who should be notified if your organisation receives a message regarding customer service, a complaint or a competition entry.



Campaign creation



- **Clarify who should respond**

Make sure that everyone involved understands who is to respond to which comments, including:

- All comments
- Negative comments
- Positive comments
- Enquiries

- **Instil social media etiquette**

Remember that anything posted on the internet on behalf of your organisation will be seen, shared and permanent.

Train your staff to act as your organisation would, not as they might do on their personal social media accounts. For example, if a customer is angry or offensive, your team member must remain professional and not take such behaviour personally.

Make sure anyone acting on your behalf has a good grasp of your customers' expectations, whether reasonable or unreasonable, and is able to respond appropriately.

- **Define staff code of conduct**

Make it clear what behaviour and language is unacceptable – and if necessary, explain why.

For example, you are likely to set out rules around:

- Negative comments about company or staff
- Comments that might be considered racist, sexist or otherwise offensive to anyone
- Expression of political views, as appropriate to your organisational stance
- Avoiding arguments and heated discussions
- Using personal social media during working hours
- Not posting company business on personal profiles at any time
- Handling and reporting bullying
- Handling and reporting inappropriate content
- Obtaining further information/advice

- **Define boundaries between personal and professional use of social media**

Even when posting on their own social media profiles, staff will need to understand that they are acting in a public place and that what they do can still have an impact on their professional life and your organisation.

For example, there are examples of employees criticising their colleagues or employers, leaking confidential information or undermining their own professional credibility by sharing personal views that are not compatible with their professional role.

Make sure that your employees and associates fully understand the risks, responsibilities and consequences when using their own social profiles.

- **Define the disciplinary process**

Explain the consequences of breaching social media policy and how the disciplinary process will operate.

- **Govern use of information**

Define what information your team can use and what is commercially sensitive.

Ensure anyone working on your behalf understands what information counts as personal information and how to avoid using it in a public space.



Passwords and access

- **Carefully manage staff access to your social media profiles**

Assign strict admin rights to control who can post on your social media profiles on your behalf, based on their role, responsibilities and training.

Ensure that only appointed, named individuals know your profile log-ons and that they do not allow anyone else to use their access.

Make sure that each member of your team is fully trained and aware of their role and responsibilities.

Only your appointed internal social media 'owner' team should have ultimate admin rights, such as the ability to add and remove contributors or to change the name your organisation uses on each profile.

- **Keep social media policy up to date**

Regularly update your social media policy to ensure it is clear, correct and relevant to your evolving strategies, campaigns, use of different networks and customer base.

- **Set strong passwords**

The more active and successful your organisation is on social media, the more likely it is that someone will try to hack into your profiles.

Make sure that your passwords are as secure as possible, including:

- Using numbers, upper case, lower case and symbols or punctuation
- Not using dictionary words or anything related to your organisation, for example a product name or the address of your headquarters
- Ensuring they are at least 10 characters long

- **Change passwords regularly**

Update your passwords regularly to keep them secure.

- **Be careful about writing passwords down**

Ensure your staff do not write down passwords anywhere they might be seen, such as around their desk.

If you do write a password down, never write it in full. Instead, use a memory jog that would be meaningless to anyone else.

- **Do not use the same password everywhere**

Use different passwords for different sites so that if one gets hacked, at least the others are still protected.

- **Consider using a password manager**

There are various third-party products that allow you to log into all your different accounts using a single master key password.

These can be a good way to avoid forgetting your passwords, and to save time logging in repeatedly, but it is extra important to keep that single password safe.

It may be helpful to allow each member of your team to use this password manager to create their own personal master key password that only they know.

- **Remove old access rights immediately**

If a member of your team no longer requires access rights, for example if they are leaving your organisation, are changing role or have breached your social media policy, remove their access immediately.

If necessary, change your passwords to maintain security.

- **Avoid single points of failure**

Whilst you must limit access and admin rights, ensure critical information and access is available to at least two employees in case one is absent or uncontactable.



Campaign strategy and execution

Producing campaign guidelines

Whilst you can set the starting point and main content, you cannot fully script a social media campaign. Indeed, the great opportunity of the channel is the natural, genuine, spontaneous two-way conversation that it allows between your brand and your customer.

This means that, more than any other channel, social media requires your team to make its own choices, often on the spot and autonomously, about how to act or respond.

Provide enough guidance and resources to allow each member of your team to be able to act with clarity, confidence and creativity on your behalf.

- **Define your brand's social media tone of voice**

Your tone of voice is likely to be subtly different from network to network and from other channels, such your website or formal communications – but it should fall under the same broad principles.

Outline how your voice should adapt to remain appropriate to each social network. For example, some will be more formal than others.

- **Develop your brand guidelines**

Your guidelines could be in the form of a detailed walk-through that defines your brand personality and values, but even a one-page list to set out the basics, such as your general approach to use of language and imagery, will go a long way to guiding your team.

Use examples, such as appropriate language to use in different scenarios, authorised image sources and set responses, to make your guidelines clear.

- **Keep your brand guidelines up to date**

Make sure that your brand guidelines are regularly updated to remain appropriate – for example, as you begin to use a new network or launch a new marketing campaign, or as a network changes in style or function over time.

- **Develop comment response plans**

Define the different types or levels of comment that you are likely to receive online and develop a clear policy for responding to each.

For example, you might use a traffic light system: with green for a positive or brand-neutral comment; amber for a moderately offensive comment, minor complaint or minor issue, such as an inability to get through on the phone; and red for a full-scale emergency such as a product recall, service outage or environmental emergency.

Draw a clear escalation path so your whole team knows which team or stakeholder should handle which comment type or level.

- **Detail rules of engagement**

Ensure your social media policy explains your organisation's rules of engagement, including:

- Target response times
- Working hours for different response teams, such as marketing, customer service, legal and HR
- How to manage bank holidays
- How to monitor and react to any urgent incidents or interactions received outside your normal hours
- Who should respond to different types of interaction
- When a follow-up is necessary
- Whether and when your staff should use their own name when responding – and whether this should just be first name



Campaign creation



- Parameters for marketing and selling on each social network
 - Obtaining legal and compliance approvals, including timescale
 - Complaint handling and escalation procedures
 - How to deal with defamatory posts, trolls, troublemakers
 - How to pass conversations on to other departments, staff or organisations
 - How to record, report and archive conversations
 - Your organisation's social media code of conduct – including outlining inappropriate language, behaviour or approaches and providing examples of good conduct
 - Effective communication guidelines
- **Train your social media teams**
Train anyone who will be posting or responding on your behalf, including any third-party service providers, to understand and use your brand correctly.

Choosing the right social media

In order to choose the correct social media network for your campaign, you may wish to follow the three step process of listen, engage and analyse.

1. Listen

- **Survey networks for relevance of content**
Look at the social media networks available and what forms of media are used on each.

Consider whether the media used are suitable to the market you are trying to reach and the product or service you are promoting.

For example, image-based networks such as Instagram or Pinterest might be considered more engaging for customers who browse the internet in their leisure time and are interested in smaller purchases, rather than for B2B clients looking for more detailed and technical information.

However, if your business focuses on image or aesthetics, such as a design company, florist or fashion brand, then an image-based network may be more engaging, even for B2B engagement.
- **Find your customer's online home**
Consider where your customer is active online and whether the goods or services you are advertising sit well in their preferred social media networks.

For example, professional networks like Linked In or industry forums may be a better place to advertise B2B services and use your professional contacts, rather than networks used primarily for social and recreational interaction, such as Facebook.
- **Analyse competitor activity**
Watch where your competitors are active online, what they are doing and whether it seems to work.

Judge whether your business or product is best suited to competing on the same networks for the same customers or should look for gaps where your competitors have not yet taken advantage – either targeting a different audience or using a different network.

2. Engage

- **Start to talk to customers on each platform**
Once you have set up your brand's account, test the water by engaging in conversation with users of the network – such as by starting a conversation on a topic related to your product or service – before launching a full campaign.



Campaign creation



- **Research first, do not sell**

Do not aim for a hard sell at this point. First look to get a feel for the number and quality of responses as a guide to whether the platform holds the right audience for your campaign.

- **Identify appropriate functionality**

Think about whether the methods of communication available on a network suit your needs.

For example, look at whether you can and need to be able to send direct messages to individuals, follow your customers and fans or start a page or profile so that customers can follow you.

- **Engage with key influencers**

Identify users who are particularly influential for your customers on your chosen networks and see if there is a genuine chance for them to promote your product. Is it relevant to them?

As established figures, these key influencers will almost certainly be more effective at promoting your product than your brand's own voice can be.

3. Analyse

- **Assess network suitability**

At each stage analyse whether a particular network is a good fit depending on your business, your campaign goals, the customers you are trying to reach and the main media and communication opportunities provided.

- **Weigh up networks against resource demands**

When deciding which networks to use and prioritise, consider the resources and skills you have available and develop a manageable approach.

You may decide to stagger different networks, features, content formats or activities over time, to enable learning and evolution.

Always focus on delivering quality ahead of quantity.

Goal-setting

Before you decide to engage with your customers through social media, you need to clearly understand the possible impact across your organisation. Consult all stakeholders, develop your long-term strategic aims and define your campaign goals in the context of how they will support your ultimate business goals.

- **Define positive aims**

Do not launch into using social media merely because you feel you should, or because other people have.

Make sure that your rationale is positive – that you can state how your use of social media will allow you to better serve your customers, reach new ones or develop your brand.

For example, your aim might be to engage a new generation of customers, support a new business model, reposition your brand in a changing marketplace or close the loop between marketing, sales and customer service.

Make sure you launch into a new social media network with long-term aims and sufficient resources. Successful social media activity requires significant, sustained and long-term commitment.

- **Develop integrated aims across departments**

As a two-way line of communication between you and your customer, social media channels unavoidably merge different business functions. If you create a social media profile for, say, a specific marketing campaign, people will inevitably use it to contact you for customer service, sales, job applications, PR, political campaigning and any other reason possible.

Ensure your social media marketing goals are integrated with and supported by all other relevant departments.



Campaign creation



- **Define campaign goals**

With your social media aims agreed, set achievable and measurable goals and numerical targets to make sure that your strategy and activity is focused in the right direction.

For example, your campaign goals might be to attract a certain number of new customers, encourage a percentage of customers to subscribe to a more regular service, introduce a new set of brand associations or contribute a specific uplift to a wider marketing campaign.

These are different to the targets you will set for specific networks or activities, which might concentrate on metrics such as a number of interactions or new followers.

- **Decide how you will monitor your campaign**

Decide upfront what you need to measure in order to be able to manage, adapt and improve your activity to reach your stated goals.

These measurements should give you a clear picture of how well your customer journeys are performing and enable you to see any drop-off points or successful tactics.

For example, your measurements may track your performance for a new audience from their first introduction to your brand, perhaps through a sponsored update in their news feed, through to comments and likes on particular content, click-through rates to a shopping portal, sales conversion rates and sharing of their positive brand experiences.

- **Define success**

Social media success is not always as straightforward as more traditional campaigns. Social media ROI can relate to a complex blend of marketing, sales, branding, customer service, market research, product development and other business functions.

Take plenty of time to engage with your stakeholders right up to board level to develop appropriately sophisticated social media ambitions and definitions of success.

For example, your campaign might not have traditional ROI numbers at all, but instead aim to position your organisation to be successful with a particular audience over a particular timescale, or raise awareness of a new product or service, but not include sales.

Define what 'success' means for each campaign and make sure everyone working on your behalf fully understands this so their behaviour can be driven appropriately.

Handling negative situations

- **Respond appropriately to comments**

Not every comment you receive will require a response, but never ignore one that does – whether negative, neutral or positive.

- At the very least, acknowledge your customer's comment and their sentiment – for example, saying a simple "Thank you" or "It's great to hear that" if you receive a compliment about your product.
- If you receive a number of similar comments, it may be more appropriate to acknowledge them collectively rather than respond individually to each – for example, saying "Thank you all for your compliments about our new ad campaign".
- If the comment demands further response, such as an answer to a question or acknowledgement of a complaint, make sure that you deliver this response appropriately – either with a simple answer and/or a request to carry on the conversation using a private channel.

If you received the comment in a public place, make this first acknowledgement in the same way so that other customers can see that you have responded. For example, "Sorry to hear that the product isn't working correctly. Please give our customer services team a ring or send us a private message with your phone number to arrange for a repair".

Remember to give clear contact details.



Campaign creation



- **Prepare for extreme contingencies**

Discuss, document and rehearse your response to a worst-case scenario. This allows you to refine a strong response, which will be invaluable if you need to react quickly in an emergency.

- **Be human**

Avoid posting responses in 'corporate speak' or 'legalese' as nothing aggravates an irate audience more than jargon, which comes across as arrogant, uncaring and insensitive. Be genuine, human and apologetic.

- **Do not overpromise**

Be careful not to overpromise. Do acknowledge your customer's issue and tell them what action you will take to investigate, but do not promise any particular solution or compensation until you know all the facts or you might promise something you are not able to deliver; or your subsequent investigations might prove that a fault is not your responsibility or within your power to fix.

- **Manage expectations**

Set a timescale for responding to negative posts.

People expect a quick response on social media – aim to respond within minutes not hours.

- **Take conversations into private channels**

If an online conversation is not appropriate to be conducted in public, for example if it will require the exchange of personal information or has become heated, ask your customer to message you privately with an email address or phone number so you can take the conversation offline or hand over to the relevant team.

- **Develop policy for handling trolling and bad customer behaviour**

You will need to deal with inappropriate behaviour on your social profiles, such as malicious comments from 'trolls' or angry tirades from 'ragers'.

Make sure you have clearly listed any behaviours you will not tolerate, as well as your policy for responding to, removing or punishing it.

Such situations can be difficult to handle and lead to more trouble if not dealt with sensitively. Make sure that your social media teams know exactly how to act and what support they can summon in these situations.

- **Prepare a holding response**

Write a helpful holding response to give you time to investigate negative situations further. For example, prepare statements that your team can publish in the event that your website goes offline, your distribution system fails or your databases are subject to a cyber attack.

- **Always have a back-up campaign**

Most campaigns go roughly according to plan and are able to cope with a certain, inevitable amount of the unexpected. But there is always the chance that something insurmountable might arise, whether under your control or not, that will force you to abandon or radically change your campaign at a moment's notice.

For example, a major event in the news can make even the most innocent of campaigns instantly and completely inappropriate – such as, say, you are using images of tropical beaches on the day a typhoon strikes, or use an image of an aeroplane just as a crash has been reported.

Make sure you have a back-up campaign or alternative content ready to go, in case you have to pull your Plan A.

This ability to react quickly and adapt your campaign could help you out of a potentially damaging situation.



Disaster recovery

When using social media it is important to consider what happens should it go wrong. Being prepared is essential if you want to protect your brand and retain the loyalty of your customers. Social media is public – so if a customer complains, their network will hear about it as well. If many customers complain, this can grow into a crisis, with conversations developing and multiplying on many different networks at the same time.

By handling the situation quickly and effectively, you can limit the damage to your brand and even turn the situation into a positive.

- **Anticipate possible disasters**

Disasters can be difficult or impossible to predict, but you can at least think through a range of worst case scenarios in advance and develop appropriate an response plan for each.

For example, you can hypothesise situations in which your distribution network fails, a product recall has to be made, your organisation receives negative publicity or your company has to announce poor financial performance. Identify what resources and messaging would be appropriate in each situation.

By comprehensively walking through possible disasters with your team, you will be better able to react and improvise with confidence even if unpredictable events occur.

- **Have templates in place**

Have pre-approved messages and content templates in place to cover more likely eventualities.

- **Assign and train resources**

Be organised so you are able to counter a negative situation quickly.

Have trained resources available to monitor and respond, 24/7 if necessary.

- **Keep customers informed and manage expectations**

When something negative does happen, do not ignore it. Keep your customers informed through your social media networks and/or your website.

Manage your customers' expectations and understand how to respond to negative criticism. A well-handled, open and honest response can turn angry customers into loyal brand advocates.

Remember to treat your customers as individuals.

With the right processes and techniques, and with the support of your loyal advocates, who might come to your defence, you can regain control of a tricky situation.

Finally, record, time stamp and document every incident, particularly if associated with financial services, as this may need to be entered on a complaints log.



Campaign evaluation

Measuring performance

There are many ways to monitor how your social activity performs against your goals.

To navigate the myriad of metrics available to you, use your customer journey as a framework to measure performance at the points that matter to your campaign. For example, you might track conversion rates at each stage and look for areas to investigate and improve.

Common aspects to measure include:

- **Audience**

The size of your audience is not going to be an ultimate measure of success, but you will need a sufficient audience in order to have any success online.

Quality matters more than quantity. It is easy to attract an online audience but this makes it easy to find yourself spending critical time and money on the wrong audience. You may even develop a community that reacts negatively to your activity.

Make sure you know your target customers in detail so that you can identify, target and measure the audience that matters. For example, if you operate physical stores, use your metrics to make sure you attract an audience that lives within range.

Do not fall into the trap of simply trying to gain a large audience quickly or for its own sake.

- **Traffic**

You will need to measure traffic in the right places and in the right way in order to see what activity performs well, when it works best and so on.

You might measure traffic to your website, call traffic or even store traffic.

Look at mitigating factors alongside your metrics, such as the time of day, weather, competitor activity or economic context, so that you can measure the real impact of your social activity.

- **Data**

Ask people to complete surveys, fill in email sign ups or other activities you can measure to indicate success.

- **Sales**

If you are selling, whether online or offline, make sure you know your numbers in detail so that you can measure where your sales are coming from and what activity, social or otherwise, has an impact.

Take any relevant contextual factors into account, such as economic trends, emerging or declining fashions or trends, the weather or the day of the week.

- **Sentiment**

Whilst you can never have too much positive sentiment, measuring how people talk about you online is absolutely invaluable, whether good or bad. Sentiment will give you some of the most insightful and rewarding feedback available.



Measurement tools

Find the right tool to measure your campaign before you launch. Choose your measurement tools based on what exactly you want to measure, why you need those numbers and how you will use the results, based on your campaign goals.

Choose tools that not only measure the right things, but present this information in the best format for you to work with.

- **Audience and data**

There are a plethora of tools out there to measure your audience.

Some social networks, like Facebook, have a range of insight tools built in. If you want to find and grow your audience then these will be useful to learn how large your potential audience is and what it looks like.

There are also paid tools which vary hugely depending on what you are looking to do.

- **Traffic and online sales**

It is vital to get set up correctly to measure from the top of your sales funnel to the end.

Google Analytics is the best place to start. This free tool can measure everything from your website traffic source to the value of your online sales and where they entered your sales funnel.

Make sure you have expert Google Analytics skills available either in-house or through a provider in order to correctly collect and use the right data and turn it into insight.

- **Offline**

With multi-channel touchpoints now the norm for most organisations, your social media activity will likely need to be mapped into real-world customer actions.

If you have contact with your customer over the phone or face-to-face, you will learn a great deal by asking them how they got to that stage of your customer journey.

A good time to ask is at the enquiry stage or during a purchase in-store.

- **Sentiment**

Sentiment can be one of the more difficult areas to measure, particularly due to the nuance of modern language, but it is still possible to use tools to listen to your audience activity on social media and measure and respond to their sentiment about your brand or sector.

How often should I measure?

- **Measure continually, review carefully**

Make sure your recording of metrics is ongoing, but analyse this information at the right times. Review too infrequently and the information can build up and become too much to process, or you might miss opportunities to optimise. Review too often and you could invest a lot of effort without gaining any further benefit or be tempted to act without having built up a true understanding.

- **Define frequency of review**

Set your review frequency according to the demands of your campaign:

- A weekly review is likely to be the minimum necessary as things happen quickly online and you can miss a lot if you go a month without looking at your insights
- Weekly reporting is likely to be enough for smaller campaigns, or longer-term campaigns that are settled and straightforward
- Consider daily reporting if you run very large campaigns or if your campaign is designed around real-time interactions or topical events.
- Consider daily reporting if you are in a phase of concerted testing and optimisation or if social media activity is a core function of your business



Campaign creation



- **Hold regular reporting sessions**

Regardless of the size or purpose of your campaign, hold a regular review, perhaps on a monthly basis, to give your team the chance to look at your campaign within a broader context, review strategy and tactics and identify any areas to improve.

- **Collate information clearly**

Collate key information in a simple spreadsheet, where you can see trends at a glance and report across all areas. Clearly display the key performance indicators you need measure for success.

Be focused about what you should measure and how you will use it. There is a vast amount of information available for social media analysis and collecting too much or irrelevant information can muddy the picture and hide important insights.

- **Use social media to improve your wider business**

Use intelligence gathered from social networks to highlight areas for improvement across your organisation.

For example:

- **Negative sentiment**

Negative sentiment about your brand can reveal problems that need to be addressed within your business. For example, you may regularly find customers complaining about late orders, in which case you will know to check your purchase and distribution processes.

- **FAQs**

If your customers repeatedly ask the same questions, create a FAQ section on your website. This will reduce the number of queries and give staff somewhere to direct consumers.

- **Results**

If you use social media to generate website traffic but at a low conversion rate, use the relevant social network insights alongside Google Analytics to analyse the drop-off point for causes and solutions. For example, it might be that your content attracts the wrong people, or there is a confusing user experience on your landing page.

Evolving your campaign

The social media opportunity is not in a fixed script but in a positive environment in which you and your customer can get closer through conversation and exchange of value. Whilst you should set clear parameters and guide your campaign, expect to adapt and evolve your activity on an ongoing basis to make sure that it remains relevant and engaging and achieves its goals.

- **Monitor your online brand attentively**

Monitor what is said about your brand at all times across all your social media channels. This allows you to understand how your market perceives your brand and its products, spot opportunities and threats (both in terms of your online presence and wider market forces) and tackle any problems early.

How exhaustively you need to listen, and where, depends on your organisation's needs and ambitions.

Investigate and test the various social listening tools available to find the ones that tell you what you need to know.

Consider outsourcing this to a specialist agency if you do not have sufficient capacity in-house.

- **Test continually**

Test your communications before you launch a full-scale campaign, and continue to test and learn as you go. For example, you might test your posts using photos versus illustrations and then begin to refine the winning approach for colour, style or any other factor.

- **Be prepared to change**

Things change quickly online. Even if you find a winning formula for your social activity now, you will likely need to evolve or even radically refresh your approach over time to keep it current, eye-catching, relevant and in keeping with your customers' changing tastes.



User-generated content (UGC)

User-generated content (UGC) is any content that has been created by a consumer, whether solicited by your organisation (such as a response to a competition) or entirely self-initiated (such as a tweet they sent).

You may wish to use UGC in your marketing, but you must understand the legal responsibilities that you have and obtain the right agreement with the person that generated the content before you use it.

Carefully consider all the following points during your planning stage before you use UGC in any social media or other marketing campaign.

Strategy

There are many opportunities to use UGC within your organisation, just a few of which might be:

- To use a review or testimonial on your website
- To show a customer's photo on your organisation's Facebook page
- To run a competition asking for contributions, such as YouTube videos or Tweets
- To provide an example in a blogpost you have published
- To give other customers ideas or guidance of how to use your product

Compliance

As an advertiser you are responsible for the legal and regulatory compliance of your marketing. This includes compliance with the laws listed in the *Compliance* section of this guide, as well as meeting the standards set out in the CAP Code and DMA Code.

- **You are responsible for UGC compliance**

Using UGC as part of your advertising does not avoid the need for compliance.

CAP has advised that UGC will be deemed part of your marketing communications if:

- You incorporate it into your own marketing communications – for example, you use a UGC image in your advertising
- Actively promote the UGC – for example, by retweeting or “liking” it
- Exercise control over it – for example, controlling the subject matter of the content by asking users to post a response to a question

This means that you assume responsibility for the compliance of UGC whenever you use it.

- **Check UGC compliance comprehensively**

Carry out the same thorough compliance and legal checks for UGC that you would for any advertising you commission or create in-house.

- **Have take-down procedures**

Some legal defences are available to website operators and advertisers if:

- You operate a notice and take-down procedure – i.e. you remove access to illegal content once you are notified of it, and
- You do not have actual knowledge of the unlawful content until you are notified otherwise

However, there are particular rules and procedures that apply in order to be able to rely on these defences and you should always seek legal advice before allowing unmoderated UGC on your online profiles or into your marketing.



Campaign creation



- **Provide mechanism for flagging inappropriate content**

Provide a clear means by which people can make complaints or notify you of illegal content, such as through an online form or dedicated email address.

This will help as a defence against hosting illegal content and may also reduce the risk of individuals publicly posting their complaints online.

Licence and assignment

- **Licence v assignment**

Consider whether you need a licence or an assignment to use the UGC.

- **Licence**

A licence will give you the right to use UGC within the terms specified in the licence, such as for the period, territory and uses specified.

- **Assignment**

An assignment of all rights including intellectual property rights will transfer full ownership in the UGC to you, allowing you to use it as you wish.

- **Gain signed agreement of terms**

Any terms between you and an individual user must define the licensing and/or assignment arrangement – and these can be set out in the terms of a promotion, website terms or any other terms and conditions.

Obtain a written, signed copy of the licence and/or assignment using a separate release form for the UGC you intend to make further use of.

Moral rights

- **Seek waiver of moral rights**

The content creator has certain rights that cannot be licensed or assigned. These are called moral rights and include the right to be identified as an author of a work and the right not to have their work subject to derogatory treatment.

Deal with these by, at the very minimum, including a provision in the terms between you and the individual user that they agree to waive their moral rights in the UGC.

- **Gain signed waiver in writing**

As with a licence and assignment, get this waiver in writing and signed by the user.

Content

- **Get warrant from user regarding content appropriateness**

In order to reduce the risk of legal or negative issues arising from the UGC, include in your terms with the individual user that they warrant (essentially promise) that the content they provide:

- Is not illegal, offensive, inappropriate or defamatory
 - Does not contain any harmful content
 - Will not infringe any third party right
 - Does not contain the work of any third party
 - Does not feature any third party (if appropriate for your campaign)

- **Include indemnity**

Include a term that the individual will indemnify (reimburse) you for breach of any of those warranties.



User reviews

- **You are NOT responsible for unincorporated user reviews**

CAP has advised that user reviews that you have not adopted or incorporated in your advertising are unlikely to be considered a marketing communication and therefore you will be unlikely to be responsible for its compliance with advertising law and regulation.

- **You ARE responsible for reviews you use**

However, if you incorporate a review on your site which you have obtained from a third party or copied from a third party website, the review is likely to be considered ad content and therefore you are responsible for compliance.

- **Gather proof of review**

Only use reviews that you can prove are genuine. Ensure that you gather, store and can readily present documentary evidence that the review is a genuine testimonial, plus contact details for the individual that provided the testimonial, before you publish the content.

Contractual restrictions

- **Social network terms and conditions**

Check the terms and conditions of any social media network you use to obtain UGC.

There may be provision on ownership and licensing of UGC and the type of content permitted on the social network. You may not be permitted to use content from the network in your own marketing.

Check during your planning stage that by running your UGC social media campaign you will not be in breach of network terms and conditions.

- **Check all other possible restrictions**

There may well be other contractual restrictions that are relevant to your UGC social media campaign.

Think about what parties, content and events are related to your campaign and consider whether any restrictive terms apply between third parties and you or the individual users. For example, if your campaign requires users to provide a film of their favourite sporting activity, there may well be a prohibition on attendees at a football match filming the event and using it for commercial purposes. Filming the event and/or providing the footage to you for marketing purposes might be a breach of the individual's ticket terms and conditions.

Privacy and data protection issues

- **Identify and assess all data touchpoints**

Consider what personal data you will collect, either intentionally or not, when running your social media campaign.

For example, if you run a promotion you will likely collect entrants' names and contact details.

If you are inviting UGC, such as photographs, this may contain information that would also constitute personal data.

- **Meet your personal data obligations**

If you collect personal data you will need to comply with the rules under the DPA.

These include:

- Register as a data controller with the ICO
- Ensure you have consent to process individuals' personal data (or have some other legal basis for doing so under the DPA)
- Comply with the seven data processing principles in Schedule 1 to the DPA
- Clearly set out what data is collected, for what purposes and who is the data controller (amongst others)
- Provide a privacy notice, or provide your social media users with a link to this



Campaign creation



- **Understand additional obligations around marketing**

If you intend to use the personal data for marketing purposes, whether for marketing by yourself or by third parties, additional rules apply under the DPA and PECR.

- **Perform a Privacy Impact Assessment**

Privacy Impact Assessments (PIA) are a successful tool to help you identify your data requirements, security issues and strategy on a campaign-by-campaign basis, and are an important safeguard of customer privacy rights.

A PIA is an audit of the implications of your proposed data usage and collection for your customer. This will help you prevent any nasty surprises and unforeseen consequences during your project.

PIAs can work in a virtuous circle – prompting you to thoroughly check your activity for compliance, ask the right questions of data providers, tighten up your campaign goals and conduct more disciplined marketing.

See the *Privacy Impact Assessments* section of the *DMA Data guide* for further information.

- **Further information**

For detailed information on all your data obligations and best practice, see the *DMA Data guide*:

www.dma.org.uk/guide/data-guide

Ensuring social media marketing is compliant

Content and posts on your brand's social media accounts will be considered as advertising and therefore must comply with the CPRs and the CAP Code.

Advertisers will also be responsible for ensuring that third-party content they either commission or control is clearly identifiable as advertising.

The CPRs set out practices that are prohibited, including misleading actions and omissions and aggressive practices.

- **Avoid 'unfair' actions**

The CPRs set out a list of practices that are automatically considered as 'unfair' on consumers.

These include:

- "Using editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer (advertorial)"
- "Falsely claiming or creating the impression that the trader is not acting for purposes relating to his trade, business, craft or profession, or falsely representing oneself as a consumer"

- **Clearly identify any activity that is marketing or paid for**

When a tweet or social media post is made that is marketing in nature or is in return for payment, you must make it obvious that this is the case.

This includes situations where a product or service is mentioned in a website blog or a microblog such as Twitter.

A promotional tweet from a brand's official Twitter account or a post on a brand's Facebook page will usually be easily identifiable as marketing in nature. In such circumstances, you do not usually need to add any additional disclosure.

Take particular care when the context does not make it clear that a tweet is an advert, such as when a celebrity promotes a particular brand.

Consider using hashtags such as #ad to clearly but unobtrusively identify marketing messages.

#ad is the particular identifier that CAP has recommended using to flag up paid content.



Campaign creation



- **Understand and adhere to the CAP Code**

You must adhere to the CAP Code for any marketing activity on social media that is under your control.

There are a range of rules relevant to social media marketing, particularly in sections 2 and 3 of the CAP Code. A few key rules are:

- Marketing must be obviously identifiable as marketing – consider using “#ad” as an identifier
- Marketing must not falsely claim or imply that the marketer is acting as a consumer or for purposes outside its trade, business, craft or profession and must make the commercial intent clear (if not obvious from the context)
- Marketers and publishers must make it clear that advertorials (i.e. ads in the form of editorial content) are marketing
- Marketers must be able to evidence that a testimonial or endorsement used in a marketing communication is genuine (unless it is obviously fictitious) and hold contact details for the person or organisation that gives it
- Marketers must not feature a testimonial without permission

Recent ASA adjudications on social media marketing

Social media posts by celebrity brand ambassadors

In the last few years, the ASA has adjudicated on a number of celebrity tweets where it has not been clear that the posts were adverts.

For instance, the ASA adjudicated on a series of tweets in which a celebrity posted a number of out-of-character tweets. The tweets did not refer to the fact that they were adverts. However, the final tweet played on the fact that the celebrity was not acting like themselves because they were hungry (making use of the advertiser’s slogan), attached a picture of the celebrity with a well-known chocolate bar and provided the brand’s Twitter handle accompanied by the hashtag #spon, meaning sponsored.

The ASA received a complaint that the initial tweets were not immediately identifiable as marketing as only the final tweet was labelled as advertising. However, this complaint was not upheld. The initial string of tweets were considered teasers and because the final “reveal” tweet included the #spon hashtag and was sent soon after the initial tweets. This was enough to identify the other tweets as marketing. However, the outcome would most likely have been different if there had been a longer delay between the initial, unlabelled tweets and the reveal tweet.

- **Clearly identify paid endorsements**

When making a post (or asking someone else to make a post) that is not obviously an advert, insert #ad at the end of the post to ensure clarity and show the post is marketing.

Use this identifier on every marketing post.

- **Gain specific legal advice before stretching the rules**

If you are considering using a social network’s functionality in a new or unusual way, there are only very exceptional and specific circumstances when you might not need to label a post as an ad.

Always seek legal advice on your specific situation before launching your activity.

Linking to third party content

In 2013, the ASA looked at Facebook posts on the page of a whiskey brand that contained links to blogs written by various university students, which referred to getting drunk cheaply as part of the student lifestyle. The whiskey brand stated on some posts that the views in the blogs did not represent those of the brand and that the brand encouraged responsible drinking.



Campaign creation



Even though CAP Code guidance suggests that the ASA will not generally clamp down on content where the brand can exercise no editorial control, the ASA decided that in this case, by providing the links, the content of the blogs constituted part of the brand's Facebook posts. Therefore, the posts were considered as advertising and in breach of the CAP Code, which states that alcohol ads must be socially responsible and should not encourage excessive drinking.

- **Clarify relationship between your brand and linked content**

If you use social media to link to blogs, videos or other content created by third parties, be aware that this content could, in certain circumstances, be considered part of your brand's ad.

Make the relationship between your brand and linked content clear.

- **Check that content is appropriate**

When using social media to link users to third party content, ensure that this content is thoroughly vetted and will not place you in breach of the CAP Code.

Commissioning third party content

The ASA recently clamped down on a biscuit brand that paid video bloggers to show its product on screen and to take part in a "lick race challenge", shown on the bloggers' own YouTube channels. The bloggers said the brand had supplied the product and asked them to take the challenge. Other disclosures were made such as "Thanks to [brand] for making this possible" but, as the video blogs retained their usual form and style and the disclosures were not clearly made before consumers interacted with the video, the ASA decided that the CAP Code had been breached because the video blogs were not "obviously identifiable as marketing communications over which the brand had editorial control".

- **Make commercial relationships clear and upfront**

Where you have paid for editorial content created by a third party (such as a blog or a video) to promote a product or service, you must make the commercial nature of your relationship clear.

You should insist that content creators make their role as a brand ambassador clear on any content that promotes your product in return for money or other benefit.

To avoid irritating your customers and potentially harming your brand, flag up any endorsement before your customer engages with your content (for example, by clicking to play your video) rather than at the end of the content, where they might feel they have watched or read it under false pretences – or might not realise at all, if they abandon the content before the end.

Customer reviews and testimonials

In 2012, the ASA adjudicated on a website advertising holiday apartments which incorporated a widget linked to a major travel review site. The travel review site's reviews appeared on the advertiser's website.

A complainant challenged whether the advertiser could substantiate that a particular review which appeared on the website was genuine. The review was posted on the travel review website under a made-up username and therefore the advertiser, who mirrored the review on its website, had no further details about the reviewer. Consequently, the advertiser had not met the CAP Code requirement to hold documentary evidence that the testimonial was genuine and to obtain the contact details of the reviewer. As the business in question had chosen to incorporate the review onto its own website, the review was deemed to be under its control and therefore fell within the remit of the CAP Code. The ASA upheld the complaint and warned the website operator not to incorporate testimonials into their advertising unless the CAP Code provisions could be met.

- **Retain evidence of authenticity when making use of endorsements, reviews or testimonials.**

If you publish reviews or testimonials on your social media page or use them in any other ad copy, ensure that you have documentary evidence that the review is genuine and ensure that you retain contact details for the reviewer.

This will apply even if you obtain the reviews from a third party site.



Competitions and prize draws

CAP code requirements

Whether a prize promotion is run on social media or not, it must still meet the requirements of the UK non-broadcast advertising code, the CAP Code.

- **Have comprehensive, compliant terms and conditions**

Section 8 of the CAP Code sets out requirements specific to prize promotions. In most cases, you should deal with these in the terms and conditions for your contest.

Provide the following information:

- Details on how to participate
- Whether there is a free entry route
- Start date and closing date, where applicable
- Any proof of purchase requirements
- Number and nature of prizes
- Eligibility and relevant restrictions (such as location, age, the need to access the internet, the need to obtain permission from an adult or an employer)
- Promoter's full name and address (unless this is already obvious from the context)
- Restrictions on the number of entries
- Whether the promoter may substitute a cash alternative for any prize
- Details on when winners will receive prizes (if this will be more than 30 days after the closing date)
- How and when winners will be notified of results
- How information relating to winners will be made available
- Judging criteria (for judged competitions)
- Who owns the copyright in entries
- How the promoter will return entries (if applicable)
- Whether winners will be involved in post-event publicity

Publicising the terms and conditions of your prize promotion

- **Publish all terms and conditions BEFORE your prize promotion launches**

Under both UK law and the CAP Code, for terms and conditions to be binding on an entrant, they must be brought to the notice of the entrant before or at the time of entry.

As such, it is vital that you have a full set of terms and conditions relating to the contest in place before the promotion goes live.

- **Display terms and conditions clearly**

Where the social network being used to administer the prize promotion allows, clearly display the full terms and conditions of the contest on a page or a post.

If the social network does not lend itself to the display of the terms and conditions in full, set them out elsewhere (for instance, on a dedicated page on your website) and provide a prominent link on your social network account and on related posts.



Campaign creation



- **Provide an appropriate level of information on calls for entry**

Whether you can enforce terms and conditions against an entrant will depend on whether the main terms of the prize promotion have been brought to the entrant's attention.

The amount of information you must provide to an entrant on advertising copy will, in part, depend on the amount of available space on the medium used.

For instance, if you promote your contest through a tweet, it is likely to be more acceptable to state just a few key terms, such as what the competition is, how to enter and the closing date, and then provide a clear link to the full terms and conditions.

By contrast, if you are less restricted by space or character limitations, you should provide additional details about the competition upfront, such as precise details about prizes – particularly if there are any unusual or onerous terms.

Again, if the terms and conditions cannot be set out in full, provide a clear link to them.

If the ASA receives a complaint about your promotion, they will look at your case to assess whether or not you have provided sufficient information to entrants about the contest in your ad copy. The decision will depend on how the information you have provided has been displayed and the medium used.

Social network terms and conditions

As well as complying with the CAP Code, you will also need to comply with the requirements of the social network on which your competition runs.

Failure to do so could lead to your removal from the social network.

Below are some pointers for prize promotions on a few of the main social networks. These are correct at the date of publication, but will be updated from time to time by the networks. Always familiarise yourself with the full network rules as relevant to your specific business and promotion.

Key Twitter terms

- **You should**

- Discourage the creation of multiple accounts
- Not encourage repeated tweets – for example, “Whoever retweets this the most wins”
- Consider setting a rule where you do not accept multiple entries in a single day (if appropriate)
- Ask users to include an '@' reply to you in their update so that all entries can be seen – this will prevent some entries being filtered out during a standard search
- Encourage the use of topics that are relevant to your contest – don't ask users to include hashtags which are totally unrelated to your promotion

Key Facebook terms

- **Promotions may be administered on page timelines and in apps on Facebook**

- You can collect entries from your Page by getting users to:
 - Post on your Page
 - Comment on or like a post of your Page
 - Message your Page

- **'Form gating' is permitted**

- In other words, a page where users must submit their name and email address to enter



Campaign creation



- **Promotions must not:**

- Use personal Timelines to administer promotions – for example, “Share on your timeline to enter”
- Encourage users to tag themselves in pictures or content in which they do not appear
- Incentivise individuals to like a page – such as “Like our page to enter”

- **Promotion terms and conditions must include:**

- An acknowledgement that the promotion is in no way sponsored, endorsed, administered by or associated with Facebook
- A complete release of Facebook by each entrant – such as “You agree that Facebook is not liable in any way for this promotion”

Key Instagram terms

- **Promoters should not:**

- Inaccurately tag or encourage users to inaccurately tag content – such as encouraging users to tag themselves in photos in which they do not appear

- **Promotion terms and conditions must include:**

- An acknowledgement that the promotion is in no way sponsored, endorsed, administered by or associated with Instagram
- A complete release of Instagram by each entrant – such as “You agree that Instagram is not liable in any way for this promotion”

Key Pinterest terms

- **Promotions must not:**

- Suggest that Pinterest sponsors or endorses the promoter or the promotion
- Require people to add Pins from a selection – you must let them add what they like
- Make people Pin contest rules
- Run a sweepstake where each Pin, board, like or follow represents an entry
- Encourage spammy behaviour, such as asking participants to comment
- Ask people to vote with Pins, boards or likes
- Require a minimum number of Pins
- Call the contest a “Pin it to win it” contest

Promotion mechanic compliance

- **Avoid gambling**

Make sure that your prize promotion does not fall within the definitions of a ‘lottery’, ‘betting’ or ‘gaming’ under the Gambling Act 2005 unless you have the relevant gambling licence.

You should seek legal advice as to whether your particular prize promotion mechanic falls within the remit of the Gambling Act 2005. However, it is likely that you will avoid it doing so if your contest:

1. Requires only a product purchase (at no more than normal price) or a normal rate communication to enter, or;
2. If a payment is required over and above those referred to above, it involves the entrant having to show sufficient skill, judgment or knowledge to meet the standard laid down in the Gambling Act 2005



International promotions

- **Seek legal advice in appropriate countries**

Please be aware that the guidance provided above relates to English law. If you are considering a prize promotion on social media that will be open to entrants from overseas, have your promotion mechanic and terms and conditions checked by lawyers in the relevant countries to ensure local compliance.



Campaign delivery



Outsourcing and working with third parties

Outsource opportunities

Digital and social media agencies can support your social media activity with expertise, flexibility and resources.

You can engage an agency for any aspect of social media management, including:

- **Consultancy**
To create, review or evolve your social media strategy.
- **Customer engagement (also known as community management)**
To run conversations with your customers on your social networks – in public, private or semi-public spaces.
- **User-generated content (UGC) moderation**
To review everything posted on your networks by your audience and take down potentially defamatory or inappropriate content.

This is particularly important for brands that market to children or teenagers, or where strict industry regulation is in place, such as the financial services, alcohol and pharmaceutical sectors.
- **Social listening**
To monitor conversations about your brand and provide valuable insight to inform your social strategies, as well as provide an early warning system if something goes wrong.
- **Content and image creation**
To drive and support your social media campaigns with sufficient or specialist material.
- **Analytics, campaign testing and customer insight**
To feed back into your overall social media and marketing strategy.
- **Training**
On any or all of the above aspects of social media management.

Deciding whether to outsource

Whether you decide to outsource your whole social media or just a part of it will depend on your business strategy, goals, in-house resources and budget.

- **Define your business needs**
 - Is social media a part of your organisation's core competencies – in other words, an indispensable function of your offering or a key differentiator within your marketplace?

If social media activity IS a core competency, it is highly unlikely that you will want to outsource it. Instead, look at how you can build your business around it as an essential pillar of your ongoing success
- **Define your social media goals**
 - Define your social media goals in order to support and drive your business goals
 - Can these goals be better pursued by an outsourced or in-house team?
 - Will outsourced or in-house provision better suit short versus long-term goals, and is there a clearly identifiable point at which it will become appropriate to switch over?



Campaign delivery



- **Audit your in-house capabilities**

Before you outsource, audit the skills you have in-house. Ask what your team's strengths are:

- Is your team able to meet your strategy, analysis and future planning needs around social media?
- Is your team able to meet your day-to-day management and brand engagement needs?
- What is its capacity to monitor and respond to social media 24/7, 365 days a year?
- Does your team need long-term support, or just short-term cover?
- Do you operate in more than one country or language? Do you have people to communicate effectively in those different languages?
- Does your social media team know what the latest social media networks, listening tools, analytics packages and other appropriate products and services are?
- Will it be affordable, efficient and effective to operate your social media function in-house?

- **Ensure support for your in-house team**

Even if you have a capable in-house team, you may still need outsourced/in-sourced support for a range of situations.

Have plans agreed with all stakeholders to provide support and a smooth handover in the event of:

- Holiday and sick cover – especially for specialist or unique resources within your team, such as a single speaker of a language or your only analyst
- Overloading your in-house team – over-stretched or exhausted staff will not be able to provide the highest level of social media activity
- Busy periods – such as during a marketing blitz, peak seasonal selling or a product launch
- Unexpected incidents – such as a wave of positive or negative publicity, a product recall or a major market disruption
- Additional skills – for example, if you have a new or one-off need for a foreign language speaker or a particular subject specialist

Briefing your provider

Successful outsourcing begins in the quality of the brief.

Make sure your brief comprehensively and clearly includes the following information, and that your outsource provider has fully understood and agreed to everything, with any issues flagged up and resolved:

- Contacts for normal business, management, advice, IT support and escalations
- Your social media guidelines, brand values and tone of voice document
- Standard or template responses for specific situations
- Details of specific legislation or regulatory guidelines that must be adhered to – such as financial services warnings
- Admin rights and access to your social media channels or the tools you use to manage them
- Your content calendar, setting out when to post on which channel and handover times for different team members
- A service level agreement (SLA) for response times on different channels
- Brand assets such as imagery and logos
- Templates for reporting and analytics



Legal considerations

Have appropriate contracts in place with any third party from which you buy services, commission creative work or employ to act on your behalf.

- **Always work under contract**

Always have full signed and dated contracts in place before starting the services or works.

- **Ensure contracts are comprehensive**

Your contracts must deal with issues such as the following:

- **Scope of work**

Clearly set out all agreed deliverables, including any work outputs, detailed services and delivery timings.

- **Formats**

Agree how and in what formats work will be delivered.

- **Remuneration and cost model**

Agree fair fees for each service or work, including when and how will payment be made.

- **Ownership and intellectual property**

Clarify which party will own which works, including any personal data they generate and whether this will be assigned or licensed.

- **Transfer of ownership**

If the works are to be assigned, agree at which point will they be transferred: whether on creation, on completion or on payment.

- **Licensing**

If the works are to be licensed, specify the scope of the licence, including territory, timeframes, types of use, acknowledgements and credits and any other relevant details.

- **Moral rights**

Ensure that all moral rights in the work are waived.

- **Approvals**

Set out whether you want the third party to obtain your approval of marketing before it is published.

- **Lines of authority**

Specify who from your organisation has authority to give out instructions to the third party.

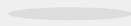
- **Policies and compliance**

Set out whether you require the third party to comply with any of your policies, such as your social media policy or brand guidelines.

- **Data compliance**

If the third party will be processing personal data on your behalf, make sure your agreement contains legally compliant provisions that set out how personal data may be used.

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Glossary

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ASA

Advertising Standards Authority

BPR

Business Protection from Misleading Marketing Regulations 2008

CAP

The Committee of Advertising Practice.

CMA

Competition and Markets Authority.

CPR

Consumer Protection from Unfair Trading Regulations 2008

DRP

European General Data Protection Regulation (expected in 2016/17)

DPA

Data Protection Act 1998

FCA

Financial Conduct Authority.

ICO

Information Commissioners' Office.

IDM

Institute of Direct Marketing

PECR

Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 Social networks

