

Guidelines for Contractors

Using Electronic Media on Behalf of the Foundation



Robert Wood Johnson Foundation

USING ELECTRONIC MEDIA¹ ON BEHALF OF THE FOUNDATION

The Foundation uses electronic media in various ways to advance our mission of improving the health and health care of all Americans. Because some uses of electronic media can raise privacy issues and other legal and reputational concerns, we have developed these guidelines for contractors. If after considering these guidelines you have questions regarding their applicability to a particular project, please contact the Foundation Communications Officer assigned to your project.

1. Tell Users how the Foundation might collect and use information about them.

When the Foundation uses electronic media to connect with or learn about Users, we often obtain personal information about those Users. Before we use electronic media to collect such information, the Users involved must be told in clear terms about what information we might collect, how we might collect that information, and how we might use or share that information. For electronic media in the form of websites, this notice is most often provided through the posting of terms of use and a privacy policy. You can review, as an example, the terms of use and privacy policy that the Foundation has posted for its website at www.rwjf.org.

Under no circumstances should you engage in web or data “scraping” to collect information about Users without first obtaining the Foundation’s express permission.

2. Tell Users how the Foundation might use Content they submit.

Many of the Foundation’s uses of electronic media allow Users to post content in the form of audio, graphics, photos, text, or video (collectively, “Content”). Before we use electronic media to collect such Content, the Users involved must be told in clear terms about how the Foundation might use or share that Content. Again, for websites, this notice is most often provided through the posting of terms of use and a privacy policy.

¹ The term “electronic media” refers to electronic technologies used to interact with individuals and entities (collectively, “Users”), such as the Internet (and the various services offered through the Internet, e.g., websites, blogs, social networking sites, etc.), email, and computer multimedia.

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3. Obtain a User's express consent to the terms governing their interaction with the Foundation where possible.

While all of the Foundation's uses of electronic media should inform Users of the terms governing their interaction with the Foundation, it will not always be possible to obtain a User's express consent to those terms. In many instances, the nature of the site or service in question is passive, and a User's consent to the posted terms will be implied by virtue of the User's continued use of the site or service.

Some of the Foundation's uses of electronic media, however, will require that Users register to use the site or service in question. In those instances, you should obtain the User's express consent to the governing terms as part of the registration process. For electronic media in the form of websites, this consent is most often documented through a "check the box" process in which users check a box to note that they have read and agreed to the posted terms of use and privacy policy. Please note that, when using this approach, it is important that the Users affirmatively check the box and that it not be pre-checked for them.

4. Avoid posting any Content that constitutes lobbying or political campaign intervention.

The Foundation is prohibited from engaging in or funding activities that constitute lobbying or political campaign intervention. For a brief summary of prohibited activities, please see <http://www.rwjf.org/en/grants/grantee-resources/legal-and-policy-information/legal.html>. The Foundation must not post Content that constitutes lobbying or political campaign intervention. This prohibition includes activities such as forwarding, "tweeting," or posting links or "likes" to third-party Content that contains lobbying or political campaign intervention.

In addition, prior to sending Content or links to Content that refers to legislation and reflects a view on that legislation to a User list that includes legislators, their staff or other government officials, you must confirm that the all members of the recipient list (1) have affirmatively opted-in to receive such communications and (2) do receive communications from the Foundation on a wide range of subjects beyond legislation.

5. Confirm that there are no intellectual property, legal or reputational concerns before posting Content to a third-party website or other electronic media service on behalf of the Foundation.

The terms governing the use of various electronic media often contain provisions regarding the ownership of Content posted to the site or service in question. Because these terms of use are often legally binding, when posting Content to a third-party electronic media service (e.g., a blog, Twitter, Facebook, Flickr, YouTube) on behalf of the Foundation, please consult with the Foundation and carefully consider the following guidelines:

- Do not post anything that the Foundation would not be happy being public, such as materials that were created for internal use only. Even if you are posting Content that is meant to be available only to a private group, the host of the website or service may have rights to make that Content public in other settings.

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- Do not post anything for which the Foundation wants to maintain exclusive control if the terms of use for the website or service give the host rights to use the Content outside of the website or service in question.
 - Do not post anything that belongs to a third party unless the Foundation has the legal right to post that Content.
 - Do not post links to third-party Content that includes lobbying, political campaign intervention, or partisan messages or where such messages are likely to be subsequently added.
6. Develop a formal moderation plan when using electronic media that allows Users to submit Content.

Because the Content that Users submit can raise a host of legal issues, it is important to develop in advance a formal moderation plan that:

- Identifies the actions that warrant response or intervention (e.g., violation of terms of use, off-topic discussion, threats or false accusations); and
- Creates a protocol for responding to such actions, based on the level of severity (e.g., providing a correction or disclaimer, removing content, notifying a user of his or her violations of terms of use, barring users with repeat violations.)

It is also important that the plan be monitored to ensure that it is consistently applied.

7. Develop a crisis plan for monitoring and diffusing difficult situations.

When using electronic media on behalf of the Foundation, you should develop a crisis plan that identifies the potential risks/challenges associated with your activities and possible mechanisms and protocols for addressing such issues, should they arise.

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