

# “Ethics in Digital Communication” Code of Conduct by the Austrian Ethics Council for Public Relations

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## INTRODUCTION

### Legal and ethical foundations

Communication in the digital sphere does not happen in a legal vacuum, but is subject to regulation in the same way as every other form of communication. Personality and freedom rights, such as the right to privacy and freedom of speech, also apply. The principles of media, competition and criminal law, from those governing intellectual property or competition claims, through to the provisions of criminal law on defamation offences and other rights infringements, apply in the online sphere just as much as in traditional media.

Discussions on ethics start where the legal framework stops. The self-regulation of the communication industry becomes relevant as well as the rules it has set. Therefore, these rules apply to all semi-professional and professional participants in the digital value chain. Because the communications industry is developing dynamically, so must the regulations. Therefore, the PR Ethics Council invites all market participants and communicators to actively participate in the dialogue.

### Principles of communications ethics in social media

The Austrian PR Ethics Council has defined eight principles for communication in online and social media channels:

1. Fairness – Use the power of communication with care.
2. Respect – Respect the users' personalities and opinions.
3. Responsibility – Assume responsibility for the content of a statement as a communicator.
4. Moderation – Define clear rules for discourse.
5. Clarity – Define rules and guidelines as orientation for the employees of a company.
6. Transparency – Disclose role as communicator and the motivation.
7. Courtesy – Use the right tone.
8. Privacy – Treat personal matters personally, and confidential matters as confidential.

A full description of these principles can be found in Annex 1 (page 7-8). These eight principles are the basic guidelines for ethically correct conduct in online and social media channels. Based on this, the following rules of the Austrian PR Ethics Council's Online Code of Conduct apply to professional online communication in the field of public relations.

## **RULES OF THE ONLINE CODE OF CONDUCT**

### **1. Objective of the Online Code of Conduct**

- 1.1. The objective of this Code of Conduct is to enable recipients to tell whether information on an online channel is objective and whether there are any underlying third-party interests.
- 1.2. The Code of Conduct is a recommendation for action on how to present online information that is based on commercial interests to recipients in a transparent and objective way and thus transmit that information correctly from a communications ethics point of view.

### **2. Addressees**

- 2.1. This Online Code of Conduct is addressed to communications and marketing professionals working in companies, organisations and institutions, providers of PR services, media and advertising agencies, online and digital service providers and agencies, online publishing service providers, marketers of digital products, online media, multi-channel networks, providers of blogger/influencer relations services and seeding, as well as semi-professional and professional bloggers who are compensated financially or in kind by companies for publishing content.
- 2.2. This Code of Conduct also applies to private individuals acting in commercial interests.
- 2.3. Publication within the meaning of this Code of Conduct means everything which is published on online channels.

### **3. Disclosing paid content**

- 3.1. Content based on a commercial agreement should be disclosed as paid content. In principle, the promotional character of the content should be clearly and unmistakably recognisable as such to the averagely informed recipient with a level of awareness appropriate to the situation. The disclosure instruments available on social media platforms must be checked as to whether they comply with the defined standards. If this is not the case, it is not sufficient to make disclosures using only the instruments offered by the social media platforms.
- 3.2. Prohibited surreptitious advertising exists if a placement fee has been charged for showing a company, a product or a service in the editorial parts of online platforms and this is not clearly apparent to the reader. Counter-deals and cooperations, such as sweepstakes, are also subject to this disclosure obligation.
- 3.3. Product tests must include a disclosure, if the products or services have been provided free of charge. This also applies if no consideration has been agreed and objective reporting is apparent in the publication.
- 3.4. The disclosure obligation also applies to content in social media channels which contains links to advertisements.

- 3.5. Tie-in-deals are prohibited. A tie-in deal is if the payment of a financial grant to an online platform is made conditional upon editorial reporting or social media interactions which are not disclosed, or – conversely – reporting or non-disclosed social media interactions are made conditional on financial grants.
- 3.6. Links to third party content, such as affiliate links, which are included in the content for consideration, should be disclosed. It is irrelevant whether the consideration given to the author of the content is of a financial nature or in kind (e.g. providing products).
- 3.7. Sponsored content must use disclosures that are suitable for the channel on which it is published, and the disclosure must be recognisable at first glance. Recommended labels include “Advertisement,” “Paid Advertisement,” “Sponsored Advertising Content,” or some variation thereof (see [www.ftc.gov](http://www.ftc.gov)). If the media law of the respective country stipulates that certain words be used as part of disclosures, these must be used. In addition, to better identify the authors, the product/company/institution being promoted must be specified.
- 3.8. When posting videos which transport promotional messages, care must be taken to include a notice which is clearly visible to the recipient that the content has promotional character before the video begins to play, even if it starts automatically (auto-play).
- 3.9. If video content includes product placement, a specific indication of this in the content is required. If the entire video can be considered promotional content which is based on a consideration of a financial nature, the video should be identified as advertising for the duration of the video.

#### **4. Author transparency in online communication**

- 4.1. Content on social media channels, such as postings, forum entries, commentaries and other contributions must clearly disclose the actual author (e.g. their real name) without using a pseudonym. Authors are responsible for their content and their identity must be clear to the recipients.
- 4.2. This also applies to content published on behalf of third parties. Content published on behalf of third parties must be published with an indication of the actual author (e.g. their real name) and their principal. “Hidden” content published on behalf of third parties, which does not provide any indication of the author and thus allows misleading interpretations of the information, should be rejected.
- 4.3. The principle of transparency also applies to building up a community on social media. Therefore, it is not permitted to use a “fake profile” as a member of the community. Furthermore, it is not permitted to pass off fake reactions (“fake likes”, “fake comments”) as actual community engagement.

#### **5. Compliance with journalistic principles in editorial online communication**

- 5.1. Editorial content on online and social media platforms should comply with journalistic principles (see the Code of Ethics of the Austrian Press Council). Information should be thoroughly researched and checked/counterchecked/rechecked for its plausibility before it is published. Opinions of those affected should be obtained and published for the purposes of objectivity.

- 5.2. It should be clearly apparent to recipients whether information published – in an editorial environment but also in social media contributions – is a report of facts, an account of a third party's opinion, or a personal opinion.
- 5.3. Pictures should be published with an indication of source and, in the case of picture montages, be disclosed as a montage. The consent of the photographer must be obtained before using pictures belonging to third parties.
- 5.4. Reviews and comparisons of products and services should be written according to journalistic and objectively comprehensible criteria, unless they are clearly disclosed as paid advertising. As specified in Clause 3.3, products and services which were provided free of charge must be disclosed.

## **6. Fair and respectful communication on the internet**

- 6.1. Incitement, defamation, denigration, discrimination, humiliation, casting of general suspicion or making sweeping denigrating statements, mockery or making false assertions constitute breaches of ethical principles and therefore this Code of Conduct and must be unequivocally rejected.
- 6.2. Neither excerpts from third party publications nor quotes may be taken out of context and should be disclosed in a manner similar to citations.
- 6.3. Inserting links to and sharing third party content is only permitted if this is freely and publicly available and not passed off as own content. However, the content must be checked for obvious illegalities and breaches of this Code of Conduct. If there are obvious breaches or if the person who inserted the link becomes aware of a breach, the link must be removed.
- 6.4. Pictorial-, text- and audio works which are not in the public domain may only be published if the person publishing them holds the exploitation- and usage rights and identifies the originator.

## **7. Corporate responsibility for social media presence**

- 7.1. Companies that operate their own social media platforms provide a framework for public discourse and are therefore also responsible for the content published on their platform.
- 7.2. Even if the author bears the direct responsibility for content published, companies also share that responsibility as providers of suitable platforms for publishing that content.
- 7.3. Therefore, companies are responsible for defining and publishing guidelines ("netiquette") for public discourse on its social media platforms. Companies are also required to moderate the public discourse that takes place on their platforms. Decisions made as part of such moderation should be taken based on the company's published guidelines and therefore be understandable to users.
- 7.4. In any case, companies bear co-responsibility for their employees' content if a connection can be made between the author and the company (e.g. as an employer).

7.5. If no such connection can be identified, the company may assume co-responsibility for what its employees publish in its own discretion and according to its own set of values.

## **8. Shared responsibility of principal and agency**

8.1. If companies or organisations engage agencies or individuals to carry out online PR work, all obligations apply equally to the principal and the contractor. All parties bear equal responsibility.

8.2. In practice, this means that principals must define the contractor's tasks and that the form of implementation should be transparent. The responsibility for attempted deception in online communication may not be shifted to the contractor.

8.3. Contractors which communicate information about such projects on their own corporate or personal social media channels should make a clear and unmistakable reference to the business relationship.

8.4. If an agency manages various social media accounts for its clients, the use of these accounts for reactions and comments aimed at extending the reach of individual client accounts are only permitted if the clients have been informed of this, have given their consent in the individual case and a substantive connection is plausible. Sale of reach by using managed third-party accounts is not permitted.

## ANNEX 1: PRINCIPLES OF COMMUNICATIONS ETHICS IN SOCIAL MEDIA

This Online Code of Conduct is founded on the basic principles for using social media channels, as defined by the Austrian PR Ethics Council. As a neutral committee for the evaluation of communication measures in public relations, the PR Ethics Council must frequently deal with complaints about online publications. In many cases, these complaints involve questions about the distinction between paid publications and editorial reporting, or about commentaries and opinions expressed on online channels where the author cannot be identified, or how to define the responsibility of companies and agencies in connection with public discourse on online platforms.

Furthermore, between 2012 and 2014, the PR Ethics Council analysed the regulations available at that time concerning the online arena and defined eight basic principles for communication activities in the field of online and social media as part of a multi-step process and in cooperation with industry experts. These recommendations should serve as orientation for companies, agencies, producers of content and all other participants in the online value chain in terms of what demands apply to professional online measures (which are correct from a communications ethics point of view) and what responsibility towards recipients is associated with them.

**These eight basic principles form the foundation of the PR-Ethics Council's Online Code of Conduct:**

**1. Fairness – Use the power of communication with care.**

Social media networks have given people, who, as consumers or citizens, want to express their opinions, opportunities which were previously unimaginable. Their communicative power has grown significantly. All communicators – companies and organisations as well as consumers or citizens – have an obligation to use their power carefully and not to abuse it or damage others. Attacks or emotional statements can quickly set off a dynamic of unimaginable dimensions and develop into an intense online backlash. Therefore, the following applies to everyone equally: "Think before you post!"

**2. Respect – Respect the users' personalities and opinions.**

People make statements and take actions according to their own value systems and respective environments – including in social networks. This must be respected. It also means that other users may not abuse these statements either for other, or their own, interests. Quotes may not be taken out of context, nor may the users, their messages or opinions be instrumentalised for other purposes. Furthermore, data may only be used for those purposes originally communicated to the user. However, everyone has the responsibility for protecting their own privacy.

**3. Responsibility – Assume responsibility for the content of a statement as a communicator. However, the responsibility for the dynamics in social media networks is shared among all those that contribute to it.**

The communicator bears the unrestricted responsibility for statements made. However, users who repeat the statements also bear co-responsibility for the dynamics of the discussion in the social networks. Therefore, besides "Think before you post!", you should also "Think before you share!"

**4. Moderation – Define clear rules for discourse.**

Companies and organisations with their own presence on social networks should moderate the exchange of opinions in the communication spaces they provide (e.g. Facebook pages, blogs with comment functions). Here, the freedom of the individual users to express their opinions

must be weighed against the responsibility for one's own company or organisation. Each company should define practical rules for itself as a basis for discourse and ensure that these rules are transparent, so that decisions made as part of moderation can be understood by users.

**5. Clarity – Define rules and guidelines as orientation for the employees of a company.**

Clear rules for employees demarcate their room for manoeuvre – it is recommended to lay these rules down in writing to help with orientation (as a set of guidelines or “netiquette”) and offer training on them. The employees have the right to communicate in social networks and express opinions about their work or their employer – as long as they do not disclose confidential information and/or damage the company (the provisions of the Austrian Salaried Employees Act also apply). At the same time, the right to express one's opinion freely may not be restricted. It is important to remember: the employees talk about the company and not on behalf of the company. For the sake of clarity, employees should disclose their relationship to the company to other users.

**6. Transparency – Disclose role as communicator and the motivation.**

The ability to communicate anonymously on the internet can easily lead to communication and opinion-forming processes being influenced by concealment. For the sake of their own credibility, communicators working for companies and organisations should “play with an open hand” and only appear under their real identities. They speak in their own names on behalf of their companies and make the role they play in the respective company/organisation transparent. Furthermore, they should disclose the motivation behind the company's/organisation's presence on social networks.

**7. Courtesy – Use the right tone.**

Dialogue on the internet removes the possibility of making eye contact with the other person. Discussion partners also frequently remain anonymous. This has also led to a less formal and shorter tone of communication on social networks, with its own set of concepts. In many cases, it is unclear where the boundary to discourtesy lies. This is why users should always try to maintain a respectful, polite tone and answer in the same tone as they would expect from others. They should also develop strategies for dealing with a lack of courtesy from others without departing from an appropriate tone themselves. Clear rules on the expected style of discussion (in the form of “netiquette”, for example) allow all those involved to understand the position being taken.

**8. Privacy – Treat personal matters personally, and confidential matters as confidential.**

Both personal and public matters are discussed on social networks. However, there is seldom any explicit declaration on what is “personal” and what is “public”. Still, the difference is mostly apparent from the dialogue's content or context. The communicators should respect this boundary and keep personal communication personal and confidential communication confidential. At the end of the day, each and every user bears responsibility for protecting their own privacy and deciding which information is made available on the internet or social media.



**ANNEX 2: STRUCTURES, PROCESSES AND INSTRUMENTS**

There are a range of other instruments and processes beside this Code of Conduct for handling ethical issues and challenges. They help to implement the Code of Conduct in everyday situations and shift the issues away from the individual and towards proper ethics management.

The following table contains a selection of possible processes and ethics instruments; the range of some of these goes far beyond the field of digital communication. They can be applied and adapted according to company size, industry and situation.

<b>Processes &amp; instruments</b>	<b>Description and details</b>
Internal discourse	Active discussions within the company on ethics, morals and values as well as boundaries and dilemmas. Every company and agency should create such a space for ethical reflection, which gives employees stability and orientation.
Training	Seminars and workshops based on ethics case studies, which form a part of personnel development and contribute to sensitising the members of the organisation and strengthen their ethical decision-making competence.
Managing dilemmas	Establishment of a procedure for making difficult decisions. Five-phase process: identification of the problem, assessment of the problem, definition and assessment of options for action, authorisation and implementation. In this respect, it is helpful to (for example) discuss key questions when considering ethical decision-making (e.g. according to Crane/Matten).
Ethics commission	Structure and extent are dependent on the size and type of the company. The core task is to entrench ethics management at the top level of management. As a forum for communication or an administrative office for a company's management, its task (on the one hand) is to provide solutions for important decisions and conflicts and prepare the ground and the know-how for such processes. On the other hand, it is responsible for providing further internal education on relevant social issues.
Ethics council	Establishment of an advisory committee of external ethics experts to monitor the company's policies according to ethical criteria and provide support as part of the solution of industry-specific ethical conflicts and dilemma situations.
Panel discussions	Conducting internal discussions or regular panel discussions on current or company-specific ethical questions with external experts, representatives of interest groups etc.

Communication instruments to entrench in the company	Dialogues: e.g. meetings, coaching, peer education, mentoring, conferences, open space method, world café method, events, hotlines, training tools such as assessments, team-building measures, role-plays etc. Unilateral communication: e.g. employee magazines, intranet, newsletters, giveaways (e.g. mousepads, brochures, flyers, posters, films), social web tools such as fora, Wikis, communities, Q&As etc.
Area-specific guidelines	Guidelines which concretise the Ethics Code of Conduct and support day-to-day decision-making in the various management areas (perhaps supplemented with practical case studies to illustrate ethical conflict situations).
Ethics Officer/Ombudsperson	A person, usually a member of top management, who is responsible for managing questions of ethics and taking care of an ethics programme etc., but who also acts as a contact person for ethically relevant problems.
Ethics hotline	Establishment of an internal or external hotline as a point of contact for ethically relevant questions from company members or (confidential) information on the potential for ethical conflicts relating to the company.
Ethical criteria in personnel management	Consideration of ethical aspects of all kinds of personnel selection procedures (recruiting, management trainees etc.), integration of appropriate criteria into assessment and personnel development programmes.
Internal ethics audit	Periodical internal audits, which – just like other audit procedures – serve to check compliance of organisational processes and structures, but also the behaviour of individual company members, with the ethical obligations the company has set for itself by means of a target/actual comparison.
Stakeholder engagement	Regular (360 degree) surveys among the company's different stakeholder groups to evaluate its ethical and social performance. The results of the surveys are communicated to all stakeholders and published and have a double effect: they promote trust and lead to improvement.

(Source: Responsible Communication, Faber-Wiener, 2013, Springer)

## CONTACT

The Online Code of Conduct of the PR-Ethics Council was drafted in 2015 and 2016 using these basic principles, after evaluating the applicable online regulations and academic literature and involving industry experts. A revised version was completed in 2018.

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