

TWEET: “ Does the Church Have Exposure to Internet Related Liability & Social Networking Risk?”

RE-TWEET: “Yes!”

Who could have known, instead of asking for someone’s mailing address and phone number we would soon be obtaining their website and e-mail address instead. I admit, I was one who initially put my head in the sand and took the “ostrich approach” to this revolution of change. Now, we embark on a new phenomenon sweeping the world called Social Networking. The statistics are staggering! The social network website called Facebook claims that it has more than 350 million members worldwide, and has been ranked as the second most visited website in the world. MySpace, Linked In and Twitter are all social networking sites and many hundreds of others are out there. I would even debate that Twitter has created a new language among the younger generation. People now talk about tweeting to each other and re-tweeting, which I have found out means answering someone’s twitter message, just in case this was Greek to you like it was to me.

Many churches are responding to this change and maintaining their cultural relevance. They have very sophisticated web sites, blogging sites and social networking avenues, such as Facebook and Twitter. Churches have even gone to church services called “Twitter Services”. The audience twitter questions to the Pastor and he answers them during the service! As agents, we are faced with a rapid changing response from the insurance industry to try to cover these exposures and almost weekly are hearing about the latest and greatest attempts by insurers to offer coverage options. I am submitting to you that we are in an era of Internet Liability/ Cyber coverage “evolution”. We will remember this just like we all remember going through this a decade ago with Employment Practices Liability. Our scope for this article is to zero in on risks that are somewhat unique to the church/ religious organization category. Social Networking and Internet Blogging are two areas for concern.

If the church is engaging in Social Networking, which by the way they are even if they do not know it, then a Social Networking Policy needs to be put in place and signed by all church employees. As always, please have the church consult with their attorney when developing policies and procedures. Listed below are some recommended points to consider when developing a Social Networking Policy:

- If an employee is going to write on a website, then using their own name is mandatory.
- They agree not to attack fellow church employees or members and to conduct themselves in a respectful manner.
- Agree not to disclose sensitive, confidential or private information.
- Do not post advertisements, pyramid schemes, solicitations or chain letters.
- Should not distribute copy written material.
- No posting of material that could contain a harmful virus.
- The church needs to implement a checks and balances system and have someone review and approve all posted material.

The church needs to monitor and be aware if members are creating sites innocently under their name. Recently, one of my church clients came to me stating that they found out that entire Sunday school classes were developing Facebook pages under the auspice of their church name and they were not aware of it. They were posting prayer requests as well as their opinions that were not monitored. It was the idea of one of the staff members, but no risk management plan was implemented and the leadership team was also not apprised of this decision. Within a few months someone had posted a prayer request for another member, without their consent, and I was called in when an invasion of privacy complaint was filed. This member did not want the entire class to be aware of her illness and was very upset when she viewed this on the website. No risk management plan and lack of communication was the culprit in escalating this exposure.

Blogging is a term for web log, or an online journal. Many ministers maintain a blog to keep members informed. In effect, they are doing this as part of their job and on church time. This can create liability for the church and yes, you guessed it, they need a blogging policy. The same exposures apply here: First, an employee could discuss something that is confidential and the result is the same as we saw in above example regarding the prayer request. However, risk can also be triggered by comments that are posted in response to the employee's blog. The second hazard is libel or slander by the church employee of another individual. Let's assume the allegations are found to be false, then the church could be held responsible for these comments. The third point to consider is that an employee could reveal a trade secret of the church. Trade secrets can include; the amount of someone's charitable contribution to the church, private phone numbers that are unlisted or an address. This may require the church to take action against that employee. When developing a policy, the above points need to be considered and also a time limitation may need to be stated to limit the employees time blogging on the computer.

In conclusion, there is one more risk that we have not discussed and I would be erroneous if this was not addressed, the risk of ignorance. The insured has to understand that they are exposed. The church has exposure and much of the risk will have to be mitigated. The old standby of "But, I have insurance for that", does not hold water anymore for many of the exposures we have discussed. The answer to this is education. We as agents will have to take responsibility and educate our church clients that this CAN impact them. We live in a much more litigious society than we did "back in the day." Church boards and leadership teams need to be educated on the emerging risk so they can buy in and stand behind the steps needed to implement their risk management program. I am preaching to the choir, I know. However, we do have a huge part to play in this and have to help them see the need. We are faced in many ways with the same challenge that we encountered a decade ago trying to educate clients on the need for Employment Practices Liability coverage. We now see that the majority of church claims are derived from these type of claims. What if we let them take an "ostrich approach" to this? I do not think we have even seen the tip of the iceberg yet on how the legal arena is going to respond to cyber liability lawsuits. It will be good to be ahead of the curve and have done all we can to protect the church from these exposures.