Duke Medicine’s Social Media Policy
Frequently Asked Questions

While Duke Medicine supports the use of social media for online communications concerning our mission, community relations, marketing and recruitment activities, we have established guidelines to ensure we protect the privacy of our patients, their loved ones and each other. See the DUHS Social Media Policy.

What is social media?

1. **What do we mean by “social media?”**
   Social networking and social media sites are online, public communication sites for users to interact, engage, and share interests and activities. Commonly used social networking sites include Facebook, Flickr, MySpace, wikis, Twitter, LinkedIn, personal blogs and YouTube. However, the world of social media is changing rapidly. This policy covers all social networking and is not limited to sites in existence today.

Social Media & Confidentiality

2. **What do you mean by not sharing confidential or proprietary information?**
   You shouldn’t discuss or share any information that is confidential. In addition to protected health information (PHI), this may include information about contracts, financial or clinical data, regulatory issues, HR issues, yourself or research. We also have a responsibility to respect and protect the privacy of our co-workers and students. You shouldn’t discuss any private information about your co-workers or students.

3. **May we post pictures of patients on our personal social media page if the patient or the patient’s family agreed?**
   No. You should not post any pictures of patients even if the patient or the patient’s family agreed.

4. **May we take a patient’s picture and send it to them if they ask us to do so?**
   No. You should not take a patient’s picture and send it to them even if the patient or patient’s family makes the request.

5. **May we post a picture of a patient’s body part or an image when the patient cannot be identified on our personal social media page?**
   No. You should not post any pictures of patients, patient’s body parts, patient images, etc., even if they are de-identified. This includes cell phone pictures of wounds or body parts as well as images such as X-rays, CT scans, etc. See DUHS Photographing/Videotaping/Audiotaping Policy

6. **May we post photos of research, e.g., human subjects, research laboratories or research animals?**
No. You should not post pictures or any information about Duke research activities or subjects. For additional information, please see DUHS Clinical Investigation Procedure and Division of Laboratory Animal Resources Photography in Animal Facilities.

7. May we discuss patients on our personal social media pages if we don’t identify the patient and don’t use the patient’s name?
No. You should not discuss Duke patients on your personal social media pages even if the patients are not identified.

8. Can we say on our personal social media page that we had a tough day at work?
Yes, but you should not go into any details. You should talk about your personal reasons for your tough day and not discuss any clinical activities at Duke. You should think about how you may be representing yourself as a Duke employee with your postings.

9. Can I blog about my job and what is going on in the unit if I de-identify all patients?
You should not share PHI and details about your job. If you are interested in developing a Duke-sponsored social media site, contact the Office of Marketing & Creative Services. If you have questions about de-identifying, contact the DUHS Compliance Office at 668-2573.

10. What if a patient takes a picture of me in the unit, posts it on her site, and tags me so it shows up on my social media page?
You should remove the picture so it no longer shows up on your site. Patients are permitted to take pictures and post to their site as they are not covered entities under the HIPAA Privacy Rule and are not held to the same privacy standards as we are. However, the picture should not show up on your site.

11. I am concerned about patients taking so many pictures of our staff and other patients on our unit. Can we ask patients to stop taking and posting pictures?
Yes. You can talk to patients about taking pictures, but they are not covered entities under the HIPAA Privacy Rule and are not legally held to the same privacy standards as we are. However, you can have these conversations with patients and talk to your manager about the department’s policy regarding pictures and cameras.

12. Can I post a picture of a patient after the patient has left my unit and is no longer a patient?
No. Once the patient is a patient, he or she is always a patient even when no longer on your unit. He or she is still a Duke Medicine patient.

Appropriate/Professional Use of Social Media at Work & Personal Life

13. Can I post on my personal social media page during work time if I am saying good things about Duke?
The Social Media policy prohibits access to social media for personal use during work hours. Department managers have the discretion to designate a departmental computer or area not viewable by the public where staff may access personal social media sites during non-work time (e.g., break or lunch). You should talk to your manager to find out if your department has such a designated computer or area to access your personal social media page.

14. Can staff access social media for personal use using a Duke office or workspace computer during non-work time, e.g., lunch or break, if not viewable by the public?
   The policy prohibits use of Duke computers or other equipment to access social media for personal use. At the discretion of the department manager, a departmental computer may be designated to permit the workforce to access personal social media sites during non-work time. Use of personal devices to access social media for personal use may be used during non-work time outside public view.

15. Can I use my Duke e-mail address for social media?
   No, you should not use your Duke e-mail address; you should use your personal e-mail address. If you are representing Duke on professional trade association-sponsored social media sites, you may use your Duke e-mail address. However, if you identify yourself as a Duke workforce member in any online forum and/or use your Duke e-mail address, you must make it clear that you are not speaking for Duke, and what you say is representative of your individual personal views and opinions and not necessarily the views and opinions of Duke, unless you have been asked to do so by Duke Medicine Communications or Management.

16. Do I always need to be professional in my postings even when I’m not at work or using Duke equipment? What about free speech?
   a. If you are representing yourself as a Duke employee, you need to be professional in your postings. Duke’s Breach of Patient Information policy, HR policies and other policies and procedures still apply when you are representing yourself as a Duke employee even if you are not presently at Duke.
   b. You may want to consider maintaining both a professional and personal social media page. Just keep in mind that it is advisable to always be professional online, even on your own personal page, as all social media is public.

17. What does it mean to be “professional” in your postings?
   It means presenting yourself or the image of yourself as a professional/competent employee of Duke. You should consider that social media sites are public sites and ask yourself would you want your patients, co-workers, supervisors, family, future employers, etc., to see the information you post? Being professional means being respectful to fellow employees, faculty, supervisors, vendors, and competitors and striving for accuracy in your postings. Workforce members should communicate following Duke’s Guiding Principles and Harassment policies and avoid anger, sarcasm, criticism, and any language that may be discriminatory, offensive, and defamatory (e.g., making negative comments about a group of patients with a
particular illness or condition). For additional guidance regarding professionalism, please see:

AMA Policy - Professionalism in the Use of Social Media

North Carolina Medical Board - Practicing Medicine in the Facebook Age: Maintaining Professionalism Online

18. What questions should I consider before discussing work-related activities in social media?
If the answer to any of these questions is “yes,” you should not participate in such communication within social media (see examples are located on pages 6-8 for further clarification).
- Does the discussion diminish the individual’s role as a Duke Medicine workforce member?
- Does the discussion reflect negatively on individual’s co-workers/colleagues? The individual’s work unit and the organization (e.g., posting “We were very short staffed today”)?
- Does the discussion conflict with Duke Medicine’s mission, culture and/or values?
- Does the discussion reveal patient PHI or proprietary business information?
- Does the discussion include any information that could directly or indirectly identify a Duke Medicine patient (e.g., posting “today one of my patients died”)?
- Does the discussion put the institution or individual at risk (e.g., posting “Joint Commission is here today. Hope they don’t come to my unit”)?

19. Why do I need to be careful with what I post when I have my site locked down so only friends can access it?
Social media sites are public sites. There is no such thing as a “private” social media site. Even though there are privacy controls, you should assume that your postings may be seen by the public. For example, search engines can locate current postings now and in the future, your “friends” can copy your posts and make them available in public and your co-workers may have access to your sites.

20. Should we discontinue social media contact with (i.e., “de-friend”) patients? How should we do this?
Yes. You should not have a social media relationship (such as Facebook “friends”) with patients unless you had a relationship with that patient previously. You can “de-friend,” ignore the friend request, or send a private, encrypted message/e-mail explaining that you do not “friend” patients.

21. How can I tell patients we can’t be friends on Facebook or other social media?
Such discussions should not be conducted on social media. You may send a private, encrypted e-mail.
22. If a patient (or a patient’s parents) and I were friends before the patient came into the unit, can we be “social media friends?”
   Yes, if a patient (or a patient’s parents) and you were friends before the patient came into the unit, you can be “social media friends” but clinical/treatment information should not be shared on social medial or in this type of forum. You should not initiate a social media relationship with a patient in which you developed the friendship during the patient’s treatment at Duke.

23. On a friend’s social media page account, can we ask how a Duke patient is doing if we previously had a relationship with this friend?
   No. You should not ask questions on social media to which the friend will respond with patient information.

Staff Education

24. Is there education available reminding staff of their responsibilities as it relates to social media?
   Staff can review the 15-minute privacy refresher training Duke Medicine Privacy: Protecting Patients and Patient Information which discusses staff’s privacy responsibilities when using social media.

Creating Professional Social Media Sites for Duke Departments/Entities

25. Our department would like to create a Duke-sponsored Social Media page. What should we do?
   You should discuss this proposal with your manager and then contact the Office of Marketing & Creative Services and follow their Social Media Guidelines. If you plan to post patient information on a Duke-sponsored page, you must have an executed patient authorization before posting any PHI.

26. Our department would like to develop a social media site behind the firewall where we can discuss issues as a department. Is this allowed and how should we set this up?
   You should contact DHTS Web Services to set up this type of forum. Generally no PHI should be shared on such web sites even when behind the firewall. Contact the DUHS Compliance Office (668-2573) for more information.
**Staff Responsibility**

27. **What should I do if I discover an employee has posted patient information online?**
   You should contact your manager or supervisor, contact the DUHS Compliance Office at 668-2573, or call 800-826-8109 for anonymous and confidential reporting.

**Human Resources Implications/Corrective Action**

28. **I am a manager and am concerned that staff members are on their personal social media pages when they should be working. What should I do?**
   You should address this as you would any other performance issue. You can request an audit report of computer usage from DHTS. You should remind your staff of the social media policy which prohibits access to social media for personal use. If you have serious concerns about a staff member misusing social media sites, contact your local IT support personnel or the DHTS service Desk for assistance in gathering additional information about the staff member’s usage patterns.

29. **What are the penalties if we post sensitive information on our personal social media page or violate the Social Media policy?**
   Corrective action will follow Duke’s policies and procedures including the Breach of Patient Information policy and the Duke HR Standards of Conduct & Performance/Corrective Action. Corrective action—up to and including termination—may be appropriate depending on the level of policy violation. Please consult with your entity’s Human Resources office for questions.

**Examples: Violations of Duke Medicine Social Media Policy**

The following scenarios are examples of patient privacy and social media policy violations.

**Betty the Nurse and Ben the Pediatric Patient**

Betty, a nursing student, is excited to be in her pediatric rotation. She is especially touched by Ben, a three year old boy battling leukemia. On her last week of rotation, she asks him if she can take his picture with her cell phone camera. She takes the picture as she is wheeling him into his room after chemotherapy. She later posts the picture, without his name, to her personal Facebook page.

This is a violation of the policy, as well as HIPAA.
- Taking a picture of a patient for personal purposes is a violation of privacy policies.
- Posting a patient picture without an executed authorization is a violation of the HIPAA Privacy Rule.

**Jane and the Mystery Patient**

Jane worked as a health unit coordinator in a local hospital. She arrived one morning to find a strange e-mail that included a picture of a woman dressed in a hospital gown in a room that looked very much like the rooms on the unit. The e-mail was sent from an unknown e-mail account. Jane asked her co-workers if they had received the same e-mail. If they did not, she
forwarded it to them and asked them to identify the patient. One staff member posted it on their blog.

- Posting this patient’s picture is a privacy violation, as well as a violation of the Social Media policy.
- By willingly sharing the photos electronically via e-mail and social media (i.e., blog post) to internal and external sources, staff are violating the patient’s privacy.
- Incidents such as this one should be immediately reported to management per privacy policies.

Dr. Smith and Susan Brown
Dr. Smith is making his daily rounds. A family member snaps a photo with his cell phone camera while Dr. Smith talks to the patient, Susan Brown. That family member posts the picture to Facebook and tags Dr. Smith. Susan Brown later invites Dr. Smith to be her friend and he accepts her friend request. Later, Susan sends him a Facebook message asking for instructions on changing her wound dressing.

- This crosses the boundaries of professionalism and privacy.
- While patients and family members can take photos and are not held to the same standards as healthcare providers, we have a duty to remove tags from photos so that they don’t show up on our Facebook page.
- Healthcare providers should never ‘friend' patients initiated through a patient encounter or accept ‘friend’ requests from patients. Even after they leave the hospital, the patient relationship remains.
- Specific medical advice and instructions should be given in a confidential manner, in an appropriate setting, e.g., via an encrypted e-mail.

Deborah and Twitter
Radiology technologist Deborah tweets “I had a great day; all of my mammography patients had clear scans.”

- This is a violation of the Social Media policy. Do not post any patient information on any social media environment. This information could be interpreted by someone who follows her twitter and either had a mammogram that day or knows someone who had a mammogram that day. It is best to share nothing more than “I had a great day.”

Department Party on YouTube
A Duke department hosted an offsite party for the holidays. During the party, a staff member videoed the party from his Duke-issued iPhone. The next day, he posted the video and told co-workers to check out party highlights on YouTube.

This is a violation of the Duke Medicine Social Media and Mobile Devices policies on several levels. You are not safeguarding Duke assets. Any Duke assigned mobile device (e.g. iPhone or Blackberry) should only be used for video purposes that are educational or professional in nature. These devices are not to be used for personal images or video. Remember that your
Duke issued mobile device is a capture device ONLY and should not be used as a storage device. Always download any images or videos to secure Duke Equipment. Do not post Duke or work-related videos or images (whether shot on a Duke assigned or personal mobile device) on YouTube or any other social media site without appropriate approval and authorization. For further instruction, refer to The Office of Marketing and Creative Services Facebook Guidelines

Contacts for Questions

- For general questions about the policy or to obtain the Social Media Toolkit in PowerPoint format, contact Katie Galbraith, chair of the Social Media Steering Committee (470-6522), or any member of the Social Media Steering Committee

- For privacy-related questions, contact DUHS Compliance Office at 668-2573.

- For questions about creating social media as a representative of your department or entity, contact Duke Medicine Office of Marketing & Creative Services

- For questions about Human Resource implications, contact your entity’s Human Resources Office.

An online version of these FAQs are available at dukemedicine.org/social