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Valid from: 21 July 2022

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Interim Social Media Guidance

Introduction

1. We recognise that you are likely to want to use social media for a variety of private and professional reasons. We have written this guidance to help you understand your duties under the BSB Handbook as they apply to your use of social media. This applies to you in both a professional and personal capacity, since the inherently public nature of the Internet means that anything you publish online may be read by anyone and could be linked back to your status as a barrister.
2. **Remember that you are bound by Core Duty 5 (not to behave in a way which is likely to diminish the trust and confidence which the public places in you or the profession) and Rule C8 (not to do anything which could reasonably be seen by the public to undermine your honesty, integrity (CD3) and independence (CD4)) at all times.** Other Core Duties and rules that apply when you are '*practising*' or otherwise providing '*legal services*'¹ are also relevant to your use of social media in a professional capacity (for example, **Core Duty 3**, **Rule C9**, **Core Duty 6**, and **Core Duty 8**).
3. Unregistered barristers should also bear this guidance in mind when using social media; as members of the profession, they are expected to conduct themselves in an appropriate manner and are also subject to certain Core Duties and other rules.
4. Social media use includes posting material online, private messages to individuals, organisations or groups, sharing content, promoting your business as a barrister or

¹ 'Practising' and 'legal services' are both defined in Part 6 of the BSB Handbook.

networking. This might be on sites such as Twitter, content communities such as YouTube, social networking sites like Facebook or LinkedIn and Internet forums.

5. You should always take care to consider the content of what you are posting or sharing and the manner in which you express it. Making comments that are seriously offensive, discriminatory, harassing, threatening, or bullying are likely to **diminish public trust and/or confidence in you or the profession** (CD5) or **could be reasonably seen by the public to undermine your integrity** (Rule C8). Making comments of an indecent, obscene, or menacing character or which are derogatory, gratuitously abusive or which may incite violence, may also be a breach of CD5 and/or Rule C8. However, foul language alone is unlikely to be a breach of the BSB Handbook.
6. You should also bear in mind your **duty to keep your client's affairs confidential** (CD6). It is inadvisable to send confidential communications to your client over social media, but we recognise it may be appropriate in certain circumstances (eg it is necessary for your client's safety, or there is no other reliable means of contacting them). You should not do so unless your client has agreed, and you are satisfied that your client's confidentiality will not be at risk. If your client does wish to be contacted in this way, you will need to consider not only the security of the system that you are using (including any relevant settings to ensure that confidentiality is not at risk), but also its privacy policy. Some host sites allow the host to access otherwise private information, despite it not being posted to the client's public facing "wall" or "blog".
7. You may also want to consider less obvious risks; for example, by advertising the fact that you are in a particular location at a particular time (perhaps via a "geotagged" status update), you may risk inadvertently revealing that you act for a particular client.

8. This guidance will be taken into account by the BSB in any action it takes over concerns about social media use. If you are the subject of a report concerning your use of social media, we will investigate the matter carefully and in line with the process explained on our website.

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Bar Standards Board