



Social media and online networking guidance note

1. Purpose

The guidance note:

- clarifies the responsibilities you have as nurses, midwives and assistants in nursing in your use of social media and online networking for professional and personal purposes¹
- provides guidance on the issues you should consider before use
- clarifies the responsibility of employers around the use of social media in the workplace.

2. Definitions

Social media encompasses all online and mobile tools used to share opinions, information, experiences, images, and video or audio clips, as well as websites and other electronic applications used for social networking.

3. Context

Access to social media sites, feeds and groups is commonplace for most Australians. As nurses, midwives and assistants in nursing, you have important professional and legal obligations and you must make sure your social media use is consistent with these obligations.

4. Guidance

Professional obligations

1. When using social media, you must comply with:
 - the *Health Practitioner Regulation National Law Act 2009* (the National Law)²
 - the Nursing and Midwifery Board of Australia (NMBA) codes of ethics and professional conduct (the Code of conduct)³
 - and the NMBA *Guidelines for advertising regulated health services* (see Advertising).⁴
2. This means you must:
 - comply with your confidentiality and privacy obligations and the professional obligations in your code of conduct
 - maintain professional boundaries

¹ Assistant in nursing refers to all care workers however titled.

² For the *Health Practitioner Regulation National Law Act 2009* (National Law) as it applies in each state see: <https://www.ahpra.gov.au/about-ahpra/what-we-do/legislation.aspx>. See also: Nursing and Midwifery Board of Australia. 2019. *Social media: How to meet your obligations under the National Law*. Available at <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines/Social-media-guidance.aspx>.

³ The NMBA Professional practice framework is available at <http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines.aspx>.

⁴ The NMBA guidelines for advertising regulated health services are available at <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines/Advertising-a-regulated-health-service/Guidelines-for-advertising-regulated-health-services.aspx>.



- communicate professionally and respectfully with or about patients, colleagues and employers
 - not present information that is false, misleading or deceptive.
3. You must also understand and abide by your workplace social media policies and use work-based computers and mobile devices in accordance with these policies.
 4. If you use a personal device for a professional purpose (for example to send a photo of a presenting issue – a wound, rash, fracture or foreign body – to another clinician), you must:
 - stay within the legislative requirements
 - adhere to your organisation’s policies
 - maintain your professional confidentiality and privacy standards.

Privacy

5. You must meet your professional obligations in relation to privacy, confidentiality and consent.⁵
6. When creating and transmitting images on mobile devices of a person in your care for professional purposes, you must obtain their consent to capture, use, store and ultimately destroy any image related to them. You must get this consent in writing.
7. To do so, you must actively engage and communicate with the person about where and how the image will be used; who will use it; and how the image and any accompanying information will be managed.

Respect

8. When using social media, you must be respectful.
9. You must not refer to the people in your care, your colleagues or your employer in the social media environment.
10. Before posting anything, you should carefully consider:
 - the content, intent and tone of your intended post
 - your professional and regulatory requirements
 - relevant laws including defamation, discrimination and racial vilification laws
 - who will, and who is likely to, see the post – this includes how any person or site may manage or re-post it and how your post may then be used by unrelated third parties.
11. You should always avoid discriminatory, indecent, obscene, vulgar, offensive, abusive or vilifying language, material, information and images.

Professional boundaries

12. You are entitled to a private personal life but you should do your best to keep your online personal and professional lives separate. You should also be aware that while you might do this, others, including people you trust, may not maintain your distinction.

⁵ The Office of the Australian Information Commissioner has guidelines on the Australian Privacy Principles. See https://www.oaic.gov.au/_data/assets/pdf_file/0009/1125/app-guidelines-july-2019.pdf.



13. Do not post photos or information about people in your professional care on your social networking applications.
14. When posting online in a personal capacity, avoid making any reference to:
 - your registration as a health practitioner
 - your qualifications
 - your employment
 - your employer.
15. Do not invite or accept people in your professional care as 'friends' or follow them on any social media platform. To minimise the chance of any inappropriate communication occurring, consider blocking their profiles.

Self-protection

16. Carefully consider how you plan to use any social networks before signing up. Think about how the networks will use and share your information, images and data and what help they will provide if you need to remove something.⁶
17. Be aware that images and words placed online endure and consider their potential impact on your current and future employment.
18. Understand that cookies, location services and many apps track your habits and location and upload your personal data, information and images.
19. Your social networking, including closed groups, is not private. You should inform yourself about the limitations of so-called private settings and be aware that such settings will not stop others from re-posting your information or images. Anything you post can be easily shared by another person through a screenshot.
20. Members of the public who come into your workplace may use social media devices to film or record you while you are working. This may happen with or without your knowledge. Each state and territory has legislation about surveillance and listening devices.⁶ While the legislation is not always the same, it always aims to prohibit the use of recording devices without the consent of participants. If you did not give your consent before a recording of you was made, report this to your employer.⁷

Advertising

21. The National Law places strict conditions on advertising and the use of protected titles. Very serious penalties apply for breaches.
22. If you are a private practitioner or work in the private practice of other regulated health practitioners, you must inform yourself about these laws.

⁶ For more information see the Australian Government information: *Five ways you can stay smart online* available at <https://www.digitalhealth.gov.au/newsroom/blogs/five-ways-you-can-stay-smart-online>.

⁷ For more information, see the Arts Law Centre of Australia information sheet: *Filming with a smartphone or hidden camera* available at <http://www.artslaw.com.au/info-sheets/>.



23. You should also be aware of the policies of the Australian Health Practitioner Regulation Agency (Ahpra) on advertising and social media and comply with the NMBA Guidelines for advertising regulated health services.^{8,9}
24. Never post any solicited or unsolicited advice or information about a health service, particularly where such advice is outside your scope of practice.

Workplace campaigns

25. ANMF members can lawfully participate in workplace campaigns to advance their industrial, professional and workplace health and safety interests.
26. You can post photos of you attendance at rallies and share ANMF social media content, but you must comply with any workplace policy about making public comments.

Employer responsibilities

27. Employers should provide sufficient electronic equipment for nurses, midwives and assistants in nursing so they can access the online resources they need to do their job.
28. Employers have a duty of care to protect nurses, midwives and assistants in nursing against the misuse of social media by other health practitioners, patients, or members of the public. Misuse includes the unauthorised posting of images of employees in the workplace or comments about their professional practice.
29. Employers must collaborate with nurses and midwives to develop a social media policy that outlines the social media rights and responsibilities of employees; people receiving care; visitors to the service; and media.
30. Employers must ensure these policies include the requirement to obtain specific written consent from the nurses, midwives and assistants in nursing involved before:
 - posting any audio, video or other images involving them
 - discussing any work-related matters on social media involving them.
31. Employers should place clear signs throughout the facility about the rights and responsibilities of all parties in using social media or online networking. This should include advice that all unauthorised audio or video recording is not permitted on the premises.

Learn more

32. For more information, please see the Australian Nursing and Midwifery Federation (ANMF) information sheet: *Advertising by nurses and midwives*.

5. Guidance note management

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⁸ Australian Health Practitioner Regulation Agency. Information on advertising legislation and guidelines for regulated health practitioners. Available at: <https://www.ahpra.gov.au/Publications/Advertising-resources/Legislation-guidelines.aspx>.

⁹ Nursing and Midwifery Board of Australia. Guidelines for advertising regulated health services. Op cit.