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TITLE: SOCIAL MEDIA

POLICY AND PURPOSE:

NewYork-Presbyterian (the "Hospital") recognizes that social media provide opportunities for its Hospital and medical staff, both for business and personal uses. The purpose of this policy is to provide rules and guidelines to be followed by Hospital and medical staff in order to protect the Hospital's confidential information and patient privacy, and to promote compliance with Hospital policies and applicable law.

For purposes of this policy, social media includes but is not limited to all internet-based social networking sites (*e.g.*, Facebook, Instagram, LinkedIn, Twitter), blogs, discussion forums, collaborative information and publishing systems (Wikis), RSS feeds, video and photo sharing websites (*e.g.*, YouTube, Picasa) and other websites with user-generated content.

APPLICABILITY:

All Hospital Staff and Medical Staff including supplemental staff. The terms "staff" and "users" are used interchangeably in this policy to refer to all users of social media governed by this policy.

BUSINESS USE OF SOCIAL MEDIA:

The Hospital regularly uses social media for business and marketing purposes. All social media content and accounts that promote the Hospital or use the Hospital's brand name or logo for Hospital business purposes on behalf of the Hospital require prior approval of the External Relations Department, which is comprised of the Office of Communications, Marketing, Internal Communications and Community Relations.

Any use of social media on the Hospital's behalf must be conducted in a manner that is professional, protects the reputation and brand of the Hospital and is in compliance with Hospital policies, the terms of use for the social media site, and any applicable laws and regulations. Prohibited conduct when using social media on the Hospital's behalf includes, for example, use of social media in any way that constitutes libel, false advertising, copyright or trademark infringement, harassment, professional misconduct, or a violation of privacy rights or other rights protected under the law. Further, use of social media to present information about health care topics should clarify that the content is meant for informational purposes only and not as medical advice.

PERSONAL USE OF SOCIAL MEDIA:

The Hospital respects the right of its staff to use social media as a medium of self-expression. When using social media for personal purposes, users should follow the guidelines and policies set forth herein in order to establish a clear line between their personal and Hospital-related activities and to protect the legitimate business and legal interests of the Hospital. In addition, Hospital staff shall refrain from engaging in personal use of social media during working hours, except meal and rest breaks, and for limited, incidental use that does not interfere with performance of Hospital duties or Hospital operations and is compliant with Hospital policies and any applicable laws and regulations. Use of Hospital equipment is subject to Hospital Policy I205, Acceptable Use of Electronic Devices and Information.

Staff shall not use social media for personal purposes in any way that might reasonably create the impression that the content is authorized or controlled by the Hospital. Staff shall not use the Hospital's logo, trademark or proprietary graphics without express prior authorization, for example by posting a photo of staff wearing scrubs or clothing with the Hospital logo. If users identify themselves as being associated with the Hospital on a social media site and if the nature or context of social media activity on such site could reasonably be misconstrued as representing the views of the Hospital, then users should post a disclaimer such as, "My posts reflect my personal opinions and are not approved or authorized by NewYork-Presbyterian." Any social media content that promotes the Hospital, its staff or services, must be accompanied by a disclosure of the author's relationship with the Hospital (e.g., "#employee") and must include the author's actual name, not a pseudonym or alias, as required by Federal law regarding online endorsements.

Staff should remember that they are personally responsible for their own conduct when using social media for personal purposes. Staff should also be mindful that the Hospital is a public accommodation and should not post content about, or any image of the Hospital, staff, patients, or visitors, that is vulgar, obscene, threatening, intimidating, defamatory, or a violation of the Hospital's policies against discrimination, harassment, or hostility on account of a legally protected class, status or characteristic, such as race, age, or disability. Employees should not disparage or discredit the Hospital's services, or the services of its patients, visitors, vendors or competitors. Employees are strongly advised against posting any content or image that could be perceived as mocking or disparaging a patient. Staff should not post any content, image, or video of themselves that identifies them as Hospital staff and depicts them engaging in illegal conduct, such as acts of violence or the illegal use of drugs, or in conduct that violates any Hospital policy.

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Staff are encouraged to report to the Human Resources or External Relations departments any online behavior by or regarding Hospital staff that violates Hospital policies; this includes hateful statements about any individual or group based on that individual or group's race, national origin, gender, religion or other legally protected characteristic. See *Code of Conduct, Employee Handbooks, Human Resources Policy #412 Anti-Harassment* and *Human Resources Policy #501 Equal Employment Opportunity*.

Staff shall not communicate with, connect with or "friend" their patients or Hospital employees who directly report to them in such a manner that may inappropriately blur the personal and professional relationship, result in an invasion of privacy, or create potential liability for staff or the Hospital. Any use of social media to present information about health care topics should clarify that the content is meant for informational purposes only and not as medical advice.

Staff shall not provide employment references for any current or former Hospital employees on social or professional networking sites (for example through a recommendation on LinkedIn), as such employment references could potentially be attributed to the Hospital and create legal liability for the Hospital and the author of the reference. See *Human Resources Policy #503 Verification of Employment*.

DEPARTMENTAL USE OF SOCIAL MEDIA:

All NewYork-Presbyterian departments and initiatives will be represented by one account across all social media channels that is managed by the Office of Communications: (Facebook: NewYork-Presbyterian Hospital, Twitter: @nyphospital, Instagram: @nyphospital and LinkedIn: NewYork-Presbyterian).

The creation of departmental accounts that use the Hospital's name, logos or derivatives (such as "NYP", "NYPH", "NYPBM") are prohibited.

PATIENT PRIVACY:

Staff shall not use social media to disclose any individually identifiable information about Hospital patients in any form (including photo, video or written content) except with the patient's written authorization on a Hospital authorization form and with the approval of the External Affairs Offices. Individually identifiable information is information that may identify the patient, including demographic information such as the patient's name, age, address, gender, race, social security number, or marital status, as well as Protected Health Information ("PHI"), which includes information that relates to a patient's physical or mental health or condition, related health care services or payment for health care services.

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Even if a patient is not identified by name, a disclosure could still violate Hospital policies, the Health Insurance Portability and Accountability Act (HIPAA) and other applicable laws if there is a reasonable basis to believe that the patient could be identified from the disclosure. Staff must not post content that disparages Hospital patients or which is likely to alarm or offend them. For these reasons staff are prohibited from discussing Hospital patients on social media or in any public forum, even if the patient cannot be identified. See *Hospital Policy #L125 HIPAA Minimum Necessary Standard, Hospital Policy #P205 Privacy and Confidentiality/Notice of Privacy Practices and NYP Code of Conduct.*

Personal phones, personal cameras and other personal devices shall not be used to photograph, film or record Hospital patients or to receive, store or transmit individually identifiable information of Hospital patients. Staff may photograph, film or record patients using Hospital-approved equipment, but only with approval of the attending physician and with the patient's written authorization on a Hospital authorization form that is filed with one of the hospital's External Affairs departments. Patient authorization is not required if the photo, video or recording is taken by the attending physician or other authorized staff member and used solely for the purpose(s) of diagnosing, treating or identifying the patient. See *Hospital Policy #C137 Photographing, Video Recording, or Audio Recording of Patients, Other Individuals and Staff.*

INTELLECTUAL PROPERTY AND CONFIDENTIAL INFORMATION:

Without the legal right to do so, staff shall not use social media to disclose or otherwise misuse any intellectual property of the Hospital, its affiliates, personnel, or contractors, such as logos, trademarks, copyrightable materials. Staff should not use social media to disclose or otherwise misuse confidential information of the Hospital, such as trade secrets, business plans, business agreements required by law or contract to be kept confidential, and sensitive personal information such as an individual's address, social security number, account number, health information or health insurance identification number.

USE OF HOSPITAL EMAIL AND ELECTRONIC SYSTEMS AND DEVICES:

Hospital-issued equipment and communication systems, including but not limited to the Hospital IT network, electronic mail system, computer hardware, software, tablets, laptops, telephones, cell phones, blackberries, facsimiles, and other means of electronic and telephonic communications (collectively, "electronic systems and devices"), are intended to be used for Hospital business purposes.

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Incidental, limited use of Hospital electronic systems or devices for personal purposes is permitted to the extent that such use does not interfere with performance of Hospital duties or Hospital operations and is fully compliant with Hospital policies and applicable laws and regulations. Hospital management may restrict access to any website, including social media sites, on select computers.

Hospital-issued email addresses may not be used to create, register for or administer any social media or other Internet accounts, nor to post content to any Internet site, unless for Hospital business purposes. See *Hospital Policy #E115, Electronic Mail (Email)*.

NO EXPECTATION OF PRIVACY WHEN USING HOSPITAL SYSTEMS:

All contents of Hospital electronic systems and devices are property of the Hospital. Staff shall have ***no expectation of privacy*** whatsoever in any data, information or communications, including social media posts, that is transmitted to, received or printed from, accessed through, stored on, or recorded on Hospital electronic systems or devices, even if for personal use. See *Hospital Policy #E115, Electronic Mail (Email)* and *Employee Handbooks*.

The Hospital reserves the right to monitor all usage of its electronic systems and devices and to intercept, review, use, and disclose any and all aspects of its electronic systems and devices and all files, documents, data or other information contained on or accessible through its electronic systems and devices for any reason and at any time and without notice. Staff should not use the Hospital's electronic systems and devices for any personal matter that they want to keep private or confidential.

PROTECTED ACTIVITIES BY HOSPITAL EMPLOYEES:

Nothing in this policy is intended or shall be deemed to limit the rights of Hospital employees under federal or state law, including an employee's right to discuss the terms and conditions of employment with colleagues or management or to provide information to any government agency in accordance with applicable law.

ENFORCEMENT:

Violation of this policy may lead to disciplinary action up to and including suspension and/or termination of employment, contract, or medical staff appointment. In addition, breach of HIPAA or other laws or regulations may lead to legal proceedings and/or criminal charges. The Hospital also may report suspected unlawful conduct to appropriate law enforcement authorities.

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RELATED POLICIES:

NYP Code of Conduct
NYP Employee Handbooks
NYP Policy C137 Photographing, Video Recording or Audio Recording of Patients, Other Individuals and Staff
NYP Policy E115 Electronic Mail (Email)
NYP Policy I205, Acceptable Use of Electronic Devices and Information
NYP Policy L125 HIPAA Minimum Necessary Standard
NYP Policy P205 Privacy and Confidentiality/Notice of Privacy Practices
HR Policy 409 Rules of Conduct (Weill Cornell/Westchester)
HR Policy 4-014 Discharge for Cause and Corrective Action (Columbia)
HR Policy 412 Anti-Harassment (Weill Cornell/Westchester)
HR Policy 4-412 Anti-Harassment (Columbia)
HR Policy 501 Equal Employment Opportunity (Weill Cornell/Westchester)
HR Policy 5-001 Equal Employment Opportunity (Columbia)
HR Policy 503 Verification of Employment (Weill Cornell/Westchester)
HR Policy 5-503 Verification of Employment (Columbia)
NYP GME Policy, Use of Social Media

RESPONSIBILITY:

Senior Vice President, External Relations
Senior Vice President, Human Resources

POLICY DATES:

ISSUED: January 2012

Revised: February 2012; September 2014; December 2016; January 2019;
March 2021; **April 2021**