

Reputation Protection on Social Media An Individual's Guide to Responding to a Reputational Attack

False and damaging statements made about you online can spread quickly, destroying relationships and even jeopardising employment prospects. If swift action isn't taken when those statements are discovered, they may cause serious and long-lasting damage.

What can you do to protect your reputation?

If the offending comments made are 'defamatory', several options may be open to you. A comment is defamatory if it is untrue and causes, or is likely to cause, serious harm to your reputation.

"Defamation" is an umbrella term covering both libel (a statement in a permanent form, such as in writing or broadcasting) and slander (a more transient form, such as spoken words).

A victim of defamation can look to claim compensatory damages for distress and hurt feelings, in addition to any financial loss suffered.

If you believe you have been defamed online, before any action is taken, it's important to be aware of your options:

Contact the Author

Informally, the author of the defamatory comment could be contacted privately via direct message, and a request be made for the removal of the comment. This option can be effective in certain circumstances however it carries risk that you say something prejudicial to your position, or the author makes the private message public. Depending upon what is said in the message, this may be particularly embarrassing.

It is generally recommended therefore that initial contact with the author is by way of a more formal cease and desist letter drafted by a solicitor specialising in the law of Defamation. The initial letter is required to be in a specific format by the court's Civil Procedure Rules, under what is known as the 'Pre-action Protocol for Defamation'.

The initial letter will set out not only the legal basis for requesting a takedown of the defamatory comment, but also the remedies sought from the author, which typically includes: a takedown of the offending statement; a retraction of the statement; and an undertaking not to repeat the same or similar comments.

An apology is not available as a remedy from the court at trial, however it can be requested in initial correspondence. Careful consideration of how the letter is drafted is therefore required.

Report the Comment

If you cannot identify the author of the comment, if they have chosen to remain anonymous, for example, the offending comment could be reported directly to the social media platform. If the comment violates the platform's terms of use, a removal may then follow.

Legal Action

If the above steps are unsuccessful in resolving the dispute, a claim may be pursued through the courts seeking, as appropriate: financial compensation; an injunction to prevent the comment being repeated; and the court ordered removal of the

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defamatory content. It's important to note that there is short one-year period in which a claim may be issued at court, so delay is not an option in such claims.

First Step

If you find yourself the subject of damaging defamatory statements, as a first step, it is recommended that urgent legal advice is sought from a lawyer experienced in Defamation.

Child & Child can help from the outset: providing strategic dispute resolution advice; drafting relevant correspondence; and representing you in any court proceedings and settlement negotiations.

William Charlesworth is a dispute resolution lawyer at Child & Child, specialising in Defamation. William has experience acting in complex defamation claims for private individuals, public figures and companies.

The law relating to Defamation is complex and constantly developing. The purpose of this note is to assist in providing an overall understanding of the legal context within which such claims operate. This note is not intended as specific legal advice. Each case is judged on its own merits an, against its own particular set of facts.

If you have any questions, or you believe you require further guidance, then please contact William Charlesworth at williamcharlesworth@childandchild.co.uk or on +44 (0) 207 201 1889.