

Dealing with digital threats to your reputation



Bell Pottinger Group

Communiqué

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Kevin Murray, Chairman, Bell Pottinger Group

Welcome to the first Bell Pottinger *communiqué*, on the subject of the growing threat to reputation posed by the digital revolution. The word most used when people tell war stories about problems they have faced online is **speed**. Blistering, mind-boggling, overwhelming speed. Crises develop so fast that the first you know of a problem is when you are hit by the online tsunami. But the same technologies that can break you can also be used to buy you **time**, if only you knew how to use them better. And then, when your reputation advisers work hand in glove with your legal adviser, you can deal with these threats fast and effectively. In this article, I have asked issues and crisis management expert Alex Woolfall and claimant law expert Keith Schilling to tell us how we can all better deal with those digital threats to our reputation.

It's hard to remember what the world looked like 10 years ago, before the digital revolution changed our lives forever. But stepping back in time is a good way to see how digital technology has made protecting reputation one of the toughest challenges facing business today.

In 1999, the year the Euro was introduced, most of us watched the news to find out what was going on in the world. And that usually meant tuning in to fixed news bulletins on the TV or radio, normally at the top of the hour.

Of course, rolling news channels like Sky and BBC 24 existed back then, but not in the way they do today.



This was before free to view television made 24 hour rolling news accessible to almost everyone in the UK.

You might also have scoured the newspapers for a particular mention of your company. Or hired a press cuttings agency to read the newspapers and send you relevant clippings.

How quaint that now seems in a world where news is communicated in a mouse click. Where breaking news alerts pop up in front of our eyes as we type at our PCs; where our mobile phones and Blackberrys buzz to alert us to news of anything we want to know about it and where a two second Google search will tell us what happened two minutes ago, two thousand miles away.

So how do we fight back? How do we protect hard won reputations? How do we prepare ourselves for that sudden moment when we are thrust into the global media spotlight - warts and all?

If it was the case that 10 years ago we looked for the news, today the news looks for us. And that has had enormous implications for managing reputation. The critical challenge businesses now face when their reputation is on the line is time. Or rather, the lack of it.

Let's take just one example. Ten years ago, a company accused of using child labour overseas might have received a call from a news outlet at the eleventh hour explaining that they were about to run an exposé.

Allegations would be put and reaction sought. There might not have been much time to react, but there was some. It might only have been a couple of hours - perhaps less - but there was normally at least time to think and plan your response.

How digital changed the rules

Fast forward to today. A clip showing a room of seven year olds sewing clothes for a major high street retailer is posted on You Tube. It's been filmed by an activist on a mobile phone - no need for cumbersome undercover cameras in the digital era.

Within seconds it's being viewed around the world and the clip is being forwarded en masse by email. Someone starts Twittering about it and thousands join in.

Within minutes someone starts an online petition urging consumers to boycott the company's clothes. It has gathered over 1000 signatures in the first hour.

At that point, the company gets a call from the media asking its reaction to the 'scandal'. The management team has no idea what they're talking about until a Google News Alert pops up and they realise the story is already running online.

As they gather to work out what to say, a van from Sky News pulls up outside.

Sounds far fetched? Unfortunately it's becoming a reality for many people working in communications today. Ask anyone who works in crisis management and they'll tell you that digital has changed the rules forever.

There's nowhere to hide, there's less time to think and the pressure of 24/7 rolling news and the internet means that reputations can be damaged in a matter of minutes, sometimes even seconds.

Fighting back

So how do we fight back? How do we protect hard won reputations? How do we prepare ourselves for that sudden moment when we are thrust into the global media spotlight - warts and all?

Ironically, it's digital technology that is increasingly providing the answer.

Knowing what's being said about your company or brand online - and by whom - is a vital part of being equipped to deal with attack.

Bell Pottinger Group is the only PR consultancy in the UK to have developed its own proprietary tool to do just this for clients.

Known as "*Web Mapping*", we help clients monitor and spot issues online that could pose a threat to their reputation. These maps also allow us to see whether there is an audience or a conversation taking place online about a company or brand.

For example, is the level of online 'chatter' simply being generated by a lone blogger or a single online edition of a newspaper, thereby creating an audience for an issue?

Or are people coming together online, meeting in a particular forum, posting comments and feedback and interacting to form an identifiable online conversation? If so, who is leading that? Who is most influential? Who is shaping discussion about you and what are the implications for your reputation?

So digital could be said to take with one hand, but give with the other. It may have stolen the time we used to have to defend our reputation. But it's also given us the technology to fight back.

This sort of intelligence can be gold dust, but often companies have no real idea what is being said about them in the online world. So they respond with a purely 'offline' communications strategy. Odd when you think that almost every single newspaper in the world has an online edition these days!

Equally, digital solutions are helping clients manage attacks on their reputation when they find themselves catapulted into the media spotlight once an issue or crisis has actually broken.

Here again, *Bell Pottinger Group* has pioneered a new communications discipline known as '*Search Relations*'.

This practice was specifically set up to exploit the power of Google searches, only to help clients under attack.

We know that, when an issue breaks, it is now second nature for us to Google a company to read about what's happened. What's been reported in the media? What are people saying online? What's the company's response?

Getting your response out quickly and prominently is key to protecting reputation. That's why our digital experts help clients identify the search words people are most likely to type into Google in relation to their particular issue. Then, when entered, the search results show a dedicated link at the top of the page that our team has created to display a client's response.

For example, when one client was exposed on a TV programme through weeks of secret filming, it knew its customers – who were largely middle class, broadband enabled professionals – were likely to go online immediately to find out more about the allegations being made. So they made sure that, when customers searched for their name or the key issue the programme highlighted, the search results would bring up their response at the top of the page.

One click on this and customers could read a detailed Q&A, answering all the allegations aired and providing details of who to call or email if people still had concerns.

After broadcast, the results showed a spike in online searches for the client and a healthy dose of hits on its specially created website page. The result? Concerned customers were dealt with speedily through an online strategy that resulted in only a handful feeling the need to contact the company directly and journalists being able to immediately see the company's response to each and every allegation out of office hours.

So digital could be said to take with one hand, but give with the other. It may have stolen the time we used to have to defend our reputation. But it's also given us the technology to develop tools to fight back.



After all, the web is effectively a giant library and you don't want shareholders, customers, employees and other vital stakeholders to constantly search and find material about your company or brand that damages your reputation and should not be online in the first place.

The Legal View

Finally, it would be foolish to overlook how a combined PR and legal strategy can be a powerful tool in protecting digital threats to reputation.

Very often, the PR team will talk to the journalists to ensure they understand the background, context and facts. In doing so, they will be thinking about how to win over hearts and minds of both the media and their audiences.

Meanwhile, the lawyers may be able to take a firmer grip with the publishers, deploying legal instruments to prevent publication, enforce correction or limit exposure.

One of the most widely used legal instruments is Notice and Takedown and this has developed over recent years. Essentially the procedure removes offending material from websites and can be crucial to contain a reputation crisis and minimise any damage.

Similarly, under E-Commerce Regulations, *a service provider is responsible for unlawful content but only if he fails to act once he has become aware of it.* Therefore the Regulations can be deployed to help get illegal content **removed** that breaches copyright; is defamatory; contains misleading advertising; infringes trade mark or anti-competition rules or is obscene.

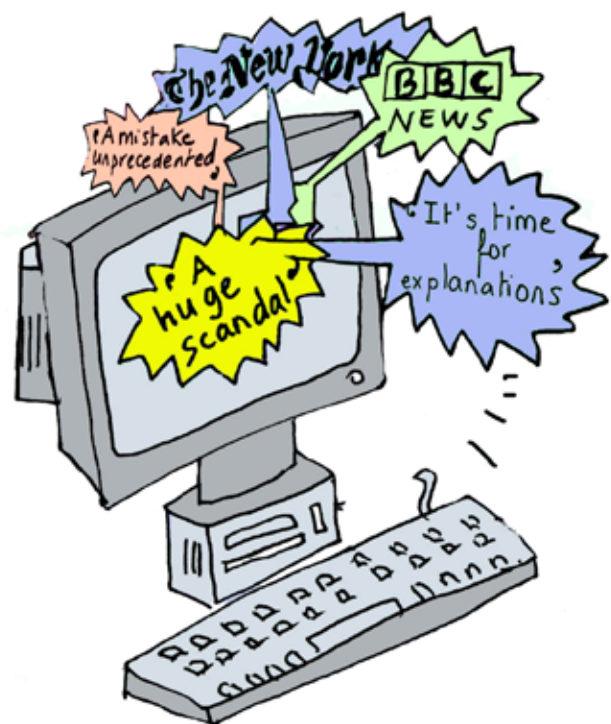
Companies who feel that material on the web about them may fall into one of these categories can and should contact the respective ISP (internet service provider) and insist it is removed.

You should also have Google and other global search engines remove any cached copies of offending articles and links if there are clear legal grounds for a Notice and Take Down action.

After all, the web is effectively a giant library and you don't want shareholders, customers, employees and other vital stakeholders to constantly search and find material about your company or brand that damages your reputation and should not be online in the first place.

The current trend to measure a corporate reputation by that of the CEO's reputation is increasing with the personalisation of news which is only exasperated by the way search engine results such as Google are being used as sources for journalist and customer research. It appears that the digital revolution can be a curse as well as a blessing.

It's up to us to realise what it can do to our reputation as well as for it!



The top ten most effective legal tools to combine with a PR approach

1. Notice & Take Down

The Notice and Take Down Procedure can be used to remove offending material from the internet.

2. Copyright

The law of copyright protects a person's interest in their work by preventing others from unlawfully reproducing it on the Internet.

3. Legal Notices

A Legal Notice cautions third parties that a story that has been published, or is about to be published online, is untrue. It can be a highly effective way of stopping an untrue story from spreading widely throughout the Internet.

4. Reynolds Privilege

PRs can buy more time or even stop a story from being published by using a legal case known as the Reynolds Decision which may provide a publisher with a defence. Essentially it is a ten point test which a media outlet needs to satisfy to claim they have behaved responsibly.



5. Injunction

An injunction is a court order which might be needed when a publisher intends to publish a story which would invade a person's or a company's rights. It prohibits them from doing so.

6. John Doe Order

John Doe is the term given to a defendant whose identity is unknown. Using the John Doe concept, it's possible to obtain an injunction even if the identity of the wrongdoer or potential wrongdoer is not known because for example he or she is using a pseudonym on the Internet.

7. Spartacus Order

A Spartacus Order is an order requiring 1. *an individual to identify himself*, and 2. *ISP or other entity with the relevant information to reveal the identity of a particular person*. They can be used, for example, when an anonymous individual is defaming someone over the internet.

8. Self Regulatory Codes

There are several self regulatory codes agreed upon by or affecting online publishers. There are no legal sanctions for failing to comply with these although the publisher may be obliged to publish the Regulator's adverse Adjudication on its website as a form of remedy.

9. Statements in Open Court

A Statement in Open Court is an excellent way of restoring a reputation post-publication. It publicises the fact that a newspaper, broadcaster, radio station, ISP, webhost etc had accepted that they published or hosted a defamatory allegation etc and has apologised to the wronged party.

10. Online Published Apology

This is an extremely effective tool for restoring someone's reputation which has been unfairly tarnished by an online publication of some sort. How prominently the apology appears, what it should say and how long it's published for, are some of the factors that should be negotiated.

Recently, Bell Pottinger Group ran an event for clients and staff on digital threats to reputation. The two speakers were experts on crisis management and using the law to protect reputations.

Alex Woolfall
Head of Issues & Crises Management
Bell Pottinger Group

Alex has over 20 years' experience of working in public relations and is a specialist in issues and crisis management.

He has worked in both in-house and in consultancy roles and dealt with a broad range of issues in multiple industry sectors.

Alex helps clients identify risks to their business and plans for them. He also helps clients respond to and manage crises and recover thereafter.

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Keith Schilling
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Keith Schilling is Senior Partner and Founder of Schillings, which is regarded as the pre-eminent claimant law firm in England, specialising in safeguarding the reputations of high profile individuals, corporations and brands internationally.

Keith is a Solicitor-Advocate and earlier this year was placed 10th in the Times Newspapers list of the 100 most powerful and influential lawyers in England for his work in achieving a number of landmark decisions in privacy law.

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Bell Pottinger Group

The Bell Pottinger Group is a division of Chime Communications, the UK's leading independent PR, advertising and market research company. We help clients create, manage, monitor and market their businesses, brands and reputations in the UK and internationally.

The Bell Pottinger Group comprises leading brands in the industry, including, of course, several Bell Pottinger-branded companies, as well as Good Relations, Harvard, Insight and Resonate.

The Bell Pottinger Group is No.1 in both PR Week and Marketing public relations consultancy league tables for the UK.

Can we help you?

Find out by visiting: www.bell-pottinger.co.uk

Or call Kevin Murray on 0207 861 2427