



**GUIDE ON THE USE
OF SOCIAL MEDIA AND
THE INTERNET FOR MEDIA
PRACTICE IN KENYA**

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CEO'S FOREWORD

Social media and the Internet have become powerful tools for journalists and media organisations. While these platforms offer unprecedented opportunities for gathering and disseminating information, they also present significant ethical challenges.

This guide outlines essential principles for journalists, media enterprises, and media practitioners to navigate the complexities of using social media and the internet responsibly.

Our goal is to ensure that journalists uphold the highest ethical standards while leveraging the power of these platforms to inform and empower the public. The core principles outlined in this guide emphasise accuracy, fairness, privacy, and verification.

We encourage journalists to critically evaluate information obtained online before publication, to be transparent about their sources, and to prioritise user-generated content that is well-attributed and ethically obtained.

Furthermore, the guide addresses emerging issues like protecting children's safety online, respecting copyright, and handling synthetic media responsibly. We also address the importance of managing online comments effectively, while upholding the principles of freedom of expression and avoiding the spread of harmful content.

As the media landscape continues to evolve, so will the challenges and opportunities presented by social media and the internet.

This guide serves as a foundation for ethical practice, but it is not exhaustive. We encourage all stakeholders in the media industry to embrace continuous learning and adapt their practices to the ever-changing digital landscape. By prioritising ethical conduct and responsible use of these powerful tools, journalists can continue to play a vital role in informing the public and strengthening our democracy.

Mr David Omwoyo Omwoyo, MBS

Chief Executive Officer & Secretary to the Council

ACKNOWLEDGEMENT

Acknowledging the widespread impact of social media on modern journalism, the Media Council of Kenya (MCK) appointed a specialised taskforce to develop a Guide on the Use of Social Media and the Internet for Media Practice in Kenya.

This guide serves as an ethical framework for media professionals, addressing both opportunities and challenges posed by online platforms, such as accuracy, user-generated content, privacy, and responsible digital engagement.

Convened in October 2023, the team combined insights from various sectors to build practical, adaptable standards for Kenyan media.

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ACRONYMS AND ABBREVIATIONS

AI - Artificial Intelligence

UGC- User Generated Content

CoI - Conflict of Interest

NGO - Non Governmental Organisation

DEFINITION OF TERMS

Accuracy is the factual, truthful, and verifiable nature of information.

Artificial Intelligence is the simulation of human intelligence in machines that are programmed to think and learn like humans.

Confidentiality is the professional principle to preserve authorised restrictions for protecting personal privacy and proprietary information.

Conflict of Interest is a situation which occurs when personal or an entity's interest collides with professional duties.

Credibility is the reliability, believability and trustworthiness of information published by journalists, media enterprises and media practitioners.

Cyber Security is the practice of protecting computer systems, networks and digital data from theft, damage, and unauthorised access.

Data is information which:

- a) is processed using equipment operating automatically in response to instructions given for that purpose;
- b) is recorded with the intention that it should be processed using such equipment;
- c) is recorded as part of a relevant filing system;
- d) where it does not fall under paragraphs (a) (b) or (c), forms part of .in accessible record; or
- e) is recorded information held by a public entity and does not fall within any of paragraphs (a) to (d) as defined under the Data Protection Act No. 24 of 2019.

Information is data in a comprehensible form that is used for communication.

Journalist is any person who holds a diploma or a degree in mass communication from a recognised institution of higher learning and is recognised as such by the Media Council of Kenya as defined under the Media Council Act, No. 46 of 2013.

Media includes both electronic and print media engaged in any production for circulation to the public, but does not include book publishing as defined under the Media Council Act, No. 46 of 2013.

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Media enterprise is an organisation whose business involves the collection, processing and dissemination of news or news articles, or in entertainment and education through the media as defined under the Media Council Act, No. 46 of 2013.

Orphan Works are works that are protected by copyright, but the author cannot be identified or found.

Privacy is the right to freedom from intrusion into one's personal matter or information.

Social Media is an online platform where users electronically create, and share information and interact with each other.

Synthetic content is content prepared using artificial intelligence.

User Generated Content is information in the form of text, videos, images, reviews etc. created/packaged by individuals who are not journalists or media enterprises.

Verification is the process of establishing the truth, accuracy or validity of data.

1. INTRODUCTION

Social media and the Internet have over the years become useful and powerful tools for gathering and disseminating information. Journalism in the digital age has posed ethical issues to journalists, media enterprises and media practitioners. The benefits of social media and the internet are immense, but the platforms continue to present many challenges to journalism. These are online harassment and bullying, cyber-crimes, erosion of traditional journalistic standards, copyright infringement, publication of unverified information, malinformation, misinformation, disinformation, use of manipulated content, conflict of interest and personal online activities that can erode professional credibility.

2. PURPOSE AND SCOPE

This guide provides principles which journalists, media practitioners and media enterprises should adhere to while using social media and the internet. These principles include accuracy & fairness, privacy, verification of information, conflict of interest and user-generated content. It also gives recommendations on emerging issues that journalists, media practitioners and media enterprises face in their use of social media and the internet.

3. CONTEXT

This guide is anchored on various laws, policies and guidelines that make reference to media practice in Kenya and globally. These are:

The Constitution of Kenya -- has various provisions on media practice. It affirms—

- The right to privacy, in Article 31;
- The right to freedom of expression, in Article 33;
- The right to freedom of media, in Article 34; and
- The right to access to information, in Article 35.

Data Protection Act - regulates the processing of personal data in Kenya. It creates the office of the Data Commissioner and gives effect to the constitutional right to privacy in Article 31. It applies to both government and private actors who collect, process and store personal data.

Media Council of Kenya Act 2013 - gives effect to Article 34 of the Constitution on freedom and independence of the media. It creates the Media Council of Kenya whose core mandate is promoting and protecting freedom and independence of the media.

Code of Conduct for the Practice of Journalism in Kenya: One of the major functions of the Media Council of Kenya is to promote high professional standards amongst journalists. This it does through enforcing the Code of Conduct for the practice of Journalism in Kenya. It has 26 ethical codes that govern the conduct and practice of all media practitioners in Kenya including on the use of social media and the Internet.

Access to Information Act 2016 - gives life to Article 35 of the Constitution which guarantees every Kenyan the right to seek access and obtain information that makes it possible for them to enjoy or protect their rights. Article 35 also provides that every person has the right to the correction or deletion of untrue or misleading information that affects the person. It provides for the establishment of the Kenya Freedom of Information Commission enabling citizens access to information held by public authorities.

Copyright Act No, 12 of 2001 - provides for copyright in literary, musical, artistic, audio-visual works, sound recordings and broadcasts. It establishes the Kenya Copyright Board which is responsible for copyright administration and enforcement.

Kenya Information and Communications Act - provides the framework for regulating the communications sector in Kenya, including frequencies for broadcast media. It establishes the Communication Authority which is the regulator of the sector.

Guidelines for the governance of digital platforms: safeguarding freedom of expression and access to information through a multi-stakeholder approach, (Unesco) -- aim to ensure that everyone's freedom of expression, access to information and diverse cultural content are fully guaranteed, while various stakeholders deal with the problems of dis- and misinformation and hate speech online.

They urge that independent regulators “should be equipped with the means to enforce international human rights standards in the digital ecosystem”.

National Information, Communication and Technology (ICT) Policy: Captures ICT ambitions of Kenyans and corporations and creates a framework for their timely realisation. It calls for rules, structures, principles and policies to ensure that children can use the Internet safely.

Computer Misuse and Cybercrimes Act 2018 - aims to protect the confidentiality, integrity and availability of computer systems, programmes and data as well as facilitate the prevention, detection, investigation, prosecution and punishment of cybercrimes.

4. APPLICATION

This guide applies to journalists, media enterprises and media practitioners in Kenya.

5. ETHICAL GUIDELINES

5.1 Accuracy and Fairness

To ensure accuracy and fairness are achieved in the use of social media and the internet, journalists, media enterprises and media practitioners will: -

- a) Publish information that is factual and fair;
- b) Verify information obtained from social media and the internet before publication;
- c) Promptly correct inaccurate information by referencing the initial incorrect information;
- d) Offer an apology for publishing inaccurate reports on social media and the internet;
- e) Ensure that all reports are objective;
- f) Ensure the content of the published material is not misleading; and
- g) Use clear visuals on social media and the internet to minimise misinterpretation of information.

5.2. Privacy

Journalists, media enterprises and media practitioners will:

- a) Assess the public's right to information against an individual's right to privacy.
- b) Seek and obtain informed consent from the data subject for their personal information which is either published or yet to be published on the internet and social media;
- c) Provide context for the information published and clearly explain why the private information is relevant to the story and how it serves the public interest; and
- d) Adhere to Article 34 of the Constitution of Kenya 2010 and the Data Protection Act No. 24 of 2019 to the extent of limitation of the right to privacy.

5.3. Verification

Journalists, media enterprises and media practitioners will:

- a) Ascertain the originality and authenticity of videos and photographs before use to avoid misinformation or injuring one's reputation using verification tools.
- b) Verify the authenticity of the websites and social media from which information is obtained;
- c) Cross-check information with multiple reliable sources; and
- d) Reports that are sourced from the internet and social media should be verified; avoid using the term "allegedly".

5.4. User-Generated Content

Journalists, media enterprises and media practitioners will:

- a) Seek consent for using UGC from the owner before publication;
- b) Fact-check UGC information obtained from social media and the internet;
- c) Ensure proper attribution of the source and author of information obtained from the internet and social media to avoid copyright infringement;
- d) Contextualisation: Provide context to UGC to avoid misinterpretation. Explain the circumstances surrounding the content to present a complete and more accurate picture;

- e) Respect privacy rights and consider the potential impact on individuals featured in UGC;
- f) Avoid publishing sensitive personal information without consent;
- g) Exercise caution in using UGC that involves sensitive or traumatic events. Avoid sensationalism and prioritise the well-being of those affected;
- h) Maintain journalistic independence and impartiality when selecting and presenting UGC;
- i) Avoid promoting a particular agenda or bias;
- j) Adhere to legal and ethical standards when using UGC. Avoid publishing content that may violate laws;
- k) Interact responsibly with the community providing UGC. Avoid manipulating or coercing individuals to obtain content, and be transparent about the journalistic intent; and
- l) Disclose the use of UGC and its origin to the audience. Transparency builds trust and helps the audience understand the sources of information.

5.5. Conflict of Interest

There should be clear distinction between official and personal social media accounts for journalists and media practitioners. The media enterprises are encouraged to develop social media Conflict of Interest policies to guide journalists and media practitioners in the use of social media. The key principles are that journalists and media practitioners should:-

- a) Be transparent about their professional affiliations and roles when using social media;
- b) Clearly state if they are reporting on a topic or organisation that they have a personal or financial interest in;
- c) Maintain separate personal and professional social media accounts;
- d) Avoid sharing opinions or information that could compromise their objectivity on professional matters;

- e) Refrain from engaging in advocacy or activism on social media platforms, especially on topics they cover professionally;
- f) Avoid expressing personal opinions on controversial issues that may compromise perceived neutrality;
- g) Journalists should resist external pressure or influence from advertisers, sponsors, or any other parties that may compromise the integrity of their reporting;
- h) Make it clear that journalistic decisions are based on editorial standards, not external interests;
- i) Consult with their editors or supervisors when uncertain about whether a social media activity may present a conflict of interest;
- j) Not use social media to plagiarise content or ideas from others;
- k) Always attribute information and give credit to original sources; and
- l) Regularly reflect on their social media activities and assess whether they align with ethical journalistic standards.

6. EMERGING ISSUES

This guide takes cognisance that there are new developments in the use of social media and the Internet by journalists, media practitioners and media enterprises. To that effect, the recommendations contained in the subsequent paragraphs give guidelines for some of the developments in the use of social media and the Internet by journalists, media enterprises and media practitioners.

6.1 Prioritising Child safety in Digital Media

Protecting children's well-being in the digital landscape is paramount. Therefore, the publication of any content featuring minors requires careful consideration. As a general rule, consent from a child's parent or guardian should be obtained before publishing images, videos, or information about them. Exceptions may exist only in scenarios

where obtaining consent could endanger the child's safety or infringe upon their fundamental rights.

Media practitioners hold a vital responsibility to safeguard children's privacy and dignity.

This includes:

- a) Avoiding interviews and photography of children without parental/guardian consent;
- b) Seeking permission from school authorities before interviewing or photographing minors within educational settings;
- c) Demonstrating sensitivity and care when publishing any content involving minors, prioritising their privacy and well-being; and
- d) If such content holds public interest, utmost caution must be exercised to protect the child's identity and privacy.

Refer to MCK Code of Conduct for the Practice of Journalism in Kenya.

Except in matters of public interest, for example, cases of child abuse or abandonment, journalists shall not normally interview or photograph children on subjects involving their personal welfare in the absence, or without the consent, of a parent or guardian.

6.2 Copyright

The use of social media and the internet by journalists, media enterprises and media practitioners has attracted a lot of copyright issues. The key concern is copyright and the right to use someone's work based on consent from the original author of the work.

To that effect, journalists, media enterprises and media practitioners are guided as follows:

- a) If the work is licensed under a specific Creative Commons licence or other open-source licence, journalists, media enterprises and media practitioners must adhere to the terms of that licence;
- b) Attribution should be placed in a location that is easily visible and associated with the work and whenever possible, journalists, media enterprises and media practitioners will provide a link to the original work;

- c) When sharing content on social media and the internet, journalists, media enterprises and media practitioners will comply with the platform's terms of service and attribution guidelines;
- d) When sharing content that may be widely distributed, such as educational materials or public presentations, journalists, media enterprises and media practitioners will educate audiences about the importance of proper attribution and respecting copyright;
- e) When Using Digital Rights Management Technologies, journalists, media enterprises and media practitioners will ensure to strike a balance between protecting creators' rights and ensuring users' fair access to the content;
- f) When using Orphan Works, journalists, media enterprises and media practitioners will consider the need for access to information while protecting the rights of unknown copyright holders;
- g) In the case of Fair Use in Digital Education, journalists, media enterprises and media practitioners will balance fair uses in the educational context while respecting the rights of the content creator; and
- h) When adopting traditional cultural expressions which are sensitive to a given community culture, journalists, media enterprises and media practitioners will consider the work of the original creators of the culture.

6.3 Synthetic Content

Using synthetic content has become a common practice for journalists, media houses and media enterprises. The use is however unregulated.

Journalists, media houses and media enterprises will:

- a) Inform their audiences that the content has been technically manipulated or doctored for a specific purpose;
- b) Evaluate the potential harm that may arise from the manipulated content, especially if it can contribute to misinformation, panic, or public harm;
- c) Consider the potential impact on vulnerable populations and individuals who may be disproportionately affected by the manipulated content;

- d) Be transparent about their process of verifying and handling manipulated content; and
- e) Avoid disseminating manipulated content, especially if doing so might amplify its impact or contribute to its spread.

6.4 Online comments

In handling online comments, journalists, media enterprises and media practitioners navigate a complex landscape that requires careful consideration of ethical guidelines. Below are some key ethical considerations to be used by journalists, media enterprises and media practitioners when managing online comments:

- a) Journalists, media enterprises and media practitioners have the right to delete comments on their social media platforms that propagate hate speech or bias; are malicious or offensive and can constitute an attack on a person's character and incite hatred based on race, religion, gender, nationality, sexuality or any other personal characteristic;
- b) Journalists can positively critique the comments and respond respectfully where need be; and
- c) In the case of a livestream, the media enterprises can block or delete comments from the public which constitute online bullying and cyber harassment, do not respect human rights and are misleading.

6.5 Limitation of Freedom of Expression (Do no harm)

Journalists, media enterprises and media practitioners will refrain from engaging in the publication of information which:

- a) Causes bias;
- b) Constitutes cyber harassment and cyber bullying
- c) Is an incitement to war;
- d) Propagates online gender-based violence.
- e) Spreads propaganda;
- f) Cause a breach on data privacy;

- g) Is based on any ground of discrimination; and
- h) Is obscene.

6.6 Artificial intelligence

With the increased use of Artificial Intelligence in the media, journalists, media practitioners and media enterprises should leverage the benefits while mitigating risks and challenges that may undermine the principles of journalism.

It is crucial to note the need to provide training and retooling on AI to help journalists, media practitioners and media enterprises develop and deploy AI responsibly.

Refer to MCK code of conduct for the practice of Journalism in Kenya, AI guidelines and handbook on the use of AI.

6.7 Cyber Security

Cyber security breaches are a concern especially with the use of social media and the internet. To safeguard the security of social media accounts and platforms, it is recommended that: -

- a) Journalists, media enterprises and media practitioners should use password policies with industry best practices that include strong passwords, multi-factor authentication and frequent password changes for their social media accounts.

6.8 Use of social media for people with disability

Journalists, media enterprises and media practitioners will:-

- a) Optimise websites and social media accounts for people with disabilities;
- b) Use simple language;
- c) Avoid phrases or words that reinforce stereotypes or stigmas related to disabilities;
- d) Integrate sign language;
- e) Add descriptive text and captions;
- f) Use inclusive images;

- g) Promote diverse voices; and
- h) Stay informed about the evolving best practices for inclusivity.

6.9 Social Amplification

Journalists, media enterprises and media practitioners will exercise caution when responding /reporting on social media trending topics to avoid amplification that can lead to harassment, cyberbullying, shaming and privacy intrusion.