

ETHICS AND SOCIAL MEDIA

IT'S TRICK...TRICK...TRICKY...



Why Family And Social Media Shouldn't Mix...

FacebooksFinest



Stan, Grandma said she poked you and you haven't sent a poke back.

HOLD ON
TIGHT

WHO IS USING WHAT, WHEN,
AND HOW...ITS BEEN CHANGING
EVER SINCE PARENTS GOT ON
FACEBOOK?



HOLD ON TIGHT

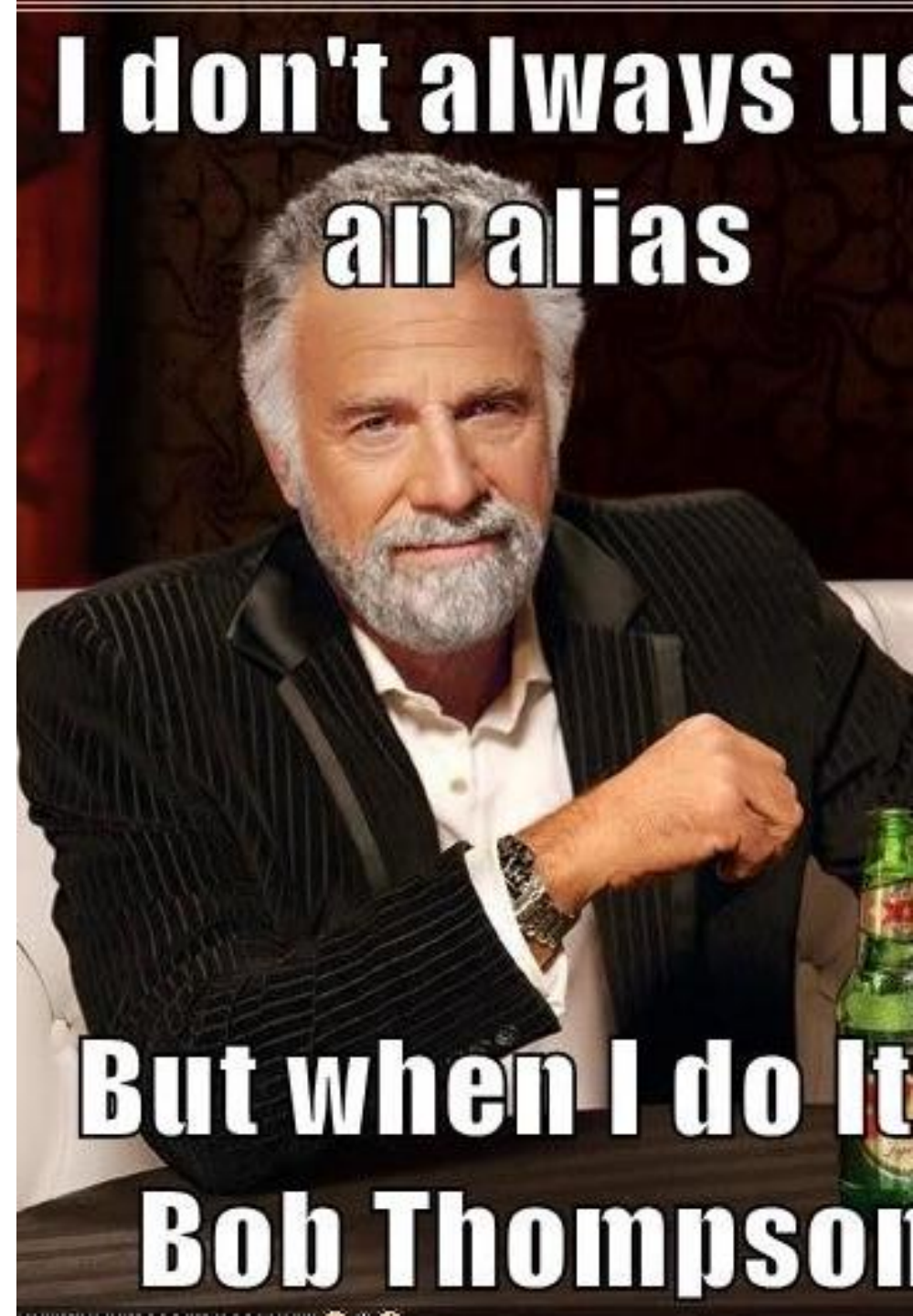
- GDPR--Europe doesn't know how to enforce this because it was so hastily written
- Now California is trying to formulate their own version
- What starts in CA moves to New York and then infiltrates the rest of the country in some form or another.
- It will be fine...Sure



HOLD ON TIGHT

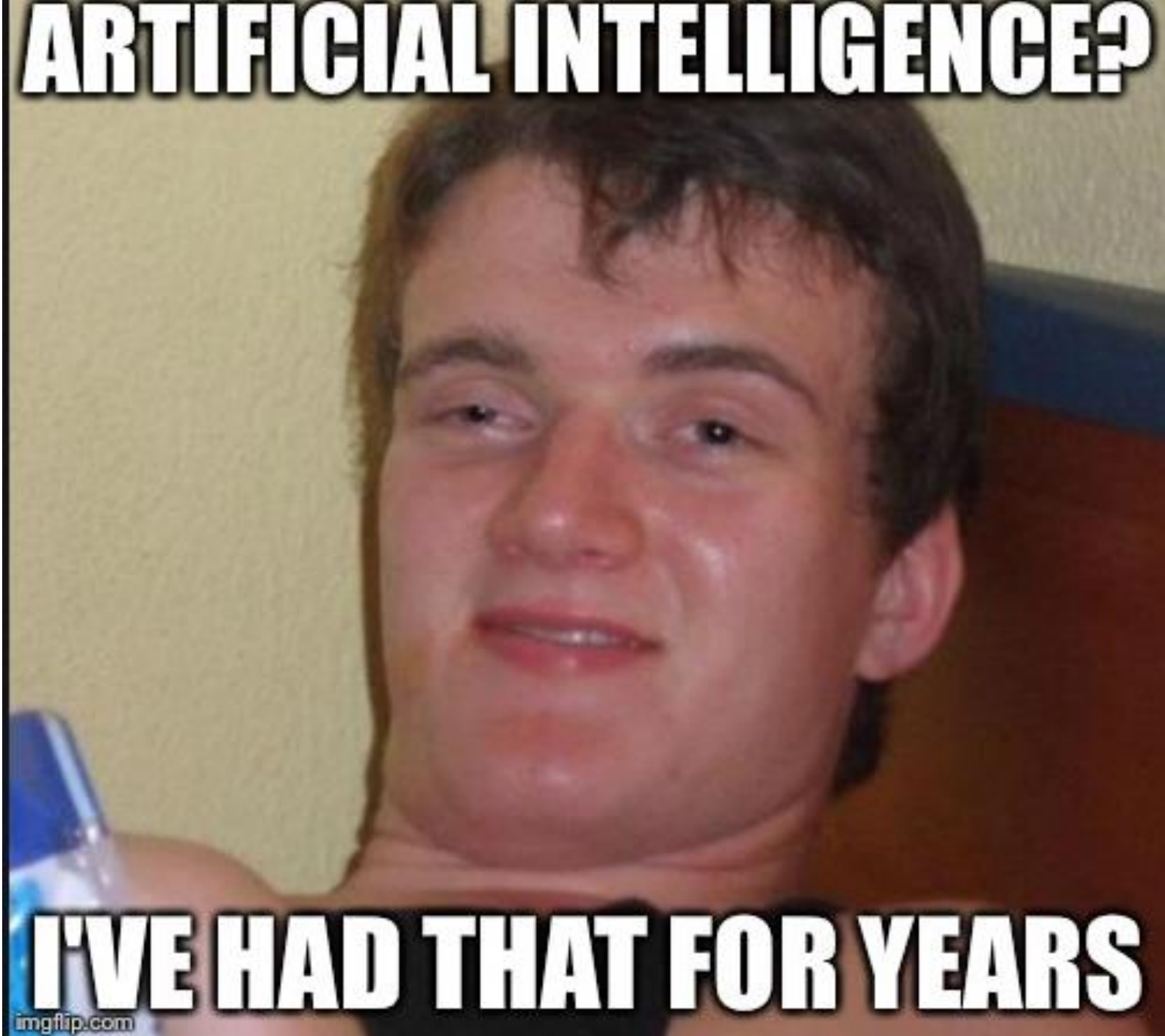
CAMBRIDGE ANALYTICA AND THE DESTRUCTION OF TRUST IN SOCIAL MEDIA

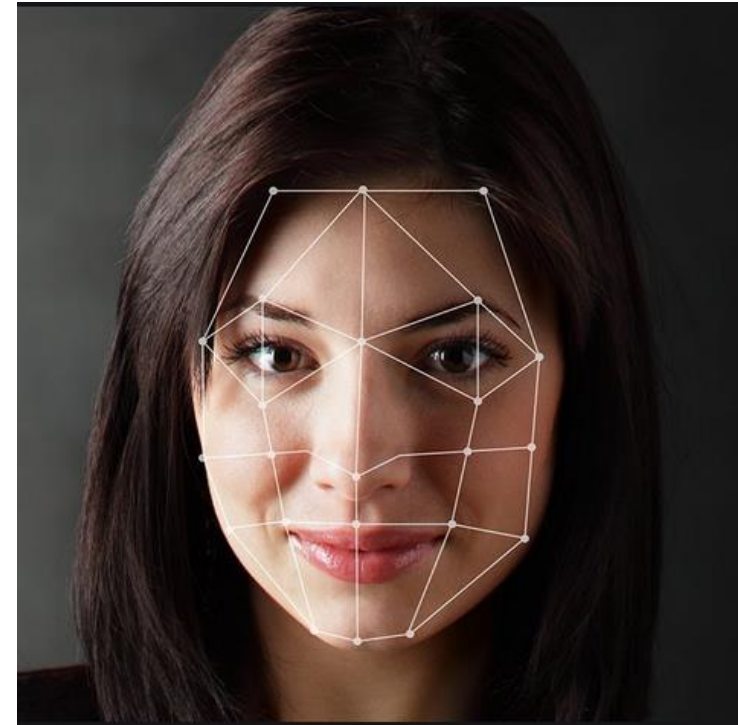
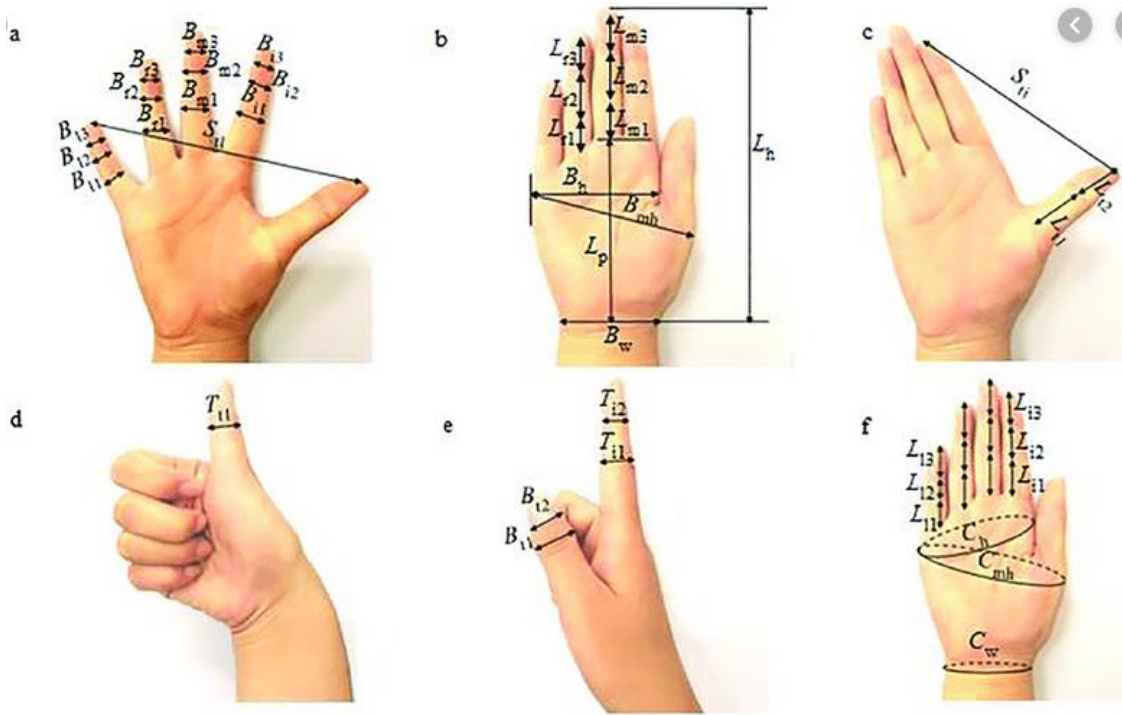
- People who don't like privacy setting use an alias thinking only those who know their alias will find them.
- Parents use alias names to spy on their kids
- Alias use makes a search bar unreliable.



CAMBRIDGE ANALYTICA AND THE DESTRUCTION OF TRUST IN SOCIAL MEDIA

- Dirty Data sets are the new alias
- Gives AI solutions fits
- Takes more sophistication than alias names
- Data points are the new gold standard



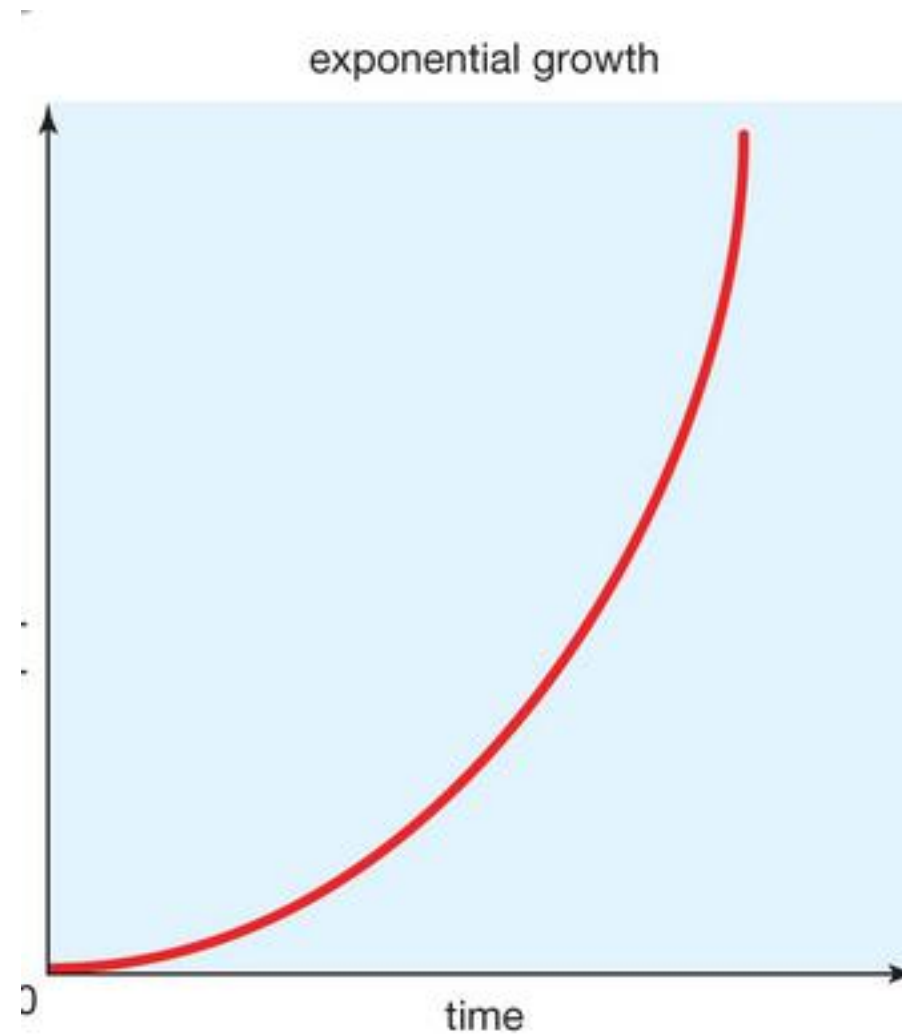


CAMBRIDGE ANALYTICA AND THE DESTRUCTION OF TRUST IN SOCIAL MEDIA

- You no longer need to tag anyone...It happens automatically
- Its as reliable as fingerprints
- There is no opt out

CAMBRIDGE ANALYTICA AND THE DESTRUCTION OF TRUST IN SOCIAL MEDIA

- It is assumed, after Cambridge Analytica, available posted material in social media would drop off significantly
- The opposite is true, but you need to know how to look and what is considered public vs. private





CAMBRIDGE ANALYTICA AND THE DESTRUCTION OF TRUST IN SOCIAL MEDIA

- Courts continue to hold that information gleaned from public profiles is admissible
- If anyone in this photo has a public profile this photo is admissible
- Data points can be used to verify your target in the photo
- Because of facial recognition technology everyone in the photo is tagged
- Data aggregation buckets make it easy



A WORD ABOUT FACEBOOK

- A word about Facebook and Instagram::
 - Mark has learned some lessons since the last election cycle and Cambridge Analytica
 - With long time opponents gaining traction in the democratic race he is super careful



A WORD ABOUT FASCEBOOK

- Facebook and Instagram regulate how much information they release by constantly changing their software integrations with the platforms using their API
- Facebook is caught between a rock and a hard place
- implications for solely AI applications.

PRIVACY—IS IT REAL?

- What is privacy—We give it up so easy anyway?
- For the purposes of social media and privacy, privacy settings apply to the wall in which the privacy settings are activated

**MY WIFE ASKED ME WHY I
SPOKE SO SOFTLY IN THE
HOUSE.**

**I SAID I WAS AFRAID
MARK ZUCKERBERG WAS
LISTENING!**

SHE LAUGHED.

I LAUGHED.

ALEXA LAUGHED.

SIRI LAUGHED.

PRIVACY--IS IT REAL?

- How far does privacy extend?
Does it even matter?
- Throwing the court's decision aside just because you don't expect a claim to go to trial is foolishness



PRACTICALLY SPEAKING...

- Just because its public, does that mean you can grab anything?
- Captures must be relevant in context of claim.
- Simply defaming photos will damage the credibility of your investigation
- Perpetual surveillance appears like it will be outlawed in new regulations formulated in California.

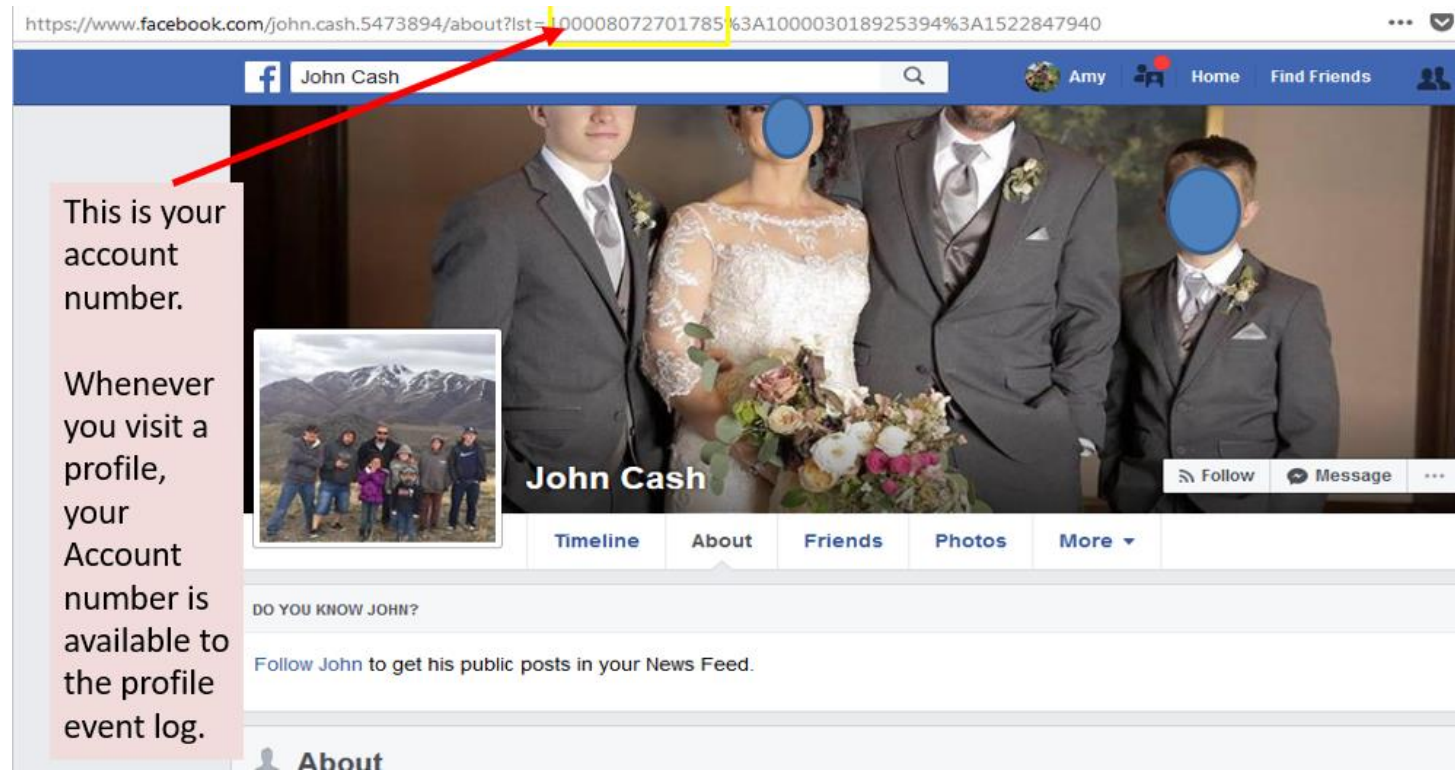


HOW ANONYMOUS ARE YOU?

- Internet anonymity—As ridiculous as federal fiscal responsibility
- If you don't pay attention the tables could be turned on you



HOW ANONYMOUS ARE YOU?



https://www.facebook.com/john.cash.5473894/about?lst=100008072701785%3A100003018925394%3A1522847940

John Cash

Amy Home Find Friends

John Cash

Follow Message

Timeline About Friends Photos More

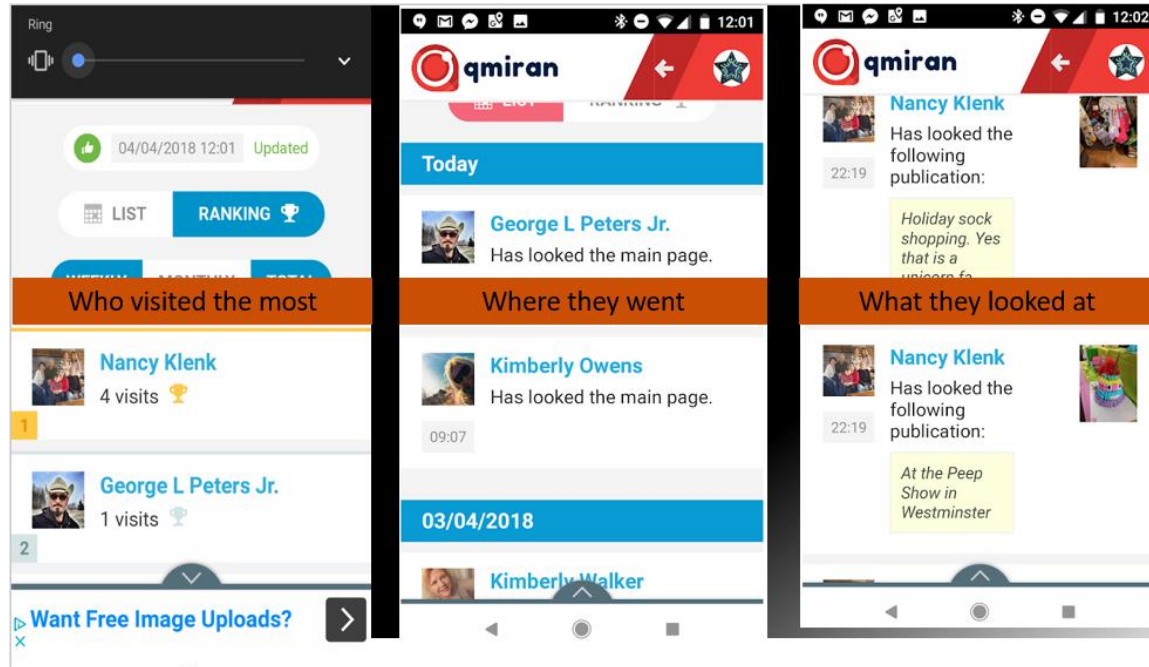
DO YOU KNOW JOHN?

Follow John to get his public posts in your News Feed.

About

This is your account number.

Whenever you visit a profile, your Account number is available to the profile event log.



HOW ANONYMOUS ARE YOU?

- Checking a site before being prepared to recover information can blow your opportunity to bolster your defense
- Worse yet, it COULD turn the tables on you

HOW ANONYMOUS ARE YOU?

WHAT ARE THE CONSEQUENCES
OF GETTING BURNED IN A
SOCIAL MEDIA INVESTIGATION?





HOW ANONYMOUS ARE YOU?

- The personal consequences to being burned on social media are real
- Physical injury may be the extreme example
- Cyberbullying and threats to emotional peace and well being are not as visible but hurt just as much
- Damage to organizational integrity

COLLECTION METHODS MAKE A DIFFERENCE!

- How would a jury respond knowing the facts of your defense were gathered by an adjuster from social media
- What qualifications does an adjuster hold to survive a discovery deposition?



COLLECTION METHODS MAKE A DIFFERENCE!

- Unless you search everyone on your desk with the same level of due diligence, bad faith can arise out of now where.
- Social media can help or hurt a claim defense. Take the good with the bad.



SO WHAT...

- You may only get one view of your target's profile. Be ready to harvest everything at that one view



SO WHAT?

- If you find something good, do you have the credentials to stand up against those who seek to discredit you?
- Consider using software that will greatly reduce your electronic footprint

Remember



YOUR DIGITAL FOOTPRINT
IS MORE PERMANENT...

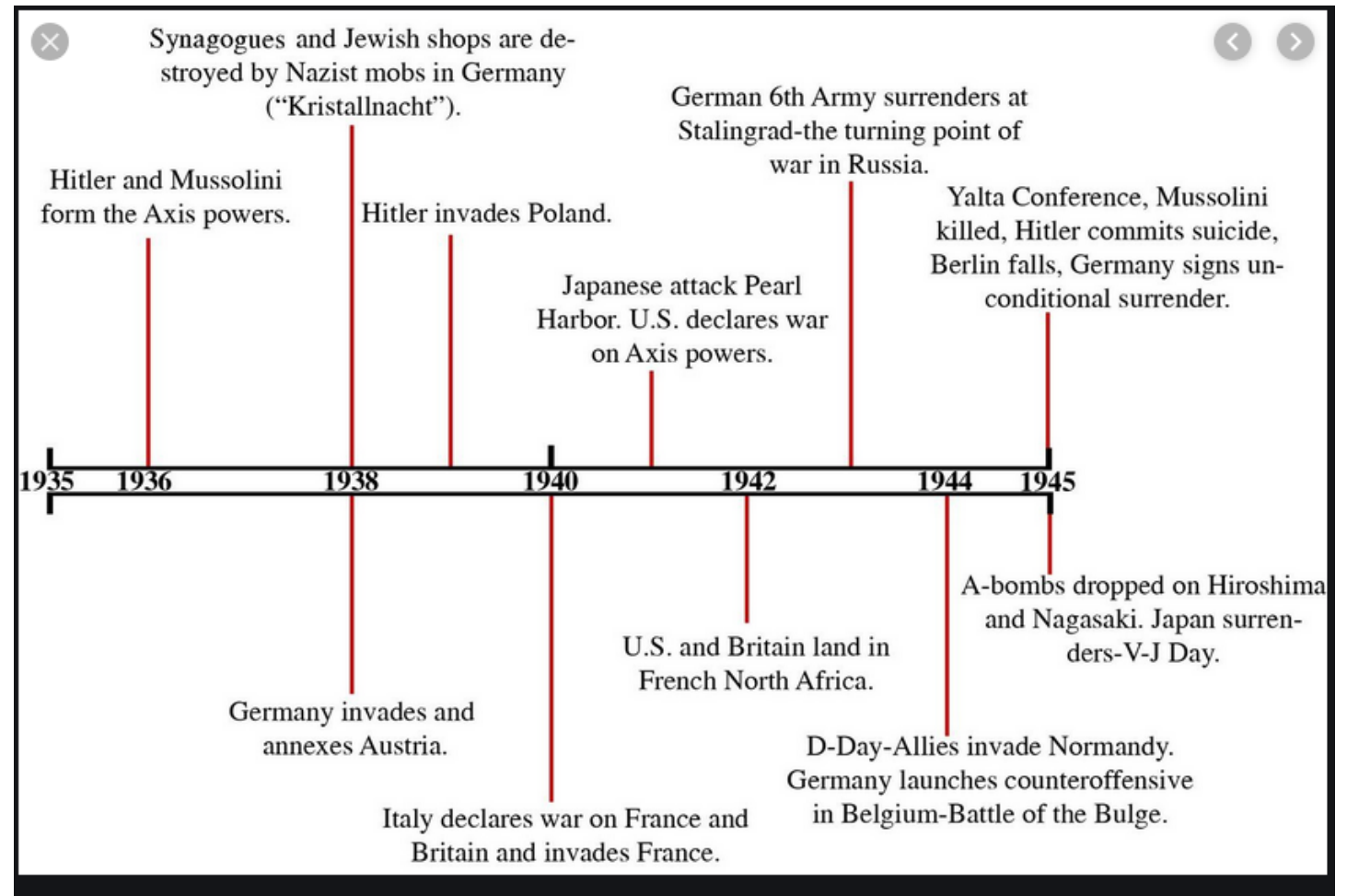
SO WHAT?

- Its already here its just Facebook isn't doing it.
- What if the claimant starts following you?
- You need a "Chinese Wall"



PROPER, ETHICAL USE OF SOCIAL MEDIA—BUILD A TIMELINE

- Why---Its so boring
- It's the only way to build credibility back into social media since FB and Instagram scrubbed date stamps from metadata
- It signals the end of “one and done” investigations



PROPER AND EFFECTIVE USE OF SOCIAL MEDIA— BUILDING A TIMELINE

- How?
- Ankle injury on indemnity for 3 years clmt and his wife at initial investigation, 9 months later and 24 months later
- Body habitus does not change quickly. Continue weight loss supports increased level of activity as well as indicators found in each capture.



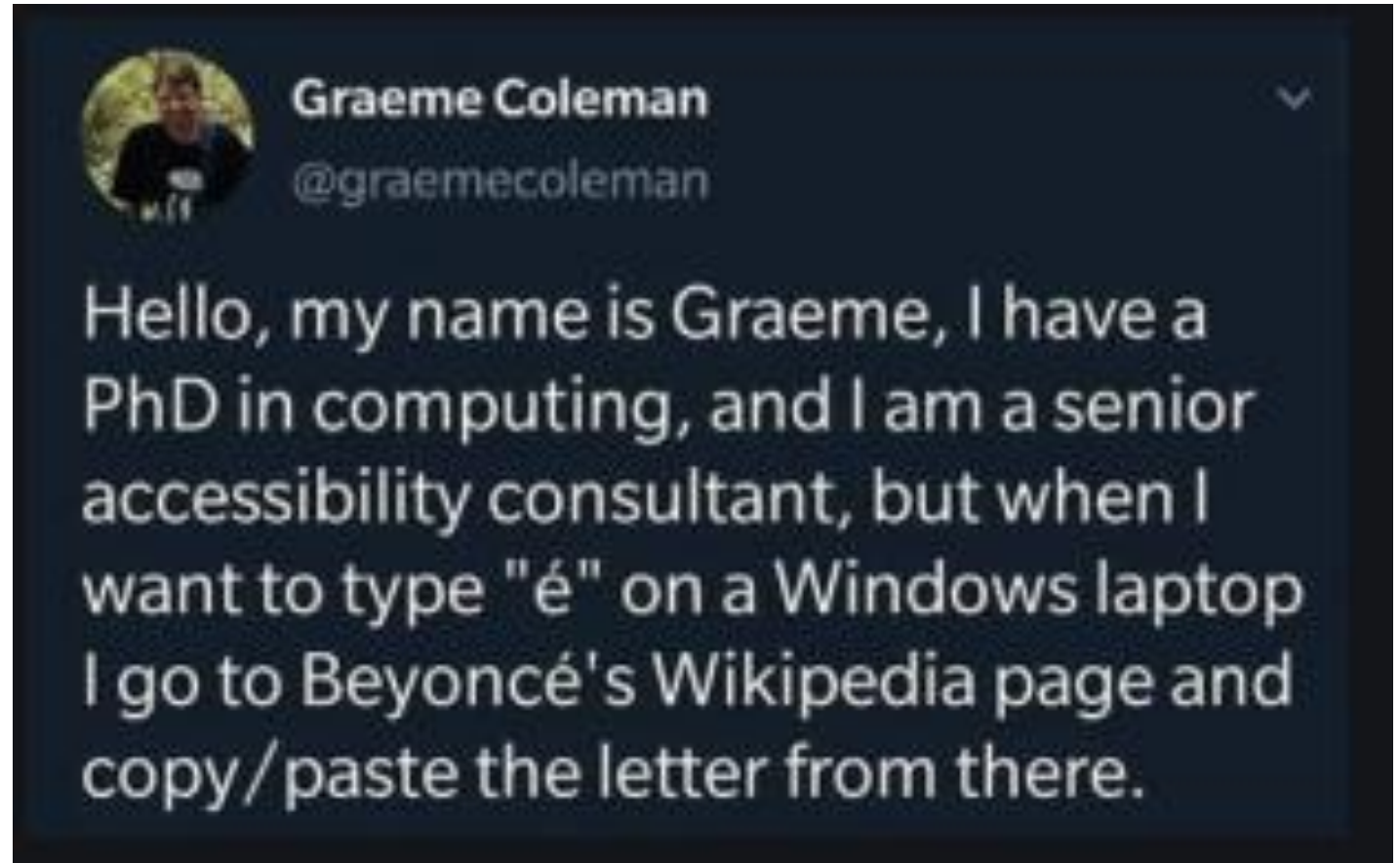
PROPER EFFECTIVE USE OF SOCIAL MEDIA— BUILDING A TIMELINE

- Is it?
- Simple search tools have been deactivated
- Facebook constantly changes software “handshakes” to access
- How do you do this regularly, so you don’t miss anything or so it doesn’t look like you are on a witch hunt?



PROPER AND EFFECTIVE USE OF SOCIAL MEDIA— BUILDING A TIMELINE

- Building a timeline is a long and arduous process.
- There are font adjustments and formatting changes on almost every entry needed to produce a trial ready report
- If you miss a portion of metadata, the rest is rendered invalid
- Software can help



PROPER AND EFFECTIVE USE OF SOCIAL MEDIA— BUILDING A TIMELINE





- Injury attorney are catching on and injured claimant are taking down their sites or setting privacy settings more than ever before
- This makes early assignment before attorney involvement essential
- The more point along a longer timeline increase credibility.

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SOCIAL MEDIA & YOUR CASE

In the Age of Technology, social media is a crucial part of our culture as we strive for information. However, social media can hurt us, especially in personal injury cases. The insurance company will do anything to discredit you and lower your payout.

Don't let them.

- DON'T POST PHOTOS OF ANYTHING AFTER YOUR ACCIDENT OR DURING YOUR CASE.** 
- DON'T POST, TEXT, OR TALK ABOUT YOUR CASE TO ANYONE OTHER THAN YOUR LAWYER.** 
- DON'T FRIEND SOMEONE YOU DON'T KNOW; IT COULD BE A LURKING INSURANCE ADJUSTER.** 
- DON'T WRITE ANYTHING ABOUT YOURSELF THAT YOU WOULDN'T WANT AN OPPOSING PARTY TO BRING UP IN COURT.** 

When you file a claim with the insurance company, the first thing they do is try to attack your credibility. Our attorneys have the resources and experience to fully leverage social media to your advantage while protecting you as much as possible.

www.steventituslaw.com

PROPPER AND EFFECTIVE USE OF SOCIAL MEDIA—HOW TO STORE IT?

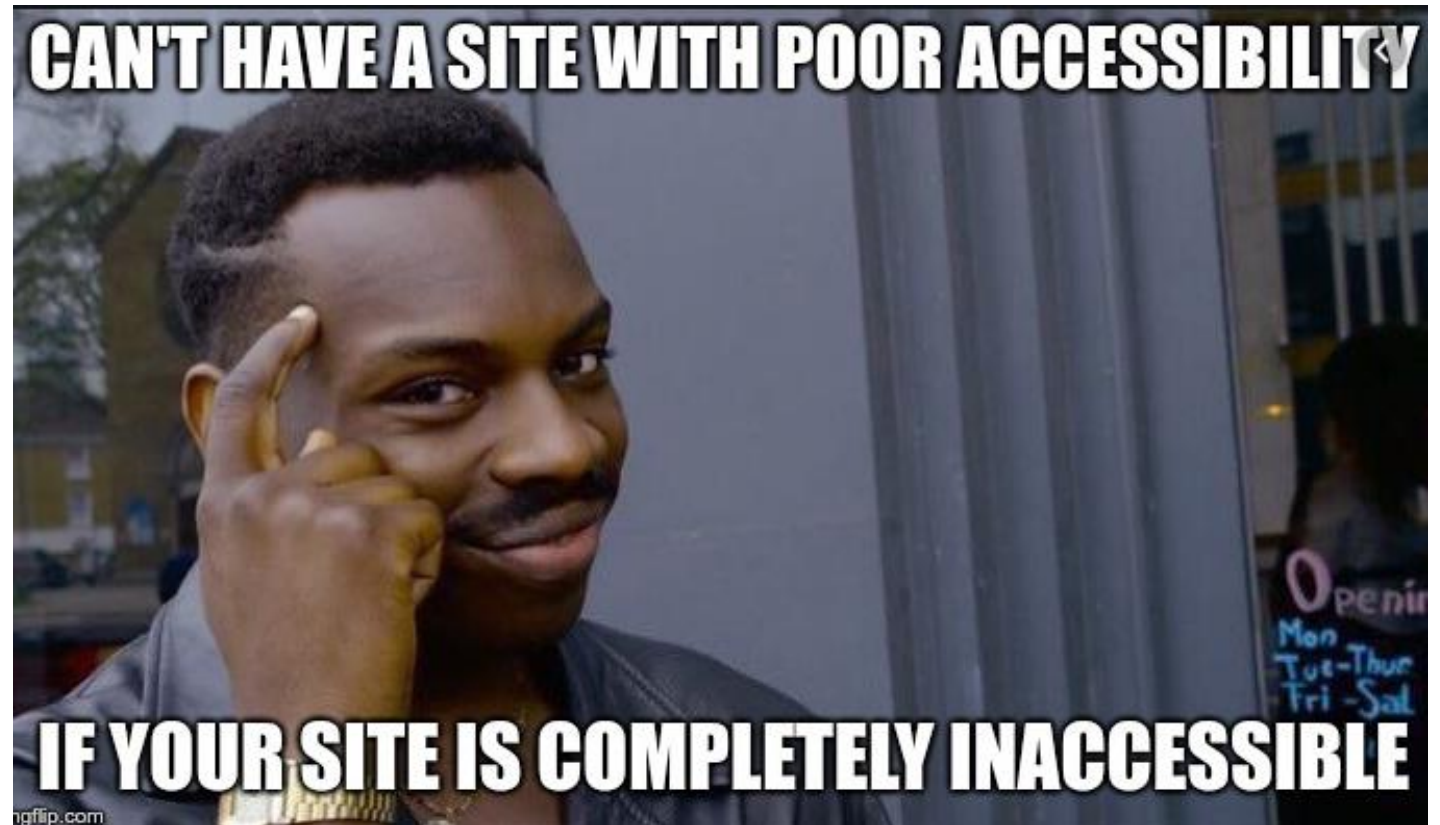
- Social media recover closely mimics physical evidence recovery
- It must be recovered in the same way every time
- Storage should not be in a claim file, but should be with a 3rd party server
- Proving captures were not altered in any way is paramount

Proper Chain of Custory Procedures must include:

- Proper collection procedures
- Marking of evidence or packaging
- SEAL package properly
- Record of everyone one who has possession
- Preserve and secure evidence
- Internal Chain of Custody documentation followed after testing and reports written.

PROPER AND EFFECTIVE USE OF SOCIAL MEDIA—HOW TO STORE IT.

- What good are social media captures if no one knows about them?
- Captures should be available 24/7 in real time
- Software can help



PROPER AND EFFECTIVE
USE OF SOCIAL MEDIA—
THINKING OUTSIDE THE
BOX

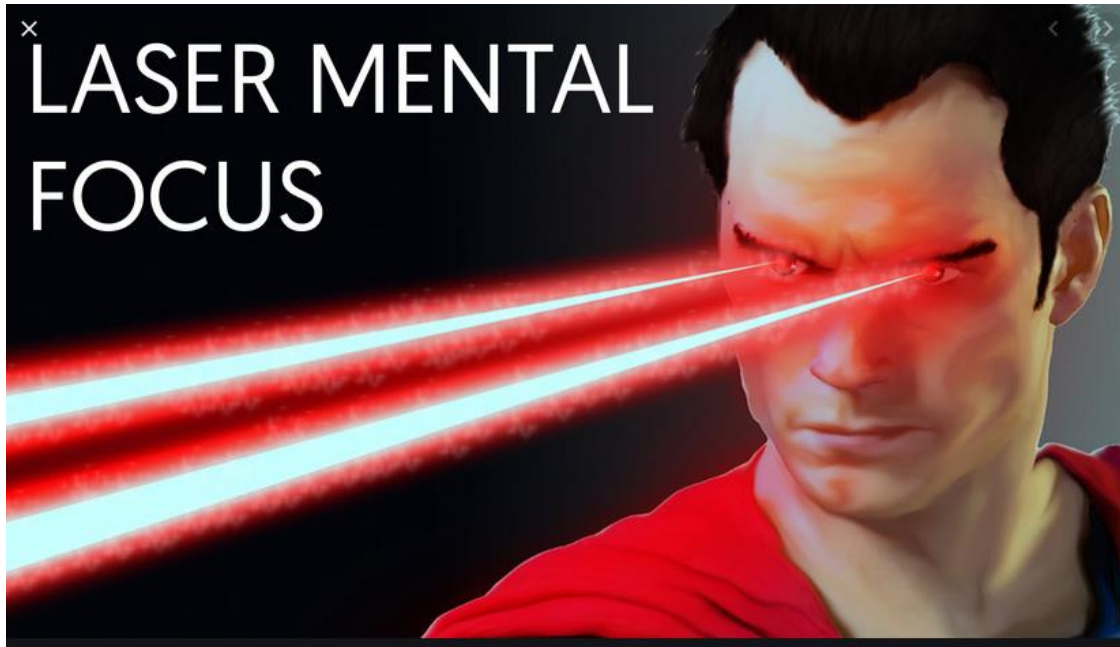
- I know this is a claim conference—But how else could you use social media?
- Think underwriting...



PROPER AND EFFECTIVE SOCIAL MEDIA USE— OUTSIDE THE BOX

- Unreported Home Daycare
- New trampolines/swimming pools/dogs
- Weekend Rave parties
- Unreported business uses





BENEFITS (BEYOND THE OBVIOUS) OF SOCIAL MEDIA

- Focusing traditional surveillance to specific activities or locations
- Uncovering home business



STRAVA

ADDITIONAL SOCIAL MEDIA BENEFITS (BEYOND THE OBVIOUS)

- De bunking TBIs and chronic mental conditions
- Uncovering second tier sites often with missed privacy settings



SOCIAL MEDIA---ENTER SOFTWARE

- Software greatly reduces or, in some cases eliminates your electronic footprint
- Entire walls are grabbed in seconds, irrelevant information removed, remaining information is organized chronologically for you to review at your leisure

SOCIAL MEDIA— ENTER SOFTWARE

- The power to update the search rests with the adjuster any time, anywhere, for the life of the claim.
- To update the search, all you need to do is hit a button. No calling anyone, no addition fees and the search updates in seconds



YOU MADE IT!!!

- Any Questions, see me at Happy Hour or contact me at:
- 616-826-5365
- Curt DeVries



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