

Social media, personal data and research guidance

Introduction

This guidance covers using social media to conduct research. As such, if there are particular social media services you are expecting to harvest research data from, you should check below to see if there are any particular requirements relating to that service.

General principles regarding harvesting personal data from social media

There are three principles relating to harvesting personal data from social media:

- 1. Social media does not necessarily mean public domain.**
People posting to social media may not necessarily intend it for a general audience. Some services restrict viewing messages/posts only to those who log in, which indicates an intention of only sharing the data amongst users of the service. Users of social media may on one level know that they are posting to the whole world, but really only expect their audience to be friends or acquaintances they interact with on the service. Keep likely expectations in mind depending on the service e.g. Twitter is more open than Facebook. Individuals who have blocked others from viewing their posts or set their security parameters to friends only may be less inclined to want their data harvested.
- 2. Harvesting personal data for research equals using it for another purpose.**
This has also come up in wealth screening and the Information Commissioner has made their position clear. Just because personal data is in the public domain does not mean that individuals expect it to be used for another purpose like wealth screening or research. That was not the purpose of the individuals using the service. Research is a new purpose for the personal data, so you will need to...
- 3. Inform your intended research subjects.**
As such, intended research subjects should be informed at some point about your research, what sort of personal data you are collecting and how it will be used. Some services make it clear this must be done before you start harvesting. For others without a specific policy and where you are conducting observational research which obtaining consent up front could damage, you should let the individuals concerned know as soon as possible. Always remove individuals from your harvesting who do not consent to being included.

Specific social media service requirements

If you are looking at harvesting data from a social media service not listed here, either contact the School's Data Protection Officer Rachael Maguire (glpd.info.rights@lse.ac.uk) or check the terms and conditions of the service as to whether consent is required from users and whether other restrictions apply.

1. Facebook

Requires notifying users of research? Yes.

Relevant clause: Facebook sets out in its terms of service at 5.7. that 'If you collect information from users, you will: obtain their consent, make it clear you (and not Facebook) are the one collecting their information, and post a privacy policy explaining what information you collect and how you will use it'.

If I don't get consent, what will happen? You will be breaking the terms of service and could possibly be denied access to Facebook in future.

2. Twitter

Requires notifying users of research? No.

Relevant clause: Section 4 requires searching using Twitter approved search methods. If you look at the Developer Agreement, which appears to be the way Twitter wants people to access Twitter data, Section VIIA of that states: 'User Protection. You will not knowingly: 1) display, distribute, or otherwise make available Content to any entity to investigate, track or surveil Twitter's users or their Content, or to obtain information on Twitter users or their Content, in a manner that would require a subpoena, court order, or

other valid legal process or that would otherwise have the potential to be inconsistent with our users' reasonable expectations of privacy; or 2) display, distribute or otherwise make available Content to any person or entity that you reasonably believe will use such data to violate the Universal Declaration of Human Rights (located at <http://www.un.org/en/documents/udhr/>), including without limitation Articles 12, 18, or 19. If law enforcement personnel request information about Twitter or its users for the purposes of an ongoing investigation, you may refer them to Twitter's Guidelines for Law Enforcement located at <https://t.co/le>. You will not conduct and your Services will not provide analyses or research that isolates a small group of individuals or any single individual for any unlawful or discriminatory purposes'.

If I don't get consent, what will happen? You can still harvest the data, though you should still let the individuals know you have harvested their data as a courtesy.

3. Instagram

Requires notifying users of research? No.

Relevant clause: Section 7 of the terms and conditions: 'You may not use the Service for any illegal or unauthorized purpose. You agree to comply with all laws, rules and regulations (for example, federal, state, local and provincial) applicable to your use of the Service and your Content (defined below), including but not limited to, copyright laws'. This means you must comply with the Data Protection Act, but doesn't specify how.

If I don't get consent, what will happen? You can still harvest the data, though you should still let the individuals know you have harvested their data as a courtesy.

4. YouTube

Requires notifying users of research? Yes.

Relevant clause: Section 5.1. of the terms of service: 'You agree not to collect or harvest any personal data of any user of the Website or any Service (and agree that this shall be deemed to include YouTube account names)'.

If I don't get consent, what will happen? You may be stopped from using YouTube to stream video.

5. LinkedIn

Requires notifying users of research? No.

Relevant clause: Section 8.2 of the user agreement: DO NOT

- 'Scrape or copy profiles and information of others through any means (including crawlers, browser plugins and add-ons, and any other technology or manual work);
- Copy or use the information, content or data of others available on the Services (except as expressly authorized);
- Collect, use, copy, or transfer any information obtained from LinkedIn without the consent of LinkedIn'

If I don't get consent, what will happen? In Section 2, Your membership, LinkedIn requires you to keep to the DOs and DONTs, so you could lose your own membership.

6. Tumblr

Requires notifying users of research? Yes, though the terms of service could be read as having to notify Tumblr instead.

Relevant clause: Section 3, limitations of use in terms of service: 'You may not, without express prior written permission, do any of the following while accessing or using the Services: ... (c) access or search or attempt to access or search the Services by any means (automated or otherwise) other than through our currently available, published interfaces that are provided by Tumblr (and only pursuant to those terms and conditions) or unless permitted by Tumblr's robots.txt file or other robot exclusion mechanisms; (d) scrape the Services, and particularly scrape Content (as defined below) from the Services'.

If I don't get consent, what will happen? You may lose access to Tumblr.

7. WhatsApp

Requires notifying users of research? Yes, though does not directly say so.

Relevant clause: Section Acceptable Use of Our System: Harm to WhatsApp or our Users: 'You must not (or assist others to) access, use, copy, adapt, modify, prepare derivative works based upon, distribute, license, sublicense, transfer, display, perform, or otherwise exploit our Services in impermissible or unauthorized manners, or in ways that burden, impair, or harm us, our Services, systems, our users, or others, including that you must not directly or through automated means: ... (f) collect the information of or about our users in any impermissible or unauthorized manner'.

If I don't get consent, what will happen? You may lose access to WhatsApp.

8. SnapChat

Requires notifying users of research? Yes, though does not directly say so.

Relevant clause: Section 6 of the terms of service: 'You therefore may not use the Services in a manner that: violates or infringes someone else's rights of publicity, **privacy**, copyright, trademark or other intellectual-property right'. This means you must comply with the Data Protection Act, but doesn't specify how.

If I don't get consent, what will happen? You may lose access to SnapChat.

9. Pinterest

Requires notifying users of research? No.

Relevant clause: The terms of service state that content on Pinterest will be used and shared by other users or the service. However, there are Secret Boards and it is likely that harvesting data from these could be problematic without express consent.

If I don't get consent, what will happen? You can still harvest the data, though you should still let the individuals know you have harvested their data as a courtesy.

10. Blogger

Requires notifying users of research? No.

Relevant clause: Covered by Google's general terms of service, which do not cover harvesting of data.

If I don't get consent, what will happen? Blogging is generally considered a publication tool, so published to the world, but be careful regarding subject matter. E.g. a person blogging about their mental health issues may be more concerned with their content being used for research than someone blogging about economic issues. As with all services that don't require direct consent, it will be best to contact the bloggers you want to include in your research as a courtesy.

11. WordPress

Requires notifying users of research? No.

Relevant clause: Terms of service do not cover harvesting of data.

If I don't get consent, what will happen? Blogging is generally considered a publication tool, so published to the world, but be careful regarding subject matter. E.g. a person blogging about their mental health issues may be more concerned with their content being used for research than someone blogging about economic issues. As with all services that don't require direct consent, it will be best to contact the bloggers you want to include in your research as a courtesy.

12. Tinder

Requires notifying users of research? No.

Relevant clause: Terms of service cover harvesting obliquely in Section 7 under 'you agree not to... use any robot, bot, spider, crawler, scraper, site search/retrieval application, proxy or other manual or automatic device, method or process to access, retrieve, index, "data mine," or in any way reproduce or circumvent the navigational structure or presentation of the Service or its contents'.

If I don't get consent, what will happen? Tinder is a closed social media site. Users expect that other users will look at their data but not third parties. Tinder in its privacy policy allows for third party access to non personal data, so if that is what you are after, you should contact Tinder directly about what you require. Otherwise, you will need to get consent from users of the service to access their data.

13. Quora

Requires notifying users of research? No.

Relevant clause: Is in section 4d: 'If you operate a search engine, web crawler, bot, scraping tool, data mining tool, bulk downloading tool, wget utility, or similar data gathering or extraction tool, you may access the Quora Platform, subject to the following additional rules: i) you must use a descriptive user agent header; ii) you must follow robots.txt at all times; iii) your access must not adversely affect any aspect of the Quora Platform's functioning; and iv) you must make it clear how to contact you, either in your user agent string, or on your website if you have one'.

If I don't get consent, what will happen? You should contact potential research subjects as a matter of courtesy. As Quora is a fairly open site, consider putting a post or Q&A about your research on Quora to let users know about your research.