

PREVENTING SOCIAL MEDIA DEFAMATION

Defamation disputes can move quickly online. Early, practical action can often reduce reputational damage before the issue becomes harder to resolve. This factsheet explains online defamation, who can bring a claim and what to do before escalating a dispute.

CONTACT US

visit our website | legalvision.co.uk
email us | info@legalvision.co.uk
call us | 0808 196 8584

WHAT IS ONLINE DEFAMATION?



A statement is only defamatory if it has caused, or is likely to cause, serious harm to reputation. For businesses, serious harm means significant financial loss, such as lost contracts or clients, or a measurable drop in revenue. Minor insults, exaggeration or criticism are often not enough.

Defamation can occur where online content:

- is published and can be seen by at least one person;
- clearly identifies an individual or business; and
- causes, or is likely to cause, serious harm to that person's or business' reputation.

This can include social media posts, comments, shared content, and negative online reviews. For example, a review saying a restaurant caused food poisoning could harm its reputation.

COMMON DEFENCES TO ONLINE DEFAMATION



Common defences include:

- **Truth:** A defence applies if the statement was substantially true and supported by proper evidence. Rumours are not enough.
- **Honest opinion:** May apply where the post was clearly opinion, identified its factual basis, and an honest person could have held that opinion.
- **Public interest:** Applies to genuine public interest matters where you reasonably believed publication served that interest. It rarely succeeds in commercial or competitor disputes.
- **Privilege:** Some statements are protected when made in the proper context to someone with a legitimate interest, such as an employment reference. Protection is lost if made maliciously.
- **Website operators / innocent dissemination:** May protect someone who unknowingly hosted or shared defamatory material, but rarely protects the original poster.

WHO CAN BRING A CLAIM?



A claim may be brought by:

- an individual; and
- a business or other organisation.

A business must also show the content has caused, or is likely to cause, serious financial loss. Directors, founders, or employees may claim too if the content identifies and harms their own reputation. A claim must generally be brought within one year of publication.

PRE-ACTION STEPS AND LETTERS OF CLAIM



Before starting court proceedings, the usual first step is to send a letter of claim. A letter of claim should identify:

- the allegedly defamatory content, including screenshots;
- the meaning or implication of the content;
- the serious harm, or serious financial loss, suffered or likely to be suffered; and
- the outcome sought, such as removal, correction, apology or compensation.

The other side should be given a reasonable time to respond before any claim is issued.

PRACTICAL STEPS FOR BUSINESSES



Before escalating a social media dispute, you should:

- save screenshots and links before content is deleted;
- check whether the post identifies your business or people;
- ask the publisher or platform to remove the content;
- avoid public replies that inflame the issue; and
- seek advice before sending a formal letter of claim.