

THE LAW SOCIETY OF SINGAPORE

PRACTICE DIRECTION 6.1.1

[Formerly PDR 2013, para 61; Council's Practice Direction 1 of 2009]

MEDIA COMMENTS AND INTERNET / SOCIAL MEDIA POSTS

The Council takes cognizance of the media attention that is often generated during the course of proceedings and the comments sought from members of the profession representing the parties to those proceedings, as well as commentary by members on those proceedings that may be accessible to third parties or the public (for example, posts on websites, blogs and social media). There have also been instances where members share facets of their professional life with third parties or the public via websites, blogs, social media or social messaging platforms.

The Council expects all members to exercise proper discretion in such circumstances and to refrain from making inappropriate comments, improper disclosures or inaccurate statements. Posts or comments made by members may inadvertently disclose confidential information, personal data, or cause embarrassment or disrepute to the profession. In this regard, it is good practice for law practices to implement internal policies on the use of the Internet and social media at work, and members should observe the following points when making posts or comments accessible to third parties or the public:

- (a) to act in the best interest of the client;
- (b) to uphold the standing of the profession;
- (c) to maintain confidentiality between legal practitioner and client;
- (d) to comply with the rules of professional conduct and publicity;
- (e) to have regard to the risk of further dissemination, decontextualisation or distortion by third parties or the public;
- (f) to avoid comments that may prejudice matters *sub judice* or that may be in contempt of court; and
- (g) to avoid adverse remarks on the conduct or character of the opposing party.

Examples of inappropriate comments or improper disclosures include (but are not limited to) posts and/or comments:

- (a) in relation to on-going proceedings;
- (b) about clients, judges, opposing party and/or opposing counsel;
- (c) which disclose confidential information/personal data obtained from clients, judges, opposing party and/or opposing counsel; and
- (d) which contain photographs which disclose confidential information/personal data or parts of documents/files relating to a client's matter.

Members, as officers of the court, should adhere to standards imposed by the Legal Profession Act (Cap 161, 2009 Rev Ed) and the regulations made thereunder and in particular,

should maintain conduct befitting a legal practitioner and a member of an honourable profession. Law practices are also reminded to adhere to standards imposed by the Personal Data Protection Act 2012 (No 26 of 2012), and to implement policies and practices that are necessary for the law practice to meet its obligations under the Personal Data Protection Act 2012.

Date: 31 January 2019

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE