



SOCIAL MEDIA

Self-incrimination and Social Media

This factsheet deals with issues to do with what you post online and your privacy, like whether police and schools can access your accounts and protecting yourself online.

If you are looking for information on cyberbullying or laws to do with sharing sexually explicit images on social media please see our other factsheets.

Getting in trouble with the law for what you post online

'Self-incrimination' is when a person says or does something that links them to an illegal activity or crime. If the police learn about what you've said or done, it could be used as evidence against you or people you know. Sometimes you might not even realise that what you are talking about is a crime.

It is becoming more common for people to post information on social networking sites that links them to crimes. Often, they don't realise that online information can be used as evidence of offline crimes, or they don't believe that what they post will come to the attention of the police.



Can police view my private accounts?

Even if you are careful about your privacy settings, police may be able to gain access to information you post. Even if you use an anonymous username, this may not protect you. For example, Facebook and Twitter have privacy rules that say users' personal information will be given in response to legal complaints where the information is required to meet law enforcement requests.



The police can also apply for a warrant to search your online accounts:

- if the police suspect that you or your friends have committed a crime, they can apply for a warrant to search your social networking accounts for evidence
- many websites have policies in place to deal with search warrants. For example, Facebook allows police with search warrants to request information about users, even if they set their profiles to private
- under Australian law, police can apply for a warrant to search your device for evidence of a crime

Can police confiscate my devices?

The police can take your device from you without your permission or a warrant when:

- they have reason to believe that the device is stolen; or
- they have reason to believe your device may contain evidence of a crime

If the police suspect that you have committed a crime, they can apply for a warrant to search your social media accounts for evidence. If a serious crime has been committed, police may apply for warrants to search all of the communications sent to and from a device.

You don't have to hand your device over to police simply because they ask for it. It's up to them to show you they have a reason to believe that the device is stolen or is being used to commit a crime. However, if the police arrest you or charge you with an offence they may have the power to seize your computer or phone.

Schools and Employers

If you use a school or work computer, you have to follow their 'acceptable use policy'. This policy will usually give your school or employer the right to monitor your computer use. This means that they can see everything you post and all the websites you visit when you're using a computer at school or work. You should always read the policy. If there is something you don't want your school or employer to see, don't use their computers to look at it.



Protecting yourself online



Be wary of strangers sending you friend requests or wanting information about you.

Check your privacy settings on all your accounts.

Remember that pictures, posts and comments can still be available, even if you've deleted them or your account. People can save your photos or take screenshots of what you've posted online.

Never give out your personal details online (like your full name, date of birth or school you attend).

Always remember to log out of your social media and email accounts.

Contact us!

Would you like more information, resources, or a free visit to your school, organisation or group?

Email: cle@lsc.sa.gov.au

To apply for legal aid online, visit: www.lsc.sa.gov.au

Acknowledgments:

The Legal Services Commission gratefully acknowledges the assistance of Legal Aid NSW and the National Children's and Youth Legal Centre in allowing the Legal Services Commission of South Australia to use and adapt existing content.



Legal Services
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1300 366 424

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