

SOCIAL MEDIA POLICY

PURPOSE

- 1.1 The purpose of this policy is to ensure Flashbay's ("**the Company**") employees, contractors and consultants ("**Workers**") appropriately use Social Media Applications. It has also been developed to ensure that Workers adhere to their obligations to not bring the good name and reputation of the Company into disrepute, protect the Confidential Information and Intellectual property of the Company and treat others with respect.

2 Policy

- 2.1 This policy covers all Workers and is not limited to Company premises or standard working hours. It extends to cover all occasions involving engagement with, or communication in any form on Social Media Applications which may have a link to the Company regardless of whether the use of social media occurs on the Company's premises or another location and/or outside or during ordinary working hours.
- 2.2 This policy also applies (as appropriate) to the relationship and interactions with the Company's customers, clients, vendors and any other business parties of the Company.
- 2.3 This policy should be read in conjunction with the Grievance Policy, EEO, Discrimination Harassment and Workplace Bullying Policy and the Internet and Email Policy.

3 Definitions

- 3.1 **Confidential Information** includes but is not limited to any trade secrets or confidential information relating to or belonging to the Company, including but not limited to any such information relating to: customers or clients; customer lists or requirements; suppliers; terms of trade; pricing lists or pricing structures; marketing information and plans; Intellectual Property; inventions; business plans or dealings; technical data; Workers or officers; financial information and plans; designs; product lines; any document identified as being confidential by the Company; research activities; software and the source code of any such software; but does not include information which,
 - i. is generally available in the public domain; and
 - ii. was known by the Worker prior to the disclosure by the Company, its Workers, representatives or associates.
- 3.2 **Intellectual Property** means all intellectual proprietary rights whether registered or unregistered and whether existing under statute, at common law or in equity throughout the world including, without limitation:
 - i. all trademarks, trade names, logos, symbols, get up, brand names or similar rights, registered or unregistered designs, patents, copyright, circuit layout rights, trade secrets; and
 - ii. any application or right to apply for any of the rights referred to in paragraph (i) above.

4 Policy

- 4.1 The Company has a legitimate business interest and right to protect its Confidential Information and its reputation. As such, this policy applies to all information and online communications made by Workers via Social Media Applications that refer or relate to a Worker's employment or engagement, interactions with other Workers or any communications that directly or indirectly relate or refer to the Company.

5 Social Media Applications

- 5.1 Social Media Applications include, but are not limited to:
- i. Social Networking sites e.g. Facebook, MySpace, Instagram, Google Plus, LinkedIn;
 - ii. Video and Photo sharing websites e.g. Flickr, YouTube;
 - iii. Micro-blogging sites e.g. Twitter;
 - iv. Weblogs, including corporate blogs, personal blogs or blogs hosted by traditional media publications, web leads such as RSS feeds;
 - v. Forums and discussion boards such as Whirlpool, Yahoo! Groups or Google Groups;
 - vi. Instant messaging services such as Communicator+, Facebook Messenger, Whatsapp, Viber or Skype;
 - vii. Online Encyclopaedias such as Wikipedia;
 - viii. Any other web sites that allow individual users or companies to use simple publishing tools.
- 5.2 Social Media Applications are not limited to websites and this policy applies to any other electronic application (such as smart phone based, tablet, or hand held/PDA device based applications) which provide for the sharing of information to user groups or the public at large.
- 5.3 Online communications may include posting or publishing information via Social Media Applications, uploading and/or sharing "tweets", photos, images or videos, direct messaging, status "updates" or any other form of interaction and/or communication facilitated by social media.

6 Use of Social Media Applications During Work Time

- 6.1 Unless authorised by management, under no circumstances should any Worker use Social Media Applications at work or for work related purposes.

7 Responsibility

- 7.1 Workers must:
- i. not disclose any Company related information on any Social Media Application unless otherwise authorised by Management or the Company;
 - ii. ensure that they do not encourage, aid or abet other persons to use social media inappropriately;
 - iii. ensure they do not disclose any information about fellow Workers on any Social Media Applications or similar;

- iv. under no circumstances take photos of Workers, the Company's events or workplaces to be posted on any Social Media Applications unless otherwise authorised by Management or the Company;
 - v. ensure no material is published or disclosed that is obscene, defamatory, threatening, harassing, discriminatory or hateful to another person or entity including the Company, its officers, directors, Workers, agents or representatives, its clients, partners, suppliers, competitors or contractors;
 - vi. ensure they notify their manager, supervisor or the appropriate contact person in the Company should they be aware of any material which may damage the Company or its reputation;
 - vii. ensure that they do not make any online communication that is in any way disparaging or unfavourable about the Company and/or is likely to bring the Company into disrepute or ridicule;
 - viii. maintain and protect the Confidential Information of the Company in their communications and not use the name of the Company or any other like title identifying the Company in any domain name, or in the title of any blog or any other personal site that may be established; and
 - ix. not use or display any of the Company's Intellectual Property in any online communications without the express written consent of senior management of the Company.
- 7.2 Any online communication to, or facilitated by Social Media Applications using the Company's information systems may be subject to the **Company's Workplace Surveillance policy or equivalent**, where applicable.
- 7.3 Workers who choose to reveal or imply their place of employment or engagement on Social Media Applications or a personal site should be aware that they are potentially increasing exposure for both themselves and the Company. Workers are responsible and accountable for information that they put forward via social media and should monitor their posts accordingly.

8 Posting on behalf of the Company

- 8.1 Workers must not at any time represent themselves as speaking on behalf of the Company via social media Applications without the Company's written consent.
- 8.2 The Company reserves the right to request that Workers remove any published content where published on a social media site, if not suitable or if inappropriate.

9 Bullying and Harassment

- 9.1 Workers are prohibited from publishing material which has the potential to be disparaging or unfavourable or has the potential to reflect negatively on the Company's shareholders, directors, officers, stakeholders and people employed or engaged by the Company to perform work on the Company's behalf.
- 9.2 This includes, but is not limited to obscene, defamatory, discriminatory or vengeful remarks about another person involved or reasonably connected with the Company (e.g. employees, contractors, customers, third party suppliers etc.). This policy must be read in conjunction with the Company's EEO, Discrimination, Harassment and Workplace Bullying Policy.

10 Breach of Policy

- 10.1 A Worker who acts in breach of this policy or any other Company policy which is referenced or

related to this policy may face disciplinary action, up to and including termination of employment.

- 10.2 In cases where the Company has incurred costs due to a Worker's breach of this policy, the Company may seek to recover such costs from the Worker.