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| ACCOUNTABLE DEPARTMENT Communications | EFFECTIVE DATE 06/01/2020 |
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1.0 Policy Statement

Kaiser Permanente (KP) employees who identify themselves as working at KP or who access social media through KP-owned devices will use social media in a manner that is consistent with KP policy and the *Principles of Responsibility, KP's Code of Conduct*. Nothing contained in this policy or in the policies referenced herein is intended to prohibit communications concerning wages, benefits, or other terms and conditions of employment, or that otherwise are legally protected under the National Labor Relations Act or any other applicable law.

2.0 Purpose

The purpose of this policy is to provide KP employees with clear information about KP's expectations of their behavior when they are using Social Media, including both KP-hosted Social Media, and non KP-hosted social media to the extent specifically stated in this policy. When employees, members, or the public raise concerns about social media content, KP reviews and responds to those concerns in accordance with the provisions of this and other KP policies.

3.0 Scope/Coverage

This policy applies to all employees who are employed by any of the following entities (collectively referred to as "Kaiser Permanente"):

- 3.1** Kaiser Foundation Health Plan, Inc. (KFHP);
- 3.2** Kaiser Foundation Hospitals (KFH);
- 3.3** KFHP/KFH's subsidiaries;
- 3.4** The Permanente Medical Group, Inc. (TPMG) [NOTE: This policy does not apply to physicians, podiatrists, vice presidents, or members of the TPMG Executive Staff, who are covered by separate TPMG policies]; and
- 3.5** Southern California Permanente Medical Group (SCPMG) [NOTE: This policy does not apply to physicians of SCPMG.]

4.0 Definitions

See Appendix A – Glossary of Terms for additional definitions.

5.0 Provisions

5.1 Using Social Media.

- 5.1.1** KP employees are required to comply with this policy when using social media:

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- 5.1.1.1** On KP electronic systems or using KP hosted social media tools;
- 5.1.1.2** During working time; and/or
- 5.1.1.3** Any time a KP employee identifies themselves as a KP employee (or is publicly identified as a KP employee) and:
 - (a) uses personal social media tools to share content related to KP; or
 - (b) makes statements that can create significant operational or reputational harm to KP.

5.1.2 Comply with Legal Obligations. To protect employees and KP, it is critical that employees respect the laws governing copyright and fair use of copyrighted material owned by others, including KP's own copyrights, as well as any other laws governing online activities. Employees should always disclose their KP affiliation when endorsing or promoting KP products or services. Employees should not make knowingly untruthful statements about competitors (or their products). Laws may be different depending on where the employee works and lives.

5.1.3 Adhere to KP Policies and Compliance Requirements. All the rules and KP policies that apply to other KP communications apply to Social Media communications. Employees are expected to comply with all other KP policies, and the Principles of Responsibility. Employees may not post any material about KP or KP members and patients, contractors or suppliers, or other KP employees in a manner that reasonably could be viewed as obscene, threatening, or intimidating, or that violates KP's workplace policies against discrimination, harassment, retaliation, illegal activity, and/or threats of violence. Employees should make sure that participation in Social Media does not interfere with their job performance. See *Electronic Asset Usage NATL.HR.025* and *Nonretaliation NATL.EC.003*.

5.1.4 Maintain Honesty and Accuracy. Employees should be complete, honest and accurate when posting information on Social Media, and must not post anything they know to be false about KP, KP members, patients, contractors, suppliers, or other KP employees.

5.2 Prohibited Social Media Use.

5.2.1 Member and Patient Confidentiality. Employees may not use or disclose PHI of any kind, including photographs and any other unique identifiers of any KP member or patient, on any Social Media without a written HIPAA-compliant authorization of the affected member or patient. Even if an individual is not identified by name, if there is a reasonable basis to believe that the member or patient could still be identified from that information, then its use or disclosure could violate the Health Insurance Portability and Accountability Act (HIPAA) and KP

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policy. See *Obligations Regarding Confidentiality REGL.HR.001a* and *Obligations Regarding Confidentiality REGL.HR.001b*.

5.2.2 Confidential and Proprietary Information. Employees may not use or disclose any confidential and proprietary information on an external, non-KP hosted site. Employees must follow KP terms of use if using KP hosted sites. See section 5.3.3.

5.2.3 Personal Opinions. Employees are personally responsible for the content that they publish online. Employees should be mindful that content published on a social media site can be copied or stored indefinitely by the site itself or by a third party. Employees should also be mindful that an employee's affiliation with KP on one site can be linked to statements made on another social media site and accordingly take care to understand the impact that even non-work-related communications can have on their own reputation as well as that of KP. This policy in no way impinges on any employee's right under the law to express either protected political opinions or to engage in protected concerted activity under the National Labor Relations Act.

5.2.3.1 KP employees may not represent themselves as a spokesperson for KP without express authorization from Communications to do so. Employees may not represent that they are communicating the views of KP or do anything that might reasonably create the impression that they are communicating on behalf of or as a representative of KP. To prevent creating the wrong impression, it is best to include a disclaimer that the statements made are not the opinions of KP.

5.3 Accessing Social Media on KP-Hosted Sites or through KP Assets.

5.3.1 No Expectation of Privacy. Employees should use KP electronic systems, and KP-hosted Social Media tools, with the understanding that all content, including personal messages, is subject to being read or heard by KP, and employees should have no expectation of privacy, whether password protected or not, to the extent permitted by applicable law. Managers should keep in mind that their direct or indirect reports may read anything shared through Social Media. See *Acceptable Use of KP Information Systems and Assets NATL.IS.002*.

5.3.2 Obtain Pre-approval before Setting up KP-hosted Sites. Employees must seek approval from the appropriate KP national, regional or Permanente Medical Group communications department before setting up a KP-hosted site or other Social Media content created to communicate information about KP.

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5.3.3 Follow the Rules of KP-Hosted Sites. Employees are expected to follow the Terms & Conditions and rules of participation applicable to Social Media sites.

5.4 Disclosure of Personal Social Media Passwords. No employee may require that a co-worker or subordinate allow them access to, or provide a password for, a personal Social Media account. This does not include KP-Hosted sites.

6.0 References and Appendices

- 6.1** Kaiser Permanente's Principles of Responsibility
- 6.2** Corrective / Disciplinary Action NATL.HR.014
- 6.3** Electronic Asset Usage NATL.HR.025
- 6.4** Acceptable Use of KP Information Systems and Assets NATL.IS.002
- 6.5** Nonretaliation NATL.EC.003
- 6.6** Obligations Regarding Confidentiality NATL.HR.056

7.0 Approval

This policy was approved by the following representatives of Kaiser Foundation Health Plan, Inc., Kaiser Foundation Hospitals, and their subsidiaries.

Approver: Catherine Hernandez, VP, Interim National Communications Leader

Approval Date: May 23, 2020

Approver: Arlene Peasnell, SVP, HR Consulting

Approval Date: May 26, 2020

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REVISION HISTORY

| ORIGINAL APPROVAL | UPDATE APPROVAL | REVISION APPROVAL |
|---|---|---|
| APPROVAL DATE(S): 05/06/2009 | APPROVAL DATE(S): 01/06/2017 | APPROVAL DATE(S): 09/15/11; 10/11/13 |
| EFFECTIVE DATE(S): 04/30/2009 | EFFECTIVE DATE(S): 01/06/2017 | EFFECTIVE DATE(S): 09/15/11; 11/01/13 |
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Appendix A – Glossary of Terms

Blog – A site that allows an individual or group of individuals to share a running log of events and personal insights with online audiences.

Confidential and Proprietary Information – Confidential and proprietary information includes any information that is not accessible to the public; gives KP a competitive advantage in doing business; or, if disclosed to a third party or the public could reasonably be expected to be harmful to KP members and patients. Examples of confidential and/or proprietary information for purposes of this policy include:

- a. Information KP is required by law to keep confidential, such as social security numbers and medical records;
- b. Privileged and/or protected quality and peer review records;
- c. Attorney-client privileged or attorney-work product materials;
- d. Legally protectable financial information such as performance data and forecasts;
- e. Legally protectable information concerning non-public business plans, strategies and techniques, research and development plans, data, objectives, and unreleased, draft or preliminary findings and conclusions;
- f. Product and technical information about software programs, discoveries and inventions, and product and service development, and trade secret information;
- g. Non-public information that employees are able to access solely due to the performance of their duties (such as information an HR professional might know because of access to confidential employee information); and
- h. Any of the information described in a. through g. as it relates to any KP vendors, contractors or consultants.

Note: Confidential information does not include information about wages, hours, benefits, and other terms and conditions of employment.

KP Assets - Can be both tangible (physical) and intangible (intellectual). Assets include equipment, (for example, cameras, ergonomic equipment), furniture, supplies, organization funds (including purchasing cards), electronic devices, voicemail and instant messages, e-mail, knowledge, information, buildings, identification cards, time, and media sites (including Kaiser Permanente’s Facebook pages and YouTube channels). See *Electronic Asset Usage policy* for more information.

KP-Hosted Sites - A Social Media website, application, or software that is owned and/or operated by Kaiser Permanente, e.g., @kpshare or the Center for Total Health blog. KP-hosted sites may reside on servers located at a KP data center or a third-party data center or service provider.

Microblog - A microblog differs from a traditional blog in that its content is typically smaller in both actual and aggregate file size. Microblogs allow users to exchange small elements of content such as short sentences, individual images, or video links.

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Podcast – A collection of digital media files distributed over the Internet, often using syndication feeds, for playback on portable media players and personal computers.

Protected Health Information (PHI) - Individually identifiable health information that is transmitted by or maintained in electronic media or is transmitted or maintained in any other form or medium. PHI excludes individually identifiable health information:

- (i) In education records covered by the Family Educational Rights and Privacy Act, as amended;
- (ii) In records of students attending postsecondary institutions which are made or maintained for the purpose of the students’ treatment;
- (iii) In employment records held by a covered entity in its role as employer; and
- (iv) Regarding a person who has been deceased for more than 50 years.

Not PHI. Identifiers will not be protected health information if they cannot be associated with an individual’s health information (i.e., the individual’s past, present or future status as a patient or member, health condition, receipt of health care services, eligibility for or receipt of health care benefits) as a result of:

- (i) The identifiers’ combination with other data;
- (ii) The circumstances surrounding the disclosure of such identifiers; and/or
- (iii) Other public or private information accessible to the recipient of the identifiers. The disclosure of other identifiers or identifiable information in the possession of covered entities may be prohibited or limited without authorization under laws unrelated to protections for protected health information. For example, Social Security numbers have California and federal privacy protection even when not associated with health information. Individually identifiable health information in KP employment records is not PHI; however, it may be subject to other state and federal privacy protections.

Syndication feeds – A family of different formats used to publish updated content such as blog entries, news headlines or podcasts and “feed” this information to subscribers via e-mail or by an RSS reader. This enables users to keep up with their favorite Web sites in an automated manner that’s easier than checking them manually (known colloquially as “really simple syndication”).

Social Media – Any KP or publicly available website or software that enables users to post, send, receive, or otherwise share information of any type with other users. This includes but is not limited to social networks such as Facebook, LinkedIn, and Instagram; microblogs such as Twitter; video and audio sharing; blogs, podcasts, discussion forums, online collaborative information and publishing systems accessible either internally or externally; consumer ranking sites such as Yelp; and collaborative information sources such as Wikipedia.

Social Network Site – Any website, online property or mobile application that allows users to interact, share content, add others to their visible lists of contacts, form or join sub-groups around shared interests, or publish content for consumption by a specified group of subscribers or the public.

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Wiki -- Allows users to create, edit, and link Web pages easily; often used to create collaborative Web sites and to power community Web sites.