

# INTERNET / SOCIAL MEDIA GUIDANCE – ONLINE CRIMES

## Watch what you search for, post and say!

Similar to life off-line, the internet / social media is not somewhere you can post and say whatever you want without consequence. We should not be doing things on-line that we should not do off-line. Some on-line activity is illegal, as you can see from the examples below.

### 1. **Communicating indecently** (sometimes referred to as ‘sexting’)

The following offence applies if you send someone a communication containing sexual content without their consent for one of the purposes listed: **Sexual Offences (Scotland) Act 2009, Section 7**

It is an offence to intentionally send to a person by whatever means anything which causes a person to see/hear a sexual written/verbal communication (no consent) for the purpose of

- your own sexual gratification
- to humiliate another person
- to cause distress to another person
- to cause alarm to another person

### 2. **Sharing indecent or sexual photos** (also sometimes referred to as ‘sexting’)

Under the **Civic Government (Scotland) Act 1982, Section 52**, it is an offence to do any of the following in relation to indecent photographs of anyone aged under 18:

- Take such a photo
- Possess such a photo
- Show anyone else such a photo
- Publish such a photo

This includes posting such a photo on-line.

If the person in the image is aged 18 or over, similar offences exist under the **Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Section 2** if you share intimate images without consent.

This Act makes it an offence to make public (show to someone else or post on-line) a photo or film showing a person in an intimate situation without that person's consent, which causes them fear, alarm or distress, and is an image which has not been disclosed to the public before.

It's also an offence to threaten to show such images to someone else or to post them on-line.

### **3. Misuse of electronic communications networks**

The **Communications Act 2003, Section 127** makes it an offence to use a public electronic communication network such as a telephone, mobile phone or the internet to send anything which is:

- Abusive
- Threatening
- Offensive
- Indecent

### **4. Hate Crime**

Certain groups of people are protected under Hate Crime legislation. It is a Hate Crime if you commit a crime which is motivated by malice or ill-will against someone, which the victim or another person believes is because of their

- Race
- Religion / Belief
- Sexual orientation
- Transgender identity
- Disability

#### **Remember:**

On-line abuse is the same as doing it face to face.

If you commit these types of offences, the consequences could be serious and long-lasting. You could end up with a criminal record, or even find yourself on the sex offenders register.

Once you post something electronically, it's out there. You may never be able to get it back. A moment's action could haunt you for decades!



OFFICIAL

A future employer could see it and it could have implications on your future career.

Your on-line use leaves a footprint on your device even when deleted.

**PLEASE THINK BEFORE YOU POST ANYTHING ONLINE.**

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