

Cyberlaw

Cyberlaw deals with the legal issues related to almost everything that happens in cyberspace.

The law and social media

The term 'social media' encompasses many different types of internet applications that allow user-generated content and multi-directional exchange of information (e.g. Facebook, LinkedIn, WhatsApp, Instagram, Snapchat, X (Twitter), YouTube). In many areas of law, there are no specific or different laws or rules in place for social media. This means:

1. You should always be aware of the terms and conditions of use. By signing up, you agree to them even if you haven't read them.
2. Under the terms and conditions, by posting content, you agree that the social media platform (and sometimes other users) have the right to copy, modify, publish or remove your content whenever they want.
3. If you violate the terms of use, the social networking site can remove content and/or block you.
4. If you didn't create it, are you sure you can reproduce it? To avoid copyright infringement, only upload material that you've created.
5. You can't use social media platforms to cyber abuse anyone, including bullying, stalking, harassment, defamation (spreading lies to intentionally hurt someone's reputation), or for pornography and/or illegal activities.

Be careful about what you say about yourself and others. Posting something rude, offensive or derogatory can have consequences. For instance, your comments and/or the photos you post may be considered defamatory, hurtful, threatening, or image-abuse by others. Even after you've deleted them, there's no guarantee that your content has disappeared – copies of it could exist on backups, or might already have been downloaded by others. This content could later be presented as legal evidence against you at university, your job, or even in court.

Adult cyber abuse

Adult cyber abuse is when someone sends seriously harmful content to a person who is 18 or older, or posts or shares harmful content about them, using an online or electronic service or platform. Seriously harmful content includes content that is menacing, harassing or offensive. It can take place in various online spaces and can include posts, comments, emails, messages, chats, livestreams, memes, images and videos.

[Find more information on adult cyber abuse](#) on the eSafety Commissioner website.

Cyberbullying

Cyberbullying is behaviour carried out using technology (e.g. through the internet or a mobile phone) that targets a certain person or group of people, happens more than once, and is meant to be hurtful or embarrass the person being bullied.

[Find more information on what cyberbullying is, and how to get help](#), on the Australian Human Rights Commission website.

Is cyberbullying a crime?

A person who is cyberbullying you may be committing a crime under either NSW or federal law when their behaviour involves:

- using the internet or a phone in a threatening, intimidating, harassing or offensive way
- stalking, including cyberstalking
- accessing internet accounts without permission
- defamation
- encouraging suicide.

You can report cyberbullying to your local police on 131 444 or by going to your local police station, or you can [make a report to the Australian Cyber Security Centre \(ACSC\)](#).

If you're questioned or arrested by the police in relation to cyberbullying, you should give your correct name and address, but exercise your right to remain silent for any other questions. Try to stay calm, and politely ask to get legal advice before you give them any other information.

Defamation

In general terms, defamation occurs when a person intentionally spreads information about another person, group of people, or small company that damages their reputation, or could make others think less of them. You can be sued for defamation regardless of the medium of publication. For example, a person can be defamed on the internet as well as in print and through photos.

If you post defamatory content online, you could be sued for defamation. Even if you didn't create the defamatory content, but only shared it (e.g. by reposting it), you could also be held liable for defamation.

What if I'm accused of online defamation?

The best thing to do if you're accused of defamation is to take down the offending post as soon as possible and seek legal advice about your next steps.

Image-based abuse (also known as revenge porn)

In NSW, it's illegal to record, distribute or threaten to distribute an intimate image without consent. If this happens to you, you can report it to the police on 131 444 or by going to your local police station.

If you've experienced image-based abuse, [find out the actions you can take to have your images removed or deleted.](#)

For confidential information, referral and counselling you can call Full Stop Australia on 1800 385 578 (24 hours a day/7 days a week) or [contact Full Stop online.](#)

[Information about the law in this area in other states](#) can be found on the eSafety Commissioner website.

Online fraud and scams

Scammers are getting increasingly sophisticated in their attempts to get your money or personal details. Be alert and [protect yourself from being scammed by following these tips.](#)

[Read more information on popular types of scams.](#)

Get help from SUPRA

If you need assistance with any area of cyberlaw [contact our Legal Service for help](#).

Disclaimer

This information is current as at December 2023 and is intended as a guide to the law as it applies to people who live in or are affected by the law as it applies in NSW. It does not constitute legal advice.

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