

New WhatsApp update: Legal implications for group admins

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In the past month, it has been confirmed by WhatsApp that you will soon be able to leave a WhatsApp group without a notification that you have left. This is welcomed by most, as it takes away that awkward conversation of having to explain to others why you left a particular group.



Image source: hstocks – [123RF.com](#)

Other updates we will see being rolled out include being able to delete your messages after two days (which currently only allows you to delete a message you may have made in error within one hour); and being visible online only to a specific group of people.

In addition to how these updates are going to affect user-experience, they present burning questions in relation to potential legal implications.

Admins deleting group messages

One update that is much awaited is the ability for WhatsApp group admins to delete messages from a group.

Currently, WhatsApp group admins can only delete their own messages, not those of fellow group members.

The update will assist WhatsApp group admins with the legal implications they may face. As of recently, we have seen an increase of WhatsApp group admins being in hot water for content posted by others in a group.

WhatsApp groups have always been a hot topic regarding legal issues. For one, there are many legal implications for posting online content, no matter which platform you use. Whether you or someone else has posted illegal, defamatory or racist content, you may still be held liable for that content, whether you posted it or not.

Cybercrimes Act

The Cybercrimes Act 19 of 2020 creates offences for threats to people, categories of people and property through data messaging.



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WhatsApp group admins need to be mindful of the content allowed to be shared on their WhatsApp groups. For instance, not allowing threats and bullying in a group.

Group disclaimer and guidelines

From the onset of creating a group, it is suggested that a disclaimer, guidelines and the purpose of the group be added.

Is this enough? Not at all. Even with a disclaimer, WhatsApp group admins may still be held liable for the content whether they have not published or forwarded messages themselves.

In South Africa, a court will question the following when deciding liability for a WhatsApp group admin: Was the admin able to stop the illegal content from being published and didn't; and whether the admin could disassociate themselves from the content published.

To disassociate from the content, one will examine whether the admin called it out in the group and whether the admin took measures to take it down by asking the member to delete the message or remove the member from the group. Not disassociating from the content can be seen as though you are aligned with it.

As from the above, it can be noted that being able to delete group messages will be much welcomed by group admins.



Don't WhatsApp me, I'll WhatsApp you

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Sharing a joke

Something I have personally seen from many groups is jokes or irrelevant content being shared in groups not meant for

such.

Sometimes you may be tempted to share a joke in a neighbourhood watch group, which may seem harmless to you, yet it may offend some people. My advice would be not to do it and for group admins not to allow it at all, to prevent yourself from unnecessary legal implications.

Conclusion

Remember, when being made an admin of a WhatsApp Group, keep your posting legally clean and relevant to the group you created and administer.

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