

Online platforms are not protected from legal scrutiny

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The casual holiday snap. A gym mirror moment. A throwback video shared with friends. In today's digital world, these seemingly harmless posts can carry serious legal weight, especially for anyone pursuing a personal injury claim.

Across South Africa and internationally, courts and insurers are increasingly turning to social media as a source of evidence. From Instagram stories and Facebook posts to WhatsApp voice notes and fitness-tracking data, a person's online footprint is now part of the legal record.

Legal expert Kirstie Haslam, partner at DSC Attorneys, says many claimants are unaware of just how exposed their digital lives become once a claim is lodged. "People often assume that what they share online is private or informal," she explains. "But even innocent-looking posts can undermine credibility, contradict medical evidence or raise questions about the truthfulness of a claim."

Once a personal injury claim is filed, insurers and defence attorneys often begin monitoring the claimant's online activity.

"People underestimate how closely their social media is scrutinised. What you post, and what others post about you, can have real legal consequences."

Internationally, there have been high-profile cases where



Many claimants are unaware of just how exposed their digital lives have become. / Getty Images

## How social media is quietly reshaping personal injury claims

injury claims collapsed after social media revealed a very different lifestyle to what was presented in court. Judges ordered full access to online profiles, reinforcing the principle that digital content can be examined just like any other form of evidence.

South African courts have followed the same path. Haslam confirms that posts, photos, videos and even WhatsApp messages may be admitted as evi-

dence, provided they meet legal requirements such as relevance and authenticity. "The idea that online platforms are somehow protected from legal scrutiny is simply outdated," she says.

Even if a claimant goes quiet online, their digital exposure does not disappear. "Friends and family often post without thinking," Haslam warns. "A tagged photo, a video at a social event, or a casual comment can all be

used to challenge a claim."

Attempts to delete content or deactivate accounts may also backfire. "Courts can interpret this as an effort to conceal evidence, which can seriously damage credibility," she adds.

Haslam identifies three main ways in which online activity can derail a case.

First, it can erode credibility. If someone claims their injuries prevent them from work-

ing, travelling or socialising, but their social media suggests otherwise, that inconsistency can cast doubt on the entire claim.

Second, digital data can directly contradict medical reports. Photos, videos, location tracking and fitness apps can be used to show levels of physical activity that conflict with alleged injuries.

Third, posts made in the heat of the moment can amount to admissions of fault. Even a casual comment or emotional reaction to an accident can later be interpreted as liability. "In extreme cases, misrepresentation online can even lead to criminal charges such as fraud," Haslam says.

Perhaps most surprisingly, even unlawfully obtained material can sometimes be admitted in court. "A violation of privacy does not automatically mean the evidence will be excluded."

Globally, courts in the US, UK and Europe have steadily expanded access to social media records in injury cases, signalling a shift in how digital privacy is viewed in litigation.

"As our digital footprints grow, so does their evidentiary value," she says. "This trend is only going to intensify."

For anyone pursuing a personal injury claim, she advises taking a cautious and considered approach online. This includes refraining from posting personal content, avoiding discussion of the accident or recovery, tightening privacy settings, and being wary of new online connections.

"Social media has the power to undo years of careful legal work in moments. The safest approach is to assume that anything you post could one day be read out in court."

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