

# DEFAMATION FACTSHEET

- Defamation is where a statement that could be harmful to an individual's reputation is said or written. These statements could be something that comes across as hostile, and might include a disagreeable opinion.
- If these statements are written, they are referred to as 'libel'.
- If it is a spoken statement, it is categorised as 'slander'.
- Slander and libel both have the potential to damage a person's reputation, in addition to having an impact on the level of respect received from others.



- Some examples of where you might find libel are listed below. This is not an exhaustive list, as the offence of libel can be committed in countless ways:
  - In a magazine, newspaper or journal article.
  - On a public forum such as Facebook, Instagram, Twitter, LinkedIn etc.
  - Via an email sent around the workplace
  - Via a text message sent to a group of friends
- Some examples of slander are listed below. Again, this list is not exhaustive. Generally speaking slander is not generally associated with social media in the way that libel is, but it is still useful to consider its impact.
  - Making an untrue claim about someone's sexual orientation, gender or race that may cause distress.
  - Telling someone (friends, colleagues etc) that someone has committed fraud.

## Legal Facts

The offence of defamation falls under the Defamation Act 2013. This Act states that unless the publication of a statement has caused or is likely to cause harm, then it is not classed as defamation.

In terms of a business that trades for profit, the Act states that unless profit is directly and seriously impacted from the statement, the offence cannot be classified as defamation.

On this note, there are a few defences that can be used for defamation. They consist of the statement being one of truth, one that is of honest opinion (not speculation), if the subject is a matter of public interest, and if it is an academic publication.

Cases concerning defamation are usually trialled in court without a jury. Should the defendant be found guilty of slander or libel, the judge can award the claimant damages.