

## CHAPTER 49 – SOCIAL MEDIA USE

*Chapter 49 replaces Chapter 42, Part B (Information Systems: Social Media)*

### 49.01 Purpose and Definitions

A. The purpose of this policy is to delineate clear procedures for “official use” of City of Middletown social media sites by City employees acting on behalf of the City and to establish guidelines for the use of “non-official/personal” use of social media sites by City employees. These two types of social media use are defined as:

- (1) Official Use. Social media engagement on behalf of, and as authorized by, the City on sites where the City has an official web presence and terms of service agreement.
- (2) Non-Official/Personal Use. Personal day-to-day use of social media sites by City employees which is not related to their official duties as City employees.

Pursuant to current City disciplinary procedures and policies, misuse of government equipment/resources, non-compliance with or failure to follow City policy or procedures, or any other actions that violate applicable law and policy including, but not limited to, privacy, ethics, copyright, information security and records law and policies while using social media may result in disciplinary action for employees and other appropriate actions for non-employee individuals performing work on behalf of the City.

B. The City uses social media as a means of disseminating important information to the public related to City news, policies, events, projects, facilities, programs, classes, activities and other functions. The following is a list of the City’s official social media sites:

- [www.cityofmiddletown.org](http://www.cityofmiddletown.org)
- [www.facebook.com/cityofmiddletownoh/](http://www.facebook.com/cityofmiddletownoh/)
- <https://twitter.com/citymiddletown>
- [www.instagram.com/cityofmiddletownohio/](http://www.instagram.com/cityofmiddletownohio/)
- [www.youtube.com/user/cityofmiddletown](http://www.youtube.com/user/cityofmiddletown)

The City does not maintain or control any social media sites other than those listed above. All communications on behalf of the City through social media will take place exclusively on the City’s official social media sites. The City is not responsible for any content posted on any social media sites not specifically listed in this policy, regardless of whether the social media user purports to be speaking on behalf of the City or represents him/herself as a representative of the City.

C. For the purposes of this policy, the following definitions shall apply:

- (1) “Social media” refers to tools and technologies that allow a social media user to share content and participate in social networking. Social media includes, but is not limited to blogs (e.g., Twitter, Tumblr), social networks (e.g., Facebook, LinkedIn), video and photo sharing websites (e.g., Instagram, Flickr, Snapchat), online forums and discussion boards, and automated data feeds.
- (2) “Content” includes information, articles, pictures, videos and any other form of communication occurring on a social media site.
- (3) To “link” refers to a website displaying the internet hyperlink of a second website in such a way that a user who clicks the hyperlink is taken to the second website.

## **49.02 Roles and Responsibilities**

### A. Communications Office (the “CO”)

The City Manager has delegated to the Communications Office and the Communications Manager the authority to exercise such information sharing and public liaison authorities as may be necessary to carry out assigned functional responsibilities in support of the City Manager and City organizations. In this capacity, the CO coordinates a comprehensive effort to inform the public of City goals, plans and activities through various media outlets, including social media.

The CO is hereby given enforcement authority over this Social Media Policy and is responsible for monitoring City use of social media sites, referring compliance concerns to appropriate personnel and tracking best practices. CO manages the City-branded social media accounts. CO also serves as the City’s point of contact for intra-agency social media working groups. CO oversees City departments’ management of program-specific social media accounts for compliance with current City messaging and strategic communication goals.

### B. Law Division (the “LD”)

The Law Division provides legal advice and representation to City staff. In the context of social media, the LD provides legal guidance relating to the use of third-party and City-sponsored social media sites, use of the Web, terms of service agreements, ethics requirements for employees, privacy policies and any other applicable matter. The LD periodically monitors City-wide social media activities for legal implications. The LD also serves as the principal privacy advisor and is responsible for formulating and implementing City policies related to the collection, maintenance and use of personally identifiable information. In

the context of social media, the LD's responsibilities include ensuring compliance with all laws and regulations, including privacy-related laws, regulations and guidance relating to the use of third-party and City-sponsored social media sites.

#### **49.03 Use of Official City Social Media Sites**

When authorized by their supervisor, employees are permitted to access and contribute content to official City social media sites. Employees authorized to post on official social media sites shall at all times comply with the CO's guidelines for content, standards, and best practices. In order to create an official City social media site, an employee must first obtain both supervisory approval and CO approval.

In the event an employee is authorized by their supervisor to post on an official social media site, the supervisor should clearly explain the scope of the permission and what social media tool or tools the user is authorized to use. Department directors leadership and the CO should be notified as to who is managing their social media accounts.

Any employees representing the City through official social media sites must conduct themselves at all times in accordance with all City policies. Employees must recognize that posting on official City social media sites is distinct from posting on their own, personal social media sites. When an employee is posting on an official social media site, they are communicating on behalf of the City, just as if they are standing at a podium at a conference communicating the City's views to everyone. To the extent practical, all content posted on an official social media site on behalf of the City should identify the City as the source of the content.

The City reserves the right to restrict or remove any content posted by employees on the City's official social media sites that is deemed to be in violation of City policies or any applicable law. A copy of the removed content shall be retained by the City in accordance with this policy and any applicable City records retention policy.

##### **A. Types of Official City Social Media Accounts**

The City benefits from a strong enterprise brand. Social media helps to extend this brand online and further into the public sphere using a two-tiered approach:

- (1) **City Branded Accounts.** A strong, well-developed enterprise social media brand is the primary tier of the City's social media strategy. This tier includes any official City presence on a social media platform that is managed by the CO staff. City departments are encouraged to contribute content and ideas to these accounts by contacting the CO staff with suggestions.
- (2) **City Program-Specific Social Media Accounts.** On a limited, case-by-case basis, the CO will approve written requests from City program and staff offices for their own official City social media accounts. Requests are

typically approved when: (1) there is a clear benefit from external, office-specific stakeholder outreach that is not already being met by City-branded social media efforts and accounts; and (2) the office making the request has developed an effective strategy to acquire and maintain a stakeholder audience on social media. These City program-specific social media accounts are subject to the same restrictions and limitations as the City-branded accounts.

Departments must obtain CO approval for proposed content prior to posting such content to program- specific social media accounts. Department staff must give the CO administrator rights to any and all City program-specific social media accounts. The CO may deactivate a social media account if the office managing the account does not comply with the terms of this policy and/or any applicable law.

## B. Records Management

Social media allows individuals to collaborate on, create, organize, edit, comment on, combine and share content, likely resulting in the creation of public records. The laws, regulations and policies that govern proper records management apply when using social media, and controls must be established in order to appropriately capture public records.

The maintenance of official City social media account records is the responsibility of the Department originating the content. The following non-exhaustive list of questions will help the City determine record status of social media content:

- Does it contain evidence of the City's policies, business or mission?
- Is the information an exchange with members of the public that follows the discussion of the original post, and therefore, only available on the social media site?
- Does the City use the tool to convey official information?
- Is there a business need for the information?

If the answers to all of the above questions are yes, then the content is likely a public record. Social media content may also be a public record when the use of social media provides added functionality, such as enhanced search ability, opportunities for public comment or other collaboration.

Records on social media sites that meet the definition of any City record must be copied or otherwise captured and maintained with related records throughout the records' lifecycle in accordance with approved City records disposition schedules. The complete record must be maintained to ensure reliability and authenticity.

For assistance with social media records management issues, contact the CO. For assistance with preservation, subpoena and/or discovery obligations, contact the LD.

The CO reserves the right to maintain content posted on third-party social media sites until the City deems that they are superseded, obsolete or no longer needed for business, at which point the records will be properly captured and handled per the City's records management policy.

C. Private or Direct Messages from Official Social Media Accounts

Private or Direct Messages sent to official City social media accounts can be considered a public record and, therefore, it is necessary to maintain those records pursuant to the applicable Department's approved retention schedule. Employees assigned to administer an official City social media site are responsible for archiving and maintaining all private messages in accordance with their approved retention schedule. If you are unsure of what needs to be retained, please consult the LD and archive all messages received in a City-approved retention method.

D. Content Management and Considerations for Official Accounts

- (1) **Implied Endorsements.** Employees assigned to administering an official City social media account must consider the value in having the City account "like" or "follow" another social media account and what that may convey to the social media users who follow the official City account.

Official City social media accounts may not post content that suggests that the City or any part of the City government endorses an organization (including a nonprofit organization), product, service or person. To this end, employees administering City social media sites should avoid linking such sites to external links without prior approval from the CO.

- (2) **Respecting Third-Parties' Intellectual Property Rights.** Employees assigned to administering an official City social media account must respect third-party intellectual property rights. Employees must comply with the Copyright Law of the United States of America and related laws contained in Title 17 of the United States Code, as well as other policies and directives when posting content protected by copyright on official City social media sites or third-party social media accounts. For questions regarding copyright matters, please contact the LD.

E. Required Disclaimer for all Official City Social Media Accounts

The following disclaimer language must be posted on, or linked to, all social media accounts used by the City:

"In order to better serve the public, the City maintains social media accounts as tools for communicating with the public. Your activity on City social media accounts is governed by both the City's Social Media Policy and the security and privacy policies of the third-party sites, as applicable.

The views expressed in the comments reflect only those of the comment's author, and do not necessarily reflect the official views of the City of Middletown.

The City reserves the right to remove, delete or not allow comments that contain:

- Vulgar, abusive, profane, obscene, violent or pornographic content or language;
- Personal or obscene attacks of any kind;
- Offensive terms targeting individuals or groups;
- Threats or defamatory statements;
- Content that promotes, fosters or perpetuates discrimination based on race, creed, color, age, religion, gender, sexual orientation or national origin;
- Information that may compromise the safety or security of the public, an organization or an individual;
- Links to any site;
- Suggestions or encouragement of illegal activity;
- Spam-type posts, such as multiple successive off-topic posts by a single user or repetitive posts copied and pasted by multiple users;
- Unsolicited proposals or other business ideas or inquiries;
- Promotion or endorsement of commercial services, products, or entities;
- Personally identifiable information that has been inappropriately posted;
- Conduct in violation of any federal, state or local law.

Visit [www.cityofmiddletown.org](http://www.cityofmiddletown.org) for information on how to send official correspondence to the City. Any official policy, regulation or other information will be published on [www.cityofmiddletown.org](http://www.cityofmiddletown.org), whether or not it is simultaneously posted on a City social media site. Only the version published on an official City website may be considered official. If the City "likes" or "follows" a third-party's social media account, this should not be construed as a City endorsement of that third party. To view our entire Social Media Policy, please visit [www.cityofmiddletown.org](http://www.cityofmiddletown.org).

#### F. Removal, Deletion or Prohibition of Comments

If a City employee believes that any comments posted on a City social media account qualifies for removal or deletion pursuant to Section 49.03(E) of this policy, the employee should immediately report the comment to the CO. The CO, in consultation with the LD, shall make the final determination as to whether the comment qualifies for removal or deletion. Should the CO determine any comment violates the third-party social media site's Statement of Rights and

Responsibilities, the CO also reserves the right to report such violation to the website administrator?

Repeated or egregious violations of this policy, as determined by the CO, may result in revocation of a violator's right to access the City's official social media sites.

G. Branding

All official City social media sites and content must clearly identify ownership or sponsorship through the use of City or CO-approved branding.

H. Errors in Official Posts

In the event there is an error or inaccuracy in an official City post, any employee who discovers the error or inaccuracy should immediately contact the CO to report the issue. All observations will be confirmed and, if an error was made, a correction will be made by the CO.

**49.04 Employees' Personal Use Of Social Media**

All employees are required to comply with the legal obligations and restrictions that apply to online communications at all times, regardless of whether they are at work, outside the office or using government equipment.

While not exhaustive, the restrictions outlined in this Section 49.04 apply to all employees, and violations may be cause for disciplinary action by the City:

- (1) Criminal or Dishonest Conduct. Employees shall not engage in criminal or dishonest conduct.
- (2) Conflict of Interest. Employees shall not participate in particular matters affecting their own financial interest, or the financial interest of other specified persons or organizations, in violation of applicable laws and policies related to conflicts of interests of government employees.
- (3) Misuse of Position. Employees shall not use their public office for private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives or other acquaintances. An employee shall not use or permit the use of their government position or title, or any authority associated therewith, in a manner that is intended to coerce or induce another person to provide any benefit, financial or otherwise, to the employee or to friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity. Finally, with limited exceptions, employees shall not use their government position or title in a manner that could reasonably be construed to imply that the government endorses or sanctions their personal activities or those of another.

- (4) Use of Government Time and Property. When employees are on duty they are required to use official time in an honest effort to perform official duties. Employees are also required to protect and conserve government property and to use government property only to perform official duties, unless they are authorized to use government property for other purposes. Employees are not permitted to access social media sites using City equipment during normal City business hours, unless specifically authorized to do so by a supervisor and/or the CO.
- (5) Use of Non-Public Information. Employees shall not improperly divulge non-public information to further their own private interest or that of another, whether by engaging in financial transactions using such information, through advice or recommendation, or by knowingly and wrongly disclosing such information. Non-public information is information that the employee gains by reason of employment with the City and that they know or reasonably should know has not been made available to the general public. Employees shall not make careless or intentional unauthorized disclosures of non-public information. Other unauthorized disclosures include, but are not limited to, dissemination of classified information, proprietary information and the content of confidential and deliberative discussions.
- (6) Public Safety Activities. Employees who participate in public safety functions or have access to such information are prohibited from posting, transmitting and/or disseminating on any personal social media site any data, text, photographs, pictures, videos, audio files or any other multimedia file related to the inside of the police department, fire stations or municipal jail; any crime scene, accident scene or other scene of official public safety business; material related to any investigation (both current or past); and material related to department action, training, activities or other work related assignments without the written consent of the City Manager. This provision does not apply to City-approved public events.
- (7) Political Activity; Matters of Public Concern. Employees who discuss any political matter or matter of public concern involving the City on their personal social media sites must prominently state that the opinions they express are not those of the City of Middletown. To be in compliance with this provision of the Social Media Policy, employees must provide a disclaimer in their social media bios. The disclaimer shall read: "The opinions expressed here are mine personally and not those of the City of Middletown." For further guidance regarding this provision, please contact the LD.
- (8) Discrimination and Harassment. All employees have a responsibility to maintain an appropriate level of professional conduct in the workplace, and to treat fellow employees with respect and fairness. The City prohibits harassing conduct (sexual or non-sexual) in the workplace or in any work-related situation at any

other location during or outside normal duty hours, including on social media sites. The City also prohibits retaliation against an employee who alleges harassment or who assists in any inquiry related to allegations of harassment. The City prohibits harassment or discrimination directed against fellow employees based on race, color, religion, national origin, sex (including pregnancy and gender identity), national origin, age, disability and/or genetic information. The City also prohibits discrimination based on sexual orientation, marital status, political affiliation, parental status, military services and any other non-merit factor.

(9) **False Representations.** City employees understand that any personal social media accounts they may maintain are not affiliated with the City. An employee may not falsely represent to the public that their personal social media accounts are run by them in their official capacity as a City employee. To ensure compliance with this provision of the City Social Media Policy, an employee is not permitted to do any of the following on their personal social media site:

- State their official title as a City employee in their displayed name;
- Represent the personal site as an official City site;
- Link the personal site to any of City's official social media sites;
- Use the personal site to perform government business.

(10) **Reporting Violations.** Any employee having knowledge of a violation of Section 49.04 of this policy shall notify their supervisor immediately. Any employee determined to be in violation of this policy may be subject to discipline.

#### **49.05 City Program-Specific Social Media Accounts**

As with any externally facing communications activity, proper management of social media accounts requires an ongoing commitment of time and resources. Before creating a new official City social media account, a plan describing how the account will be maintained, updated and monitored on a timely basis should be formed. Departments are urged to think carefully about whether their social media goals could be adequately met by working with the CO to promote their content and programs on the pre-existing City social media accounts, whose posts regularly reach a substantial audience of users.

##### **A. Establishing New Social Media Accounts or Activities**

City departments must obtain review and approval from the CO before implementing any social media site on behalf of the City. Any social media accounts or presences representing to be managed on behalf of the City or a City program which have not been approved by the City, may be immediately terminated by the CO.

All administrators of a City department's social media account must complete mandatory social media training, administered by the CO, before beginning to use the City social media account. City departments must give administrative rights to the CO staff for every program-specific social media account. Contact the CO for more information.

B. Transfer of Ownership or Administrative Rights

When a City department needs to make a change to the administrators responsible for a program-specific social media account, the following actions must occur:

- (1) Notify the CO before the change needs to occur. Identify if the change in ownership is to a different administrator;
- (2) The new administrator should work with the CO to receive any required social media training before he/she is added to City meetings and discussions related to City social media accounts;
- (3) Once all training has been completed, the administrative rights for the City program-specific account should be given to the new social media contact; and
- (4) Administrator rights for the departing administrator should be revoked immediately when such individual separates from service with the City or is transferred to a different role.

C. Deactivating Social Media Accounts

If a City department determines that a social media site should be deactivated for any reason, the site may be deactivated once the following actions have been completed:

- (1) Notify the CO of the Department's desire to deactivate the site and specify the reason in writing.
- (2) Confirm all records management requirements to preserve content related to the account have been satisfied.
- (3) Set a timeline for deactivating the site. The timeline should consider and address the following:
  - (i) When will the process begin?
  - (ii) When should the site be entirely taken offline?

- (4) Be sure to consider that each social media site has its own timeline for taking sites offline. It may be several weeks before the page is no longer viewable. Be sure to integrate this into the proposed timeline.
- (5) Develop a “sign-off” message to post on the site. Depending on the social media site, this will vary in length and tone. However, the following components should always be included:
  - (i) Convey that the site will be going away and when this will occur.
  - (ii) Inform your audience/community of other online options for interacting with the City (insert relevant social media site(s), such as @cityofmiddletown on Twitter, City of Middletown on Facebook, etc.). This will also vary from site to site but should, at a minimum, include the City-Branded account.
  - (iii) Post “sign-off” message during final days/weeks and post a final goodbye on the last day.
  - (iv) Do not delete the account entirely to reduce the risk that another entity pick up the account and proceed as if they are acting on City’s behalf, in their stead, etc.
  - (v) Confirm to the CO that the site is entirely deactivated.

Be mindful that some social media providers may automatically deactivate accounts that have not been used for a certain period of time. To avoid involuntary deactivation, routinely monitor the social media account and, in particular, pay attention to notifications regarding deactivation of the account.