



# **SOCIAL MEDIA**

# **POLICY**

## **I. Executive Summary**

A. Many local governments use social media as a tool to communicate with citizens. Rather than waiting until a regularly scheduled council meeting to receive citizen input, city officials can instantly interact with the public via social media. Although, this technology greatly increases communication, outreach and efficiency, some rules are required in order to comport with federal and state law.

B. Elected officials, City Council-appointed board, committee, and commission members, and City employees may all maintain and use personal web pages and websites, blogs, and social networking sites. So long as those social media outlets are used solely for personal communications, the City cannot regulate or control what is posted.

C. The Supreme Court has said that if public figures use their personal social media outlets to conduct official business, those personal sites then become official sites and various constitutional standards apply to them.

D. Finally, the City has its own social media sites, as well as its official websites. Those will be referred to as "City Social Media Sites" in this Policy. The content of postings to City Social Media Sites or to the official City website are subject to the specific control of the City.

E. This policy is intended to provide guidance for elected officials, City employees, and appointed board, committee, and commission members.

## **II. Communication Quality – City Social Media Sites**

A. Only authorized officials and employees may post to the City Social Media Sites. Authorized officials and employees should use good judgment and ensure accuracy in all postings to City Social Media Sites. Errors and omissions reflect poorly on the City of Lago Vista and may result in liability for the City.

B. All authorized users posting to City Social Media Sites are cautioned to refrain from any posts or responses that are inconsistent with or that reasonably could be expected to negatively impact the City of Lago Vista's reputation or standing in the community. This includes but is not limited to any activity or communication that violates the City Ethics Policy, Rules of Procedure, or Personnel Policy as applicable. All authorized users are cautioned to be respectful and professional to everyone including fellow personnel, organizations, residents, and businesses.

### **III. Using Personal Social Media Outlets to Conduct Official Business**

- A. The Supreme Court has ruled that if a government official (elected, appointed, or employee) operates personal social media outlets and limits their use solely to personal activities, the official is free to operate and post as they see fit.
- B. However, if the official is authorized to speak on behalf of a governmental entity, and uses their personal social media sites to publish official statements on behalf of the government, or represents that they are speaking in their official capacity, those personal social media outlets can become official or governmental outlets and different rules would apply to such matters as blocking persons from the site, deleting comments, refusing to allow persons to comment, etc.
- C. Obviously, if the personal page contains both personal and official posts, the issue is muddled.
- D. The strong recommendation is to keep all personal social media outlets strictly personal, and not to publish or post anything related to official city business on those personal outlets. In the case of elected officials, it is advisable to include a disclaimer on your personal social media accounts that the views expressed in your posts are your own, and do not reflect the official position of the City, and that you are not posting on behalf of the City.

### **IV. Communications on City Social Media Sites**

- A. Unless specified otherwise, the following best practices apply to all City Council members, members of boards, committees and commissions, and employees engaging in posting on City Social Media Sites.

- B. Be Responsible

Each employee and official will be held accountable for all posts made officially on City Social Media Sites. Once published on City Social Media Sites, a communication can never be eliminated from the web, even if withdrawn, unless the terms of service or terms of use of the social media site require it.

- C. Be Honest and Transparent

All postings on City Social Media Sites should be clear, accurate, complete, thorough, and truthful.

D. Correct Errors Quickly

Any mistakes on City Social Media Sites should be admitted and corrected as directly as feasible. Omissions, misleading entries, or misrepresentations should be corrected as soon as they are recognized or brought to the City's attention. Correct information will be quickly provided with appropriate modifications and disclaimers if necessary or helpful.

E. Each communication on City Social Media Sites should be reviewed prior to posting to ensure it:

1. Has a clear purpose
2. Speaks well to the reader
3. Is clear and concise without unnecessary verbiage
4. Provides value to the reader
5. Uses proper spelling, grammar, syntax, and punctuation
6. Is positive and informative
7. Offers appropriate links, pictures, or references opportunities for more information where reasonable
8. Has benefits to both the City and the public

F. Be Respectful of the Reader and the Audience

Posts on City Social Media Sites should only be made when the City and/or the public would benefit from the publication. Value should be added. This could include, among other things, thought-provoking articles that build a sense of community, improve knowledge or skills, enhance business development, enable problem-solving, increase awareness of city sources and resources, and encourage mutually beneficial platforms to provide better, and more efficient city services. Communication should assist the public and build a co-beneficial relationship and rapport with the City and its agents.

G. Stay Within Your Area of Expertise or Authority

All information posted on City Social Media Sites should be authorized, appropriate and verified prior to publishing a post. Officials and Employees should not speculate, guess, or assert personal opinions on City Social Media Sites.

H. Respect Proprietary Information, Content, Privacy and Confidentiality

For non-original work posted on City Social Media Sites, proper credit should be attributed to the source. No Copyrights, trademarks, trade secrets or other proprietary matter may be published without prior written approval, licenses obtained, permits and fees paid, and/or

proper attribution made within the publication itself. Links may be referenced to others' work rather than reproducing it on the City site. Officials' or employees' names and/or likenesses may be used only with permission from such person to post on the site.

I. Respond Quickly

All communications on City Social Media Sites requiring a response or reply should be made promptly in accordance with this policy.

J. Be Sociable, Courteous, and Respectful

All communications on City Social Media Sites should use plain language and avoid using acronyms. Responses should always be polite and respectful, even if the original comment is not. When shortening words to maximize communication utilize commonly used shorthand terms, letters, and symbols.

**V. Commenting on City Social Media Sites**

A. The City of Lago Vista uses social media to send and receive messages about City information, services, and related programs with community stakeholders, including employees, vendors, citizens, media, and other members of the public.

B. All officials and employees should understand the City's current guidelines for public participation, which are subject to change as new technology and tools emerge.

C. Editing of public comments posted on City Social Media Sites is only permitted if the comments:

1. Clearly violate the social media site provider's terms of use or service;
2. Contain information about City business or operations that is confidential;
3. Would reasonably be considered pornographic or obscene;
4. Would reasonably be considered defamatory in nature;
5. Directly promote or advocate violence or the threat of violence;
6. Encourage imminent actions that may compromise public safety;
7. Contain information that may compromise the safety or security of the public or public systems;
8. Encourage or promote illegal activity;
9. Promote or advocate discrimination based on race, creed, color, age, religion, gender, marital status, familial status, national origin, physical or mental disability, or sexual orientation;
10. Are solicitations of commerce or promotion of private business enterprises;
11. Promote or advertise a commercial transaction, organization, or event that is not sponsored or in direct relationship with the City;
12. Contain information or a link to inappropriate sexual content;

13. Comments in support of or in opposition to political candidates, campaigns, or ballot measures; or
14. Violate the legal ownership interest of any other party.

D. All public comments and posted media files inclusive of any edited content must be archived and stored in accord with requirements of Texas and federal laws and City records retention policies.

## **VI. City Obligation for Public Information Act Compliance and Records Retention**

A. The following shall apply regarding the retention of city business, information, or public records of posts to social media application and tools:

1. All content published and received on City Social Media Sites constitutes public records in accordance with the *Texas Public Information Act* (<https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act>)
2. City officials and employees are responsible for keeping their individual access information confidential, and they will be held individually accountable for all entries made under their access data. It is not a defense that the computer was accessible to others or that someone else might have tampered, deleted, or made an unauthorized post while the system was accessed by a third party if it was left with the access opened and/or unattended.
3. When applicable, the City will use software-assisted social media capture tools to obtain and archive authentic copy of content required to be retained. This can include comments posted on the City Website or Social Media Sites.

## **VII. Use of Personal Social Media**

A. As noted, the Supreme Court has ruled that a distinct line must be kept between social media activity that is official in nature, and social media activity that is personal or private.

B. Use of social media, both on and off duty, must not interfere with or conflict with an employee's duties or job performance or violate any City policy.

## **VIII. First Amendment**

A. More constituents are posting comments on elected officials' personal accounts or pages to voice concerns on public issues. Once an elected official's social media account or page is opened for political discussion, it is transformed into a public forum for speech and debate, instantly granting every user a *First Amendment Right* to comment.

B. Therefore, officials and employees should consider the following:

1. Limit open-ended political and City business discussions from your personal social media accounts and redirect dialogue to an alternate method of communication.
2. When in doubt, do not block users. Especially those with whom you have previously engaged. If you must, consult with legal counsel first, and if approved, document your actions and reasons for blocking.

#### **IX. Personal Obligation for Public Information Act Compliance and Records Retention**

A. State Law defines "**public information**" as information that is written, produced, collected, assembled, or maintained in connection with the transaction of official business. This includes email, Internet postings, text messages, instant messages, and other electronic communication, regardless of whether it is on an official governmental device or site or on a personal device or site. If it relates to official business of the City, it is likely public information.

B. "Official business" is defined in the law as "any matter over which a governmental body has any authority, administrative duties, or advisory duties." Because this definition is so broad, it is recommended to keep commentary about "official business" off your personal social media sites.

C. Employees' personal social media sites should remain personal in nature and should not be commingled or used for work-related purposes or to conduct official city business. Employees should not use their City email account or password when accessing personal social media accounts. Personal and City social media accounts should not be synchronized for dual access or reference purposes.

D. Officials and employees are advised to comply with the following when using personal social media accounts:

1. Hide rather than delete, clearly inappropriate public comments on your personal or personally maintained official social media account, if possible. In some cases, these comments may be relevant in the future, so it is advised not to delete them permanently.
2. Avoid responding to inappropriate comments or personal attacks about public business on social media. If the commenter persists, redirect them to an alternate method of communication (i.e., email).
3. The City does not archive or manage personal social media accounts. City officials and employees are responsible for storing and archiving according to State law any content from their personal social media accounts that would constitute public records; or they may forward or transfer personal social media posts that fall into

the official business category to the City to be retained according to its records retention policies.

4. When in doubt, do not delete content without consulting with legal counsel first.
5. All City users and employees are prohibited from deleting, altering, or in any way destroying, obliterating, or tampering with social media posts that constitute public records discussing official business.
6. Social media content by City officials and employees that constitute public records shall be retained for a minimum period of two (2) years, as established by the *Texas State Library and Archives Commission*.

**E. Violation of Policy**

This policy is not meant to circumvent or supersede any of the other processes, policies, or laws that are applicable to the employees. Social media activity and conduct by employees should not only comply with these policy terms, but all other processes, policies and laws that may apply as well. Employees using social media in violation of this policy may face disciplinary action up to and including termination.

**X. Council Members**

**A. Use of Personal Accounts**

Elected officials should be aware of issues related to their general participation on social media.

**B. Compliance with Federal State and Local Laws**

City Council members that use personal social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies. This includes adherence to laws and policies regarding confidential information, copyright, use of photographs, public records retention, personal privacy, First Amendment, the Americans with Disabilities Act, and information security policies established by the City of Lago Vista.

**C. Open Meetings Act**

Communications between a quorum of Council members about public business, no matter the forum or time, can constitute a "**meeting**" to which the *Texas Open Meetings Act* applies. If the Act applies to a social media discussion, an agenda must be posted seventy-two (72) hours in advance, and the public must be allowed to attend and participate.

**D. Therefore, officials should consider the following when using personal social media accounts:**

1. Maintaining completely separate social media accounts, one for strictly personal use, i.e. accounts that will not address public business; and another for their political activities, where they can address their own personal opinions and thoughts on public business (as opposed to official communications on behalf of the City).
2. For officials who choose to create a social media account specifically to engage with constituents on public business, a best practice is to keep this account distinct and separate from other personal account(s) that you maintain.
3. Remove elected titles from profiles used to identify a purely personal social media account, and clearly state how constituents can communicate regarding public matters if they locate the personal account first.
4. Include an introductory statement in the profile or about section of the personal or political account that defines the purpose and topical scope of your account:
5. *"This account is for personal use only. The views, postings, positions, or opinions expressed on this site are my own and do not represent those of the City of Lago Vista. If you are a citizen of Lago Vista and would like to discuss City business, please go to [www.lagovistatexas.gov](http://www.lagovistatexas.gov) or contact me at [official email]."*
6. On a purely personal account, redirect information to official accounts, sites, or emails and avoid making posts related to your official position and duties.
7. Redirect dialogue or requests regarding official city business to an alternative means of communication (i.e., email, phone, or a specifically political social media account).
8. Avoid commenting on local issues where other Council members are also participating in discussion.
9. Only make post or comments on behalf of the City and/or the City Council when specifically authorized to do so, and do not make such posts on your personal or political social media accounts.
10. Avoid making posts on your personal or political social media account referencing your official capacity as an elected official.
11. On a purely personal social media account, avoid making posts and /or comments regarding City business.

#### E. Use of Official Accounts

Therefore, should consider the following recommendations:

1. Make it Official. Your political account profile, description, and photo should clearly indicate your position as a member of the Lago Vista Council and your

intent to use the account as a way of communicating with your constituents, but not to speak on behalf of the City.

2. Your account is a public forum. Your engagement with the public on social media as an elected official establishes your platform as a limited public forum, which affords users the right to comment on content you publish. It also means that any speech restrictions or censorship is subject to strict scrutiny and *First Amendment* activities generally may not be prohibited. So, when in doubt, do not delete it.
3. Prohibited content is defined by City policy. For consistency, manage prohibited content on your accounts in the same way City-administered accounts are managed as addressed in this Policy.
4. Campaign separately. Council members in office shall not use City administered or funded social media accounts to advocate for or against persons or measures on the ballot.
5. Involve legal counsel. If you are unsure about publishing certain content or feel you are justified in the removal of content, involve legal counsel before making a decision.

#### F. Security

Council members need to take every precaution to prevent fraud or unauthorized access to social media applications. In almost every case where an attacker accesses a system without authorization, he/she does so with the intent to cause harm, including:

1. Making unofficial posts, tweets, or messages that will be seen by the public as official messages;
2. Encouraging users to either click links or download unwanted applications that the attacker has added to the site;
3. Accessing, compromising, or disabling a City system;
4. Redirecting users to sites that look like a City site but are used to gather data that could be used for unauthorized purposes (e.g., phishing);
5. Using a compromised site to spread malware; and/or
6. Acquiring confidential information about city employees or citizens (e.g., social engineering)

#### G. Violation of Policy

This policy is not meant to circumvent or supersede any of the other processes, policies or laws that are applicable to the City Council. Social media activity and conduct by Council

members should not only comply with these policy terms, but all other processes, policies, and laws applicable to elected officials.

## **XI. Members of Boards, Committees, and Commissions**

### **A. Use of Personal Accounts**

In general, the same rules set out for Council members apply to appointed members of City Boards, Committees, or Commissions.

### **B. Social Media Accounts Representing a Board, Committee, or Commission**

Generally, use of non-City sponsored personal or group websites or social media sites for official dissemination of information by boards, committees, and commissions is prohibited. Instead, appointed members of City boards, committees, and commissions should use only the City Website or Social Media Sites for dissemination of official information from these bodies. However, any board, committee or commission desiring to establish a social media site for that body may submit a plan to the City Manager for review and if approved, additional guidelines will be provided.