

Social Media Policy

Created by communications in partnership with legal & records



Why a social media policy?

- *Sets rules & regulations for city accounts*
- *Defines public terms of use (prohibited/allowed behavior)*
- *GRAMA compliance*
- *Protects all parties*



Examples of litigation

- **Poway Schools Face \$400,000 Legal Bill After Losing Facebook Blocking Lawsuit**
 - Two board members of Poway Unified School District, CA utilized extensive word filters to preclude comments on their Facebook pages and argued they were “non-governmental, one-way bulletin boards”. The district is now facing more than \$400,000 in legal fees after a federal court ruled against the blocking of users and comments on social media.
- **Irvine Mayor Settles for Over \$120,000 Over Facebook Blocking & Deleting Comments**
 - The city of Irvine, CA settled a First Amendment lawsuit against former Mayor, Christina Shea, over blocking a resident on Facebook after he posted comments on her personal page following protests. The lawsuit claimed Shea “violated First Amendment rights by blocking his ability to engage in open discussion,” and Shea was asked to unblock the resident and to cease deleting critical comments.

What's in the social media policy?

- *Three areas of focus:*
 - *General employees*
 - *Social media staff*
 - *Elected officials*
- *Elected officials*
 - *Options for GRAMA compliance*
 - *Posting regulations*
 - *Third-party content*
 - *Public comment terms of use*



GRAMA law

Our social media is creating public records

- In Utah law, a record is “material regardless of physical form or characteristics that is prepared, owned, received, or retained by a governmental entity or political subdivision (Utah Code 63G-2-103(22)). ***Content on a social media site that relates to transactions of government business is a record and must be managed accordingly.***
- *We are currently out of GRAMA compliance*
 - *Records of our content*
 - *Records of constituent content*
- *Accounts currently at risk*
 - *Council & Mayor*



Options for GRAMA compliance

- 1) *City will create an Elected Official Social Media Account on their behalf (may create own and allow archiving software access)*
- 2) *Allow city's archiving software to access Personal Social Media Account and sign waiver of governmental immunity*
 - I. *Archiving software cannot capture all data, reconnect every 90 days*
 - II. *Option for current body only*
- 3) *Retain all records created on account, submit them for archiving, then delete account*
- 4) *Incur personal risk of non-compliance by waiving protection under the Utah Governmental Immunities Act*
 - I. *Sign waiver*
 - II. *Example - may include being billed for all staff time associated with helping the council member fulfill the request or resulting litigation from failure to comply with the request*

Posting regulations



- *Naming conventions & banner images*
 - *Same name & look: Jon Snow – Clearfield City Council*
- *Elected Official Social Media Accounts for city business*
 - *Tool for communicating as part of elected officer's official duties*
 - *Do NOT conduct city business on personal social media account – if do, must submit for archiving*
- *Political prohibited use – (Political Activities of Public Entities Act)*
 - *Campaign for re-election*
 - *Endorse any candidate for any office on a local, county, state, or federal level*
 - *Influence or compel any person to apply for membership in or become a member of any political organization*
 - *Pay or promise to pay a political contribution*

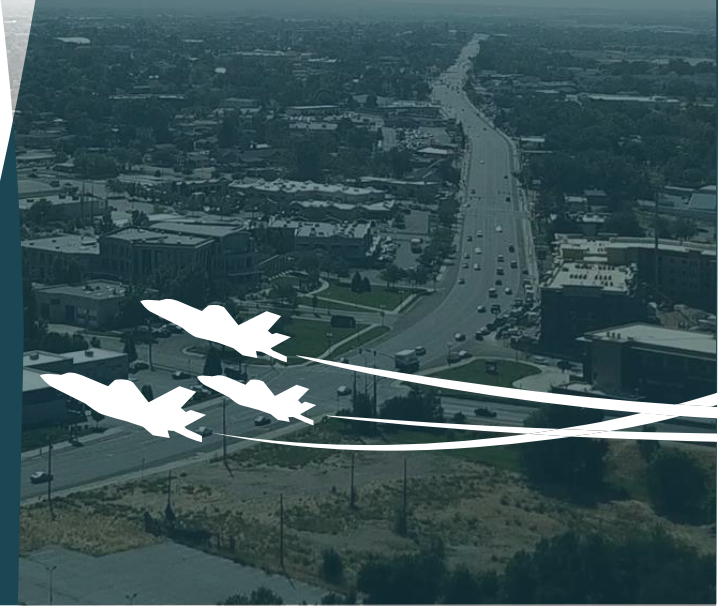
Posting regulations



- *Elected officials are prohibited from posting the following:*
 - *Content that is hate-oriented, potentially libelous, attacking, plagiarized, copywritten, or private information*
 - *Content that is prohibited under section 70.05.090 (Prohibited Public Comments)*
 - *Paid advertisements*
 - *Any content generating, circulating, soliciting, or encouraging signing of petitions*
 - *Any comment or post in violation of the Clearfield City Council Rules of Order and Procedure section IX "Conduct of the Mayor and City Council Members on City Social media Platforms"*
- *No third parties shall be allowed to manage or access elected official accounts*
- *May have up to three accounts*

Third-party content

- *Allowed government or nonprofit content*
 - *Related to an event, issue, project, program, public information, or service deemed to be in the public interest or related to public safety issues*
 - *Related to an entity that receives financial support or cooperation from the City*
 - *Related to an entity of which the City is a member or has a representative on the entity's board*
 - *Related to an event, project, program, or service sponsored or funded by a governmental entity*



Third-party content

- *Commercial Content*

- *Content that promotes, advertises, or endorses commercial businesses, entities, services, or products is not generally allowed to be posted* ⓧ

- *Here's when you can!*

- *Content acknowledges donations/services provided to the City (naming a specific business for donating funds to support City event)*
 - *Content is related to an event, issue, project, program, public information, or service deemed to be in the public interest (advertising winter coat drive for Intermountain Health Care)*
 - *Content fits into Clearfield City's current social media goals and the goals of the city council and or city management (decision from council to highlight new businesses)*

Third-party content

- *Commercial Content*

- *Lots of gray area*
- *What is deemed “in the public interest?”*
- *Current social media goals include posting high engagement content – business content performs well*

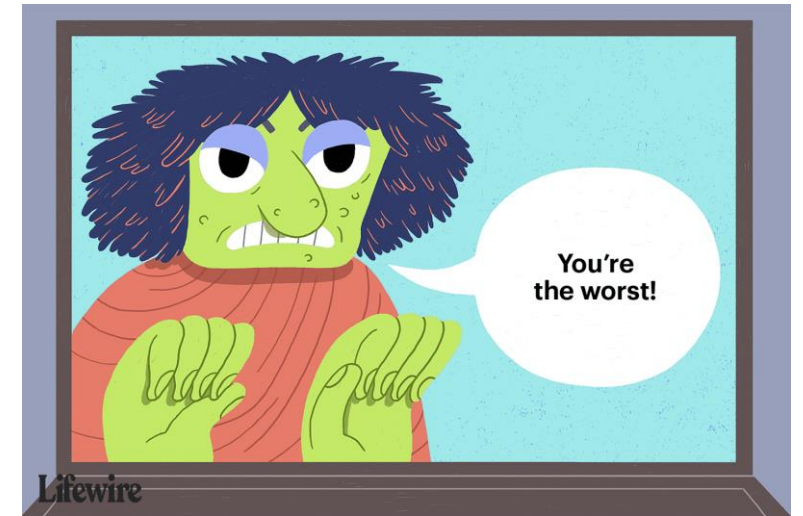
- *How to protect yourself & the city*

- *If choose to promote a commercial business, indicate the views are your own and do not reflect the sentiments of the city or council (e.g., “Views are my own,” “This is my personal opinion and should not be considered the opinion or position of Clearfield City”).*



Public comment terms of use

- *Obscenity*
- *Defamation*
- *Threats*
- *Fraud*
- *Discrimination*
- *Illegal Activities*
- *Spam: Any content not topically related to the particular social media post being commented upon, including random or unintelligible comments*
- *Commercial Solicitation*
- *Malware*
- *Copyright*
- *Personally Identifiable Information*



What do I do with violations?

- *Be very careful hiding/deleting comments*
 - *First amendment rights apply because accounts are 'limited public forums' if you do not turn off all commenting on page*
- *Err on side of leniency*
 - *Only hide comment/message if violates prohibited comments list*
 - *Before hiding – let me know. If time is critical, hide the comment, then let me know within 24 hours*
 - *I will direct you to privately message them about the hidden content (xx violation, can request comment via GRAMA)*
 - *Do not block any individual without consulting social media manager*



Next Steps

- *Adoption into Clearfield City Council Rules of Order and Procedure*
 - *Section IX “Conduct of the Mayor and City Council Members on City Social media Platforms”*
- *Start of year will sign a document indicating which choice you are selecting:*
 - *Elected official account created by city or self (archived)*
 - *Personal account with government immunity waiver (archived, only for current body)*
 - *Retain records and delete account*
 - *Waive government immunity*
- *Begin archiving*



Questions/comments

