



Communications and Social Media Policies for Towns and Cities October 9, 2024



Government Agencies Need to Protect
Themselves from Legal Issues

We turn to our legal counsel to guide us.

Important Website & Social Media Policies

Privacy Policy: <https://ut-greatersaltlakemsd.civicplus.com/privacy>

Copyright Notice: <https://ut-greatersaltlakemsd.civicplus.com/copyright>

Disclaimer: <https://ut-greatersaltlakemsd.civicplus.com/236/Disclaimer>

Accessibility: <https://ut-greatersaltlakemsd.civicplus.com/accessibility>

Social Media Policy: <https://msd.utah.gov/79/3320/Social-Networking>

Social Media & Local Government

Opinions/Guidance provided by Attorney Julie Tappendorf

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First Amendment Rights – Freedom of speech is the right to express ideas and opinions without government interference, punishment, or retaliation. This includes the right to speak, write, or use symbolic speech, such as actions, clothing, or performances. The First Amendment of the United States Constitution protects freedom of speech, the press, assembly, and the right to petition the government.

The First Amendment protects speech even when it's considered offensive, illogical, hateful, or immoral. However, there are some restrictions on free speech, such as when it: Defames someone, is a threat or harassment, is likely to provoke unlawful action, or violates the law.

Comments that praise or criticize a public official or government agency on a particular subject are allowed and cannot be deleted or blocked.

A few narrow categories of speech are not protected from government restrictions. The main categories are incitement, defamation, fraud, obscenity, child pornography, fighting words, and threats.

Profanity, Blocking, Banning, Hiding, Spam

Facebook has a profanity filter in place. Use their filter. You can no longer add words to the filter due to protected speech.

You can no longer “hide” a comment, block a person, ban a person or mute a person. Your social media policy needs to reflect this! If you block or ban it shuts off a person’s access to the government. If you have a Social Media Policy, you can ban certain posts.

“Spam” is not Protected speech, however, you cannot delete it if you don’t have a policy.

Okay, what CAN YOU DO?

Adopt a Comment Policy in your Social Media Policy, here are the rules.

- Be very clear what is NOT allowed. If a visitor to your Facebook page violates any of these then their post will be deleted.
- Post your Social Media Policy on your website and on all your social media outlets – Facebook, Twitter, Instagram, etc.
- You can ban non-protected speech and delete this off your website:
 - Obscenity
 - Sexual content
 - Pornographic

If you have a clear Social Media Policy stating what violates your policy you can delete posts that contain:

- Hate Speech or any promotion of discrimination
- Defamation if it is false, an assertion of fact or it if causes damage
- True threats of violence
- Spam
- Violations of Copyright

Public Officials Social Media accounts and Government Social Media Sites

- Keep your personal account separate from your government social media - The Supreme Court said it is not problematic if you share a government post on your account, just don't post anything yourself about a government organization
- If an elected official wants to post – they need to set up an elected official page and not entangle their personal page with government or elected official posts.

State Auditor's Office – Use of Social Media Accounts by Government Elected Officials

- Public funds should not be used to pay to maintain or promote political or personal social media accounts. Government websites should not be used to support, promote, or drive followers to those social media accounts.
- Avoid linking campaign-related social media accounts on governmental websites
- Avoid using government social media accounts for political purposes
- Avoid making government expenditures of public funds on social media activities which may be reasonably perceived as political campaign-related support

Artificial Intelligence (AI) –

It is integrated into so many programs: ChatGPT, Canva, Microsoft Copilot, Jasper, Grammarly, and many more

- Everyone is using it to some capacity or another.
- Important to remember AI can't think, it is simply well-read
- We all need to draft an AI Policy (binding set of rules) and Guidelines (Best practices for using AI)

Treat AI like an intern:

- ✓ Don't trust with sensitive information
- ✓ Double-check their work
- ✓ Take accountability
- ✓ Watch for misinformation

AI Timesavers

- Emergency communications – need fast press releases – saves lives, needs to be quick, builds trust
- Writing multiple statements from many communities
- Writing policies, but your attorney is best at this
- Writing multiple press releases
- Writing multiple social media posts from one press release
- Your communications person (that's me) is still ultimately responsible for the end product – double-check and recheck all facts, quotes, numbers, etc.



Any
questions?
Thank you

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