

Social Media Guidelines for Elected and Appointed Officials

As a crisis begins to emerge, staff leadership should remind elected/appointed officials of best practices during an incident and the importance of only posting verified communication on all platforms, whether official or personal.

Elected/appointed officials have a role at their agency that is inherently different from staff. Social media is a vital tool for developing direct communications with your stakeholders and creating informal opportunities to reach out beyond official web pages and publications. The extent to which an agency or individual uses social media varies. Before engaging you should assess your risk tolerance and make sure certain laws – such as the California Public Records Act and Ralph M. Brown Act – are followed.

Tips for Using Social Media Effectively and Responsibly during a Crisis

- Public vs. private is blurred – Personal posts by elected/appointed officials will be interpreted by many as official agency posts; it is essential to only post crisis-related information that has been verified by emergency response or other appropriate sources.
- Link to official accounts – Elected/appointed officials can ensure that those affected receive verified information by linking to/sharing/reposting official agency social media accounts.
- Coordinate all crisis-related posts with staff – “Rogue” and unconfirmed posting is one of the most frequent causes of misinformation and inaccurate rumors during a crisis.
- Avoid serial posting – If a quorum of any public body merely comments on the same social media post, they could be in violation of open meeting laws.
- Be wary of deleting posts – The First Amendment protects freedom of speech from government interference, and public agencies must be cautious about censoring an individual’s right to free speech; if an elected/appointed official blocks a social media user, it could be argued that they are blocking future speech made by that person.

Clarifying Definitions

- Social media can include websites and applications that enable users to create and share content or to participate in social networking.
- A social platform is a web-based technology that enables the development, deployment, and management of social media solutions and services.
- A third-party system is any system maintained by another entity. This could include Twitter, Facebook, Nextdoor, Wordpress, Google, phone carriers, and more.

Know When Social Media is a Public Record

It is essential to know when social media is a public record as determined by your agency’s legal counsel. Retention of documents, including social media, is based on the content and not the platform.

Make a clear distinction between official accounts, campaign accounts, and personal accounts. One way elected officials and staff can clearly distinguish private social media accounts is by adding disclaimers on election and personal accounts, and not using the account for agency business. Agency-sponsored accounts may not be used for campaign-related purposes.

To keep a personal account from becoming subject to public records, consider some basic precautions.

Do:

- Post a disclaimer on your personal account that identifies the account purpose and that the opinions you express are your own.
- Limit the account content to personal use.
- Understand and use privacy settings to manage the account.
- Have a plan in place to respond to or forward city-related comments to the agency, including how the record is retained.

Don't:

- Write posts on personal accounts that would fit within the scope of employment.
- Don't discuss your private accounts in public meetings or documents.
- Don't link to your private accounts from an official agency account.
- Don't use agency devices to maintain your private account.

First Amendment and Employment Rights

Agency policies should strike an appropriate balance between privacy, liability, and public records concerns. Employees have First Amendment and employment rights that need to be balanced against impacts to the image and liability of the agency.

Sources: *Government Technology* and Association of Washington Cities (adapted for California public agencies).