

## **City of Durham Policy for Elected Officials and Appointed Boards, Commissions and Committees Using Personal or Professional Social Media Platforms**

While elected officials and City Council-appointed board, committee and commission members may maintain and use personal web pages and websites, blogs, and social networking sites, their status as elected/appointed officials requires that the content of any postings on those sites not be in violation of existing City by-laws, policies, directives, rules or regulations.

The City's image as a professional organization is critical to maintaining the respect of its constituents. Although the City recognizes that elected and appointed officials may choose to express themselves by posting personal information upon social media platforms or by making comments on sites hosted by other persons, groups or organizations, this right of expression should not interfere with the operation of the City. That is, although the City acknowledges its officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues or concerns.

If an elected or appointed official conducts any City business or communication as an official from a personal account, professional account, or an account created for a board/committee/commission, officials should assume that City-related communications will be considered a public record subject to the North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*, as well as applicable portions of the records retention schedule at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>.

If an elected/appointed official is found in violation of Conduct Standards #1–#8 as noted below, they may be subject to censure as noted in the City Council Rules of Procedure, 2.14 Censuring Members.

### **Professional and Personal Conduct Standards**

1. All officials are expected and required to conduct themselves in a manner consistent with the City's policies and standards of conduct.
2. It is anticipated that from time to time, officials will have access to information that is considered privileged or confidential under North Carolina General Statutes. Such information is typically considered an exception to the public records law and may have specific penalties for inappropriate disclosure. By way of example, such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Officials must not reveal any confidential or privileged information about the City, its constituents, its employees, or its contractors. Officials must be particularly careful to protect against the inadvertent disclosure of confidential or privileged information.
3. Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery. Officials should not post or share information known to be false about the City, its employees, constituents, other public officials, suppliers, vendors, or contractors.
4. Unless the official has been designated to serve as a spokesperson, officials should never represent themselves as a spokesperson for the City Council, a City board or committee, the City Administration, or any City department.
5. Officials are expressly prohibited from using personal or professional social media to engage in any activity or conduct that violates federal, state, or local law. Officials are also prohibited from using professional social media

accounts to circumvent election or campaign requirements, to campaign for re-election or endorse other candidates for public office.

6. Officials are prohibited from deleting posts and related comments regarding any City-related matters to avoid violating North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.*
7. Officials should be mindful that posting content regarding City-related matters could inadvertently result in the violation of the Open Meetings Law if enough other public officials engage on the post, resulting in a quorum. If this occurs, the online conversation should immediately cease with no further posts by the officials and the City Clerk should be notified accordingly.
8. Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest.

### **Additional Best Practices and Guidelines for Elected and Appointed Officials**

The following best practices and guidelines are strongly recommended to ensure that the personal and professional use of social media by elected and appointed officials is done so in a responsible manner.

1. Public officials are strongly encouraged to separate personal social media accounts from professional social media accounts so that City-related matters and all public records generated from those posts are easily archived and not intermingled with personal posts not related to City matters.
  - a. If a professional social media account is created, then it becomes a Conduct Standard and the account must be archived. Officials are required to contact the City Clerk to connect the professional account to the archiving service contract.
2. Officials should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City.
3. Officials are strongly encouraged to consider the potential impact of social media statements prior to posting. The City strives to be professional in its operations and processes. Posts that express favoritism and/or bias for or against any individual or group of individuals (e.g., based upon race, gender, national origin, sexual orientation, political affiliation, etc.), reflect poorly on the public official, as well as the City and its residents. Further, comments suggesting such treatment can expose the City to liability and legal costs.
4. Officials should be mindful that members of the public who may appear before the City Council as well as boards, commissions or committees come from all walks of life. Public comments, in any forum – including on personal and professional social media accounts – that contain racial slurs, profane language or acronyms for profane language, express bigotry toward a group based on race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification may be considered conduct unbecoming.
5. Officials should consider whether liking, sharing, retweeting or commenting on any social media posts could be perceived as an endorsement of or about the City, its employees, constituents, other public officials, suppliers, vendors, or contractors.
6. Officials should refrain from using social media accounts to communicate with City employees about City-related matters as this creates a public record on employees' personal accounts that must be retained per North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.* If elected officials want the City's official pages to respond to a social media inquiry, the following responses are suggested:
  - a. Twitter: "Tagging @CityofDurhamNC on your inquiry so the Administration may respond to you directly."
  - b. Facebook: "Tagging @City of Durham, NC Government on your inquiry so the Administration may respond to you directly."
  - c. Instagram: "Tagging @cityofdurhamnc on your inquiry so the Administration may respond to you directly."

- d. Other platforms, such as Nextdoor: “Please contact the City of Durham directly so the Administration may respond to you. You may also submit your inquiry to Durham One Call at 919-560-1200, <http://durhamnc.gov/1439/Durham-One-Call>, or through the Durham One Call smartphone app available in the Apple and Google Play stores.”
7. Public officials should be cautious in using official City-provided photographs on personal social media sites. Elected and appointed officials choosing to use official City-provided photographs and identifying themselves as elected officials on personal social media sites should tailor communications on those sites accordingly.
8. Elected and appointed officials should be familiar with the North Carolina Department of Cultural Resources Division of Archives and Records Digital Records Policies and Guidelines (<http://archives.ncdcr.gov/For-Government/Digital-Records/Digital-Records-Policies-and-Guidelines>) and Local Government Retention Schedules (<http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>).

## **Procedure for Requesting and Maintaining Social Media Accounts for Boards, Committees and Commissions**

Boards/Committees/Commissions that use social media are responsible for complying with applicable federal, state, and local laws, regulations and policies. This includes adherence to laws and policies regarding copyright, use of photographs, public records retention, personnel privacy, First Amendment, HIPAA privacy, the Americans with Disabilities Act, and information security policies established by the City of Durham.

1. When creating a social media presence, the board/committee/commission should consider the following:
  - a. Why is this social media platform the appropriate outreach tool for the target audience?
  - b. Which appointed officials on the board will be responsible for developing the content and design of the platform?
  - c. Which appointed officials will be granted administrator access to the site and be responsible for the content management strategy and ongoing updates?
  - d. What will be the account’s official name?
  - e. What type of information and images will be included on the site?
  - f. What is an estimate of the number of hours per week time will be dedicated to the site?
  - g. How will time be scheduled to maintain the site?
  - h. How will the site be monitored after hours, during weekends, over holidays, and during crisis events?
  - i. How often posts are anticipated?
  - j. How will a link back to the board/committee/commission official website at [www.DurhamNC.gov](http://www.DurhamNC.gov) be provided when appropriate?
2. Once the site is developed, all usernames and passwords associated with the new site must be provided to the City Clerk’s Office as well as the City-assigned departmental staff liaison. If/when the username and password is changed, the new information must be provided to all parties listed above.
  - a. Facebook is the exception to this rule. Usernames and passwords will not be required for Facebook since administrators must use their personal accounts to manage pages. Rather than providing personal information, more than one appointed official on the board/committee/commission must be an administrator on the page.
3. The sites must allow others, such as members of the public, to post comments or other visitor-generated content directly to the site. However, user guidelines should clearly be posted on the site. Posted guidelines must include:
  - a. No comments will be allowed that use inappropriate or offensive language.
  - b. No comments will be allowed that discriminate or are derogatory based on race, color, national origin, religion, gender, age, disability, sexual orientation, or veteran’s status.
  - c. Any user who harasses another user, or who is in violation of the comment guidelines will be removed from the site.

- d. Any profile that appears to violate any terms of the hosting site will be reported to site administrators.
  - e. Any comments that appear to be spam or advertising solicitations not germane to the original post will be removed from the site.
  - f. City of Durham social media sites are subject to applicable North Carolina Public Records Law and can be disclosed to third parties.
4. Boards/Committees/Commissions should have a process for removing and re-assigning social media management duties when an appointed official ceases their service. Administrator privileges should be revoked on the official's last day of service and immediately re-assigned to a new administrator.
  5. Visitors to board/committee/commission sites cannot be permanently banned or blocked. If visitor-generated content is in violation of the posted guidelines, each comment or post should be reviewed and hidden. Inappropriate comments that are also in violation of the social media site's Terms of Service (TOS) should also be reported directly to the social media platform. Appointed officials administering social media platforms should be aware of the Terms of Service (TOS) of each social media site. Each has its own unique TOS that regulates how users interact using that particular form of media.
  6. If a board/committee/commission social media account has unauthorized activity, i.e. is hacked, the authorized administrators should:
    - a. Immediately notify the City Clerk.
    - b. Immediately try to regain access to the account.
    - c. Once access to the account is obtained, change the password.
    - d. Delete messages posted by hackers.
    - e. Let followers know that the account was hacked and what is being done to fix the issue.
    - f. Review third-party apps. These could be used by hackers to gain access to accounts.
  7. Communication on social media platforms is considered a public record. Posts by the account administrators and any feedback by members of the public will become part of the public record per North Carolina Public Records Law, N.C. Gen. Stat. § 132-1 *et seq.* Always provide links to the board/committee/commission official website for more information, forms, documents, or online services necessary to conduct business with the Board. It is strongly recommended that new or unique information or updates be contained on both the board/committee/commission official website and the social media site. All social media sites are required to be linked to City Clerk's archiving service for public records retention and must also comply with applicable portions of the records retention schedule at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules>.