

**North East Derbyshire District Council**

**Standards Committee**

**11 March 2019**

**Social Media Guidance for Councillors**

**Report of the Joint Head of Corporate Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To consider the introduction of a Social Media Guidance document for Councillors.

**1 Report Details**

- 1.1 Social media is the collective term used to describe online tools, websites and interactive media that enables users to interact with each other by sharing information, opinions, knowledge and interest.
- 1.2 Social media increases access to audiences and improves accessibility of communication. It is a powerful and effective method for Councillors to interact with residents, however guidelines are needed.
- 1.3 The draft social media guidance for councillors is attached as **Appendix 1** but can be summarised as follows:-
  - (a) The guidance is designed to encourage the use of social media sensibly and responsibly and to ensure that use does not adversely affect the Council or its business, nor be damaging to the Councils reputation and credibility or otherwise violate any council policies.
  - (b) The guidance is to advise Councillors with particular regard to issues such as standards, libel, copyright, data protection, bias and pre-determination as well as encouraging good manners online.
  - (c) The guidance makes explicit reference to how aspects of the Code of Conduct for Members will apply to online activity in the same way as they do to any other councillor's use. This is important especially where an individual has a social media account and they comment both as a councillor and as an individual.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 It is considered good practice to have guidance on councillor's use of social media, and the draft guidance builds upon guidance issues by the Local Government Association. It will provide clarification and guidance to members as to how they should be conducted themselves in their use of social media.

## **3 Consultation and Equality Impact**

- 3.1 None.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 We do not have any current guidance on the use of social media by councillors. This use of social media is on the increase as this becomes a popular method of communication for councillors to be able to engage with residents, guidance is needed for the protection of councillors and the Council.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 None

### **5.2 Legal Implications including Data Protection**

- 5.2.1 As in the report.

### **5.3 Human Resources Implications**

- 5.3.1 None

## **6 Recommendations**

- 6.1 To recommend to Council that the Social Media Guidance for Councillors as be adopted as part of the review of the Constitution.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  BDC: Revenue - £75,000 <input type="checkbox"/>  Capital - £150,000 <input type="checkbox"/>  NEDDC: Revenue - £100,000 <input type="checkbox"/>  Capital - £250,000 <input type="checkbox"/>  <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the relevant Portfolio Holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	All
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	N/A

## 8 Document Information

Appendix No	Title	
1	Draft Social Media Guidance for Councillors	
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>		
None		
<b>Report Author</b>		<b>Contact Number</b>
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# Social Media Guidance for Councillors

## 1. Introduction

Social media is the term used for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests. This guidance cover social media issues over the internet and by email, smart phones, social networking sites, blogging, and tweeting.

Social media increases our access to audiences and improves the accessibility of our communication. It enables us to be more active in our relationships with citizens, partners and stakeholders and encourages people to be involved in local decision making, enabling better engagement and feedback, ultimately helping to improve the services we provide.

For the purposes of this guidance, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, MySpace, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis and any sites which may emerge after the creation of this guidance where North East Derbyshire District Council could be represented via online participation.

North East Derbyshire District Council acknowledges social media as a useful tool however, clear guidelines are needed for the use of social media sites to ensure they are used effectively as part of a wider communications mix and that their use does not expose the Council to security risks, reputational damage or breach the Data Protection Act.

## 2. Policy Statement

This guidance provides a structured approach to using social media and will ensure that it is effective, lawful and does not compromise Council information or computer systems/networks.

Users must ensure that they use social media sensibly and responsibly, in line with corporate policy. They must ensure that their use will not adversely affect the Council or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies.

## 3. Purpose

This guidance applies to councillors and co-opted members. It gives guidelines on how to use social media, sets out how we can effectively manage social media usage and indicates how any risks or pitfalls can be minimised or mitigated. The following risks have been identified with social media use (this is not an exhaustive list):

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.

- Damage to the Council's reputation.
- Social engineering attacks (also known as 'phishing').
- Bullying or "trolling". An internet "troll" is a person who starts arguments or upsets people, by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the code of conduct for members through inappropriate use.

In light of these risks, the use of social media sites should be regulated to ensure that such use does not damage the Council, its employees, councillors, partners and the people it serves. As such this guidance aims to ensure:

- A consistent and corporate approach is adopted and maintained in the use of social media.
- Council information remains secure and is not compromised through the use of social media.
- Users operate within existing policies, guidelines and relevant legislation.
- The Council's reputation is not damaged or adversely affected.

#### **4. Responsibilities of Councillors**

1. You are personally responsible for the content you publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action for which you will be personally liable.
2. Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.
3. Make use of stringent privacy settings if you don't want your social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure you understand their confidentiality/privacy settings.
4. Do not disclose personal details such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the Council's Data Protection Policy.
5. Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.
6. Do not publish or report on meetings which are private or internal (where no members of the public are present or it is of a confidential nature) or exempt reports (which

contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985). Use of social media in meetings must comply with the protocol for the use of recording devices during any meeting held under the auspices of North East Derbyshire District Council.

7. Copyright laws still apply online. Placing images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.
8. Don't send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors or officers either in or outside the work environment.
9. In any biography, the account should state the views are those of the councillor in question and may not represent the views of the Council.
10. Do not use the Council's logo, or any other Council related material on a personal account or website.
11. Social media must not be used for actions that would put councillors in breach of the Council's Code of conduct for members. For example, don't publish on social media something you wouldn't say face to face, or at a public meeting.
12. Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.
13. Anyone receiving threats, abuse or harassment via their use of social media should report it to their political group leader, the Monitoring Officer and/or the police.
14. It is recommended that you have separate social media profiles for your role as a Councillor or Co-opted Member and your private life.

## **5. Conduct**

Councillors are reminded that in respect of social media, they are governed by the Code of conduct for members and relevant law. You are acting in your "official capacity" and any conduct may fall within the Code whenever you:

- Conduct the business of the Authority; or
- Act, claim to act or give the impression you are acting as a representative of the Authority; or
- Act as a representative of the Authority.

Breaches of this guidance may amount to a breach of the Council's code of conduct for members.

Other violations of this guidance such as breaching the Data Protection Act, could lead to fines being issued and possible criminal or civil action being taken against the Council or the individual(s) involved.

The Council reserves the right to request the removal of any content that is deemed to be in breach of the code of conduct for members.

## 6. Principles for Using Social Media

You should follow these five guiding principles for any social media activities:

1. **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people’s confidentiality – do not disclose non-public information or the personal information of others.
2. **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
3. **Be honest about who you are** – it’s important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role.
4. **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you can’t. Respond to questions and comments in a timely manner.
5. **Be confident** – don’t be scared of participating. Follow these rules and seek further guidance if you need it. If you’re about to publish something that makes you even the slightest bit uncomfortable, pause to think about it. Feel confident in what you say before you say it – and say it as clearly as you can.

## 7. Guidance on Capturing Social Media Posts

Posts made using third party sites such as Facebook or Twitter are not held or within the control of the Council - posts can be deleted by site administrators without knowledge or consent of the Council. In exceptional circumstances, copies of posts may be made and retained by the Council, in line with relevant Council procedures. These copies will be held for a period dependent on the type of investigation they are subject to.

Where inappropriate use is suspected, it is suggested that you should pro-actively attempt to capture any inappropriate posts before they might be deleted. Copies should be made and reported to the Monitoring Officer within the Council, as well as following the social media sites own reporting procedures where appropriate.

## 8. Relationship to the Member Code of Conduct

This guidance should be read in conjunction with the Member Code of Conduct which regulates the standards of conduct of elected members of North East Derbyshire District Council, as well as the Councillor Complaints Procedure which

outlines the arrangements for investigating and deciding upon complaints against members.

## 9. **Examples of the Use of Social Media**

### ❖ **Can I comment/respond to questions posted on my social media page regarding general local issues?**

Yes. The Social Media guidance is not intended to restrict the use of social media, it is a guidance tool to make Councillors aware of the risks and pitfalls. Social media is an excellent method for Councillors to interact with members of the public and should be encouraged.

### ❖ **Can I comment/respond to questions posted on my social media page regarding upcoming Council matters such as licensing or planning applications?**

Councillors can take a view and express opinions or concerns, however, they must not show bias or pre-determination. Councillors are reminded to remain impartial and open minded and listen to all the facts before coming to a decision. Evidence of any kind of bias or pre-determination could leave the decision open to challenge.

### ❖ **I find comments on my social media page posted by a third party insulting and/or confrontational. How should I respond?**

If at all possible, don't respond at all. Internet "trolls" are people who often try to "wind-up" public figures on purpose to get a reaction. It is best to not "feed the trolls" by ignoring the post.

If it is clear that the person is a serious, concerned member of the public then a suitably non-confrontational reply may be appropriate. Remember that you remain a representative of the Council online and should not do or say anything that you wouldn't do face-to-face or in a letter.

If the post is potentially defamatory or illegal then it should be reported to the site administrators and/or the police.

### ❖ **I discover information that is incidental to my role as a Councillor (for example, information relating to a planning application). Can I disclose this information via social media?**

Yes, however, you should take great care in doing so. Posting information obtained as Councillor will be seen as you acting in your official capacity of a Councillor even if this is on your personal account. You should also remember that publishing anything regarding forthcoming or on-going decisions could be seen as pre-



determination or bias. If the information is confidential then releasing the information may be a breach of the Code of Conduct.

❖ **Someone has posted a racially aggravated comment on my personal blog, what can I do? Can I be held liable?**

As soon as you become aware of the comment you should inform the site administrator. If you are exclusively in charge of the site you should consider reporting the comment to the Police. You should keep evidence of the post and then ensure it is taken down. Providing a Councillor takes reasonable care and reports the potential offence quickly they are unlikely to be held liable for someone else's breaches.

❖ **I publish a post on my personal page regarding a matter that I will be making a decision on (such as a planning or licensing application). As this is my personal blog do the rules for pre-determination and bias still apply?**

Yes, they do. The Social Media guidance also extends to personal blog where the content/comment relates to Council matters. Councillors should take care when publishing information regarding a Council matter as this may leave the decision open to challenge.

❖ **Do any special rules apply to social media posts and blogs during a local election period?**

During an election period Councillors should take particular care as legislation relating to electoral matters will apply to the online publication of electoral material or statements relating to the election. For example, if you publish a statement on your personal blog regarding another candidate the Representation of the People Act 1983 may apply. Under this legislation it is a criminal offence to make or publish a false statement of fact about the personal character or conduct of an election candidate.

❖ **What happens if I breach the Social Media Guidance?**

It depends upon the nature of the breach. However, punishment for a serious breach of the guidance may lead to a code of conduct complaint or even personal liability or criminal charges.