

# LEGISLATIVE DEPARTMENT POLICY

**Effective Date:**

**Replaces:**

**Approved by: Richard Conlin**

**Refers also to:** Public Records Act RCW 42.56; Public Documents, Records and Publications RCW 40.14; Open Public Meetings Act RCW 42.30; SMC 3.42.020, 3.122.050, 3.123.020, 3.123.030; Legislative Department Internet Policy POL D005; City of Seattle Blogging Policy; RCW 41.06.250, Political Activities; RCW 42.17.130, Use of Public Office; SMC 4.16.070 Code of Ethics, Prohibited Conduct; SMC 2.04.300, Use of public office facilities in campaigns; RCW 42.17.190, Legislative Activities; Legislative Dept. POL 309

**City Council  
President  
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Administrative  
Services  
Director**

## **POL D## USE OF SOCIAL MEDIA BY CITY COUNCILMEMBERS**

This policy outlines the roles, responsibilities, and best practice recommendations for the use of social media/new media by individual Councilmembers in their capacity as elected officials. The Legislative department is committed to open and progressive communications between elected officials and constituents within the limits of the law. To the extent possible all forms of communication will be embraced and all online technologies are eligible for consideration.

### **DEFINITIONS**

Social Media, aka Web 2.0 is defined here as the use of third-party hosted online technologies that facilitate social interactions and dialogue. These online technologies are operated by non-city hosted services and are used by the Legislative Department and/or individual Council members to communicate, with the public. Such third party hosted services/tools may include, but are not limited to: social networking sites (MySpace, FaceBook, Linked-In), micro-blogging tools (Twitter, RSS feeds), audio-visual networking sites (YouTube, Flickr), blogs, etc.

These guidelines apply to any social media site or tool used by individual Councilmembers in their official capacity to communicate with constituents or the general public. It is the individual Council Member's responsibility to ensure compliance with this policy.

"Councilmember" here includes Councilmembers and any staff working on a Councilmember's behalf to represent him or her using a social media tool.

### **GENERAL POLICY**

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online

conversations, discussions, and information posts should model the same professional behavior displayed during Council sessions, and community meetings.

Social media are not to be used as mechanisms for conducting official city business other than to informally communicate with the public. Examples of business that may not be conducted through social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not previously been released to the public. Councilmembers' social media site(s) should contain links directing users back to the Council's official website for in-depth information, forms, documents or online services necessary to conduct official city business.

At the discretion of the Council President or Administrative Services Director, social media applications, tools or sites may be limited or banned if they are not or cannot be used in compliance with this policy.

### **ETHICS AND ELECTIONS RULES COMPLIANCE**

All content posted on individual Councilmember social media sites shall comply with Seattle Ethics and Elections ordinances and administrative rules and Washington State law regulating elected officials.

No content that promotes or advertises commercial services, entities, or products may be posted.

Councilmembers shall not post comments or links to any content that endorses or opposes political candidates or ballot propositions, including links to a Councilmember's campaign site (RCW 41.06.250; RCW 42.17.130; SMC 4.16.070; SMC 2.04.300; RCW 42.17.190).

### **RECORDS RETENTION ACT COMPLIANCE**

State and local records retention laws and schedules apply to social media content. All social media content with retention value must be maintained for the required retention period on a City server in an easily accessible format that preserves the integrity of the original record to the extent possible. Prior approval of the retention format and procedures *for each social media tool being used* must be received from the Legislative Department Retention Team, comprised of the City Records Manager, City Archivist, and Legislative Department IT staff. It is the responsibility of each Councilmember to maintain current, approved retention procedures and to ensure that those procedures are followed.

As with any correspondence sent in his or her capacity as a Councilmember, Councilmember postings to social media sites maintained by others must be retained by the posting Councilmember. Printouts of postings to others' sites may suffice for retention purposes. Councilmembers should consult with the Legislative Department Retention Team for the applicable retention schedule and method.

### **PUBLIC RECORDS ACT COMPLIANCE**

Any content maintained in a social media format, i.e., FaceBook, YouTube, Twitter, etc., that is related to City business, including communication between an individual Councilmember and constituents or the general public, and a site's listing of "friends" or "followers", may be considered a public record subject to disclosure under the state Public Records Act.

Any social media tools used should clearly state that all content submitted by members of the public is potentially subject to public disclosure pursuant to the Public Records Act RCW 42.56. If it is not possible to display this notice prominently on the site, Councilmembers must notify users by including a link from the site to the Public Records notice set out in Exhibit B, notify new users via response to posts, and/or periodically notify existing users via broadcast message.

Under the state Public Records Act, the Legislative Department is responsible for responding accurately and completely to any public records request including a request for public records on social media maintained by individual Councilmembers. Therefore it is critical that records have been retained according to approved procedures.

Users and visitors to social media sites shall be notified that public disclosure requests must be directed to the Legislative department's public disclosure officer pursuant to Legislative Department Policy POL 309.

### **OPEN PUBLIC MEETINGS ACT COMPLIANCE**

Communication between Councilmembers via social media, as with telephone and email, may constitute a "meeting" under the Open Public Meetings Act. For this reason, Councilmembers are strongly discouraged from "friending" other Councilmembers.

In addition, receiving or making comments regarding quasi-judicial matters via social media may violate the Council Rules for Quasi Judicial Proceeds (Resolution 31001). To avoid receiving any constituent comments on quasi-judicial matters that may violate the Appearance of Fairness Doctrine, Councilmembers are strongly encouraged to maintain social media sites with settings that can restrict users ability to post content.

### **CONTENT GUIDELINES**

Users of social media sites who submit comments should be clearly notified that the intended purpose of the site is to serve as a mechanism for informal communication between Councilmembers and the public regarding the topics discussed. If the public is allowed to post comments to a Councilmember's site, the Use Policy set out in Exhibit A must be displayed or made available by hyperlink. Any content removed in compliance with the Use Policy must be retained, including the time, date, and identity of the poster when available. See *above* Records Retention Act Compliance.

To avoid any concern regarding the content submitted to social media sites, Councilmembers are strongly encouraged to maintain social media sites with settings that can restrict users ability to comment.

### **EQUAL ACCESS**

Sites requiring membership or subscription should be avoided. When posting information or soliciting feedback on such a site, always provide an alternate source for the same information or mechanism for feedback on the City's public web site, so that those who are not members of the social media site may have equal access. Sites should use the most open settings possible to allow the public to view content without requiring membership or login.

## **APPENDIX**

### **General Approach**

Maintain data online as long as possible.

Use retention processes and tools approved by the Legislative Department Retention Team.

Maintain current documentation of the approved method and schedule for preserving social media content.

Ideally this process will store data in searchable electronic formats and will store information about transmissions, subscribers, and other metadata associated with the site.

Maintain original appearance and layout when needed to capture contextual relevance.

Maintain separate usernames and passwords for all sites to minimize the potential for cross site hacks and malicious mischief.

Keep site content relevant with the site identity.

Consistently monitor activity and posts. Avoid stale or outdated information, respond to questions or responses, quickly remove inappropriate or spam content.

Notify visitors that correspondence conducted by way of a Councilmember social media site will be considered public records and may be released per RCW Chapter 42.56.

Notify visitors that individual Councilmember social media sites are not intended to be used to conduct official city business and any public records request must be made with the Legislative Department's Public Disclosure Officer.

#### **Special Notes about text messaging and cellular phones:**

Regardless of whether the device used is paid or reimbursed by public funds, business conducted in the official capacity as a Councilmember is a public record. Care should be taken to ensure that records created are maintained and can be provided if requested. Know your device's capabilities and devise a strategy for archiving texts, call logs, and other communications.

Use of electronic devices during Council meetings is discouraged. At the discretion of the Council President or Administrative Services Director certain types of devices or use may be banned or limited.

**Blog use policy:**

Council Members are strongly encouraged to adopt The City of Seattle Blog Use policy for their “personal” blogs used to communicate with constituents and/or the general public.

**Video Posts**

Videos posted by Councilmembers are likely to be of historical interest and archival value, as well as being public records. Consult with the Legislative Department Retention Team regarding storage method and format of these videos so that they can be provided in response to public records requests and later transferred to the Municipal Archives video collection. Because screen capture will not include dynamic content, keep a record of which videos were posted, including dates and host site.

**Exhibit A**

The following content will be removed from this site: (1) comments not related to the topics for discussion; (2) comments in support of or opposition to political campaigns or ballot measures; (3) profane language; (4) discriminatory comments; (5) solicitations of commerce; (6) sexual content or links to sexual content; (7) encouragement of illegal activity; (8) information that may tend to compromise the safety or security of the public; and (9) content that violates a legal ownership interest of any party.

**Exhibit B**

All comments or other content posted to this site may be considered public records subject to public disclosure under the Washington State Public Records Act (RCW 42.56).