Draft Social Media Policy

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1. Policy Statement

The purpose of this policy is to provide guidance about the use of social media by applying best practice standards whilst also ensuring that employees, contractors and Councillors understand their responsibilities when using social media.

Council supports the use of social media as part of an integrated approach to communication and community engagement. However, the use of social media should be consistent with Willoughby City Council's Social Media Policy and Code of Conduct which sets the minimum standards for Council officials.

This policy has been developed to provide a framework to assist Council when dealing with social media and to ensure that social media use by staff and Councillors is consistent, accurate, professional, and enhances Council's reputation while minimising exposure to legal and regulatory risks. This policy also sets social media standards of conduct for all Council representatives when engaging in social media in an official capacity. It has been developed in line with the Office of Local Government (OLG) Model Social Media Policy, 2022.

Who and what does the policy cover?

The policy applies to the Mayor, Councillors, Council staff, contractors and volunteers, including all those who have the authority to issue information via social media.

For the purposes of this policy, social media is defined as *online platforms and applications - such as social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content*[1].

The policy has been developed to safeguard against risks and challenges associated with social media use, including:

- harmful behaviour, such as cyberbullying and trolling
- rapid spread of misinformation
- Council's liability for third party content shared on Council's platforms
- posts shared by employees privately can cause reputational damage to colleagues and employers
- rapid innovation, which makes it difficult to keep pace with emerging technologies and trends
- members of the public seeking to influence public officials by engaging with content or sending personal or private messages
- public officials disclosing confidential or sensitive information
- public agencies or officials promoting certain businesses by behaviours such as 'following' them, 'liking' content, or making comments. Which may be viewed as an endorsement of the original post.

[1] NSW Department of Education. Social media policy: Implementation procedures – November 2018

2. Policy Principles

At the heart of this policy are four 'principles' of social media engagement.

These are:

- Openness
- Respect
- Accuracy
- Relevance

These principles should underpin every aspect of Council's social media activity and all Councillors, staff and other officials of Willoughby City Council are committed to upholding them.

Openness	Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.
Respect	Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's Code of Conduct when using our social media platforms and any other social media platform.
Relevance	We will ensure our social media platforms are kept up-to-date with informative content about our Council and the community.
Accuracy	The content we upload onto our social media platforms and on any other platform will be a source of truth for our Council and the community. Whenever inaccuracies occur, we will prioritise the need to correct them.

3. Administrative Framework for Council's social media platforms

Platforms

3.1 Council will maintain a presence on social media platforms including but not limited to Facebook, Instagram, X (Twitter), LinkedIn, You Tube and will continue to monitor as the channels and community needs change.

Council's social media platforms should specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

Establishment and deletion of Council's social media platforms

3.2 A new Council social media platform can be established or deleted with the written approval of the Social Media Coordinator (for the purposes of this policy the Social Media Coordinator is the Engagement and Communications Manager).

3.3 Where a Council social media platform is established or deleted, the Engagement and Communications Manager may amend 3.1 of this policy without the need for endorsement by the Council's governing body.

3.4 The CEO will appoint a member of staff to be Council's Engagement and Communications Manager. For the purposes of this policy the SMC is the Engagement and Communications Manager. His/Her role is to:

a) approve and revoke a staff member's status as an authorised user
b) develop and/or approve the training and/or induction to be provided to authorised users
c) maintain a register of authorised users
d) maintain effective oversight of authorised users
e) ensure Council adheres to the rules of the social media platform(s)
f) coordinate with Council's Engagement and Communications Team to ensure Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

3.5 The Engagement and Communications Manager is the authorised user for the purposes of this policy.

Authorised users

3.6 Authorised users are members of Council staff who are authorised by the CEO to upload content and engage on social media on Council's behalf.

3.7 Authorised users should be members of Council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.

3.8 Users will be appointed through delegations when required.

3.9 An authorised user should receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.

3.10 The role of an authorised user is to:

a) ensure, to the best of their ability, that the content they upload onto social media platforms are accurate
b) correct inaccuracies in Council-generated content
c) engage in discussions and answer questions on Council's behalf on social media platforms
d) keep the Council's social media platforms up-to-date
e) moderate Council's social media platforms in accordance with Part 5 of this policy

f) ensure Council complies with its record keeping obligations under the State Records Act 1998 in relation to social media (see *clauses 8.1* to *8.4* of this policy)

3.11 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user should identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.

3.12 Authorised users should not use Council's social media platforms for personal reasons.

Administrative tone

3.13 Authorised users upload content and engage on social media on the Council's behalf. Authorised users should use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.

3.14 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

Register of authorised users

3.15 The Engagement and Communications Manager should maintain a register of authorised users. This register will be reviewed bi-monthly to ensure it is fit-for-purpose.

Ceasing to be an authorised user

3.16 The Engagement and Communications Manager may revoke a staff member's status as an authorised user, if:

a) the staff member makes such a request
b) the staff member has failed to comply with this policy
c) The Engagement and Communications Manager is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

4. Administrative Framework for Councillors' social media platforms

4.1 For the purposes of this policy, social media platforms belonging to Councillors are not Council's social media platforms. Therefore, sections 1 and 2 of this policy do not apply to Councillors' social media platforms.

4.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 6 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see *clauses 8.1* to *8.4* of this policy) and Council's records management policy in relation to social media.

4.3 *Clause 4.2* also applies to Councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.

4.4 Councillors should ensure they comply with the rules of the platform when engaging on social media.

Induction and training

4.5 Councillors who engage, or intend to engage will be offered training which can be accessed via the Councillor's induction program, or as part of their ongoing professional development.

Identifying as a councillor

The following actions are recommended:

4.6 Councillors identify themselves on their social media platforms in the following format:

Councillor "First Name and Last Name".

4.7 A Councillor's social media platform include a profile photo which is a clearly identifiable image of the Councillor.

4.8 If a Councillor becomes or ceases to be the Mayor, deputy Mayor, or the holder of another position (for example, chairperson of a committee), this should be clearly stated on the Councillor's social media platforms and updated within one month of a change in circumstances.

Other general requirements for Councillors' social media platforms

4.9 Councillors' social media platforms to specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

4.10 A Councillor's social media platform to include a disclaimer that makes the separation between theirs and the Council's use of the platform clear i.e. "The views expressed and comments made on this social media platform are my own and not that of Council".

4.11 Despite *clause 4.10*, Mayoral or Councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be shared on a Councillor's social media platform.

4.12 Councillors may share publicly available Council information on their social media platforms.

4.13 Councillors may use more personal, informal language when engaging on their social media platforms. However, Councillors should make sure that their comments and views expressed on social media remain consistent with the Code of Conduct.

Councillor queries relating to social media platforms

4.14 Questions from Councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the CEO in the first instance, in accordance with Council's Councillor Requests protocols.

Other social media platforms administered by Councillors

4.15 As part of their induction process, new Councillors are requested to inform the CEO of any social media platforms they use on which they expect to share content relating to the Council or Council officials. Council asks that new Councillors do so within:

a) One month of becoming a Councillor, or
b) One month of setting up a new social media account.

5. Standards of Conduct on social media

5.1 This policy only applies to Council officials' use of social media in an official capacity or in connection with their role as a Council official. The policy does not apply to personal use of social media that is not connected with a person's role as a Council official.

5.2 Council officials should comply with the Council's Code of Conduct when using social media in an official capacity or in connection with their role as a Council official. To do this, they need to uphold the highest standards of behaviour to ensure the community has trust and confidence in Council. When a council official fails to comply with an applicable requirement of the Code of Conduct while using social media, they are in breach with both the *Model Code of Conduct* and Council's Social Media Policy. In which case, they may face complaint procedures under the misconduct provisions of the Local Government Act 1993 which allow the Office of the Local Government to investigate code of conduct breaches.

5.3 Council officials should ensure they do not use social media to post or share comments, photos, videos, electronic recordings or other information that:

a) is defamatory, offensive, humiliating, threatening or intimidating to other Council officials or members of the public
b) contains profane language or is sexual in nature
c) constitutes harassment and/or bullying within the meaning of the minimum standards of conduct set by the *Model Code of Conduct for Local Councils in NSW*, relevant internal policies, procedures or guidelines or is unlawfully discriminatory
d) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to

ensure workplace health and safety

e) contains content about Council, Council officials or members of the public that is misleading or deceptive
f) divulges confidential Council information
g) breaches the privacy of other Council officials or members of the public
h) contains allegations of suspected breaches of Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
i) could be perceived to be an official comment on behalf of Council where they have not been authorised to make such comment
j) commits Council to any action
k) violates an order made by a court
l) breaches copyright
m) advertises, endorses or solicits commercial products or business
n) constitutes spam
o) is in breach of the rules of the social media platform.

5.4 Council officials should:
a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.

5.5 Council officials should ensure they exercise caution when sharing, liking, and retweeting content as this can be regarded as an endorsement and/or publication of the content.

5.6 Council officials should not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.

5.7 Councillors should ensure they uphold and accurately represent the policies and decisions of Council's governing body but may explain why they voted on a matter in the way that they did. (see *section 232(1)(f) of the Local Government Act 1993*).

Separate to this policy, the Code of Conduct contains a minimum set of standards of conduct for Council officials when using social media. Complaints alleging a breach of the Code of Conduct by using social media are to be made and dealt with in accordance with the *Code of Conduct and Procedures for the Administration of the* Model Code of Conduct for Local Councils in NSW.

6. Moderation of social media platforms

Note: Council and Council officials should be aware that they may be considered a 'publisher' of <u>any</u> content uploaded onto a social media platform they administer, including content that:

- **is uploaded by a third party,and/or**
- **appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.**

6.1 Council officials who are responsible for the moderation of Council's or Councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions should be undertaken in accordance with this Part.

6.2 For the purposes of this Part, 'social media platform' and 'platform' mean both the Council's and Councillors' social media platforms.

House Rules

6.3 Social media platforms should state or provide an accessible link to the 'House Rules' for engaging on the platform.

6.4 At a minimum, the House Rules should specify:

a) the principles of social media engagement referred to in *clause 2* of this policy

b) the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform

c) the process by which a person can be blocked or banned from the platform and rights of review

d) a statement relating to privacy and personal information (see *clause 8.4* of this policy)

e) when the platform will be monitored (for example weekdays 9am – 5pm, during the Council's business hours)

f) that the social media platform is not to be used for making complaints about the Council or Council officials.

Note: The House Rules should include information about, or a link to Council's complaints handling policy.

6.5 For the purposes of *clause 6.4(b),* third parties engaging on social media platforms should not post or share comments, photos, videos, electronic recordings or other information that:

a) is defamatory, offensive, humiliating, threatening or intimidating to Council officials or members of the public,
b) contains profane language or is sexual in nature
c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
d) contains content about the Council, Council officials or members of the public that is misleading or deceptive
e) breaches the privacy of Council officials or members of the public
f) contains allegations of suspected breaches of the Council's Code of Conduct or information about the consideration of a matter under the *Procedures for the*

Administration of the Model Code of Conduct for Local Councils in NSW,

g) violates an order made by a court
h) breaches copyright
i) advertises, endorses or solicits commercial products or business
j) constitutes spam
k) would be in breach of the rules of the social media platform.

Removal or 'hiding' of content

6.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under *clause 6.5*, the moderator may remove or 'hide' that content.

6.7 Prior to removing or 'hiding' the content, the moderator should make a record of it (for example, a screenshot).

6.8 If the moderator removes or 'hides' the content under *clause 6.6*, they should, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.

6.9 A person may request a review of a decision by a moderator to remove or 'hide' content under *clause 6.6*. The request should be made in writing to the Engagement and Communications Manager and state the grounds on which the request is being made.

6.10 Where a review to request is made under *clause 6.9*, the review should be undertaken by the Engagement and Communications Manager or a member of staff nominated by the CEO who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.

Blocking or banning

6.11 If a person uploads content that is removed or 'hidden' under *clause 6.6* of this policy on two occasions, that person may be blocked or banned from the social media platform.

6.12 A person may only be blocked or banned from a Council's social media platform with the approval of the Engagement and Communications Manager. This clause does not apply to blocking or banning a person from a Councillor's social media platform.

6.13 Prior to blocking or banning a person from a social media platform, the person should, where practicable, be advised of the intention to block or ban them from the platform and be given a chance to respond. Any submission made by the person should be considered prior to a determination being made to block or ban them.

6.14 The duration of the block or ban is to be determined by the Engagement and Communications Manager, or in the case of a Councillor's social media platform, by the Councillor themselves.

6.15 Where a determination is made to block or ban a person from a social media platform, the person should, where practicable, be notified in writing of the decision and the reasons for it. The written notice should also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.

6.16 Despite *clauses 6.11* to *6.15*, where a person uploads content of a kind referred to under *clause 6.5*, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than three months.

6.17 A person who is blocked or banned from the platform/all platforms under *clause 6.16* should, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person should be considered when determining whether the interim block or ban is to be removed or retained under *clauses 6.11* to *6.15*.

6.18 A person may request a review of a decision to block or ban them from a social media platform. The request should be made in writing to the CEO and state the grounds on which the request is being made.

6.19 Where a review request is made under *clause 6.18*, the review is to be undertaken by the CEO or a member of staff nominated by the CEO who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the CEO, the review should be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.

6.20 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, *clauses 6.11* to *6.19* do not apply.

7. Use of social media during emergencies

7.1 During emergencies, such as natural disasters or public health incidents, the Engagement and Communications Team will be responsible for the management of content on Council's social media platforms.

7.2 To ensure consistent messaging both during and after an emergency, authorised users and Council officials should not upload content onto Council's social media platforms or their own which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.

7.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and councillors.

8. Records management and privacy considerations and requirements

Records management

8.1 Social media content created, sent and received by Council officials (including Councillors) acting in their official capacity is a Council's record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records should be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.

8.2 Councillors and Council officials should not destroy, alter, or remove social media content unless authorised to do so. If social media content needs to be removed, it should be done in accordance with this policy, after consultation with the Council's Information Management Team Leader and in line with the requirements of the *State Records Act 1998.*

8.3 When/if a Councillor's electoral term concludes, the Councillor should contact Council's Information Management Team Leader and CEO / Engagement and Communications Manager to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.

8.4 In fulfilling their obligations under *clauses 8.1* to *8.3*, Council officials should refer to any guidance issued by the *State Archives and Records Authority of NSW* relating to social media content recordkeeping for councils' and Councillors'[2].

Privacy considerations and requirements

8.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.

8.6 *The Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by Council and Councillors. To mitigate potential privacy risks, Council officials should ensure that they:

[2] See State Archives and Records Authority of NSW *'Government Recordkeeping / Advice and Resources / Local Government'* and *'Social media recordkeeping for councillors'*

a) advise people not to provide personal information on social media platforms
b) inform people if any personal information they may provide on social media platforms is to be used for official purposes
c) moderate comments to ensure they do not contain any personal information
d) advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.

8.7 Council officials should ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, Council officials should refer to any guidance issued by the *Information and Privacy Commission of NSW*, such as, but not limited to, the Health Privacy Principles.

9. Private use of social media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The Terms and Conditions of most social media sites state that all content becomes the property of the site on which it is posted[3].

What constitutes 'private' use?

9.1 For the purposes of this policy, a Council official's social media engagement will be considered 'private use' when the content they upload:
a) is not associated with, or does not refer to, Council, any other Council officials, contractors, related entities or any other person or organisation providing services to or on behalf of Council in their official or professional capacities, and
b) is not related to or does not contain information acquired by virtue of their employment or role as a Council official.

9.2 If a Council official chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

Use of social media during work hours

9.3 Council staff may only access and engage on social media in their private capacity while at work during breaks.

9.4 Council staff who access and engage on social media in their private capacity during work hours should ensure it does not interfere with the performance of their official duties.

[3] *Social Media: Guidance for Agencies and Staff (Government of South Australia)*

10. Complaints Management Policy and Procedures

10.1 Concerns or Complaints about the administration of Council's social media platforms should be made to the council's CEO/ Engagement and Communications Manager in the first instance.

10.2 Complaints about the conduct of Council officials (including Councillors) on social media platforms may be directed to the CEO.

10.3 Complaints about a CEO's conduct on social media platforms may be directed to the Mayor.

10.4 Matters related to staff use of social media, including management of complaints or disciplinary action will be managed in line with the Code of Conduct and/or relevant internal procedures and guidelines. Under the *Complaints Management Policy and Procedures*, social media complaints about breaches of the Code of Conduct's requirements are to be referred to the Office of Local Government and may result in disciplinary action by Council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

How to lodge a complaint

10.5 Complaints relating to a breach of the Willoughby City Council Code of Conduct by a public official are to be made to the Chief Executive Officer and are to be clearly labelled.

A complaint may be made:

By Telephone to the Council – 9777 1000

At Level 4, 31Victor Street, Chatswood - Help and Services Centre.

In writing including email (email@willoughby.nsw.gov.au) or refer to Council's website for further information (www.willoughby.nsw.gov.au).

Social media complaints are dealt with under the *Complaints Management Policy*, unless they are allegations of Code of Conduct breach, in which case the Procedures for the Administration of the *Model Code of Conduct for Local Councils in NSW* apply.

11. Definitions

In this Social Media Policy, the terms below have the following meanings:

Authorised user	Members of Council staff who are authorised by the CEO or Engagement and Communications Manager to upload content and engage on Council's social media platforms on Council's behalf.
Council official	Councillors, members of staff and delegates of Council (including members of committees that are delegates of Council).
minor	For the purposes of *clause 4.4(b)* of this Policy, is a person under the age of 18 years.
Personal information	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Engagement and Communications Manager	is Council's social media coordinator appointed under *clause 2.7* of this policy (for the purposes of this Policy the Engagement and Communications Manager is also the Social Media Coordinator).
Social media	Online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to, Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flicker and Wikipedia.

12. Responsible Officer

Council's Engagement and Communications Manager is the Responsible Officer for the Policy and is the contact point for matters in relation to its application.

13. Monitoring and Review

The Policy shall be reviewed at least once every two years, however amendment or review can occur before that date if required.

14. Supporting Information

Relevant external governing laws, standards and guidelines	*Local Government Act 1993 (NSW)* *Local Government (General) Regulation 2005 (NSW)* *Copyright Act 1968* *Disability Discrimination Act 1992*
Related Council policies and other documents	Code of Conduct – Councillors and Officers Complaints Management Policy Fraud and Corruption Prevention Policy Procedures for Administration of the Code of Conduct

	Media Policy Community Engagement Policy Customer Service Charter Access and Equity Policy Council Crest & Corporate Mark – Use of by community organisations Policy Sponsorship Policy Council Flyers Policy *Local Government Filming Protocol 2009*
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