Lowestoft Town Council
Social Media Protocol for Staff and Councillors

1.0 Purpose of This Protocol

1.1 The Council is committed to developing strong communication routes and productive networks with residents, businesses, public service providers, community groups and other parties with an interest in the town.

1.2 The Council welcomes use of social media by councillors and employees and would like to support this by giving guidance so that there is greater clarity as to what is and is not acceptable usage of social media. This protocol is intended to provide such guidance and complements the general rules under the Council's Code of Conduct for Councillors (by which principles employees are also expected to abide).

2.0 What Does the Term Social Media Mean?

2.1 Social media is the term to describe websites and online tools which allow people to interact. This could be, for example, blogs, and postings on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Snapchat, WhatsApp etc.

2.2 On many social media sites users share information, give opinions and may create interest groups or pages leading to longer exchanges. Ultimately, people use these sites and tools to build online communities and networks which encourage participation and engagement.

3.0 Social Media – Councillors and Employees

3.1 It is not a requirement for councillors or employees to have a Facebook or Twitter account or to use other forms of social media to fulfil their role as a councillor or employee. However, if they are using or planning to use social media in connection with these roles, or are already using such media in their private capacity, these guidelines will be relevant. Whenever councillors act or appear to act in their official capacity, they must comply with the Code of Conduct. There might also be implications for employees where, for example, they post derogatory or offensive comments on the internet about the council, work colleagues or councillors.

3.2 Social media uses include to:

- Support councillors in performing their community leadership role
- Support employees in executing work for the council, especially in providing two-way communication
- Keep in touch with or obtain local views and opinions
- Maintain useful networks and influence

3.3 Types of social media:

- Blogging and micro blogging – online journals – Twitter is an example of micro blogging, where entries are limited to 140 characters
- Online forums – people with similar interests sharing information and opinions – AccyWeb is an example
- Social networking sites – these facilitate connections between who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services - Facebook is an example
- Video and photo publishing – sharing videos and photographs worldwide – Instagram is an example

4.0 Things to Bear in Mind

4.1 Any communication is capable of being misinterpreted. While the use of social media should not be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.

4.2 By the nature of such media, misinterpretation or misrepresentation, particularly with regard to something that is perceived as being more controversial than it was expected to be, is likely to lead to rapid and wide broadcasting of that apparently "controversial" item.

4.3 There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor or employee – it just needs to be thought about in this new context – the immediacy and ease of dissemination.

4.4 Although the best use of social media is conversational in tone, publishing to the web is still publishing. What is said on the web is recorded and it is permanent. Most pitfalls will be avoided if online content is accurate, informative and thought through. Think of it as speaking in public. Think before committing each word.

4.5 This does not mean that councillors cannot, in the appropriate context, communicate politically. This is expected of councillors, but you should be careful not to say anything that you would not be comfortable repeating or justifying, for example, at a public meeting. Also, bear in mind that Lowestoft Town Council has a strong commitment to being driven by the community and not political parties and that any political campaigning should be segregated suitably and not undermine this ethos.

4.6 At times of political sensitivity, such as before elections, the Council must take more care over the way it communicates, and social media, website and other communications will be more restricted. In any event, no councillor or employee should use the Council inappropriately for their own personal gain or to advantage or disadvantage another.

5.0 Some Legal Issues

5.1 **Libel –** If untrue statements are published about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on the Council's website. If the Council knows about the defamatory material and does not take swift action to remove it, action might be taken against the Council. A successful legal claim could result in the award of damages.

5.2 **Copyright –** Placing images or text on a site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Councillors and employees must not publish anything where there is any uncertainty about permission or any failure to obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages.

5.3 **Data Protection –** Councillors and employees must not keep and publish personal data of individuals unless their express permission has been given. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If councillors or employees put personal information on a public forum they should expect it to be published by others.

5.4 **Bias and Predetermination –** This is an important concept generally for decision-making but is particularly important where councillors are involved in making planning, licensing or other quasi-judicial decisions; they should not say anything through social media (or indeed anywhere) that suggests they have made their mind up on an issue that is due to be formally decided. While their likely view on a particular application may be well known, they need to be

able to show that they attended the meeting prepared to take on board and weigh up all the evidence, and were genuinely persuadable to a different view, otherwise, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the Council for damages.

6.0 Social Media and the Council's Code of Conduct for Councillors Generally

6.1 Aspects of Code of Conduct for Councillors will apply to online activity in the same way as they do to any other communication. The key to whether online activity is subject to the Code is whether a councillor is, or appears to be, acting in their capacity as councillors rather than as a private individual.

6.2 It can be presumed by others that councillors are speaking in that role. This can happen where councillors have a social media account where they comment both as a councillor and as an individual. Although councillors may be clear in their minds that they are acting in a private capacity it may be less clear to others. This can also mean that views can be taken as being those of the Council or, where relevant, the political party (rather than them personally) when this may not be the case.

6.3 The presumption can arise simply because they are commenting on Council business, because they are known to be councillors or make reference to this, use party political symbols or references in the text.

6.4 One way of avoiding presumptions of this nature and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping separate online accounts for the councillors and personal roles. Another is to spell it out in the text (e.g. "speaking entirely personally…"). This is a decision for each councillor and some councillors may find the convenience of having one account outweighs the advantages of separate accounts but clarity is essential to avoid problems.

7.0 Relevant Elements of the Councillors' Code of Conduct

7.1 **You must treat others with respect** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.

7.2 **You must comply with equality laws** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith etc.

7.3 **You must not bully or harass anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.

7.4 **You must not bring your office or the Council into disrepute** – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Council.

7.5 **You must not disclose confidential information** - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. Inadvertent leaks of the Council's confidential information are more likely to take place when a councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off-the-cuff nature of much social media communication. Councillors must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context.

8.0 Staying Out of Trouble

8.1 Set appropriate privacy settings for blogs and networking site etc.

8.2 Keep an eye out for defamatory or obscene posts from others and remove them as soon as possible to avoid the perception of condoning such views. Be aware that the higher the profile of an elected councillor, the more likely they will be seen as acting in their official capacity when blogging or networking.

8.3 Consider keeping personal and elected councillor profiles on social networking sites separate and maintain appropriate professional boundaries.

8.4 Ensure Council facilities are used appropriately; Use of a Council provided blog site or social networking area, is more like to be perceived as being carried out in an official capacity.

8.5 Be aware that it will be seen as acting in an official capacity if information is published that could only have been accessed by being an elected councillor.

8.6 Feel able to make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or comments on policy are less likely to be viewed as disrespectful.

8.7 Do not blog in haste, particularly in circumstances where your judgement might be impaired; for example where tired or under the influence of alcohol.

8.8 Only post comments that you would be prepared to make on paper or face to face.

8.9 Do not use Council facilities for personal or political blogs.

8.10 Do not request or accept a Council employee or contractor providing services to the Council as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn).

8.11 Do not use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about employees, service users, their family or friends, colleagues, other professionals, other organisations, or the Council.

8.12 Do not publish confidential information that has been accessed as part of an elected Councillor role. This includes personal information about service users, their families or friends or others e.g. contractors, employees, as well as Council related information.

8.13 Do not represent your personal views, or those of any political party or interest group as being those of the Council, on any social media.

8.14 Do not browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.

8.15 Do not make conspicuous or excessive use of social media technology during the course of a Council or committee meeting as this gives the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

9.0 General

9.1 The Council wishes to encourage Councillors' use of technology, including social media. This guidance is intended to help Councillors use social media in a way that avoids legal and reputational risk. However, it is only guidance and Councillor should use their own judgement and should seek advice where required, as situations vary.

9.2 The Monitoring Officer of the District Council or the Town Clerk are sources of advice. Where reasonably practicable training will also be made available on the use of social media.

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Revisions	
Date	**Amendment**