

## **STANDARDS AND ETHICS COMMITTEE**

**18 March 2014**

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### **REPORT OF COUNTY CLERK AND MONITORING OFFICER**

#### **AGENDA ITEM:**

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### **SOCIAL MEDIA POLICY**

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#### **Reason for this Report**

1. To provide Members of the Committee with a draft handbook relating to the use of Social Media by Members for discussion.

#### **Update**

2. The Committee discussed initial views in relation to the use of Social Media by Members at its meeting in October 2013. At that meeting it was agreed that an informal workshop in relation to Social Media use should be organised to provide members of the Committee with a good understanding of issues surrounding Social Media prior to considering the detail of this policy.
3. That workshop took place on 12 December and was well attended by members of the Committee. The workshop included presentations from the Chair of the Committee in relation to the rise of Social Media generally and from Cllr Cowan in relation to the use of Social Media by Councillors.
4. Those present at the workshop then discussed the use of Social Media by Councillors and the wider Council. Those discussions included the consideration of the type of policy the Committee would like to pursue and the issues that should be covered by it.

#### **Draft Handbook**

5. A draft Social Media Handbook is attached at Annex A and the Committee are invited to comment on the draft prior to it being circulated to all Members.
6. Members of the Committee will note that the draft handbook currently only relates to the use of Social Media by Members (it does not yet include

reference to Officers). The reason for this is that the Council will soon be reviewing its communication policies generally - this full review will overlap with the principles contained in this handbook as they apply to Officers. Therefore, it is proposed that these principles (as they apply to officers) be considered as part of the wider communication policy review.

### **Legal Implications**

7. There are no legal implications arising from the content of this report other than those set out in the body of the report.

### **Financial Implications**

8. There are no direct financial implications arising from the content of this report.

### **Recommendations**

The Committee is recommended to:

- 1 note the content of the draft handbook and contribute to discussions on it;
- 2 delegate authority to the County Clerk and Monitoring Officer (in consultation with the Chair of the Committee) to finalise the draft policy and approve its adoption; and
- 3 delegate authority to the County Clerk and Monitoring Officer (in consultation with the Chair of the Committee) to arrange for the principles included in the handbook to be considered when the Council reviews its communication policies and to request that any such policies that relate to the use of Social Media are brought to the Committee for comment at the relevant time.

**MARIE ROSENTHAL**  
**COUNTY CLERK AND MONITORING OFFICER**  
**12 March 2014**

**Cardiff Council**

**Social Media Guidance for Members**

**Section 1 – Introduction**

**Section 2 – What is Social Media – an Introduction**

**Section 3 – Staying out of trouble on Social Media**

**Section 4 – Social Media issues that are specific to Councillors**

**Section 5 – References to other relevant Council Policies, Acknowledgements and Further Materials**

## Section 1

### Introduction

People are now turning first to the web to find everything from information, entertainment, shopping, to making connections with friends and colleagues. People expect to be able to comment and contribute on everything from online versions of newspapers to items they purchase from online retailers like Amazon.

Residents will increasingly expect that local government will be able to provide its services online with the same level of interactivity that they find everywhere else. It wasn't that long ago that email was a novel way to contact your Councillor and Council. Already many Councillors and Councils are interacting with the people they represent online through social media, and it won't be long before this is common expectation.<sup>1</sup>

However, there are challenges that may discourage Councillors and the Council from engaging in Social Media use. For example, inappropriate use (which may occur inadvertently) can cause significant damage to the Council's reputation and even lead to legal claims. In addition the technology involved is changing at a fast pace. This can mean that it is hard to keep up and maintain useful interaction with residents.

*The problem for Councils though, is that not engaging now represents a far greater risk than engaging. Citizens will still use these networks to talk about us, whether we add our voice to the conversation or not. The national infrastructures being built to improve government and public services will still exist, and Councils will be expected to engage with them. Citizens will expect their council to engage with them on their terms, via their channels, and to be openly available online. In fact, it is becoming increasingly clear that if councils don't use these tools, the citizens will do it for them, and bypass the council entirely.<sup>2</sup>*

In response to these new opportunities and challenges this handbook is intended to:

- Introduce various forms of Social Media;
- Set down rules governing the basic use of Social Media by Councillors; and
- Provide guidance in relation to the use of Social Media by Councillors and to highlight some of the pitfalls to be aware off.

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<sup>1</sup> Extracted from 'Connected Councillors – A guide to using social media to support local leadership' LGA

<sup>2</sup> Extracted from 'Local by Social – how Local Authorities can use social media to achieve more for less' I&DeA

## Section 2

### What is Social Media – an Introduction

Social Media describes a range of online services that provide easy ways to create and publish on the internet. People generally use the term to describe how content (ie text, video and pictures) can be shared and discussed online.

It is transforming the way that companies do business and individuals interact with each other. It is providing a voice for those who weren't well heard before. As a result Social Media will change the way that councillors and councils interact with local people.

A lot of the language used can initially seem like impenetrable jargon. However, the important thing to remember about Social Media is that it's social. It's about communication. It's about putting the transformative power of the printing press into the hands of the people. Just like the ability to publish political pamphlets and talk about them in public was the foundation of our democracy, Social Media will have just as big an effect on the way we govern and do business.

Now anyone can publish and share their views, and more importantly can engage in conversation with others about those views, with just a few clicks of a mouse. It's the political leaflet and public meeting all rolled into one.<sup>3</sup>

### Types of Social Media

It's impossible to list all the types of Social Media the following is a very brief summary of the main popular Social Media platforms commonly used at the moment:

- Facebook – mainly this is a service used for telling people what you like and what you've done.
- Twitter – for telling people what your doing or thinking – right now.
- Instagram – for showing people your pictures.
- Foursquare – for telling people where you are.
- You tube – for showing people your videos.
- Linked in – for work networking.

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<sup>3</sup> Based on material in 'Connected Councillors – A guide to using social media to support local leadership' by the Local Government Association.

## Section 3

### Staying out of trouble on Social Media<sup>4</sup>

Any form of communication is rife with the possibility of misunderstandings. But Social media is especially vulnerable to this risk. For example, it's very difficult to convey irony in the 140 characters of a Twitter post. So a comment that would be seen as harmlessly humorous in normal conversation could be seen as seriously offensive on Twitter.

The serious legal bits and actual guidelines are at the end of this section and you should read these. However, the following is intended to be a more practical guide to ensuring you stay on the straight and narrow when using Social Media.

#### **Don't rush in!**

As a general rule, all of the below will seem like common sense – and a lot of it is.

The problems that arise from Social Media often stem from users forgetting two key characteristics of Social Media:

1. What you are saying is **permanently published, to the world** – once you say something online, it's nearly impossible to take it back. Before you know it, the off-hand comment you made as you were angry and walking down the street could have gone global. As it's attributed to you, your name (and that of the Council or your party if you are a Councillor) could be forever tarnished.
2. You're just using text or pictures and people reading or viewing them may not be aware of the background to the issue you're discussing. Because of this **posts can easily be misinterpreted or taken out of context**. Yes, Social Media is interactive, but not in the same way as a face to face conversation. Therefore, an ambiguous comment may have already done its damage before you realise it and get the chance to explain what you really meant.

#### **Be secure**

Officers of the Council and Councillors, just like anyone else, should be careful about internet security. If you lose control of a Social Media account to a hacker, you could suddenly find all sorts of inappropriate comments being published to the world in your name!

Use secure passwords (generally over eight characters long and using a mix of letters, numbers and symbols) and never share your password with anyone. If you are using shared IT equipment, don't store your password on the computer.

#### **Allow disagreement but don't get into arguments**

As you begin to use social media, you'll find some argumentative characters out there. Don't get bogged down. You don't have to respond to everything. Ignore comments if necessary.

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<sup>4</sup> This section adapts and adds to principles from the LGA publication "Connected Councillors – a guide to using social media to support local leadership".

However, you will need to take note of the comments that other people make. It may be a fine line to tread, but if you allow offensive or disrespectful comments to stand then it can put off other members of the community. The easiest way to handle this is to moderate comments and delete or report those that are inappropriate. If you do so, you should state clearly the reasons why comments may be rejected.

A couple of sample Moderation Policies can be found here:

The BBC's very detailed Moderation Policy -  
<http://news.bbc.co.uk/1/hi/help/4176520.stm>

Welsh Government's shorter Moderation Policy –  
<http://wales.gov.uk/topics/tourism/workingtourismindl1/socialmediause/?lang=en>

For Facebook or other social networks, including multi-media sites like YouTube and Flickr where people can post public or semi-public messages to your profile, you will need to regularly check on messages or, far less preferably, disable message posting. It is worth noting that you cannot moderate Twitter as such but you can 'block people' who are posting inappropriate comments or report them to Twitter.

### **Think about who you contact**

Some of the terminology in social media, like 'friending' can imply an intimacy or support that's not really there. Both terms just mean you have linked your account to someone else so you can share information.

Savvy internet users are used to this, but some people may find it obtrusive if their council or councillor begins following them online. It's probably best to let other people initiate online contact with you, and then to respond rather than actively trying to "friend" or otherwise make contact with residents.

### **Think before you publish**

You can't un-ring that bell! Words can't be unspoken and even if you delete a hastily fired off blog, post or tweet it will probably have already been read and will be indexed or duplicated in places on the web beyond your reach.

### **Beware the irony**

Very few writers are able to communicate sarcasm or irony well through short online messages. It's probably best to assume that you're among the vast majority and can't.

### **Own up**

Social Media is great at transparency. The best users admit mistakes rather than try to cover them up (which isn't normally possible anyway).

Amending your text and acknowledging your mistake – perhaps by putting a line through the offending words and inserting a correction or providing an update section at the bottom of a post – shows you are not pretending it didn't happen, and is much better than just deleting it when dealing with online misfires.

## **Legal considerations<sup>5</sup>**

This section does not purport to be a complete assessment of all the legal pitfalls that may catch out a Social Media user, but it highlights some of the main concerns. If you have any questions or concerns in relation to a particular issue please contact the Council's legal services team.

It's worth remembering that most of these pitfalls can be avoided if you make sure that everything you say online is objective, balanced, informative and accurate.

### **Libel**

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it.

A successful libel claim may result in an award of damages.

### **Copyright**

Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without first seeking proper permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance.

Breach of copyright may result in an award of damages.

### **Data Protection and Confidentiality**

Avoid publishing the personal data of individuals unless you have their express written permission.

In addition some information that you receive in your role as a Councillor will be subject to confidentiality duties. Obviously, this sort of material should not be published online.

Further guidance can be sought from the Council's Improvement & Information Management Team or Monitoring Officer.

### **Obscene or offensive material**

It goes without saying that you should avoid publishing anything that people would consider obscene or offensive. Publication of obscene material (and some types of offensive material) is a criminal offence.

### **The Council's use of Social Media**

Material published by the Council itself is, for obvious reasons, restricted in terms of content. It must not:

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<sup>5</sup> This section is adapted from CivicSurf's Legal Guidance for councillor blogs. Included here under Creative Commons attribution, non-commercial license.

- contain party political material;
- persuade the public to a particular political view;
- promote the personal image of a particular councillor or party; or
- promote an individual councillor's proposals, decisions or recommendations, or personalise issues.

In addition, the Council should not assist (such as by re-tweeting) in the publication of any material that does any of the above.

### **Councillors and Social Media**

Section 4 of this guide focuses on issues that are particularly relevant to Councillors using Social Media. However, officers should also be aware of it. Some of the principles that are highlighted for Councillors, may also apply to your role in the Council or may help you to assist Councillors that you work with.

### **Interaction with Councillors by the Council Online**

Whilst it is important to remember the principles set out above in relation to not promoting political views, the Council must acknowledge that Social Media channels are now used for communication and finding information by many residents. Therefore, Council materials may make reference to the Social Media accounts of Councillors as a means of contacting that Councillor.

### **What does the Council consider to be inappropriate or offensive?**

The Council will not tolerate inappropriate or offensive use of Social Media and will take action against anyone found to have made any such comments. For Councillors, this could result in comments being reported to the Standards & Ethics Committee or the Public Services Ombudsman for Wales.

It's impossible to write a list of everything that could be seen as inappropriate or offensive. Below is a list of examples of the type of comment or material that might fall into this category, but you should be aware that this is not an exhaustive list.

You should not use Social Media in a way that:

- breaches confidentiality, for example by:
  - revealing confidential or commercially sensitive information belonging to the Council;
  - giving away personal or confidential information about an individual (such as a fellow Councillor, officer or a service user) or organisation (such as a service provider or partner authority); or
  - improperly discussing the Council's internal workings (such as agreements that it is reaching or its future plans that have not been communicated to the public) or;

- does anything that could be reasonably considered insulting, threatening, discriminatory against, or bullying or harassment of, any individual, for example by:
  - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or age or;
  - using social media to bully another individual (such as an officer or service user of the Council); or
  - posting images or comments that are offensive, obscene or links to such content or;
- brings the Council into disrepute, for example by:
  - making defamatory comments about the Council, individuals or other organisations or groups;
  - promotes illegal activity or is intended to deceive; or
- breaches copyright, for example by:
  - using someone else's images or written content without permission; or
  - failing to give acknowledgement where permission has been given to reproduce something.

If you have any doubt at all about whether content is appropriate, it probably isn't! If you are still in any doubt, you should contact the Council's Monitoring Officer before posting.

## **Section 4**

### **Social Media Issues that are Specific to Councillors**

As you get started in Social Media and build your online profile, there are a few things to bear in mind. While there's no additional legal or ethical burden around using social media, the usual rules still apply and you need to think about them in this new context.

In the main, Councillors have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences. There are some additional duties around using Social Media websites for electoral campaigning and extra care needs to be taken when writing on planning, licencing and other regulatory matters.

Councillors should read the whole of this document as all of it will have relevance to the work of a Councillor. This section looks at some issues that are particularly relevant to the life and work of a Councillor and builds on the principles set out in Section 3.

#### **Personal Use of Social Media**

This guide considers the use of Social Media by Councillors in the context of Council Social Media accounts and Members "Public" accounts.

The Standards and Ethics Committee recognises that it's sometimes hard for Councillors to separate their public and private lives. To assist with this the Committee is of the view that Councillors should operate separate "public" and "private" Social Media accounts to help distinguish your comments and maintain your personal privacy.

Despite taking this precaution, you should remain careful when you mention anything Council related on your private Social Media accounts. Depending on the circumstances, the Code of Conduct can still apply.

#### **Allow disagreement but don't get into arguments**

You know that person who always shows up to public meetings and asks the entirely irrelevant questions? That person has an equally difficult cousin who likes to go online!

As you begin to use social media, you'll find some argumentative characters out there. Getting into an online argument rarely results in either party looking good.

Some comments may be out of line, but on the other hand deleting the comments of people who disagree with you will often backfire. You can't stop them from posting the same comment elsewhere, then linking back to your site and saying you are gagging those who disagree with you. Don't get bogged down. You don't have to respond to everything. Ignore comments if necessary.

It's also worth bearing in mind that people will have a lot more confidence to say things behind the protection of their keyboard than they would in a face-to-face conversation. So you'll probably need to have an even thicker skin than normal!

#### **Bias and pre-determination**

If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything online that might suggest you don't have an open mind about a matter you may be involved in determining.

If not, the decision runs the risk of being invalid.

### **Electoral periods**

The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. And there are additional requirements, such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk). In particular you should also read the useful guidance that can be found here: [www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/those-we-regulate/candidates-and-agents)

### **The Members' Code of Conduct<sup>6</sup>**

The nature of a Councillor's hours and work on local issues may mean that the line between work life and home life is not always clear. Councillors can have 'blurred identities'. This means you may have a social media account where you comment both as a Councillor and as an individual. For example a Facebook account where you've posted about a great night out (personal) and another time explained the Council position on pothole repair (Councillor). It may be clear in your mind when you are posting in a private capacity or as a Councillor, but it could be less clear to others.

Whilst there are a number of factors which will come into play which are more a question of judgment than a hard and fast line, it is worth assuming that any online activity can be linked to your official role. This is because the judgment of whether you are perceived to be acting as a Councillor will most likely be taken by someone else. Unless you've gone to significant effort to keep an online persona completely separate from your Councillor identity, you are unlikely to be able to claim that you were acting in a completely private capacity.

As a result the Council's Standards and Ethics Committee strongly recommends that Councillors separate their social media use. The Committee recommends using separate Social Media accounts for Council and private business. Whilst this will not always protect comments that you intended to be "private", it will help to keep your identities separate; and reduce the risk of a comment you intended to be private as being viewed as having been made in a public capacity.

Such blurred identities might also have implications where your views are taken as those of your organisation or political party, rather than your personal opinion. There is a need therefore to get your position on social media accounts/profiles clear so that it cannot be misinterpreted that you are acting as the corporate voice for the Council. Indeed, there is an important difference between communicating on behalf

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<sup>6</sup> This section is adapted from CivicSurf's Legal Guidance for councillor blogs. Included here under Creative Commons attribution, non-commercial license.

of the Council, for example blogging as an un-elected Mayor, or as a Councillor or as a private citizen and the former will be held to a higher standard than the latter.

With this latter point in mind, you need to be aware that how you use your online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Councillors are expected to communicate politically. The key, however, to whether your online activity is subject to the Code of Conduct is whether you are giving the impression that you are acting as a Councillor. And that stands whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.

Aspects of the Members' Code of Conduct will apply to your online activity in the same way it does to other written or verbal communication you undertake. Members should comply with the general principles of the Code in what they publish and what they allow others to publish.

You will need to be particularly aware of the following sections of the Code:

- Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments.
- Comply with equality laws. Take care in publishing anything that might be considered sexist, racist, ageist or anti-faith.
- Refrain from publishing anything you have received in confidence.
- Ensure you don't bring the Council, or your Councillor role, into disrepute.

If you have any doubt about any online issues, please contact the Monitoring Officer.

“Although these warnings may seem stark, they shouldn't put you off engaging online. Use your common sense. The things that can get you in hot water anywhere else are the same things to avoid in social media. Most councillors who are using social media engage with citizens in entirely constructive and often colourful fashions without ever engaging the Code of Conduct or running foul of the law”<sup>7</sup>

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<sup>7</sup> Connected Councillors, Social Media Handbook.

## Section 5

### References to other relevant Council Policies, Acknowledgements and Further Materials

#### Further Reading Materials

You may also wish to look at:

- Connected Councillors – A guide to using social media to support local leadership' Local Government Association
- Local by Social – how Local Authorities can use social media to achieve more for less' Improvement and Development Agency
- CivicSurf's website: [www.civicsurf.org.uk](http://www.civicsurf.org.uk)
- The Local Government Associations webpages on Social Media: <http://www.local.gov.uk/socialmedia>

#### Other Council Policies

These Council's IT policies are also relevant: They can be found here: [http://cmsweb/cardiff/content.asp?nav=3011%2C4058%2C4062%2C4069&parent\\_directory\\_id=3094](http://cmsweb/cardiff/content.asp?nav=3011%2C4058%2C4062%2C4069&parent_directory_id=3094)

#### Acknowledgements

Material in this Policy has been based on and/or reproduced with thanks from the following publications:

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