



# **Social Media Guidance Policy**

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# Teignmouth Town Council Social Media – Guidance

## Introduction

Social media has changed the way we communicate. Facebook, Twitter and blogs are an easy and fast way to talk with and find out what our communities care about. The way that online information is created and owned, and the speed at which it is shared has changed and the important thing to remember about social media is that it is social; it's about communication.

Local government at all levels needs to be involved in order to fulfil its leadership role, understand its communities and remain relevant to its stakeholders. Local people are increasingly expecting a greater say in how things happen in their neighbourhood and are already discussing these issues online via social media. Engaging with these conversations can help to shape what we do, when we do it, how we do it, support local democracy and improve our relationships and services with the local taxpayer(s). Seeking to understand and be understood.

This guidance is aimed at Councillors and Officers.

## Use of Social Media

You are personally responsible for what you publish on social media, so it is important that you think before you publish as words can't be unspoken. Even if you delete a hastily fired off blog or tweet, it will probably already have been read and will be indexed or duplicated in places beyond your reach. Furthermore, irreparable damage may be done.

Remember that the law of defamation applies to social media in the same way as written or spoken communication and people can sue you for damages if they consider their reputation has been or may be harmed.

Be mindful if using social media during an official Council meeting or official Council event and that such use does not negatively impact upon proceedings.

At all times, whether posting in a personal or professional capacity, Councillors and Officers must be clear whether they are writing as an elected member or private individual. Including Officer in the title, 'Cllr' or 'Councillor' in a name is taken to mean that the Councillor or Officer is writing in the capacity as an elected member/Officer. Councillor profiles, websites and use of social media should clearly be either;

- 1) private or personal.

- 2) in your capacity as a Councillor/Officer. This is particularly important as mixing these uses are likely to cause confusion to the electorate.

### **Personal use of Social Media**

All should be aware and recognise that there is a risk of damage being caused to the Council via their personal use of social media when they can be identified as an elected Councillor or member of staff in which case the following guidance should be followed;

#### **You should:**

- Expressly state (through a prominent disclaimer) on any profile or content that identifies you (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and are not those of the Council;
- Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not;
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy;
- Comply with the terms and conditions of the social media site being used.
- Keep an eye out for defamatory, untrue or obscene posts from others and remove them as soon as possible to avoid the perception you condone such views
- Be careful about any connection with service users who are vulnerable adults or children, as this could be regarded as a safeguarding issue;

#### **You should not:**

- Make any comment or post material to give a reasonable person the impression that you have brought your office as Councillor or the Council into disrepute;
- Present political or personal opinion as fact or as representative of the Council;
- Imply that you are authorised to speak as a representative of the Council nor give the impression that the views you express are those of the Council;
- Post or publish any material that is harassing or bullying. Harassment may include personal attacks on officers as well as other Members;
- Publish content that promotes personal/family interests, personal financial interests or any personal commercial ventures.
- Publish content in a way which appears as if the Council has endorsed it;
- Publish content in an abusive manner;

- Disclose confidential information, including matters considered under Part 11 of any Council meeting. If you are in any doubt about this, you should first speak to the Town Clerk.

## **Social Media and Council Meetings**

There has been an increase in interest in the use of Social Media in council meetings and in accordance with Standing Order 1m (iii), Standing Orders make provision for the use of social media. However, some common sense does need to apply.

- Tweeting/Facebooking on meeting progress and receiving comments from the community can be helpful for transparency and engagement but excessive use of Twitter/Facebook may give people the impression that you are not concentrating on the business in hand or are even relying on guidance from outside the meeting.
- Committee chairs may want to decide how to address this in their meetings.
- Remember that you should not tweet or communicate in any way the content of exempt or confidential business dealt with in a closed session.

## **Golden Rules**

- a) Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:
- b) Discuss face to face with the person you are speaking about.
- c) Write on a placard and carry down your high street and discuss and defend with anyone who sees it.
- d) Remember that once you have said something it may be seen by millions - friends, supporters, political opponents and the press and could be re-tweeted around the world in minutes.
- e) Keep your messages professional, polite and positive. Remember to try to keep tweets and texts separate – many people tweet comments that they would previously have texted someone privately; this may be about meeting up later through to ‘in’ jokes that could be misinterpreted.
- f) Don’t follow an individual unless you know them or have a good reason for doing so. Some people, such as constituents or council employees, might find it uncomfortable to have their local councillor hanging on their every word.
- g) If you make a mistake - admit it. Mistakes happen so don’t try to cover it up as there will always be a record of what you’ve said.

- h) Don't enter into unhelpful online arguments; remember all of your followers or friends will be witnessing this online. Ignore people or block them if they persist in vexatious comments.
- i) Don't tweet or post on Facebook when you are tired. It's probably sensible to turn off your phone at any time when you think your judgement may be impaired.
- j) Bear in mind that it is possible for your followers and friends to be seen. If you follow or are Facebook "friends" with (for example) council employees, contractors who have been procured to provide services to the council, a company or member of the public making a planning application or pressure groups, this might be construed as having a close personal association with them and therefore a personal interest.
- k) Always ask permission before taking a picture that you intend to use. Never take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for.
- l) Do not allow anyone else access to your social media accounts; protect your passwords, especially if you use a public computer.
- m) Just like email, you can get spam in social media. Be wary about direct messages via Twitter, even from people you know, with messages such as 'Hi, have you seen this photo of you on Twitter?' Delete these before opening as the spam could then be sent to all of the people you are following.
- n) Check privacy settings.

## **The Law**

Councillor's/Officers new to social media tend to be concerned about the legal implications. It is an important consideration, and some councillors and other politicians have fallen foul of the law, but with careful use and following some ground-rules you will be fine.

The style of communication employed in the social media environment tends to be fast and informal. Messages can appear lightweight and transitory so whenever you post something on social media, it becomes a publication; you have effectively made a broadcast and as it is now in the public domain, it is subject to both the Code of Conduct and to various Laws.

## **Code of Conduct**

If you conduct yourself on Twitter or Facebook as you would in person on the street then you will be fine. Remember that according to guidance from the Ombudsman, the Code of Conduct applies to you whenever you are "Conducting the business of your authority, acting, claiming to act or give the impression you are acting in your official capacity as a member or representative of your authority". Also the Code applies if you "Conduct" yourself in a manner which could reasonably be regarded as

bringing your office or your authority into disrepute” If you can be identified as a Councillor/Officer when you are using social media, either by your account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code of Conduct apply. Also, if you say something that could be regarded as bringing your office or authority into disrepute the Code applies even if you are not apparently acting in your official capacity or do not identify yourself as a member.

Remember that the Ombudsman’s guidance states that “Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute”.

In the same way that you are required to act in council meetings or in communities you should: -

**Show respect for others** - do not use social media to be rude or disrespectful.

**Not disclose confidential information about people or the council.**

**Not bully or intimidate others** - repeated negative comments about or to individuals could be interpreted as bullying or intimidation.

**Not try to secure a benefit for yourself or a disadvantage for others.**

**Abide by the laws of equality** – do not publish anything that might be seen as racist, sexist, ageist, homophobic, anti-faith or any of the protected characteristics of the Equalities Act 2010.

### **Predetermination Councillor**

As a Councillor, you are aware that when you act in a quasi-judicial capacity, for example on a planning committee you should not make up your mind about an issue that is to be formally decided upon before you have heard all the relevant information.

You can be predisposed to a particular view but not to have gone so far as to have predetermined your position. Therefore, it is important to remember therefore that anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

### **Criminal Offences**

These generally apply to you already in your conduct as a councillor, but it is worth considering them as they apply to social media:

- 1 Harassment** - It is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment nuisance or distress.

- 2 **Data Protection (GDRP)** - It is illegal to publish personal data about individuals unless they have given you their permission. As a councillor you maybe a data controller or even processor (TDC, DCC, Councillors) in your own right and therefore personally responsible for what you publish. Even if you are not a data controller, as a Councillor you have a duty of care.
- 3 **Incitement** - It is a criminal offence to incite any criminal act.
- 4 **Discrimination and Racially Aggravated Offences** (or any other protected Characteristic) - It is a criminal offence to make a discriminatory remark about anyone based on a "Protected Characteristic" as defined in The Equality Act 2010 (such as their race, religion, sexual orientation etc).
- 5 **Malicious and Obscene Communications** - It is a criminal offence to send malicious or obscene communications - Communications Act 2003 s127

## Civil Law

Civil Law Defamation - It is against the law to make a false statement about someone which damages their personal or professional reputation. Crucially - even if you simply retweet or pass on information originally posted by others, you may still be held equally as responsible as the original commentator. This can also apply to publishing images. If you're found liable to another person, you could be ordered to pay large sums of money as damages.

Recent high-profile example of defamation via social media:

*"High Court: Sally Bercow's Lord McAlpine tweet was libel"* [View BBC report](#)

Malicious communications can be reported to the Police. UK legislation the Communications Act 2003 s127 refers to the type of communications covered by the act. [Government legislation](#)

## Copyright

The legal ownership of the contents of documents, photos, videos and music belong to the person who created them. You could be in breach of copyright if you reproduce such material without the owner's permission. Always ask for written consent before you use someone else's material.

## Political Comment and Electioneering

Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not be permissible if you are using this via council supplied computer equipment, certainly in the run-up to elections – Purdah (applicable to some TDC and DCC Councillors)