

# SOCIAL MEDIA USE BY PUBLIC AGENCIES – SOME TIPS AND CONSIDERATIONS



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## AGENCY SOCIAL MEDIA

1. **Educate Your Agency BEFORE Your Agency Launches Social Media**
  - a. Review articles about social media uses by government agencies - the Municipal Research and Services Center has several; see Association of Washington Cities guidelines
  - b. Review State Archives guidance on retention requirements for social media postings
  - c. Review samples policies (several available on MRSC website)
  - d. Review other pertinent materials; possible legal issues (see below)
2. **Be Clear About Your Agency's Business Purpose for Using Social Media**
  - a. *Why* are you using it?
  - b. *Which* social media options achieve that purpose? (And what are their terms of service? Is your agency authorized to agree to them?)
3. **Consider Legal Issues: Decide How Social Media Records Will Be Retained and Produced**
  - a. Retention: RCW 40.14
  - b. Production: RCW 42.56 (Public Records Act); Discovery/Subpoenas
4. **Consider Additional Legal Issues: The Open Public Meetings Act; Lobbying/Campaign Restrictions; Public Records Act Requests; Open Forums; Ethical/Risk Management Issues; Others**
  - a. **OPMA Issues** –RCW 42.30: Quorum participating on social media site
  - b. **Lobbying & Campaign Restrictions Issues** – RCW 42.17A: No grassroots lobbying by public agencies; no campaigning with public resources
  - c. **PRA Issues** – 42.56: Will your agency accept PRA requests via social media?
  - d. **Legal Notices**: Will your agency accept legal notices (service of process, request for rulemaking, etc.) via social media?
  - e. **Public Forum Issues**: Has your agency defined the rules of public engagement? If public comments are permitted, what type of open forum has your agency created? Who will monitor/review comments, and how often? What if defamatory comments are posted, or sexual content, etc.?
  - f. **Ethical/Risk Management Issues**: Possible issues if employees/officials post inappropriate content, confidential information (health care information, privileged information, etc.), non-agency related information, or other information.
  - g. **Section 508 of Federal Rehabilitation Act** (electronic information is to be available to persons with disabilities).
  - h. **Other** possible issues, depending upon agency, content of postings by agency or public, etc.
  - i. **Changes in Laws**: Is your agency keeping up on changes in laws?

**5. Make Sure Your Agency Has the Resources to Support the Social Media Option(s) Selected**

- a. IT support
- b. Communications team support
- c. Legal support
- d. Human resources staff support
- e. PRA/records officers support

**6. Adopt & Monitor Clear Policies**

- a. Governing account management, approval procedures for posting and images and content posted, frequency of posting, accessibility, retention, production, commenting rules, monitoring and responding to comments, acceptable use, security, audit, etc.
- b. Educate staff and officials about the policies; consequences of violating policies
- c. Review policies and procedures regularly. Social media is a fast-moving technology; is your agency keeping up on the changes? Does your policy need to change due to changes in social media, laws, or for other reasons?

## **OFFICIALS'/EMPLOYEES' INDIVIDUAL SOCIAL MEDIA SITES**

**1. Use of Officials' and Employees' Own Social Media Sites for Agency Business (Sites Created by the Individual, not Established by the Agency Through Official Channels) – Some Considerations**

- a. Are agency officials or employees using their own social media sites for official agency business?
- b. If so, why?
  - i. Is it required by the job duties, directed by the employer/agency, or in furtherance of the employer/agency's interests?
  - ii. If it is necessary to post/receive the information, why is that information not being disseminated through official agency channels (the agency's website or social media site)?
- c. If so, is that use of the individual social media site consistent with the agency's policy?
- d. If so, has that practice been reviewed by the agency's legal counsel, risk management staff, records staff, etc.?
- e. If so, have the officials and employees been informed of the public records, meetings and other potential legal issues?
- f. If so, what procedures does the agency have to address those issues, such as to retain and produce public records from that site?
- g. If so, have the officials and employees made a clear distinction between that social media site and their campaign site, and their personal information site?
- h. If so, are there any other issues or procedures the agency needs to consider, given the site's use and the agency's business?