

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Approval of Social Media Policy

DATE: 2/3/2021

☒ **RECOMMENDATION**

☐ **POLICY DISCUSSION**

BUDGET INFORMATION:

☐ **STATUS REPORT**

ANNUAL-

☐ **OTHER**

CAPITAL-

COMMISSION ACTION REQUESTED ON: 02/15/2021

PURPOSE:

The purpose of this policy is to establish policy and procedure related to the use of County maintained and County employee-maintained accounts. This policy outlines appropriate uses as well as proper authorizations.

BACKGROUND / HISTORY:

In 2020, the County Manager secured services to develop a formal communications plan. In this plan, development of an official Social Media Policy was listed as a key objective. During the 2021 Commissioner's retreat, staff brought forth a draft Social Media Policy.

FACTS AND ISSUES:

This social media policy includes standards for account creation, administration, training, maintenance, content strategy, open records compliance, annual audit, and use of personal accounts for government purposes. Social media is the most efficient and effective way to deliver information directly to the public. It's also the hardest to manage in a way that delivers a unified message across all departments.

OPTIONS:

- 1) Approve recommendation
- 2) Deny recommendation
- 3) Commission defined alternative

RECOMMENDED SAMPLE MOTION:

"I move to approve the Habersham County Social Media Policy."

DEPARTMENT:

Prepared by:

Director: _____

ADMINISTRATIVE

COMMENTS: _____

DATE: _____

County Manager

HABERSHAM COUNTY SOCIAL MEDIA POLICY

A. Purpose and Intent.

The purpose and intent of this policy is to establish guidelines for employees who engage in Social Media Activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through Social Media Activity in particular; however, because such activity can adversely affect the efficiency and effectiveness of Habersham County operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in Social Media Activity and Habersham County's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

B. Definitions.

- Acceptable Use Standards – the guidelines laid out in this Social Media Policy which defines Social Media Activity that is in compliance with Habersham County policies including what activity will be welcomed and what activity would be subject to removal on County Social Media Accounts.
- County Manager shall also include his/her designee.
- County Social Media Account Administrator – A Habersham County official that is responsible for oversight of a County Social Media Account including ensuring all activity is consistent with this Social Media Policy and other county policies.
- County Social Media Accounts – a Social Media Account that was created by Habersham County with the approval of the County Manager and is maintained by an official of the County appointed as an administrator.
- Social Media Accounts – any and all accounts, profiles, pages, feeds, registrations, logins and other presences on or in connection with any Social Media Platform. This definition includes privately maintained accounts.
- Social Media Activity – the act of sharing information or otherwise communicating through Social Media Platforms including, but not limited to, posting, uploading, reviewing, downloading and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols or hyperlinks.
- Social Media Platforms – websites and applications that enable users to create and share content or to participate in social networking via the internet including, but not limited to, Facebook, Twitter, Instagram, Snapchat, TikTok, LinkedIn, Myspace, Google+, YouTube, Tumblr, Blogger, Reddit, Telegram and Parlor.

HABERSHAM COUNTY SOCIAL MEDIA POLICY

C. Scope of Policy.

Time and Location of Use: This policy applies to all employees of Habersham County without regard to whether their Social Media Activity is conducted in or outside the workplace, while on or off-duty, posted anonymously or using pseudonyms.

Equal Application: This policy applies to all employees of Habersham County without regard to job title, position or rank.

Additional Restriction: Any department or affiliated agency of Habersham County, having special or unique concerns pertaining to its employees' Social Media Activity may adopt and implement a more restrictive scope of policy or other internal rules narrowly designed to address such concerns with the approval of the County Manager.

D. Prohibitions on Social Media Activity—Personal Social Media Accounts.

Public Representation: All employees of the County should remain mindful that, as public servants, they are generally held to higher standards than the general public about their on-duty and off-duty conduct, professionalism and ethics. As a result, certain Social Media Activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.

Consistency with County Policy: An employee may not create or post on any Social Media Platforms any content which conflicts with any County policy including, but not limited to, those promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups based on race, ethnicity, national origin, gender, sexual orientation, religion, disability or other characteristics protected by law or otherwise engaging in conduct unbecoming of an employee of the County, bringing discredit to the County or interfering with or detrimental to the mission or function of the County.

Impartiality: Employees should not engage in any Social Media Activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, testifying, making hiring or promotion decisions or recommendations, conducting performance evaluations and determining eligibility for County programs.

Employee to Employee Engagement: While any employee, in his/her discretion, may engage in Social Media Activity with any other employee(s) consistent with this policy, no employee may be required or otherwise compelled to engage in Social Media Activity with another employee or on any County Social Media Account.

Confidentiality: No employee, whether for purposes of engaging in Social Media Activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the County, any other current or former employee of the County or any applicant for employment with the County.

HABERSHAM COUNTY SOCIAL MEDIA POLICY

Disparagement: Employees shall not engage in Social Media Activity that may harm or tarnish the image, reputation, and/or good will of the Habersham County Board of Commissioners, Habersham County or any of its employees. Employees are prohibited from making discriminatory, disparaging, defamatory or harassing comments regarding the County or any of its officials. It is recommended that employees place a disclaimer on personal posts so that their beliefs/opinions are solely those of the individual and not representative of the views of Habersham County.

Intellectual Property: Habersham County's trademarks, logos and any other intellectual property may not be used in connection with any Social Media Accounts or on any Social Media Platforms other than as authorized by the Habersham County Board of Commissioners. Applications for permission to use the Habersham County logo can be found on the County's website.

Employment Status: Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the County on Social Media Platforms. If an employee chooses to disclose, reveal or otherwise make apparent his/her status as an employee of Habersham County in connection with his/her Social Media Account(s), his/her Social Media Account **must** include a prominently displayed disclaimer stating the Social Media Activity of his/her personal account reflects only the employee's personal views or opinions and not those of Habersham County. Employees should recognize that Social Media Activity is generally more likely to violate this policy and other policies of Habersham County if his/her status as a Habersham County employee is disclosed or revealed in connection therewith. Employees should further note that the disclaimer required in this subsection will not shield him/her from the imposition of appropriate corrective and/or disciplinary action for Social Media Activity which violates this policy.

Removal of Violating Activity: Habersham County reserves the right to require any employee to immediately remove any posted or uploaded text, audio recordings, video recordings or photographs/images, etc. (even if previously approved) if such posted material constitutes a violation of this policy or other Habersham County policies.

E. Open Records – Activity on County Social Media Accounts.

Public Record/Comment: The contents of official County Social Media Accounts are public record and are to be treated as public records under the Open Records Act. As public records, all content created and shared on official County Social Media Accounts shall be periodically downloaded and/or otherwise actively maintained for at least 90 days, unless such content violates the Acceptable Use Standards.

Violation of Use Standards: If, at any time, a County Social Media Account Administrator should find it necessary to delete any content or account for violations of the Acceptable Use Standards or this policy, all deleted content shall be captured and submitted to

HABERSHAM COUNTY SOCIAL MEDIA POLICY

the appropriate department's designated open records officer prior to deletion and retained for at least 90 days.

Submission of Open Records Requests: Any open records request for production of documents from social media should be sent to the Clerk of the Board of Commissioners. If the request concerns documents of the courts or another department for which the Clerk is not the records officer, the request should be sent to the designated records officer for the appropriate department.

Pending Investigations: No records shall be released by the County regarding pending investigations or prosecutions of criminal activity without proper notification and approval of the district attorney (or solicitor as applicable).

F. Acceptable Use of County Social Media Accounts.

Purpose of Use: The County encourages open communication with the public which allows us to continue providing efficient and better services to the community. The Acceptable Use Standards, as defined in this policy, are intended to facilitate an open discussion based on respectful dialogue and to encourage helpful and useful comment between the County and the public. In that spirit, the County values comments that are constructive and suitable for all participants, while respecting a range of opinions and points of view.

Acceptable Use Standards:

- Comments should relate to the topic being discussed in the original post and not contain spam, advertising, solicitations or links to other sites; advocate illegal activity or violence; promote events not sponsored by the County; promote services, products or political organizations or infringe on copyrights, trademarks or intellectual property rights of others.
- Comments should not contain abusive or vulgar language, sexually explicit subject matter, hate speech, derogatory terms or offensive content.
- Comments should not contain personal or defamatory remarks about a person's age, education, ethnicity, race, family status, gender, national origin, class, physical ability or qualities, religion, sexual orientation, thought processes or personality.
- Comments should not endorse political candidates or a stance on current or past political issues or ballot measures.

Terms of Use: Submission of a comment on a County Social Media Account constitutes acceptance of this Social Media Policy as well as the Terms of Use detailed herein:

- By commenting on a County Social Media Account, you agree not to misrepresent your identity or affiliation or post libelous/defamatory content.
- The County reserves the right to determine which comments are unacceptable and commentators who repeatedly violate this policy may be prohibited from use of the one or all County Social Media Accounts.

HABERSHAM COUNTY SOCIAL MEDIA POLICY

- A posted comment is the opinion of the poster only and does not imply endorsement or agreement by the County, its elected officials or employees.

Scope of Use Standards: Social Media Activity by employees is subject to the Acceptable Use Standards and Terms of Use set forth in this policy whether using Habersham County systems or personal computer/phone systems when commenting or sharing on a County Social Media Account.

Work Related Social Media Activity: With prior approval from the County Manager and/or County Social Media Account Administrator, limited and occasional use of Habersham County computer systems and internet connection for work-related Social Media Activity is acceptable if done in a professional and responsible manner, does not otherwise violate Habersham County's policies, is not detrimental to Habersham County's best interests and does not interfere with an employee's regular work duties. As with any type of internet access on the County's network, all Social Media Activity is subject to monitoring. An employee should not engage in Social Media Activity which directly or indirectly implies that an employee is speaking on behalf of the County unless specifically instructed to do so by the County Manager. This use restriction includes any Social Media Activity that purports or serves to announce or explain the details of Habersham County's programs, projects, activities, initiatives or events in an effort to ensure consistency of Habersham County's message and avoid unnecessary confusion in the community.

Confidentiality: Habersham County employees and other individuals covered by this policy are prohibited from revealing any Habersham County confidential, sensitive or proprietary information when engaged in Social Media Activity.

Removal of Violating Activity: The County Manager and/or the County Social Media Account Administrator for any County Social Media Account may remove any posted or uploaded text, audio recordings, video recordings or photographs/images, etc. (even if previously approved) if such posted material is deemed a violation of this policy or other Habersham County policies.

G. Application of Other Policies.

All personnel policies of Habersham County relating to employee conduct apply equally to conduct that occurs through Social Media Activity. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest and political activity. Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the County Manager.

H. Monitoring and Access.

County Set-Up and Administrative Access: All County Social Media Accounts shall be approved and set up by the County Manager and Public Information Officer. The County Social Media Account Administrator for a County Social Media Account shall notify the Public

HABERSHAM COUNTY SOCIAL MEDIA POLICY

Information Officer, in writing, of the names of all employees who have administrative access to the page and update that writing if any changes occur. The County Manager shall have continuous administrative access to any and all County Social Media Accounts.

Required Disclaimer: The County Manager, in his/her sole discretion, may require a County Social Media Account Administrator to post a terms of use disclaimer on any County Social Media Account.

Monitoring and Privacy Expectations – Personal and County: Habersham County reserves the right to inspect or monitor any Social Media Activity engaged in by its employees using County-owned computers or other County-owned electronic equipment or devices. Consistent with this policy and Habersham County's current IT Policy, employees should have no expectation of privacy in any Social Media Activity conducted in the workplace using County facilities, internet and equipment and/or activity conducted on-duty or in any Social Media Activity which otherwise directly or indirectly relates to or affects Habersham County, any of its departments or its employees.

Ownership of Content Sent Using County Facilities: All Social Media Activity conducted using County computers/equipment or via the County internet connection are the property of the County and may be regarded as public information. The County additionally reserves the right to access the contents of any messages, text, photo, audio or video created, sent or retrieved via Social Media Accounts, whether personal or County, which were sent over its facilities, as listed above, if the County believes, in its sole judgment, that it has a business need to do so. As the owner of all message content sent using its facilities, the County may disclose any communications, including text and images, to law enforcement or other third parties without prior consent of the sender or the receiver. This may include e-mails as well as Social Media Activity. Employees are advised to use the utmost discretion in using County provided email or accessing Social Media Platforms using County provided equipment or internet as this information can be collected by the County.

I. Duty to Report.

All employees have an ongoing duty to report any violations of this policy by any other employee. Habersham County considers this duty to report to be a critical component of its efforts to enforce this policy and avoid or minimize unnecessary disruptions to or interference with its operations and service to the public.

J. No Expectation of Privacy in Social Media Activity.

Habersham County employees should be aware that Social Media Activity is not secure or private in most instances, even if active steps are taken to restrict access. Once information has been posted or exchanged via Social Media Platforms, it is generally trackable, traceable and accessible indefinitely, even on those accounts not maintained by the County.

HABERSHAM COUNTY SOCIAL MEDIA POLICY

K. Workplace and/or On-Duty Usage.

Habersham County recognizes that Social Media Platforms represent an actively used form of communication and permits employees to engage in limited Social Media Activity in the workplace and/or while on duty, such as receiving a personal text message or a telephone call of limited duration. Employees choosing to do so, however, are expected and required to use proper judgment and discretion, recognizing that even very brief periods of Social Media Activity can collectively amount to significant periods of time. Supervisors are authorized to restrict or prohibit workplace/on-duty social media activity, as appropriate. Additionally, this policy, including the Ownership of Content subsection, will apply to Social Media Activity and communications sent using the County's facilities, including internet connection, regardless of the limited and permitted duration of such activities.

L. Corrective and/or Disciplinary Action; Other Potential Consequences.

Disciplinary Action: Employees engaging in Social Media Activity which violates this policy will be held accountable and corrective and/or disciplinary action up to and including termination of employment may be taken in accordance with Habersham County's disciplinary policies and procedures.

Defense/Indemnification: Habersham County reserves the right to withhold or withdraw defense or indemnification of an employee in the event he/she is sued in whole or in part due to his/her Social Media Activity if said activity is found to violate this policy or any other policy of the Habersham County.

M. Interpretation and Application.

Protected Activity/ Rights: Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights including rights to freedom of speech, expression and association or federal or state rights to engage in any statutorily protected activity.

Application: Any employee unsure about the application of this policy to any Social Media Activity should seek guidance from the Habersham County Manager's Office before engaging in such activity.

Internal Use: This policy is intended for internal use of the County only and should not be construed as establishing a higher duty or standard of care for purposes of any third-party civil claims against the County and/or its employees. A violation of this policy by an employee provides only a basis for corrective and/or disciplinary action against such employee by the County.