

ESSEX COUNTY COUNCIL

ESSEX FIRE AUTHORITY

Social Media Protocol for Members

1. Introduction

1.2 Social Media is becoming an important part of the operation of a democratic society. For County Council and Fire Authority members it is an efficient and cost-effective way of keeping in touch with residents and businesses and discussing issues with their communities.

1.3 This protocol provides guidance to members and co-opted members of Essex County Council and the Essex Fire Authority based upon their Codes of Member Conduct. It has been approved by the County Council's and Fire Authority's Joint Standards Committee and the Joint Committee will have regard to it when determining allegations of breach of their Codes.

2. What is Social Media?

2.1 Social Media is a term used to describe online media which invite the posting of comments or contributions or facilitate conversations. These include:

- **Social Networks**

Sites which allow people to build personal web pages and then connect with other individuals or organisations to share content and communication. The biggest social networks are *Facebook*, *MySpace* and *Bebo*

- **Professional Networks**

Sites which allow people to build a professional web page and connect with other individuals and organisations Professional networks are also used to search for employment opportunities. *LinkedIn* is the most popular.

- **Blogs**

Online journals, discussing subjects ranging from the personal to the political. Two of the largest are *Wordpress* and *Blogger*.

- **Wikis**

Websites which allow people to add content to or edit the information on them, acting as a communal documents or database. The best-known wiki is *Wikipedia*, an online encyclopaedia.

- **Forums**

Areas for online discussion, often around specific topics and interests, and are a powerful and popular element of online communities.

- **Content Communities**

Communities which organise and share particular kinds of content such as photos or videos, with popular sites including *Flickr* and *YouTube*.

- **Microblogging**

Bite-sized blogging, where small amounts of content or updates are available, *Twitter* is the most popular.

3. How can Members use social media?

3.1 Members can use social media in a number of ways:

- sponsored by their authority - e.g. a Chairman's or Leaders blog (Essex County Council has both) *include links*
 - as an individual through a private account
 - anonymously through a private account

3.2 When using social media members and co-opted members will be bound by their authority's the Code of Conduct if they are conducting authority business or representing the authority.

4. Using Social Media as an Individual.

4.1 Members who make private and personal non-political social media contributions, unconnected to Authority business and without describing themselves as members are unlikely to be subject to the Code.

4.2 In considering whether a member was acting as a member, the Standards Committee would have regard to the following factors

- The privacy settings on the member's social media site. Members who have a private, personal blog or social media site, which they use as a private individual and not as a member, should ensure that they have appropriate privacy settings so that they control who reads their posts. If they have a political blog open to all readers, residents may assume that the member is acting as such.
- The member's profile on their social media site. Where this is intended to be private the member should not describe themselves as a member or refer to authority business or contacts. A member who did so would have difficulty sustaining an argument that he was not within the Code.
- A disclaimer in a private blog to the effect that comments are not made as a member will not necessarily avoid the application of the Code.

5. Anonymous social media

5.1 The Authorities do not support or encourage anonymous postings by members.

5.2 An anonymous post by a member conducting Authority business will be subject to the Code. Whether there was sufficient evidence to attribute it to a named member would be a matter to be decided by the Standards Committee.

6. How does the Code of Conduct apply to social media?

6.1 When considering the application of the Code the following paragraphs are relevant:

1.4. Members must comply with the Code whenever they '...conduct the business of the Authority ...or are acting as a representative of the Authority'

The following paragraphs of the Code of Conduct will apply to online behaviour just as they would to any other form of communication.

- **Paragraph 2.1 – Treating others with respect:** The aim of the Code of Conduct is not to stifle political opinions and arguments. As such, political comments and comments about ideas are less likely to be seen as disrespectful and result in a breach of the Code. However, personal jibes or remarks aimed at an individual may well be seen as disrespectful and could lead to a breach of the Code of Conduct and possible sanctions
- **Paragraph 2.2 – Upholding the law:** Commenting on, or criticising, the law in a responsible manner is not an issue but encouraging others to break the law may well amount to a breach.
- **Paragraph 2.3(ii) – Bullying.** Members should be cautious when making personal comments about individuals and social media should never be used to review the performance of Council staff.
- **Paragraph 3 – Disclosing confidential information:** Before releasing any information on their blog or networking site, a member should check if it is confidential and if they have the right to release it.

6.2 Members should also consider other online activities where the Code may apply;

- **Forum Posts.** If a member identifies themselves as a councillor the Code will be likely to apply. If they put content on the site which could only have been obtained by a member the Code is also likely to apply. Members should also consider that information they post on a forum could be reposted in part or full.
- **Comments made by others.** It is also important for members to regularly check their blog or networking site to ensure there are no defamatory or obscene comments posted by others. It is good practice for blogs to include a statement making clear how inappropriate or offensive comments will be dealt with and many sites include the facility for monitoring of comments. Any offensive posts should be removed immediately.
- **Contacts on social media sites.** Various terms are used to define contacts on different sites. These include 'friends (Facebook), 'followers' (Twitter) and 'circle members' (Google). Members should be aware that anyone they include as a contact on a social media site could be regarded as a close associate" within the meaning of paragraph 7.1 (iii) of the Code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

7. Other important issues to consider

7.1 There are also considerations apart from the Code of Conduct that should be taken into account when using online media. The following is a brief guide to some of the legal pitfalls in establishing personal social media sites such as blogs. These can be avoided if your online content is objective, balanced, informative and accurate.

7.2 In the main, you have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences.

7.3 Libel

If a member publishes an untrue statement about a person which is damaging to their reputation they may take proceedings for libel. This will also apply if a member allows someone to publish something libellous on their website and do not take prompt action to remove it.

7.4 Bias and Predetermination

Members should avoid publishing anything that might suggest they have already made up their mind about a matter they may be involved in determining. Otherwise, the decision runs the risk of being invalidated.

7.5 Copyright

Placing images or text on a site from a copyrighted source (e.g. extracts from publications, photos etc.) without permission is likely to breach copyright. Members should avoid publishing anything they are unsure about or seek permission in advance. Breach of copyright may result in an award of damages. This risk may be avoided by providing a link to another source.

7.6 Data Protection

Never publish the personal data of individuals. A member should also not publish/upload any photographs of others unless they have expressively sought permission from them to take the picture and to post it to your social media.

7.7 Obscene Material

Never publish anything that people might consider obscene. Publication of obscene materials is a criminal offence.

7.8 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. 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