ESSEX COUNTY COUNCIL

ESSEX FIRE AUTHORITY

Social Media Protocol for Members

1.   Introduction

1.1   Social Media is an important way for Essex County Council (ECC) and Essex Fire Authority (EFA) members it is an efficient and cost-effective way of keeping in touch with residents and businesses and discussing issues with communities.

1.2   This protocol provides guidance to members and co-opted members of ECC and EFA based upon the Code of Conduct for Members (the Code).

2.   What is Social Media?

2.1   Social Media is a term used to describe technologies that allow the creating and sharing of information, ideas, career interests and other forms of expression via virtual communities and networks and invite the posting of comments, contributions or facilitate conversations. .

2.2   There are a number of ways in which social media is used, these can be found as Appendix A.

3.   How can Members use social media?

3.1   You can use social media in a number of ways:
- sponsored by either ECC or EFA, for example by way of a Chairman's or Leader's blog (ECC uses both);
- as an individual through a private account; or
- anonymously through a private account

3.2   When using social media you are bound by ECC's and EFA's Code if you are conducting ECC or EFA business or representing ECC or EFA.

4.   Using Social Media as an Individual.

4.1   You can make private and personal non-political social media contributions, unconnected to ECC or EFA business, where you are making that contribution in your personal capacity. In these circumstances the Code is unlikely to apply.

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

- *The privacy settings on your social media site*. Where you have a private, personal blog or social media site, which is used in your personal capacity as a private individual and not as a member, there should be appropriate privacy settings in place

on those accounts. This will enable you to control who is able to see, review and comment on your posts. **If your account is open to all readers, it may be reasonable for residents, and the Standards Committee, to assume that you are acting in your capacity as a member.**

- *Your profile on the social media site*. Where this is intended to be private, you should not describe yourself as a member or refer to ECC or EFA business or contacts. If you refer to yourself as a member to discuss official business it would be difficult to argue that you were not subject to the Code.

4.3   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 postings on social media

5.1   ECC and EFA do not support or encourage anonymous postings by members.

5.2   An anonymous post by you conducting ECC or EFA business will be subject to the Code. The issue of whether there was sufficient evidence to attribute the post to you will be a matter to be decided by the Standards Committee.

6.   How does the Code apply to social media?

6.1   You must comply with the Code whenever you '...conduct the business of ECC or EFA...or if you are acting as a representative of ECC or EFA'

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

- **Paragraph 24.2.1 – Treating others with respect:** The aim of the Code 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 and possible sanctions being imposed;

- **Paragraph 24.2.2 – 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 of the Code;

- **Paragraph 24.2.3 – Bullying**. You should be cautious when making personal comments about individuals and social media should never be used to review the performance of ECC or EFA staff;

- **Paragraph 24.2.4 – Disrepute.** You must not behave in a way which would be likely to bring your office as a member of ECC or EFA into disrepute;

- **Paragraph 24.3 – Disclosing confidential information:** Before releasing any information on your blog or networking site, you should check to see if it is confidential and if you have the right to release it.

6.3   You should also consider other online activities where the Code may apply;

- **Forum Posts.** If you identify yourself as a member the Code will likely apply. If you put content on the site which could only have been obtained by you as a member, the Code is also likely to apply. You should also consider that information you post on a forum could be reposted in part or full by others.

- **Comments made by others.** It is also important for you to regularly check your 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. Any offensive posts should be removed immediately.

- **Contacts on social media sites.** Various terms are used to define contacts on social media sites. These include 'friends' (Facebook) and 'followers' (Twitter). You should be aware that anyone you include as a contact on a social media site could be regarded as a "close associate" within the meaning of paragraph 24.13.2 (vi) 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 that you should take 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 you publish an untrue statement about a person which is damaging to their reputation they may bring proceedings for libel against you. This will also apply if you allow someone to publish something libellous on your website or social media page and do not take prompt action to remove it.

7.4   *Bias and Predetermination:* You should avoid publishing anything that might suggest you have already made up your mind about a matter that you 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 legislation. You should avoid publishing anything you are unsure about or seek permission from the Head of Democratic Services in advance. Breach of copyrights may result in prosecution or an award of damages. This risk may be avoided by providing a link to the material.

7.6 *Data Protection:* Never publish the personal data of individuals in your capacity of member. You should not publish/upload any photographs of others unless you have expressly sought permission from them to take the picture and to post it to your social media. You should avoid taking pictures of children or vulnerable people altogether.

7.7 *Obscene Material:* Never publish anything that people might consider obscene. Publication of obscene materials is a criminal offence.

7.8 *Pre-Election Period:* 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. ECC will not support councillors to use social media and will not publish blogs when the blog author is involved in an election.

7.9 *Repetition:* It is important to note that you cannot avoid liability by saying you are repeating what others have said. Anyone who repeats a libellous statement is liable for it. This is particularly important if you 'like' something on Facebook or re-tweet something. Think carefully before re-tweeting or 'liking' a post. If in doubt, please don't. Liking, sharing or retweeting content from others can appear as agreement or recommendation.

8 Getting started

8.1 Should you require help getting started with social media or have specific questions relating to using it, please speak to a member of Democratic Services or the Communications Team. We cannot, however, provide assistance during the pre-election period or if you intend to use social media for party political purposes.

Social Networks

These are sites which allow people to build a personal web page and then connect with other individuals, organisations or groups to share content, ideas and updates and allows for conversations to take place. The biggest social network is *Facebook.*

Professional Networks

These are sites which allow people to build a professional web page and connect with other individuals, organisations and groups. Professional networks are also used to search for employment opportunities and share innovative ideas, or industry developments. *LinkedIn* is the most popular professional network.

Blogs

These are online journals, used to discuss a range of subjects from personal topics and issues to political opinion. Two of the largest blogs are *WordPress* and *Blogger.*

Wikis

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

Forums

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

Content Communities

This occurs where communities organise and share particular types of content such as photos or videos, with popular sites including *Flickr* and *YouTube*.

Microblogging/Vlogging

These are bite-sized blogging sites, where content or updates are available, but they are restricted to the number of characters that can be used in any one tweet. *Twitter* is the most popular microblogging site.

Mobile Messaging Applications

There are several mobile messaging applications that allow photos, video, text and drawings to be sent. Some of these such as *Snapchat* delete messages from the recipient's phone after a few seconds. *WhatsApp* is another popular one.

Mobile photo-sharing

Instagram is another sharing service for video and photos that can be shared privately or publicly and through other social media platforms such as *Facebook* and *Twitter.*

27/02/2013 revised 11/01/2017