

## **Draft Social Media Protocol for Councillors**

### **Purpose of this protocol**

Social media is an important and growing communications tool for individuals and businesses. The Council welcomes and recognises Councillor increasing use of social media and would like to facilitate this by giving support and advice in relation to appropriate usage. This protocol is intended to provide such guidance and complements the general rules under the Code of Conduct for Councillors. Improper use of social media and mobile devices could be used as grounds for challenging a contentious decision of the Council, or result in complaints for breaching the Council's Code of Conduct for Councillors, especially in the areas such as failing to show respect to others and bringing the Council or their office into disrepute. Councillors are asked to follow these guidelines to assist them in complying with proper standards of behaviour.

### **What is Social Media?**

Social Media is the term to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos or short messages, known as Tweets, via Twitter. Popular social media platforms include Facebook, Twitter, LinkedIn, YouTube, Instagram and blogs (web logs). Types of mobile devices include smart-phones, tablets and laptops. On social media sites site users share information, discuss opinions and may create interest groups or pages. Ultimately people use these sites and tools to build communities and networks which encourage participation and engagement. It is not a requirement for members to have a Facebook or Twitter account or use other forms of social media. Councillors may use these and other platforms in their official capacity, but should remember that the public may still perceive them as acting in that capacity even when that is not their intention.

### **Blurred Identities**

Councillors can have "blurred identities". This can happen where you have a social media account both as a councillor and as an individual. Although you may clear in your own mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.

One way of avoiding blurring the lines between your personal and councillor life, and avoiding some of the potential problems related to engaging the Code of Conduct, maybe to consider keeping your online accounts as a Councillor separate from those where you communicate in a personal capacity. This is a decision for each Councillor.

### **Good practice on the use of social media and mobile devices**

#### **Councillors should:**

- consider whether they need to set appropriate privacy settings for any blog or networking site-especially if it is a private, non-political blog;
- keep an eye out for defamatory, untrue or obscene posts from others and remove them as soon as possible to avoid any perception that they condone such views;

- be careful about any connection with service users who are vulnerable adults or children, as this could be regarded as potentially engaging safeguarding issues;
- ensure they use Council facilities appropriately and comply with the Use of Resources by Councillors Protocol (5. 16 of the Council Constitution);
- be aware that by publishing information that they could not have accessed without being a Councillor, they will be seen as acting in their official capacity;
- be careful about being too specific or personal if referring to individuals; and
- be aware that the libel laws cover blogs, social media and other forms of digital content publication.

**Councillors should not:**

- place images or text on their site from a copyrighted source (for example extracts from publications or photos) without permission;
- post comments that they would not be prepared to make face-to-face;
- refer in a blog to any information identified by the Council as confidential or exempt;
- disclose information given to them in confidence by anyone, or information acquired by them which they believe or are aware is of a confidential nature;
- publish personal data of individuals except where they have express permission to do so;
- give the impression that they are expressing the views of the Council where it is not appropriate to do so; and
- if they are involved in determining planning or licensing applications or other quasi judicial decisions, publish anything on their blog that might suggest that they do not have an open mind about a matter they are involved in determining.

**Using social media and devices at Council meetings**

Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant the debate in hand may be valuable (on the same basis as circulating paper notes to other Councillors). Mobile devices also enable Councillors to manage their busy lives when time is at a premium. However, frequent use of these devices during meetings may give the public the impression that a Councillor is not paying full attention to an item that is being discussed in a debate on a decision that is yet to be made.

**Examples of acceptable use:**

- reading and annotating meeting papers and background information relevant to that meeting;
- communicating with others at the meeting on matters relevant to the debate at hand; and
- sending and receiving communications to/from home relating to domestic circumstances (e.g. childcare arrangements), within reason and with common sense.

Avoid the following:

- using social media during quasi judicial meetings or during the consideration of confidential or exempt items of business meetings; and
- frequently checking e-mails and messages that are not related to the meeting;
- taking and sending electronic images of proceedings; and
- extended periods of use that suggests that insufficient attention is being paid to the meeting.

### **General legal issues**

- **Libel**-if you publish an untrue statement about a person which is damaging to their reputation, they may take libel action against you. The same thing may happen if, for example, someone else publishes something libellous on your website, which you know about, and don't take swift action to remove. A successful libel claim could result in the award of damages against you.
- **Copyright**-placing images or texts on your site from a copyrighted source (for example extracts from publications and photos), without obtaining permission, is likely to breach copyright laws. Therefore don't publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- **Data Protection**-do not publish personal data of individuals unless you have their express permission.
- **Bias and Predetermination**-if you are involved in making planning, licensing or other quasi judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon. While you're likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh up all the evidence and arguments, and were genuinely persuadable to a different view. If you weren't the decision may later be challenged as invalid. If a person has suffered some sort detriment as a result of such invalid decision, they may have a claim against the Council for damages.