

# SOCIAL MEDIA POLICY FOR COUNCILLORS

**October 2018**

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## 1. Introduction

The City of Boroondara uses social media to connect and engage with the community, promote council services, programs, initiatives and events, and build community awareness of local issues in support of Council's advocacy efforts.

Social media platforms – such as Facebook, Twitter and Instagram – enable the City of Boroondara, the Mayor and councillors to engage with the Boroondara community and the wider public, and provide the opportunity for dynamic and interactive two-way communication. Social media provides a platform to hear what the Boroondara community cares about, what it wants to get involved with, and how it perceives Council.

Social media platforms enable Council and councillors to be more active in their relationships with citizens, partners and stakeholders, encouraging people to be involved in local decision making, enabling better engagement and feedback, and ultimately helping to improve Council services.

## 2. Purpose

This policy is intended to assist councillors to use social media in a way that minimises exposure of Council and councillors to legal and reputational risk.

It should be considered in conjunction with relevant legislation, the Code of Conduct for Councillors, Council's Media Policy, and other Council policies and procedures.

It aims to:

- promote effective and productive community engagement in Council's activities, events, initiatives and policies through social media.
- outline acceptable use of social media tools for and on behalf of Council.
- minimise risk to Council through managing the potential for miscommunication and misunderstandings.
- help Council manage the challenges inherent in social media's speed and immediacy.

## 3. Scope

This policy applies to digital media known as 'social media' where people may comment, like, contribute, create, forward, post, upload and share content via a wide variety of sites and outlets including:

- websites.
- blogs.
- electronic bulletin boards.
- citizen journalism and news sites.
- forums and discussion boards (e.g. Yammer).
- instant messaging facilities.

- microblogging sites (e.g. Twitter).
- online encyclopaedias (e.g. Wikipedia).
- podcasts.
- social networking sites (e.g. Facebook, Myspace, Bebo, Friendster, LinkedIn).
- video and photo-sharing sites (e.g. Flickr, YouTube).
- video podcasts (e.g. YouTube).

As it is not possible to expressly refer to or list all kinds of social media sites or outlets (including those not yet developed), the absence of a reference to a particular site or social media platform does not limit the application of this policy.

Councillors should alert the Strategic Communications Lead of any social media accounts they operate, or create, during their term in office. Development, hosting, maintenance and monitoring of social media accounts is the responsibility of the councillor who owns it.

### **3.1. Social Media Guiding Principles**

Councillor business on social media is guided by the following principles:

1. Councillors' primary audience for social media comment should be the Boroondara community.
2. Councillors should refrain from using their councillor social media accounts to promote their own personal, business or political interests.
3. All social media commentary should be respectful of the Mayor, other councillors, the City's Chief Executive Officer, Council officers, and members of the public.
4. Social media communication should be aligned with a pre-determined strategy, where applicable, and with a clear understanding of audience, desired outcome, appropriate channel(s), impacts on community, government relationships, reputation management and legal liability.
5. All social media commentary on Council issues should be consistent with a clearly adopted or established Council position, policy, or strategy (when in place) and also not compromise or pre-empt a future position.
6. All social media posts or comments should uphold any decision taken by Council.
7. Councillors should not commit the Council or its resources to a course of action on social media without prior Council discussion and/or resolution.
8. Contact from the media seeking councillor comment via social media channels should be referred to the Strategic Communications Lead in accordance with the Media Policy.
9. When Council is managing an issue in the media which may have reputational implications, Councillors should refrain from commenting on this issue via social media.
10. The Strategic Communications Lead should be kept informed of any relevant social media content or councillor contact with organisations, resident groups or others that

could foreseeably escalate into adverse media or social media attention and which might impact or compromise the City of Boroondara.

11. Social media issues can move quickly, and in such cases, direct discussions will be required with the Mayor and councillor spokesperson in the first instance, before all councillors are advised of the social media position and tone Council has chosen to take.

### 3.2. Online Conduct

Content posted to Council's social media accounts is at the discretion of the Strategic Communications department and will not be determined or influenced by individual councillors. Councillors are invited to share social media content developed by Council's Communications department to support and promote Council initiatives, events, engagement and advocacy efforts with their electorate to potentially broaden the reach of Council's messages.

Prior to creating content or sharing Council content, councillors should be aware this may stimulate responses including questions, criticism of, or support for councillors and Council. Enquiries should be responded to as soon as possible, but a holding message may be required while councillors seek advice about an appropriate response.

Councillors should maintain a consistently respectful approach across social media platforms specifically in regards to:

- **information of a confidential nature.** This must remain strictly confidential and is not to be shared on social media until it is formally released by the CEO or Council resolution as public information.
- **presenting the Council as effective and cohesive.** Councillors should not be critical of Council, Council decisions or councillor colleagues in any form of social or media commentary.
- **providing any feedback they may have to the CEO.** The Mayor and councillors should provide any adverse feedback on Council programs, services and events directly to the CEO or relevant director, as opposed to posting this feedback publicly on their accounts.

This Social Media Policy applies to councillors who use social media platforms and tools as part of their role as a councillor. Although it is not intended to cover councillors' personal use of social media, the Code of Conduct for Councillors does apply in this context.

### 3.3. Personal Use of Social Media

Personal use is defined as:

- Councillors publishing information in their personal or professional capacity on a personal account. Any such publication should be drafted to ensure the reader is able to clearly distinguish any commentary as personal or professional rather than a

statement which could be reasonably perceived as being connected with their role at Council and; No reference is made to Council, its councillors, staff, policies and services, known related parties, or to Council-related issues.

While the Mayor and councillors may use their own social media accounts to express personal views, they are strongly encouraged to have a dedicated councillor account separate to any other personal or business accounts they might hold.

Councillors must clearly identify their personal opinion or views as their own via a disclaimer and, where relevant, emphasise they are commenting in a private capacity, especially on posts related to sensitive issues. Councillors must not make use of Council property or resources, including Council logos, photographs and events posted on their social media accounts, for personal purposes. Doing so may constitute an offence against the Local Government Act 1989.

Councillors should be aware that a disclaimer on personal social media accounts or posts will not, in itself, mean all content will necessarily be interpreted as personal use unrelated to their councillor role.

Careful discretion should be exercised if sharing or liking posts between councillor and personal accounts. Irrespective of whether using a personal or dedicated councillor account, councillors are regarded as public figures and must therefore exercise reasonable care and diligence appropriate to their office. Councillors must not publish, share posts or engage in any comments or conduct contrary to the Councillor Code of Conduct whether utilising dedicated councillor or personal accounts.

### **3.4 Candidates in Elections**

The provisions of this policy seek to neither advantage nor disadvantage a current councillor's campaigning efforts when compared with other candidates. Councillors should not use Council property or resources, including Council logos, photographs and events posted on their own social media accounts, for campaigning purposes in connection with an election. This also includes not using Council provided mobile phones, computers or other equipment for campaigning purposes. Doing so may constitute an offence against the Local Government Act 1989.

Ideally, councillors will use personal or establish separate social media accounts for campaigning purposes. However, where that is not feasible, councillors should clearly and accurately identify their campaigning activities or views expressed as being in their capacity as a candidate in an election.

Councillors should also have regard to Council's Election Period Policy and Election Period Councillor Guidelines when using social media during Council elections.

## 4. Rules of Use

The following rules of use will further assist councillors in their social media interactions:

**4.1 Facts:** Unless quoting from reliable source (e.g. annual report, policy etc.), councillors should not comment on any Council-related matters, requests, queries or complaints without seeking advice from the relevant management area or the CEO.

**4.2 Relevance:** Comments in social media advocating a position should be relevant to matters which are within Council's jurisdiction.

**4.3 Disclosure:** Councillors should only discuss publicly available information and should not disclose confidential information, internal discussions or decisions by Council, employees or third parties. This includes publishing confidential, personal or private information.

**4.4 Accuracy:** Comments and posts should be accurate, fair, constructive, helpful and informative. Councillors should not publish information or make statements which may reasonably be taken to be misleading or deceptive and should correct any errors as soon as practicable.

**4.5 Identity:** Councillors should be clear and open about their professional identity where any vested interests may be construed.

**4.6 Privacy:** Councillors should act in accordance with the Privacy and Data Protection Act 2014 and avoid publishing personal information (including a person's name, image, information or opinion that makes the person's identity apparent or reasonably ascertainable) without the consent of the person to whom the information relates. In the case of a 'crowd photo', if an individual's face is clear or reasonably clear, consent is required. While it is recommended councillors obtain written consent, e.g. to take and use photos for use on social media, it is acknowledged this is not always practical in the context of events. As a minimum, verbal consent should be obtained. If, having consented to the publication, the person subsequently asks for the information to be removed or corrected, councillors should do so as soon as possible.

**4.7 Intellectual property:** Councillors should be mindful of adhering to intellectual property laws and may need to seek permission from the creator or copyright owner to use or reproduce copyright material including applications, audio tracks (speeches, songs), video footage, graphics (graphs, charts and logos), images, artwork, photographs, publications or music. They may also need to seek permission before publishing or uploading material in which the intellectual property rights, such as trademarks, are owned by a third party (for example, company logos). Assuming the content is in keeping with the principles of this policy, it is acceptable to share or retweet material created by others.

**4.8 End User Licence Agreements:** Councillors should be aware of any End User Licence Agreements (EULA) that exist on any social media sites or outlets they use, and read them before accepting. A EULA is a set of terms and conditions provided by the owner of the social media outlet that must be accepted and which users are generally unable to negotiate. The terms and conditions can give the social media outlet owner the right to change the

site's terms of use, exclude the owner from any liability, and in some instances grant the owner rights to use material uploaded by users without their consent.

**4.9 Defamation:** Councillors should avoid publishing material or sharing content that could be untrue, malicious, defamatory and/or damaging to the reputation of others, as this could lead to a libel claim action against councillors or Council. This includes content which might be considered to constitute contempt of Court (by commenting on criminal activity, a person who has been charged, a pending case or a decision of a court) or which is abusive, profane or sexual in nature.

**4.10 Transparency:** Councillors should maintain transparency in social media commentary and avoid seeking to buy or recompense favourable commentary.

**4.11 Respect:** Councillors should act with integrity, always be courteous and patient, treat all persons (including detractors) with respect, and be respectful of others' opinions, beliefs, rights and responsibilities. Councillors should avoid any comment which might be seen as bullying because it would be seen to offend, intimidate, victimise or humiliate another.

**4.12 Discrimination:** Councillors should be mindful of anti-discrimination laws and avoid publishing statements or information which may be considered discriminatory in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation.

**4.13 Language:** Councillors should be mindful of language and expression. Use language which is clear and simple and not offensive. Avoid use of slang, jargon, emoticons, acronyms or sarcasm as this can increase the risk of misinterpretation.

**4.14 Safety:** Councillors should protect their personal privacy and guard against identity theft. Use a secure password (generally more than eight characters long with a mixture of letters and numbers) and never share the password with anyone. Councillors should be aware of the potential for others to set up 'pirate' accounts to deliberately misrepresent councillors' views.

**4.15 Moderation:** Councillors should strive to ensure their accounts have appropriate moderation guidelines and processes in place to deal with offensive comments whilst encouraging constructive criticism and deliberation, and being responsive to users' queries and comments where applicable.

**4.16 Credibility and consistency:** Councillors should make sure that what they say on social media is consistent with their other communications. Comments posted online can be permanently available and may be used by media such as newspapers.

**4.17 Keep accounts up to date:** including councillor status, biographical information, profile photo and other relevant details. Dormant councillor accounts should be closed as soon as possible. Accounts, once opened, should be managed by councillors. Whether councillors are posting or not, members of the public can still access the account, comment or ask questions.

**4.18 Abide by applicable laws:** Councillors should not post any content that breaches applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks), which promotes any illegal activity, or is designed to encourage law breaking.

**4.19 Record keeping:** All social media content published or communicated by or on behalf of Council which concerns adopted Council policies and positions will be recorded (including author's name, date, time and media site location) and kept on record in accordance with Council's Corporate Information Management Policy.

## 5. Breaches of this Policy

Breaches of this policy may result in a Code of Conduct complaint.

Council may request the closure of any accounts or removal of any content published by councillors that is deemed inappropriate or which may adversely affect Council's reputation or put it at risk of legal action.

## 6. References

### 6.1. Relevant Council Policies and Documents

This Social Media Policy and Guidelines for Councillors should be read in conjunction with:

- Councillor Code of Conduct.
- Media Policy.
- Electronic Communications Policy.
- Privacy and Data Protection Policy.
- Health Records Policy.
- Councillor Support and Resources Policy.
- Election Period Policy.
- Logo and Design Style Guide

### 6.2. Relevant Legislation

Victorian legislation:

- *Charter of Human Rights and Responsibilities Act 2006 (Vic).*
- *Crimes Act 1958 (Vic).*
- *Defamation Act 2005 (Vic).*
- *Equal Opportunity Act 2010 (Vic).*
- *Fair Trading Act 1999 (Vic).*
- *Freedom of Information Act 1982 (Vic).*
- *Local Government Act 1989 (Vic).*
- *Occupational Health and Safety Act 2004 (Vic).*
- *Privacy and Data Protection Act 2014 (Vic).*
- *Public Records Act 1973 (Vic).*
- *Racial and Religious Tolerance Act 2001 (Vic).*
- *Spam Act 2003 (Vic).*
- *Wrongs Act 1958 (Vic).*

Commonwealth legislation:

- *Australian Human Rights Commission Act 1986 (Cth).*
  - *Copyright Act 1968 (Cth).*
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For all queries or feedback regarding this document, please contact the responsible officer below.

Contact: Strategic Communications Lead, 9278 4510.

The responsible officer coordinates the implementation, maintenance and review of this policy, ensuring stakeholders are aware of their accountabilities.

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