

# Social media protocol for members

## Purpose of this protocol

Social media is an important means of communication for residents and businesses. We welcome members using social media and want to support it by providing guidance about what is acceptable.

This guidance will help you avoid legal and reputational risks inherent in the use of social media. You should read this protocol alongside the practice note on [Publicity and the Use of Council Facilities](#) and the [Code of Conduct for Members](#).

The key message is that your online activity is subject to the Members' Code of Conduct whenever you are – or appear to be – acting in your capacity as a councillor or otherwise representing the council, this rather than acting as a private individual.

Members are not required to use social media tools. However, these guidelines are relevant if you use social media as a councillor or as a private individual.

## Social media

Social media is used to describe websites and online tools that allow people to create and share content and engage with other people. It's used to build online communities and encourage participation by sharing information, discuss opinions, create interest groups.

Types of social media include:

- general services used to communicate with friends (that provide blogging, videos, photos and messaging), such as Facebook and Twitter
- business and employment-oriented services, such as LinkedIn
- messaging apps, such as WhatsApp
- blogging services, such as Wordpress and Medium
- video and photo sharing, such as YouTube and Flickr

You can use social media to:

- engage with residents
- become aware of local issues faster than before
- raise your profile as a councillor and as your ward's representative

Over the past few years, social media has not always been used to wholly positive purposes and it's important to be mindful of this. There is evidence to suggest that foreign state actors are using social media to undermine democracy and spread division in our societies<sup>1</sup> by:

- spreading fake news on social media

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<sup>1</sup> [The IRA \(Russia's Internet Research Agency\) and Political Polarization in the United States, University of Oxford Computational Propaganda Project, December 2018](#)

- using automated bots to further spread the fake news
- gaining access to sensitive political information by hacking political party email accounts.

## **Legal issues which may arise from using social media**

Please be careful with what you post on social media. Inappropriate use could lead to legal action against you and/or could bring the council into disrepute.

Putting 'these views are my own' as a disclaimer on your social media profile will not offer you any legal protection. It will not prevent you from legal action or from complaints that you have breached the Code of Conduct for Members, nor from it prevent the reputation of the council from being damaged.

### **Libel**

If you publish an untrue statement about someone which damages their reputation, they may take libel action against you. This could also happen if someone else publishes libellous content on your profile (such as a comment on your Facebook Page) and you don't take swift action to remove it (if you knew about the content).

### **Copyright**

Do not use images or text from a copyrighted source without obtaining permission, as this will likely breach copyright laws. A successful claim for breach of copyright would likely lead to an award of damages against you.

### **Data protection**

Do not publish the personal data of individuals unless you have their express permission. Even then, there are some key considerations to bear in mind to ensure compliance with the Data Protection Act 2018 and with the GDPR. Advice on this may be sought from Information Governance if required.

### **Bias and predetermination**

If you're involved in making planning, licensing or other quasi-judicial decisions, do not say anything that suggests you have completely and irrevocably made your mind up on an issue that is due to be formally decided upon.

While your likely view on a particular application may be well known, you need to show that you are prepared to take on board and to weigh up all the evidence and arguments with an open mind and were genuinely persuadable to a different view.

If you weren't, the decision could be challenged as invalid. If a person has suffered some sort of detriment as a result of an invalid decision, they may have a claim against the council for damages.

### **Blurred identities on social media**

As a councillor, you can have a 'blurred identity' online. This can happen when you use a social media account as a councillor and a private individual. This means that your personal views can be taken as the views of the council or your political party, when this may not be the case.

We suggest you create social media accounts specifically dedicated to communications you make in your role as a councillor, and maintain other accounts for when you communicate in a personal capacity. The communications team can provide support with setting up social media accounts.

## **Members' Code of Conduct**

Your online activity is subject to the Members' Code of Conduct whenever you are – or appear to be – acting in your capacity as a councillor rather than as a private individual. This means that amongst other things you must:

- treat others with respect and refrain from making personal attacks or indulging in rude, disrespectful or offensive comments.
- not seek improperly to confer an advantage or disadvantage on anyone
- comply with equality legislation
- not bully or intimidate anyone (including residents, a council employee or a fellow councillor)
- not bring the council into disrepute
- respect the impartiality of officers
- not disclose confidential or exempt information (refer to paragraph 4 of the Members' Code of Conduct for more information)

While it's important that the council conducts its business with openness, it is essential that councillors are clear about what is confidential. Additional guidance on confidential information is available on the Wave and from the Monitoring Officer.

## **Using social media and mobile devices at meetings**

Use mobile devices other than those used to access council papers sparingly, discreetly and with common sense at meetings. Be mindful of the impression you may be giving to others if you're using a personal mobile device during meetings.

There may be occasions when contacting councillors during meetings on matters relevant to the debate may be valuable on the same basis as circulating paper notes to other councillors. Mobile devices may also enable councillors to manage their busy lives when time is at a premium. However, frequent use of these devices other than to access council business during meetings may give the public the impression that the councillor is not paying full attention to an item that is being discussed in a debate regarding a decision that is to be made.

Examples of the acceptable use of devices:

- 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
- sending and receiving urgent communications to/from home relating to domestic issues (such as childcare arrangements)

Avoid the following:

- using social media during quasi-judicial meetings or during the consideration of confidential or exempt items of business at meetings
- frequently checking emails and messages that are not related to the meeting

- extended periods of use of personal devices which may suggest that insufficient attention is being paid to the meeting

## **Support from council officers**

We welcome members using social media and want to support it by providing guidance about what is acceptable. You may contact the Monitoring Officer or the communications team if you wish further advice and guidance. The communications team can also provide training to individual members or groups.

## **Recommendations on how to use social media appropriately**

### **Things we recommend**

Set appropriate privacy settings for your social media accounts (for example, we recommend setting all your personal accounts to private so only your friends can see it).

Monitor defamatory or obscene posts from others on your social media accounts and remove them as soon as possible to avoid the perception that you condone such views (for example, comments on your Facebook posts by members of the public).

Be mindful of the potential for misunderstanding and miscommunication (for example, making in-jokes that might not be understood by members of the public).

If you feel it necessary to 'block' an individual from communicating with you, be mindful of the need to be clear and transparent in your actions. This will normally involve communicating to them your decision and the reasons for it.

Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.

Consider keeping your personal and elected member profiles on social media sites separate to maintain appropriate professional boundaries.

Be aware that you'll be seen to be acting in your official capacity if you publish information that you could only have accessed by being an elected member. Similarly, bear in mind that - if you are posting on a council provided blog or social networking area – you are more likely to be viewed as acting in an official capacity.

Feel able to make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect.

If you do make a political comment about an individual or organisation on social media, it is recommended that you 'tag' them in your post. This alerts them to the fact you have made a comment about them and gives them the opportunity to respond to it.

### **Things we don't recommend**

Don't post content on social media in haste, particularly in circumstances where your judgement might be impaired (for example, if you are tired or have consumed alcohol).

Don't make unguarded statements which could lead to potential liability, or fail to take care when sharing or copying the comments of others.

Don't post comments that you would not be prepared to make in writing or face to face.

Don't use council facilities (such as the council website or official council social media profiles) for posting personal or political content.

Don't request or accept a council employee or a council contractor as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt, this doesn't apply to sites which are intended for professional connections (such as LinkedIn).

Don't use social media in any way to attack, insult, abuse, defame or make negative comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations or the council.

Don't publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends or others (such as contractors, council staff or council related information).

Don't represent your personal views, or those of any political party or interest group you belong to as being those of the council, on any social medium

Don't browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.

Abraham Ghebre-Ghiorghis, Monitoring Officer

Date of approval by Committee **to be inserted**

