

CITY OF PORTLAND

COMMUNICATION AND SOCIAL MEDIA POLICY & GUIDELINES

December 2015

I. PURPOSE AND APPLICATION

The purpose of this policy is to establish City of Portland (City) general standards and responsibilities for the acceptable communication and use of social media. The policy governs the use, administration, management, monitoring, and retention of social media and social media content, consistent with state, federal, City laws and regulations, and City Manager and Communications Director goals.

This policy applies to all uses of social media by City employees maintaining, using, or providing oversight of social media tools. Employees include, but are not limited to, full-time and part-time employees, contractors, interns, and volunteers who access or contribute content. This policy also applies to members of the public who comment or otherwise interact with the City through its social media websites.

All content created, received, transmitted, stored on, or deleted from City information systems is exclusively the property of the City or, to the extent provided by applicable law, of the person or entity that created or owns the copyright or trademark rights to that content.

It's also important to remember that while this policy governs your use of social media in a City capacity, and gives guidelines for personal use, you should remember that City employees do not have an expectation of privacy or the ability to control the public's use of social media while you are performing the duties of your job. This means that you may be the subject of photographs and video recordings that are shared on social media sites. Therefore, it is important to be mindful of your conduct and communications.

II. GENERAL GUIDELINES FOR ALL COMMUNICATION (OFFICIAL AND PERSONAL)

City of Portland employees have a responsibility to help communicate accurate and timely information to fellow employees and members of the public in a professional manner. Any employee who identifies a mistake in reporting should bring the error to the Director of Communications or other appropriate staff. Employees must comply with all laws relating to trademark, copyright, confidentiality, software use, etc.

Handling General Requests:

Staff is responsible for communicating basic and routine information to members of the public in relation to their specific job duties. Requests for private data or information outside the scope of an individual's job duties should be routed to the appropriate department or to the employee's supervisor.

Handling Media Requests:

With the exception of routine events and basic information that is readily available to the public, requests for interviews or information from the media are to be routed through the Director of Communications. Media requests include contact from people who say they represent: print publications, such as weekly and daily newspapers and magazines; electronic media such as television and radio stations; and, informational websites.

III. SOCIAL MEDIA

A. BENEFITS OF SOCIAL MEDIA TOOLS

When used in accordance with applicable laws, regulations, and policies as well as prudent operational, security, and privacy considerations, Web-based social media tools can (at little to no cost):

- Enhance the speed, reach, and targeting of communications (particularly during disaster/emergency incidents);
- Facilitate collaboration;
- Improve information exchange between residents and employees;
- Increase citizen engagement and dialogue;
- Streamline processes;
- Foster productivity improvements; and
- Increase the City's ability to broadcast messages to the widest possible audience (City, region, nation, world).

B. DEFINITIONS

“Social media” means and includes Internet technologies that facilitate and promote interactive communication, participation, and collaboration. Examples of social media include, but are not limited to, the web sites and applications Facebook, Twitter, LinkedIn, Instagram, Google+, Tumblr, Blogger, WordPress, Foursquare, Meetup.com, Flickr, YouTube, Yelp, Second Life, and Wikipedia, and the interactive tools and functions they provide to users.

“Authorized social media user” or **“authorized user”** means and includes any City employee, contractor, consultant, vendor, and any other City employee responsible for the use, administration, management, monitoring, and/or retention of social media, social media tools or web sites, and/or social media content, in the name of or on behalf of the City or any City agency.

“Social media content” means and includes any materials, documents, photographs, graphics, and other information that is created, posted, distributed, or transmitted using social media Internet sites or social media tools.

C. STANDARDS FOR USE OF SOCIAL MEDIA

All uses of social media on behalf of the City or any City agency, or in any manner that appears to represent the City or constitute communication by the City, must comply with the following standards.

1. Departments and department heads

a) No department or division may establish or use or terminate a social media identity, account, profile, page, or site (collectively, social media account(s) or account(s)) without the approval of the City Manager or designee and the Director of Communications.

b) Department heads, with the approval of the City Manager or designee, and the Director of Communications or designee, shall designate one or more department employee(s) to be the authorized social media user(s) for the department, if a departmental level social media account exists. Only the department's authorized social media user(s) shall be authorized to post social media content on the department's social media account(s) and may have access to the department's social media accounts that permit such posting.

c) Department heads shall establish a procedure for approving, prior to posting, and shall issue department guidelines for, all social media content that is posted on the department's social media accounts, including the designation of one or more department managers (who may also be department authorized social media users) to be responsible for the approvals. All Department social media guidelines and policies must be consistent with this policy, and must be approved by the City Manager or designee, and the Director of Communications.

d) No information or link (hyperlink) to any Internet site or other materials or communications may be posted, or approved for posting, on a department social media account that is not directly related (as determined by the department head) to the mission, services, and business objectives of the department.

e) Department social media pages must clearly identify the pages as created and managed by the department, identified as a department, office, commission, or agency of the City of Portland.

f) Department social media sites must prominently display, on the first page accessible to site visitors, links to the City's official Internet site www.portlandmaine.gov, and to the agency's official Internet pages on www.portlandmaine.gov or, if applicable, any agency Internet site that is not part of www.portlandmaine.gov.

2. Employees

a) No City employee may establish any social media account in the name of or on behalf of the City or any City department unless: (i) the City Manager or designee and the Director of Communications or designee, and the user's department head have all approved the account; and (ii) all information to be posted on the account is approved in accordance with Subsection i) above. This requirement applies regardless of whether the account is established, accessed, or used by means of City information systems or by means of the employee's or others' information systems, and regardless of whether the account is established, accessed, or used from City or non-City premises.

b) Social media accounts established by the City or a City department are to be used for City and department business purposes only. Use for communications and postings that are not directly related to a City or department business purpose is prohibited.

c) Employees must report unauthorized uses of City social media or City social media accounts to the head of their department, the City Manager or designee, and the Director of Communications.

d) Employees are expected to be attentive and careful in their use of social media. Employees should be aware that their use of social media may be perceived as representing the City and City government, and should tailor their use accordingly.

e) Unacceptable uses. The City considers the activities and uses of social media listed below to be unacceptable. Employees are prohibited from engaging in any of them on a social media account established by the City or a City department.

i. Using social media in a manner that does not comply with federal, state, and local laws and regulations, and with City and department policies.

ii. Using social media in a manner that:

1. Violates the copyright, trademark, or other intellectual property rights of any person or entity, or otherwise violates their legal ownership interests;

2. Includes ethnic slurs, profanity, personal insults; material that is threatening, intimidating, harassing, libelous, fraudulent or discriminatory on the basis of age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, or any other legally recognized protected basis under federal, state, or local laws, regulations, or ordinances.; *or other* content or communications that would not be acceptable in a City workplace under City or department policy or practice;

3. Violates the terms of contracts governing the use of any social media content, including but not limited to, software and other intellectual property licenses;

4. Displays sexually explicit images, cartoons, jokes, messages, or other material in violation of the City Policy Preventing Sexual Harassment in City Government;

5. Contains confidential or “for official use only” information or information that compromises the security of City networks or information systems. Such for official use only or confidential information includes, but is not limited to, information that is protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or other federal, state, or local laws and regulations (except as permitted under such laws and regulations), as well as social security numbers and other personally identifiable information;

6. Violates the terms of use governing the social media account.

This list is not exhaustive. Questions about particular uses of social media or particular social media content should be directed to the department head and the City Manager or designee and the Director of Communication.

f. 'Personal' Communication That Can Become 'Public'

It is important for employees to remember that some personal communication of employees may reflect on the City of Portland, especially if employees are commenting on: anything political in nature; federal, state or local government activities; or, City business. The following guidelines apply to personal communication including various forms of social media (Facebook, Twitter, blogs, YouTube, etc), letters to the editor of newspapers, and personal endorsements.

- Remember that what you write is public and may be so for a long time. It may be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your supervisor or other employees to read, or that you would be embarrassed to see in a newspaper or on a prominent website.
- The City of Portland expects its employees to be truthful, courteous and respectful toward supervisors, coworkers, members, citizens, customers and other persons associated with the City. Do not engage in name-calling or personal attacks. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Human Resources Department or Employee Assistance Program than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage co-workers or members of the public, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or a post that could contribute to a hostile work environment on the basis of race, ethnicity, sex, disability, sexual orientation, gender identity, religion, or other status protected by law or City policy.
- City employees should remember that they have no expectation or right to privacy with respect to their personal use of social media or personal social media accounts accessed by means of City information systems, or with respect to personal social media content so accessed. They should not expect or assume privacy or confidentiality with respect to any such personal social media use or social media content.
- Postings and user profiles on personal social media accounts must not state or imply that the views, conclusions, statements or other social media content are an official policy, statement, position, or communication of the City of Portland, or represent the views of the City or any City officer or employee, unless the department head and the City Manager or designee and the Director of Communication have granted express permission for that user to do so.
- City of Portland resources and working time should not be used for personal profit or business interests, or to participate in personal political activity.
- Personal social media account names or email names should not be tied to the City (e.g. "PortlandCityManagerGuy").

Nothing in the City of Portland's social media policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. City of Portland employees have the right to engage in or refrain from such activities.

3. Interactive Communications; Notices to Site Visitors

a. A City or agency social media site or page may be a "limited public forum" under the First Amendment if visitors to the site are able to post comments or other communications. Where permitted by the operator of the site, the comments and similar functions should be disabled on City and department social media pages, unless the department head, City Manager or designee, and Director of Communications or designee determine that permitting or encouraging interactive communications with site users is necessary to carry out the business objectives of the department in creating the site.

b. If interactive communications (e.g. comments) are permitted, terms of use for visitors to the site must be posted prominently on the site, unless prohibited by the terms of use governing the social media account or prevented by the site. The terms must include: (i) A clear description of the topics that the site is intended to address and that may be addressed in comments, with a statement that user postings will be removed if they are not directly related to those topics; (ii). Statements substantially similar to the following:

- Communications posted by visitors on this site may not contain ethnic slurs or profanity; material that is threatening, intimidating, harassing, libelous, fraudulent, discriminatory on the basis of age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, or any other legally recognized protected basis under federal, state, or local laws, regulations, or ordinances, or sexually explicit; or any material that infringes copyright, trademark or other intellectual property right. Any such communications may be removed at any time without notice.
- This site is not owned, controlled, or operated by the City or the department. Visitors to the site must comply with the terms of use and privacy policies of the site operator, and are subject to the site operator's practices regarding the collection and retention of passive information (e.g. cookies) and other information from and about visitors.
- Any advertisements appearing on the site are not controlled by the City or the department and do not reflect endorsement by the City or department.
- Opinions expressed by visitors to the site do not reflect an endorsement or opinion on the part of the City or department.
- All postings by visitors to the site may be retained by the City, in its discretion and as required by applicable law or City policy.
- All postings may be subject to the Maine Freedom of Access Act and other public records and disclosure laws, as well as discovery in litigation. This includes, but is not limited to, information

made available through a user's privacy settings on their own social media and other Internet pages.

- Visitors to the site should have no expectation of privacy or confidentiality with respect to any content they post to the site, and the City and department have no responsibility for maintaining any such privacy or confidentiality.

c. The content of communications posted by site users may not be edited or otherwise modified; removal is the only action that may be taken, and then only for communications that violate the terms of the statements under subsections a and b above.

3.1 Information Requirements. Department heads must submit a list of all social media accounts maintained by the department to the Communications Director or designee, including, at a minimum, the following information: (1) the name, hosting site and Internet address and date of inception for the account, and a statement of the purpose and scope of the agency's use of the account; (2) all user names, passwords, and other log-in credentials for the account; (3) all authorized social media users for the agency that have access to and/or responsibility for the account; and (4) the administrative contacts and contact information for the account. The agency head must promptly notify the Director of Communications of any changes in any of the foregoing, and of any new department social media accounts or pages and any termination of accounts or pages. Department heads shall ensure that all agency-approved social media accounts and social media content are periodically reviewed for compliance with this policy. Department heads are responsible for all social media content created, received, transmitted, stored, deleted, destroyed, and/or printed in the name of or on behalf of the City or the department.

4. Compliance. Each City department head shall be responsible for enforcing compliance with this policy by department employees. Employees who violate this policy, or any other City or department policy, may be subject to disciplinary action, up to and including termination of employment, in accordance with the disciplinary policies of the employee's department and of the City, and, for union members, the terms of the applicable collective bargaining agreement. If a City contractor or third party user knowingly or negligently commits or permits a material violation of this policy, the City may terminate the contract in accordance with its terms, and/or terminate the contractor's or third party user's access to City information processing facilities, information systems, and information, in addition to any legal or remedial actions the City may take to enforce and protect its interests.

5. Questions.

Questions related to this policy should be directed to the Director of Communications or an employee's department head.

Approved by Jon P. Jennings, City Manager

Date 12-21-2015