



## **CITY OF WINTER SPRINGS ADMINISTRATIVE POLICY**

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### **SOCIAL MEDIA POLICY**

**Approved by the City Commission on May 12, 2015**

#### **1. Purpose**

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, the City of Winter Springs may consider using social media to communicate with a broader audience. The City of Winter Springs operates and maintains its social media sites as a public service to provide information about City programs, services, projects, issues, events and activities. In furtherance of this public service, the City's use of social media shall be for official City purposes and must be consistent with the goals and objectives and branding initiative established by the City.

In order to effectively provide this public service, the City has an overriding interest and expectation in deciding what is "spoken" and "announced" on behalf of the City on social media sites in furtherance of protecting the integrity of the information and content posted and attributed to the City.

This policy establishes internal guidelines and procedures for the use of social media by the City and its officials and employees. This Policy shall not be construed or interpreted in any way to infringe upon a person's right to free speech under the Florida or United States Constitution.

#### **2. City Website**

The City of Winter Springs's website, ([www.winterspringsfl.org](http://www.winterspringsfl.org)), will remain the City's primary and predominant internet presence.

The best, most appropriate City use of social media tools fall into two categories:

- a. As channels for disseminating routine notices to the public such as time and place of meetings, projects, activities and special events; and
- b. As marketing or promotional channel which enhance the City's ability to broadcast its messages to the widest audience possible.

### **3. Definitions**

For purposes of interpreting this Policy, the following words shall have the meaning ascribed unless the context clearly means otherwise:

(1) "Social media" means computer-mediated tools that allow people to create, share or exchange information, ideas, and pictures/videos in virtual communities and networks. Social media depends on mobile and web-based technologies to create highly interactive platforms through which individuals, groups and communities share information and communicate. Examples of social media include, but are not limited to, web-based platforms, Facebook, Twitter, Blogs, RSS, YouTube, LinkedIn, Delicious, and Flickr.

(2) "City Employee" or "Employee" means a person hired and currently employed by the city of Winter Springs. The term does not include the mayor, city commissioners, City board or committee members, and independent contractors of the City.

(3) "City social media sites" means social media sites which the City establishes and maintains, and over which it has control over all postings, except for advertisements or hyperlinks by the social media site's owners, vendors, or partners. City social media sites shall supplement, and not replace, the City's required notices and standard methods of communication.

(4) "Posting" or "Post" means articles, pictures, event schedules, videos or any other form of communication/information posted on a City social media site.

### **4. Selection of Social Media Sites**

The City Manager shall have the sole discretion to approve, disapprove or discontinue the City use of a social media site unless otherwise directed by the City Commission. No other City employee shall have the right to initiate or discontinue the use of a site on behalf of the City. When making this determination, the City Manager shall consider the following minimum factors:

- (1) Whether the site performs in a manner that is consistent with the purpose of this Policy.

(2) Whether the Information Services Department has determined the site is compatible with the City's network environment and browsers.

(3) Whether the site allows comments or posts to be turned off so the site is only used for one-way communications consistent with the requirement set forth in Section 6(3) of this Policy. If the City Commission expressly authorizes the utilization of a site or platform that will not allow the comments or posts to be turned off, the City reserves the right to implement the controls set out in subsection 7(4), and in all events, the City disclaims responsibility and liability to the fullest extent allowed by law for any inappropriate content or posting on any network site or platform by other parties.

(4) Whether the site has adequate mechanisms, features and allowances for the City Manager or Designee to control content and reach an audience that is consistent with the City's goals and objectives for selecting and using the site to provide a public service intended by the City.

(5) Whether the site has a concept, audience, and marketing plan consistent with the purpose of this Policy.

## **5. Set-up of City Social Media Websites**

(1) The City Manager or Designee working with the Information Services Department will setup the main administration account for the site, using a City e-mail address.

(2) The City Manager or Designee may establish accounts for the City of Winter Springs on social media sites even if the City does not plan to use them in order to protect the branding identity of the City. This will reserve the name and keep another person or organization from interfering with the City's communication objectives and branding initiative by presenting themselves as the City of Winter Springs.

## **6. Use of Social Media Sites**

(1) City employees and officials may use social media as a function of their employment with the City, when authorized and within their respective delegated areas of employment responsibilities and duties.

(2) The City Manager or Designee shall ensure that content posted by the City to its social media sites contains links directing users back to the City's website for in-depth information, forms, documents or online services to conduct business with the City, to the fullest extent possible.

(3) **The City shall use the social media forum for one-way communications only unless otherwise expressly authorized by the City Commission.** The City Commission has, however, authorized the City to use Facebook unless the City Commission terminates such use. If a social media site used by the City allows for comments to be posted by the public, the City

Manager or Designee shall disable the comment feature. If the City Commission expressly authorizes the use of the comment feature, like the City Commission has done for Facebook, the City reserves the right to edit or remove content at his/her discretion and based on the criteria listed below. The City's intent is not to create a public forum, but to maintain a forum related to topics posted by the City, with language appropriate for citizens and the general public, (including minors), to read. Inappropriate content includes:

- i. Comments not topically related to the particular article being commented upon.
  - ii. Profane language or content.
  - iii. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.
  - iv. Sexual content or links to sexual content.
  - v. Solicitations of commerce.
  - vi. Conduct or encouragement of illegal activity.
  - vii. Information that may tend to compromise the safety or security of the public or public systems.
  - viii. Content that violates a copyright, trademark or other legal ownership interest of any other party.
  - ix. Accusations that a particular individual is guilty of any criminal conduct or immoral activity.
  - x. Defamatory, false or misleading material.
  - xi. Formal complaints against the City and its employees, officials, and contractors. If a person believes there is a legitimate basis to make a complaint against the City, any of its employees or any third party, then appropriate alternative means of registering the complaint must be utilized. Moreover, City social media sites will not be a forum for registering allegations of criminal activity or other accusations against individuals.
  - xii. Comments to support or oppose political campaigns or ballot measures.
  - xiii. Harassing and threatening comments.
- (4) The City's policy is not to allow blogs or comments on blogs.
- (5) The City Manager or Designee shall ensure that content posted on City's social media sites will also be available on the City's website, to the fullest extent possible.

(6) This use of social media shall be for the purpose of allowing the City to distribute information regarding topics determined by the City. If any platform allows for posting comments by third parties, then third party comments may be allowed by the City Commission in its sole discretion subject to the right of the City Manager or Designee to remove or edit inappropriate content determined to violate one or more of the communication standards enumerated in this Policy. To the extent the City Commission permits a web based feature or social networking facility to be utilized as a limited forum for expression, the only content permitted will be responses or postings that relate to the City initiated topics and discussion, provided such comments and postings comply with the standards of communication set forth in this Policy.

(7) If the City Commission authorizes the posting of comments on a City social media site, the user shall, as a condition of using any City social media site, be subject to the following disclaimer that will be prominently displayed, in substantial form, on all City social media sites on which the City Commission has authorized posting comments:

**IMPORTANT NOTICE UNDER FLORIDA’S PUBLIC RECORDS LAW:** The user of this Site understands and agrees that under the Florida Public Records Act (Chapter 119, Florida Statutes), every response and submission to this Site may constitute a public record subject to public disclosure. There is no expectation of privacy and confidentiality whatsoever regarding on any matter posted on this Site. Posts will remain on the Site for as long as the Site’s Host will allow for such item to remain posted. Posts are subject to removal or edit by the City for reasons deemed inappropriate by City Policy including, but not limited to reasons such as using or posting content that is profane or obscene, defamatory, false or misleading, harassing, threatening, sexually explicit, violation of criminal or civil law, a commercial solicitation, information that may tend to compromise the safety or security of the public or public systems, or not topically related to City programs, services, projects, issues, events and activities, or the particular post being commented upon. Any post removed by the City will be temporarily stored by the City offline and may be a public record available for inspection and/or copying to the extent allowed by law. The City does not represent or guarantee that a post or content will remain on a Site for any given length of time. As such, posts and content may be removed at the discretion of the City or a third party manager responsible for the Site.

(8) City use of social media sites will comply with all provisions of Florida law, resolutions and ordinances of the City of Winter Springs and administrative policies issued by the City Manager including, but not limited to, the Florida Public Records Act (Chapter 119, Fla. Stat.) and the Standards of Conduct applicable to Public Officials and Employees (Section 112.313, Fla. Stat.).

(9) All social media sites must indicate that they are maintained by the City of Winter Springs and must have the City of Winter Springs contact information available on the site.

(10) City Employees and officials may not post a personal e-mail, private phone numbers and addresses, or any other personal information to any City social media site. In addition, postings shall not violate privacy and confidentiality rights.

(11) Employees may not remove their name or domain information from postings on the City's social media site nor access the City's social media site anonymously to conceal their identity.

(12) Permission must be obtained by City staff, in writing, before posting photographs of people if the photograph was obtained at a location where the person depicted in the photograph would have a reasonable expectation of privacy.

(13) Social networking and other web facilities that may be established under this policy will not be places where a person may request public records under Chapter 119, Florida Statutes. Social network and website applications under this Policy will not be monitored for Chapter 119 requests but instead will only be monitored for content. The City staff responsible for implementing this Policy and for providing services on behalf of the City regarding social network and website applications, are not custodians of public records. Any person communicating by means of social networking or other web facility is not in communication with a custodian of public records. Requests for public records must be directed to the City Clerk or other City official in accordance with the City's Public Records Policy.

(14) Social media sites and other network applications established under this Policy will not be a forum by which citizens may ask questions of the City. Citizens are requested to go to the official City of Winter Springs website at [www.winterspringsfl.org](http://www.winterspringsfl.org) and link to the place established on that website for asking questions of the City. City social media sites established under this Policy will not be monitored by the City for purposes of answering questions and any user of a City social media site shall have no expectation of receiving a response from the City related to questions presented on the site.

## **7. Content**

(1) All social media communications messages composed, sent, or received on the City's IT equipment or used by the City for providing public services on any social media site or representing the City of Winter Springs in furtherance of this Policy are the property of the City of Winter Springs.

(2) Any content posted by the City on the City's social media sites must be reviewed and approved by the City Manager or Designee prior to posting. Approval of such content shall be based on whether the content reflects the views of the City and furthers the purpose of this Policy as specifically described in Section 1 above. Unless this approval is granted, Employees are prohibited from posting content and comments on the City's social media sites. Any employee or official authorized to post items on the City's behalf on any of the City's social media sites

shall not express his or her own personal views or concerns through such postings or by posting a response to such postings if posts are permitted related to the item.

(3) Disclosure of confidential and proprietary information that would compromise any City negotiations or legal proceeding or violate law is strictly prohibited.

(4) The City Manager or Designee may disable functions on the site or applications not needed or desired in his/her sole discretion. No rights are created in any third party regarding how the City may utilize the applications and features on social media or web application sites, and the decision on which feature to maintain or disable will be in the sole discretion of the City. Similarly, the decision on whether to allow posting or responses by third parties shall be in the sole discretion of the City and outside parties have no authority or right to control content or the time content may be posted. Should the City decide to allow for posting or responses to comments or where the external site does not allow the City to disable the ability for third parties to post comments, the City reserves the right to remove or edit such postings based on the communication standards specified in subsection 6(3) above.

(5) The City Manager may delegate the responsibility of reviewing and approving content to offices or departments. When a site is maintained by an office or department, information posted on the site will be reviewed prior to being released, under the department's or office's normal review process. The specific department's or officer's contact information must be available on the site.

(6) All information posted by the City on external sites may be subject to the Florida Public Records Act and the Sunshine law. City employees responsible for managing the content for the site shall maintain an archive of all information posted to the site, if it cannot be retrieved from the actual site itself. City officials who are subject to the Sunshine Law including, but not limited to, the mayor, city commissioners, and board and committee member shall not engage in on-line discussions concerning matters which may foreseeably come before them as a governing board for action. Such officials are encouraged to consult with the City Manager and the City Attorney if they have questions concerning compliance with these laws. The Attorney General in AGO 2009-19 (dated April 23, 2009) opined that these types of websites and social media are subject to the Sunshine law as well as to the Public Records Act. Accordingly, such officials are encouraged not to make any comment on a social media site or external Internet facility on the web related to a matter of public business that may be pending before the collegial body of which the person is a member or any matter that may reasonably be understood to potentially come up before such body, because of the substantial risk that other members of the same collegial body may be online and may inadvertently respond to such communication, establishing a "meeting" outside of the requirements of the Sunshine law. In addition, such officials should also consider that any comments or posts posted on such sites involving quasi-judicial matters that may come before their respective collegial body may prejudice their ability to participate in the hearing on the matter, under due process of law, because their posts or

comments undermine their ability to participate in the hearing in an unbiased, fair and impartial way.

(7) On at least an annual basis, the City Manager or Designee will review all applications and City social media sites to ensure such applications and sites are up-to-date and continue to serve their intended purpose. Out-of-date content will be removed and replaced with up-to-date information and sites no longer serving their intended purposes shall be discontinued.

(8) To the fullest extent possible, the City Clerk and other personnel responsible for development and maintenance of the Records Retention Schedule of the City of Winter Springs will develop categories of record retention that will permit the disposal of transitory and obsolete electronic communications received from third parties on City social media and external website facilities. Such communications will be retained for the shortest time frame reasonably allowed by law. City officials and employees of the City are reminded that using personal computers and other electronic communication devices such as Smartphones and other similar devices for communication or posting of matters related to public business of the City of Winter Springs may, under certain circumstances, subject such devices to inspection related to a request for public records.

**8. Administration of City of Winter Springs Social Media Sites.**

(1) The Information Services Department staff will maintain a list of social media tools approved for use by City departments and staff.

(2) The City Manager or Designee will maintain a list of all City social media sites, including login and password information. The Information Services Department will inform the City Manager or Designee of any administrative or policy changes to existing sites.

**9. Use of Non-City Social Media Sites.**

(1) Employees of the City are prohibited from “speaking” on behalf of the City and from identifying themselves as representatives of the City on non-City social media sites, except for a valid City purpose as authorized in the discretion of the City Manager or Designee in writing. An example of such valid purpose may include an online discussion between employees of the City and other governmental entities regarding a subject affecting the City. If the City Manager or Designee authorizes representation of the City on a non-City social media website, the employee so authorized shall:

i. Execute a City Social Media Conduct Agreement, on a form approved by the City Manager, acknowledging and agreeing to abide by the City’s social media policies prior to accessing any social media site as a representative of the City;

ii. Shall conduct themselves at all times as a professional representative of the City and in accordance with all City policies; and

iii. Be prohibited from posting inappropriate content as described in Section 6(3) of this Policy.

(2) The City disclaims responsibility and liability to the fullest extent allowed by law for any inappropriate or unauthorized content or posting on any network or website that may have been posted by a City employee or official.

(3) Employees are prohibited from accessing personal social media sites on City computers and electronic systems.

**10. Documentation.**

(1) The City Manager shall establish and adopt more specific administrative operational and use guidelines which will instruct City employees regarding the use of each social media site approved for use by the City.

**11. Employee Compliance.**

All City employees are expected to fully comply with the provisions of this Policy as a condition of employment with the City. Failure to comply with this Policy may subject the employee to employment discipline including, but not limited to, verbal and written reprimand, suspension or termination.