

Social Media Guidance for Councillors

Introduction

This guidance offers advice and tips to councillors to ensure that the public are clear at all times whether councillors are using social media on behalf of the Council or as an individual. It also aims to ensure that use of social media by councillors is effective, lawful and does not expose the council to security risks, reputational damage or breach the current data regulation legislation.

This guide covers the use of social media over the internet and by email, smart phones, social networking sites, blogging, and tweeting, and all social media platforms.

Social media includes (but not limited to) social networking and applications such as Facebook, Twitter, Instagram, WhatsApp, Snapchat, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis.

What to bear in mind

When you engage with people online it is important that a common sense approach is taken, to include trying to verify that the person you are corresponding with is as you are being led to believe they are before replying. The things that can get you into hot water anywhere else are just the same things to avoid in social media.

You are personally responsible for what you publish on social media. It is important that you think before you post online and check for accuracy of the content as words can't be unspoken. Even if you delete a statement, blog or tweet, it will probably already have been read, indexed or duplicated in places beyond your reach. Care should also be taken when liking, sharing, or re-tweeting content where this could be perceived as endorsement of the content.

You should think about your digital footprint, which is a term used to describe the entirety of information that you post online, including photos and status updates. Criminals can use this publicly available information to steal your identity, or use it to make phishing messages more convincing.

The law of defamation applies to social media in the same way as written or spoken communication. You can be sued for damages if a person or business considers their reputation has been or may be harmed because of your actions.

You need to be clear at all times whether you are posting in a personal or professional capacity, as an elected member or private individual. Including 'Cllr' or 'Councillor' in a name may give the impression and so lead to a conclusion that the councillor is writing in the capacity as an elected member.

Anyone receiving threats, abuse or harassment via their use of social media should report it to their political group leader, members' services and/or the police. Complaints can also be made following the social media provider's own policies.

Using social media at council meetings

If you are using social media during an official council meeting or event, ensure that you are discreet, and that the use does not negatively impact on the proceedings / your participation in them or contravene the Constitution or other council protocol.

It is important for you to show that sufficient attention is being given to the discussion at the meeting. If it is perceived that a decision is made without you having properly listened to the debate, it could lead to the relevant decision coming under challenge. It could also result in code of conduct complaints of a failure to treat others with respect or bringing the Council into disrepute.

Remember you should not publish or report on meetings which are private or internal (where no members of the public are present, or it is of a confidential nature) the content of exempt or confidential business dealt with by the Council in private sessions.

The Code of Conduct

Your posts on social media are subject to the Code of Conduct and various laws. You should apply the following guidelines to your online activity in the same way you would to other written or verbal communication.

- Show respect of others. The general principle is to avoid personal attacks, rude or offensive comments, however the right for an individual to express views is enshrined in law by the Human Rights Act 1998 and whilst the code of conduct requires councillors to treat others with respect, political expression may at times be considered disrespectful to a group of people.
- Not to bully or intimidate others -repeated negative comments about individuals could be interpreted as bullying or intimidation.
- Avoid conducting yourself in a manner or behaving in such a way to give a reasonable person the impression you have brought your office or the council into disrepute.
- Comply with equality laws including the public-sector equality duty – do not publish anything that might be seen, as racist, sexist, ageist, homophobic, anti-faith or offensive to any of the groups with the protected characteristics defined in the Equality Act 2010 [Age, Disability, Gender Reassignment, Marriage and Civil Partnership ,Pregnancy or Maternity, Race, Religion or Belief, Sex (formerly Gender) Sexual Orientation] even as a joke or “tongue in cheek”.

- Not disclose confidential information about people or the council.
- Not to secure a benefit for yourself or disadvantage for others.
- Ensure that readers are not misled into believing that any material published by you is on behalf of the council, authorised by the council or official council policy if it is not.
- Ensure all content that relates to the council or council business is accurate, fairly balanced, not misleading and complies with any relevant council policy.
- Comply with the terms and conditions of the social media site being used.

A complaint may be made against you if you contravene the code of conduct.

Personal social media accounts

Councillors should be aware and recognise that there is a risk of damage being caused to the council via their personal use of social media when they can be identified as an elected councillor.

Consider the name that you use online. Prefacing your Twitter account with Cllr lets people know exactly who you are and indicates the Code of Conduct may well apply.

If in respect of any personal use of social media a councillor can be identified as associated with the council by the profile or content, then the following guidance should be complied with.

Setting up separate accounts can help you manage your home life and role as a councillor separately.

Best practice:

- You can choose to set appropriate privacy settings to manage what the press or public can see and what your family and friends see.
- Read the terms of service of any social media site accessed and make sure you understand their confidentiality and privacy settings. **There is advice on the weblink below on how to set up privacy and safety settings on your chosen social media platform** <https://www.ncsc.gov.uk/guidance/social-media-how-to-use-it-safely>

- You can expressly state through a prominent disclaimer on any profile or content that identifies you as a councillor (or otherwise refers to or implies a relationship with the council) that the stated views are your own personal views and not those of the council.
- Keep your messages professional, polite, and positive.
- Exercise discretion when choosing who to follow on Twitter and befriend on Facebook. If you are Facebook friends with council employees, contractors or who have been procured to provide services to the council, company or a member of the public making a planning application or pressure groups, this might be construed as having a close personal association with them and therefore a personal interest.
- Ensure that readers are not misled into believing that any material published by you is on behalf of the council, authorised by the council or official council policy if it is not.
- Ensure all content that relates to the council or council business is accurate, fairly balanced, not misleading and complies with any relevant council policy.
- Comply with the terms and conditions of the social media site being used.
- If you make a mistake admit it. Mistakes happen so don't try to cover it up as there will always be a record of what you've said.
- Don't tweet or post on Facebook/ Instagram when you feel tired or emotional. It's probably sensible to turn off your phone at any time when you think your judgement may be impaired.
- You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position.
- It is important to remember therefore, that anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

Things to avoid doing:

- Make any comment or post material so as to give a reasonable person the impression that you have brought your office as councillor or the council into disrepute.

- Present political or opinion as fact or as representative of the council.
- Imply that you are authorised to speak as a representative of the council nor give the impression that the views you express are those of the council.
- Post or publish any material that is harassing or bullying. Harassment may include personal attacks on officers or members of the public.
- Use the council's logo, or any other council related material on a personal account or website.
- Publish content in a way which appears as if the council has endorsed it.
- Publish content in an abusive manner or in any way which can be seen as unacceptable behaviour.
- Disclose confidential council information or matters.
- Don't discuss casework on social media or encourage people to contact you about issues that might be personal to them.
- As with your own leaflets or newsletters, ask permission before taking a picture that you intend to use. Don't take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for.
- Don't allow anyone else access to your social media accounts. Protect your passwords and use robust, unique passwords and change them regularly especially if you use a public or shared computer. Keep in mind that you can be hacked on social media! Be wary about direct messages via Twitter, even from people you know, with messages such as 'Hi, have you seen this photo of you on Twitter?' Delete these before opening, as the spam could then be sent to all of the people you are following. Do not open videos or links on, for example, Facebook Messenger if you are not expecting as it could be a hack.

Civil Law and other considerations

Defamation

If you publish an untrue statement about a person which is damaging to their reputation, if found liable to another person, you could be ordered to pay large sums of money as damages. This may also apply even if you retweet or pass on information originally posted by others.

Harassment

It is an offence to pursue a campaign repeatedly against a person that is likely to cause them person alarm and distress.

Copyright

Placing the images, documents, photos, videos and music without the permission of the person who created them is likely to be a breach of copyright. Avoid publishing anything you are unsure about or seek permission in advance.

Predetermination

If you are involved in a decision making you should avoid publishing anything on social media that might suggest that you have already made up your mind about a matter you may be involved in determining. Otherwise the decision runs the risk of being invalidated. **You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position.**

Political comment and Electioneering

It is not acceptable to make political points or canvass votes using social media accounts via the Council supplied computer equipment, at any time, and in particular in the run up to elections.

Data protection and the UK General Data Protection Regulation

Do not post personal data of other people without their express permission to do so. **As a councillor you are a data controller in your own right and therefore personally responsible for what you publish. Make sure you understand the requirements of the UK GDPR and Data Protection Act.**

Frequently Asked Questions

1.Can I comment/respond to questions posted on my social media page regarding general local issues?

Yes. The Social Media guidance is not intended to restrict the use of social media, it is a guidance tool to make Councillors aware of the risks and pitfalls.

2. Can I comment/respond to questions posted on my social media page regarding upcoming Council matters such as licensing or planning applications?

Councillors can take a view and express opinions or concerns, however, they must not show bias or pre-determination. Councillors are reminded to remain impartial and open minded and listen to all the facts before coming to a decision. Evidence of any kind of bias or pre-determination could leave the decision open to challenge. In addition, any

member who sits on a decision making committee must have regard to any Protocol which supports the decision making process.

3. I find comments on my social media page posted by a third party insulting and/or confrontational. How should I respond?

If at all possible, don't respond at all. It is best to not "feed the trolls" by ignoring the post. If it clear that the person is a serious, concerned member of the public then a suitably non-confrontational reply may be appropriate. Remember that you remain a representative of the Council online.

4. Someone has posted a racially aggravated comment on my personal blog, what can I do? Can I be held liable?

As soon as you become aware of the comment you should inform the site administrator. If you are exclusively in charge of the site you should consider reporting the comment to the Police. You should keep evidence of the post and then ensure it is taken down. Providing a Councillor takes reasonable care and reports the potential offence quickly they are unlikely to be held liable for someone else's breaches.

5. Do any special rules apply to social media posts and blogs during a local election period?

During an election period Councillors should take particular care as legislation relating to electoral matters will apply to the online publication of electoral material or statements relating to the election. For example, if you publish a statement on your personal blog regarding another candidate the Representation of the People Act 1983 may apply. Under this legislation it is a criminal offence to make or publish a false statement of fact about the personal character or conduct of an election candidate.

6. What happens if I breach the Social Media Guidance?

It depends upon the nature of the breach. This may lead to a code of conduct complaint or even personal liability or criminal charges.

Useful contacts

- For advice of a non-political nature on best practice, contact the Communications Team
- For advice on the Code of Conduct, contact the Monitoring Officer
- For information about courses and member training relating to social media, contact Committee and Member Services.