



Draft version 2, 23.06.15

CHELTENHAM BOROUGH COUNCIL

DRAFT

SOCIAL MEDIA PROTOCOL FOR

MEMBERS

Contents and Definitions

Contents

- 1 Introduction
- 2 What is social media?
3. Benefits of using social media
4. Use of social media in meetings
5. General Legal and Code of Conduct Context
6. Some social media do's and don'ts
7. Glossary of terms

I. Introduction

Social media has become an increasingly popular and important means of communication for individuals and organisations and is used both socially and for business.

Most social media sites are web-based and provide a variety of ways for users to interact and share information including blogs, photo sharing, video sharing social networks and mobile phone applications.

Unlike telephone conversations, messages on social media are in written form, can be viewed by a much wider range of people than just the intended recipient, and should therefore be treated as a permanent written record. Once the message is placed on social media, its audience cannot be restricted. Deletion is only effective from the time of deletion by which time the material could already have been viewed and shared.

Consequently, caution must be exercised when using social media and Councillors should think carefully before posting anything on social media when angry, tired or having consumed alcohol and Members should only post material which they would be happy to have formally recorded. Inappropriate use of social media by Members may result in a complaint of breach of the Council's Code of Members' Conduct.

Despite the caution referred to above, there are many benefits to engaging with social media which is currently at the forefront of modern communications and its capabilities are used by the Government and public bodies across the country as another means of engaging in two-way conversations with customers, stakeholders and partners.

Social media can be used to support Councillors in performing their community leadership role, to keep in touch with local views and opinions and to campaign on local issues.

2. What is social media?

Social media is the blanket term applied to a range of online multimedia tools that are used for creating content and two- way communications. These allow people to interact with each other by creating their own content. Users share information on social media sites to discuss opinions and may create interest groups or pages. These sites and tools are used to build online communities and networks which encourage participation and engagement.

Section 7 of this Protocol sets out a glossary of social media terms currently in use.

3. Benefits of using social media

Social media is used as a preferred method of communication by increasing numbers of people. The use of social media by Councillors enables them to respond to the expectations of modern society and benefits for use include the following:-

- An efficient way to talk and listen to residents, local businesses and other partner organisations
- A useful way of finding out about local concerns and interests
- Useful for finding out about breaking news, latest research or publication, policy or announcements
- A good way of making the electorate aware of local work undertaken by Councillors
- An effective way of communicating with a range and volume of people who would not use more traditional ways of contact such as meetings, telephone calls etc.
- It is mobile and enables instant communication and immediate feedback
- It enables pictures and videos to be uploaded.
- It is free, by using existing devices.

4. Use of social media in meetings

There is no restriction on the recording of formal Council, Committee meetings etc and consequently there is an increasing tendency for these proceedings to be published via social media. There are no specific legal reasons to prevent Councillors accessing social media when attending formal meetings, but there should be adequate safeguards to ensure that this does not compromise the integrity of the Council itself or individual members. In addition to having regard to sections 5 and 6 of this Protocol, the following should be considered and observed:-

- Tweeting or other social media interaction during a public meeting may be useful to update on progress and receive comments from the community but may give the impression (if used excessively) that a Councillor is not concentrating on the business being conducted or is relying on guidance from outside the meeting.
- Confidential information and the content / discussion at meetings which are taking place as exempt items of business, from which the public is excluded, should not be communicated or disclosed in any way.

5. General Legal and Code of Conduct Context

Although there is no additional legal burden arising from the use of social media, it must be borne in mind that anything posted on a social media site becomes a publication which is widely broadcast in the public domain. Members should therefore be mindful of the relevant legal provisions and the requirements of the Council's Code of Members' Conduct

Summary of relevant legal provisions

Libel/Defamation - if an untrue statement is published about a person which is damaging to their reputation, they may take action against the person making or publishing that statement. This is also true if someone posts defamatory material on another person's site, and swift action to remove it is not taken. A successful libel claim could result in the award of damages.

Copyright - using images or text from a copyrighted source, e.g. extracts from publications or other people's photos, without getting permission is likely to breach copyright laws. Members should avoid publishing anything which they are not sure about without checking or, alternatively, obtaining permission to use the material. A successful claim for breach of copyright could result in the award of damages.

Data Protection - it is contrary to data protection legislation to publish personal data about individuals unless they have given you their permission. Councillors are data controllers and are therefore personally responsible for any personal data published.

Incitement - it is a criminal offence to incite any criminal act. It is a criminal offence to make a discriminatory remark about anyone based on a protected characteristic as defined in equality legislation.

Harassment - it is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, nuisance or distress.

Equalities – it is contrary to equality legislation to publish material that might be considered sexist, racist, ageist, homophobic or anti-faith.

Legal Proceedings – commenting on legal proceedings being taken by or against the Council may prejudice either the Councillor's own or the Council's position and advice should be taken prior to any comments of this nature being communicated via social media.

Elections and Voting – there are specific legal provisions providing for a criminal offences in relation to the publication of information relating to an election, including information regarding the result of an election that may affect the result of the election and information which undermines the secrecy of a ballot.

Members' Code of Conduct provisions

The provisions of the Cheltenham Borough Council Code of Members' Conduct apply when Councillors are acting or giving the impression that they are acting in their capacity as a Member of the Council.* Members should be particularly mindful of the following provisions of the Code of Conduct when using social media:-

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
7. Members shall observe the following rules:-

General Requirements

- (1) **Do** treat others with respect.
- (2) **Do not** bully any person.
- (3) **Do not** do anything which may cause your Authority to breach any of the equality enactments.
- (4) **Do not** use your position improperly, to confer on or secure for yourself or any other person, an advantage or disadvantage.
- (5) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, your Authority.
- (6) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;

- (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Authority.
- (v) before making any disclosure under the provision and (iv) above, the written advice of the Borough Solicitor must be sought and considered.
- (7) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (8) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.

* Members should be aware that the use of personal e-mail addresses or aliases will not avoid there being a breach of the Code of Conduct in circumstances where it can be demonstrated the Member is acting or giving the impression that they are acting in their capacity as a Councillor.

6. Some social media do's and don'ts

Councillors should observe the following good practice in their use of social media:-

Do

- Set appropriate privacy settings for blog or networking site – especially if the Councillor has a private, non-political blog.
- Update social media regularly – if it is not regularly updated it may be better to close it than to appear unresponsive or disinterested.
- Keep an eye out for defamatory or obscene posts from others on a Councillor's social media site or page and remove them as soon as possible.
- Be aware that the higher the profile of the councillor, the more likely it is for comments posted to be considered to have been made in an official capacity.

- Be aware that by publishing information that could not have been accessed other than in the position as a councillor is likely to be considered to amount to acting in an official capacity.
- Use a disclaimer. When publishing content to any form of digital media, Councillors should make it clear where views are those of the Councillor personally and that these are not necessarily the views and opinions of Cheltenham Borough Council. However, remember that it can be difficult for the audience to distinguish an official role at Cheltenham Borough Council, particularly if the Member holds a particular position of responsibility such as Cabinet Member, Committee Chair etc.
- Treat others with respect – avoid personal attacks or offensive comments.
- Refrain from publishing anything received in confidence.
- Ensure that comments published do not bring the council or individual Councillor's role into disrepute.
- Comply with equality laws.

Don't

- Post comments in haste (particularly in any situation where judgment may be impaired such as when feeling angry, tired or having consumed alcohol)
- Post comments that the individual would not be prepared to make in writing or in a public meeting. (Word spreads faster online than through any other form of communication.)
- Publish an untrue statement about a person which is damaging to their reputation as they may commence proceedings for libel.
- Publish confidential information that has been learned or accessed as part of the role as an elected member. (This includes personal information about service users, their families or friends and others e.g. contractors, council staff as well as the Council's commercially sensitive information)
- Use Council facilities for personal or political blogs
- Post images or text from copyrighted sources without permission
- Interact via social media (or mobile devices) whilst participating in a debate on a regulatory matter (planning / licensing etc.)

- **Data Protection** – Don't publish personal data of individuals unless their written permission has been obtained.
- **Bias and Predetermination** – If involved in making planning, licensing or other regulatory decisions, a Councillor should not say anything through social media (or elsewhere) that suggests that the Councillor has completely made up their mind on a matter which is to be the subject of consideration and decision. Councillors' obligations when participating in such a decision is to approach the committee / hearing with an open mind, being prepared to take on board and weigh all evidence and arguments before making your decision at the meeting.

Any areas of uncertainty or if further advice is required, please contact the Council's Monitoring Officer or Communications team.

7. Glossary of terms

Blog term derived from 'weblog' meaning an internet log or diary/journal

Blogosphere all blogs collectively on the internet

Direct Message a message sent via Twitter directly to someone who follows you or who you follow. You can also direct message on Face Book.

Facebook an example of social networking

Flickr photo sharing site

Follower someone who has chosen to follow you on Twitter, Instagram or Pinterest.

Friend someone who you have allowed to access your Facebook page - not necessarily a friend in the normal social context

Forum a virtual discussion area

#Hashtag a hashtag or # is a way of denoting a keyword which can be used as a search term on Twitter, Facebook or Instagram

Instagram a platform for sharing photos and videos

Microblog short blog e.g. Twitter using a maximum of 140 characters

Pinterest a virtual pinboard for creating and sharing images

RebelMouse a free service that connects to your accounts at services such as Facebook, Twitter and/or Instagram. It integrates all your SM Tweets, postings and blogs automatically into one page, boosting your SM presence without you doing anything extra as it 'runs in the background'. It will save you having to tweet your blogs etc. to get more prominence on search engines

Retweet to forward a message or Tweet seen on Twitter

Social networking Facebook etc

Snapchat a photo messaging application for photos, videos, drawings and text. The message deletes once viewed

Spam electronic junk mail

Trending current popular people or conversations as in 'trending on Twitter now...'

Troll someone who disrupts online communities or discussions through unhelpful or irrelevant posts

Tweet a message sent on Twitter

Tweety Hall a virtual gathering place for councillors with Twitter accounts – search @tweetyhall

Twitter a social media site for sharing short messages limited to 140 characters called tweets

Vimeo A platform for sharing videos and photographs

WhatsApp is an instant messaging app for smartphones. The app uses the internet to send text messages, images, video and audio media message

You Tube a platform for sharing videos