



TOWN OF HILLSBOROUGH

SOCIAL MEDIA POLICY

POLICY 221

CREATED 03/08/2021

PURPOSE: This Social Media Policy establishes guidelines for the creation and use by the Town of Hillsborough (“Town”) of social media sites as a means of conveying information to members of the public.

The intended purpose of the Town social media sites is to disseminate official information from the Town about the Town’s mission, meetings, activities, and current issues to members of the public.

The Town has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the Town and its officials.

DEFINITIONS:

- **“Agency”** or **“Town”** means the Town of Hillsborough.
- **“Agency business”** means information relating to the conduct of the public’s business or communications concerning matters within the subject matter of the Town’s jurisdiction, including, but not limited to, pending or potential Town projects, past or prospective Town agenda items, or Town budgets or expenditures involving Town funds.
- **“Town officials”** means any person elected or appointed to a legislative body, commission, or committee of the Town.
- **“Social media sites”** means content created and shared by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Social media sites include, but are not limited to, the following types of platforms:
 - Social networking sites (e.g., Facebook, LinkedIn, Nextdoor);
 - Video and photo sites (e.g., Instagram, YouTube, Pinterest, Snapchat);
 - Micro-blogging sites (e.g., Twitter);
 - Ephemeral messaging applications (e.g. Instagram stories, TikTok);
 - and
 - Forums and discussion boards (e.g., Reddit, Google groups).

POLICY:

General Policy Guidelines

1. The establishment of each Town social media site is subject to approval by the Hillsborough City Manager or his or her designee. Upon such approval, each Town social media site created shall bear the name and/or official logo of the Town.
2. The Town's website (www.hillsborough.net) will remain the Town's primary and predominant internet presence. Wherever possible, content posted to social media sites will also be available on the Town's website.
 - a. The best, most appropriate uses of social media tools fall generally into two categories:
 - i. As channels for disseminating time-sensitive information as quickly as possible (i.e., emergency information, events information);
 - ii. As education channels, which increase the Town's ability to broadcast its messages to the widest possible audience.
 - b. Wherever possible, content posted to the Town's social media sites shall contain links directing users back to the Town's official website for in-depth information, forms, documents, or online services necessary to conduct business with the Town.
3. All Town social media sites shall comply with all appropriate policies and standards, including but not limited to the following:
 - a. Unlawful Discrimination Harassment (Policy #203)
 - b. Employee Ethics (Policy # 205A)
 - c. Ethics Training (Policy #205B)
 - d. Internet Policy (Policy #210)
 - e. Electronic Communication Usage (Policy #213)
4. Town social media sites are subject to the California Public Records Act (Cal. Gov. Code § 6250 et seq.). Any content maintained in a social media format that is related to agency business, including but not limited to, posted communications and communications submitted for posting, list of subscribers and private messages may be public records subject to public disclosure. Wherever possible, such sites shall clearly indicate that all articles, comments, and other content posted or submitted for posting as well as personal identifying information for users and visitors to the site, may be subject to public disclosure. Such sites shall also indicate that Public Records Act requests should be directed to the Town of Hillsborough City Clerk.

a. When Town representatives bound by this Policy, including Town officials, use social media in their personal capacities, they acknowledge that posts related to Town business may be deemed public records under the California Public Records Act. When a Town representative publishes a social media post, or engages in an exchange about Town business via their personal social media account, they may transform that otherwise personal social media account into an account subject to federal and state law; including but not limited to the California Public Records Act, record retention requirements, and First Amendment principles, among others. This conduct may also limit the ability of Town officials to legally “block” third parties from viewing or posting on that purportedly personal social media site. Town representatives may avoid transforming their personal social media accounts into accounts subject to this Policy, and federal and state open government laws, by, among other things, not engaging in discussions regarding Town business on that social media account.

5. California state law and relevant records retention schedules apply to social media sites and content. Unless retention is otherwise addressed in a specific social media standards document, the department maintaining a Town social media site shall preserve records pursuant to the Town’s records retention schedule for the required retention period on a server in a format that preserves the integrity of the original record and is easily accessible.

6. All social media sites shall adhere to applicable federal, state and local laws, regulations and policies. The Town of Hillsborough reserves the right to restrict or remove any content that is deemed in violation of this Policy or any applicable law, however, that restricted or removed content must be retained pursuant to the Town’s record retention schedule.

7. For each Town social media site approved for use by the Town’s City Manager or his or her designee, the following documentation will be developed and adopted:

- a. Operational and use guidelines
 - i. The Town reserves the right to terminate any Town social media site at any time without notice.
 - ii. The Town does not control the privacy and use policies of any social media sites. Users of social media sites are subject to the terms and conditions they have agreed to when registering for the social media services. Town social media sites are subject to the usage rules and regulations required by the site provider, including privacy policies. It is recognized that social media platform providers will, from time to time, modify their terms, conditions and usage policies with little to no notification.

iii The Town's social media policy shall be displayed to users or made available by hyperlink on Town social media sites.

iv All Town social media sites shall adhere to applicable federal, state and local laws, regulations and policies. Should any sites be found in violation of these laws and be found guilty of the violations without seeking to resolve the matter with prosecuting authorities, the Town will terminate its use of the social media platform.

v The Town shall have full permission or rights to any content posted by the Town on its social media sites, including photographs and videos.

vi Town social media site profiles must be created using a Town-owned email address only. Establishment of a Town social media site or account for Town business requires approval of the City Manager.

vii Department-level Town social media sites are to be managed by a department designee agreed upon by the City Manager and the department head. Said sites shall be managed and moderated in accordance with the Town Social Media Policy. Anyone with access who is not currently a Town employee or designated social media manager by the City Manager shall immediately have their access rights revoked.

8. This Social Media Policy may be revised at any time.

Content Guidelines

As a public entity, the Town must abide by certain standards to serve all of its constituents in a civil and unbiased manner. All social media postings are subject to review at the discretion of the City Manager or their designee(s). Content violating the Town Social Media Policy shall be reported to the City Manager or their designee(s) immediately for consultation and consensus on action. All comments and postings to the Town's social media sites will be monitored.

It is understood that social media is a 24/7 medium, however, the Town's moderation capabilities are not. The Town may not see every inappropriate comment right away and is trusting in the maturity of the community to ignore inappropriate or harmful speech until it can be reviewed and/or removed. The Town disclaims any and all responsibility for any content posted by third parties that cannot be removed in an expeditious and otherwise timely manner. It is understood that posting is neither private nor confidential and the Town makes no representations regarding the social media provider's data privacy.

The Town reserves the right to remove the following categories of comments or content:

1. Profane or obscene language or content;
2. 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, or any other classes protected under federal, state or local law;
3. Sexual content or language or links to sexual content;
4. Solicitations of commerce or advertisements including promotion or endorsement, unless already part of a Town-sponsored event;
5. Conduct or encouragement of illegal activity;
6. Information that compromises the safety or security of the public or public systems;
7. Content soliciting support of, or opposition to, political campaigns, candidates or ballot measures;
8. Content intended to defame any person, group or organization;
9. Content that violates a legal ownership interest of any other party, such as trademark or copyright infringement;
10. Violent or threatening content;
11. Disclosure of confidential or proprietary information, including content pertaining to pending litigation involving the Town.

“Likes,” “Follows,” mentions of, or interactions with other social media pages or accounts by a social media site will be at the discretion of the Town’s City Manager or designee(s) and do not denote endorsement by the Town.

Any employee or contractor authorized to post items to any of the Town’s social media sites shall review, be familiar with, and comply with the particular social media site’s use policies and terms and conditions.

Postings may not contain any personal information, except for the names and titles of employees whose duties include being available for contact by the public.

Employees shall be provided a copy of this Policy, and shall, prior to engaging in or continuing any activities described hereunder, sign an acknowledgement of receipt of this Policy and an agreement to comply herewith. Any employee who violates this Policy in any manner may face discipline for such violation.

Comments Guidelines

The Town must not regulate, restrict, remove, or delete public comments or posts on any social media site, unless the Department Head of the employee seeking to remove the content has first consulted with the City Attorney.

Authorized personnel designated by the Town’s City Manager as described above, shall monitor all social media sites for comments requesting responses from the Town and for comments in violation of this Policy.

When reviewing and monitoring comments, it shall be the general policy of the Town to not respond or reply to comments.

All comments posted to any social media site are also bound by the site's Statement of Rights and Responsibilities, Terms of Service, or any set of rules established by the site, and the Town reserves the right to report any violation to the site with the intent of the site taking appropriate and reasonable responsive action.

Approved Social Media Sites

The Town's City Manager or his or her designee will maintain the list of social media sites that are approved for use by departments and staff in accordance with this Policy. At the time of adoption of this Policy, the following social media sites and public outreach tools have been approved for use by the Town:

- Facebook
- Instagram
- Twitter
- YouTube

Councilmember, Committee Member, and Board Member ("Town Officials") Social Media Use

Use of Town social media sites by Councilmembers, Committee Members, and Board Members ("Town officials") shall be managed consistent with the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) including the following practices:

1. A Town official may communicate on social media sites to answer questions, provide information to the public or to solicit information from the public regarding a matter within the subject matter jurisdiction of the legislative body.
2. A Town Official is prohibited from using a social media site to discuss agency business with a majority of other legislative body members.
3. A Town Official is prohibited from responding directly to any communication posted or shared by another legislative body member regarding agency business on a social media site.

Members of the City Council, Committees and Boards shall not engage on Town social media sites to "Like," "Share," "Retweet" or otherwise respond to any published postings on the Town social media sites that might indicate their viewpoint or preference on a specific matter that is under consideration by the City Council or Town board or committee and prior to its full consideration and related public hearing on the matter. Nor shall members of the City Council, Committees, and Boards use the Town social media sites to engage in serial meetings or otherwise discuss, deliberate or express opinions on any issue within the subject matter jurisdiction of the respective legislative body.

Unless specifically authorized to speak on behalf of the Town, Town officials shall consider including the following disclaimer on personal social media sites to identify themselves as a Town official: "The postings on this site are my own and don't necessarily represent the Town of Hillsborough's positions, strategies, or opinions."

Town officials may, as a matter of free speech, establish their own social media accounts but should do everything reasonably practicable to make clear that the content posted on said sites does not appear to other social media users or the public that they are speaking for the Town. Town officials shall not use official Town email accounts when establishing, setting up, or using social media sites for personal activities.

The Town is not responsible for the contents or accuracy of material posted when a Town official is using social media in a personal capacity, as opposed to in an authorized capacity. Publication of such content on a personal social media site does not constitute an endorsement by the Town.

Town Staff Personal Social Media Use

Town staff may not represent themselves as formally speaking for the Town unless identified previously by the City Manager as official spokespeople. Identified Town spokespeople shall conduct themselves on social media only within the scope defined herein and in compliance with all Town policies, practices, user agreements and guidelines and this Social Media Policy.

While an employee's personal use and comments made at social media sites are subject to First Amendment protections as well as permissible restrictions, any personal use made of social media sites outside of work must not be attributable to the Town or the employee's job function at the Town.

For example:

- (a) Employees shall not use their Town e-mail address to register for social media and other sites unless the purpose is directly related to their job.
- (b) Employees shall not provide the Town's or another's confidential or proprietary information.
- (c) Employees shall not state or imply that they speak for the Town, for a Town department, or for Town officials.

Employees are personally responsible for the content they publish on social media sites. The Town is not responsible for the personal content of an employee's social media site. Employees shall be mindful that what is published may be public for a long time and shall be aware of their association with the Town in online social networks.

Social media activities that are not protected by First Amendment rights and that violate this, or any other Town policy will be subject to investigation and appropriate action, as determined by the Town of Hillsborough.