

Social Media Guidelines for Members

Social media guidelines for members

The Council encourages Members' use of new technology, including social media. This guidance is intended to help you to use social media in a way that avoids legal and reputational risk.

This guidance sets out what is and is not acceptable usage of social media at Wycombe District Council and complements the general rules under the Code of Conduct for Members.

The Monitoring Officer and the Communications team are happy to help Members by providing additional advice and guidance as appropriate. Training is also available to individual Members or Groups through social media surgery sessions arranged through the Communications team.

What is social media?

- Social media describes a range of website and online tools which allow people to interact. This includes blogs and postings on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Instagram and Snapchat.
- Social media is all about sharing information and people use social media platforms to give opinions, create interest groups and build online communities and networks which encourage participation and engagement.

Social Media and Members

It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their role as a councillor. Social media can help you to:

- increase your local profile as an active and engaged councillor
- perform better as a community leader by reaching out to local residents
- keep in touch with or obtain local views and opinions
- be more approachable
- campaign on local issues

A useful rule of thumb when using social media is that if you would not give out a piece of information or make a comment to a room full of people, then don't say it on social media.

- Remember that, whenever you act or appear to act in your official capacity on social media, you must comply with the Wycombe District Council Members' Code of Conduct. The overarching rules are that you should not bring Wycombe District Council into disrepute, and must respect confidentiality.

If you have any questions or concerns you should speak to the Communications team in the first instance.

Things to bear in mind

- Any communication is capable of being misinterpreted and this includes social media. There is something about the immediacy of social media and the lack of face to face contact which seems to magnify the problem;
- Things happen quickly on social media and sometimes people express emotional reactions in a knee jerk way. Comments can be misinterpreted or misrepresented particularly with regard to something that might be perceived as being more controversial than it was expected to be;
- Remember that information and comments that you and others make can be broadcast to a large number of people more quickly than other media, which is a double edged sword;
- Even if you withdraw a comment, someone may have taken a screenshot;
- The same rules apply to social media that govern the rest of your behaviour as a councillor – but you need to take extra care given their immediacy and ease of dissemination on social media;
- Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you've said on the web is recorded and it is permanent so make sure that your online content and comment is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word;
- This doesn't mean that Members cannot, in the appropriate context, communicate politically but you should be careful not to say anything that you wouldn't be prepared to stand by under scrutiny or that you would not feel comfortable repeating or justifying, for example, at a public meeting;
- Be clear if you are expressing personal views. Consider adding this in your profile description.

Some legal issues:

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your website; you know about it and don't take swift action to remove it. A successful legal claim could result in the award of damages against you.
- **Copyright** – Placing images or text on your site from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, don't publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission. Personal information in an

email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information on a public forum you should expect it to be published by others.

- **Bias and Predetermination** – if you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence, and were genuinely persuadable to a different view, otherwise the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the Council for damages.
- **RIPA (Regulation of Investigatory Powers Act 2000)** - where social media sites (SMS) are used for investigatory purposes anyone investigating on behalf of a Council should be mindful of Guidance issued by the OSC (Office of Surveillance Commissioners - the regulator of RIPA) in 2014. Usually investigations will be carried out by Council officers, but Members also need to be aware of legal restrictions in this area in case they are inclined to try to find online information which might be relevant to the Council's investigatory work. In particular, where access controls are applied to data, the author is deemed to have a reasonable expectation of privacy. Where data is "open source", repeated viewing may still constitute directed surveillance which could lead to a risk of a claim under the Human Rights Act 1998, and this should be borne in mind. In addition, a formal authorisation for the use and conduct of a Covert Human Intelligence Source is necessary if a relationship is established or maintained by a public authority or someone acting on its behalf (i.e. the activity is more than mere reading the site's content). A member (or officer) of the Council should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorization, and without the consent (explicit) of the person whose identity is used, and without considering the protection of that person. If advice is needed please consult Legal Services.

Social Media and the Code of Conduct for Members generally:

- Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other communication you use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual. (For example, if you want to make it clear that you are not expressing views in your capacity as a Member, you may choose to add phrases such as: “speaking entirely personally...” “the views expressed here are my personal views”).
- Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others, so to avoid doubt, it is better to spell out clearly whether you are stating personal, party or WDC corporate positions or views.
- One way of avoiding any confusion, and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. You should include this information in your profile.
- This is an individual decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The council’s Communications Team can help you with more specific advice if needed.

Relevant Elements of the Members’ Code of Conduct:

- **Treat others with respect** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments.
- **Comply with equality laws** – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.
- **Never bully or harass anyone** – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.
- **Do not bring the council into disrepute** – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of you or the Council.
- **Do not disclose confidential information** - you must not, in your use of social media, just as in any other circumstances, 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. Apply exactly the same standards to your social media communications as you would to statements made in a more formal context.

Staying out of Trouble - Some Do's and Don'ts

Do:

- set and check you have the appropriate privacy settings for your blog or networking site –especially if you have a private, non-political blog. Do you want anyone to see it, or selected people? Remember that sites like Facebook often change the parameters of settings.
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views. Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- consider keeping your personal and elected member profile on social networking sites separate.
- maintain appropriate professional boundaries.
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as being made in your official capacity.
- be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- feel able to make political points, but be careful about being too specific or personal if referring to individuals. General comments about another party or comments on policy or position are less likely to be viewed as a personal attack.

Don't:

- post social media content in haste, particularly in circumstances where your judgement might be impaired; for example if you are angered by a comment, tired or have consumed alcohol.
- never post comments that you would not be prepared to make on paper or face to face.
- use council facilities for personal or political blogs.
- request or accept a Council employee or contractor providing services to the council as a “friend” on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn).
- use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the Council.
- publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends, contractors, council staff as well as council related information.
- represent your personal views, or those of any political party or interest group you belong to, as being those of the council, on any social medium.
- browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.
- make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.