

# **PART 7 – THE CODES, PROTOCOLS AND ADVICE**

## **I - Members' Social Media Protocol**

# MEMBERS' SOCIAL MEDIA PROTOCOL

## Purpose of this protocol:

Social media is an increasingly important means of communication for individuals and businesses. The Council welcomes Members' increasing use of social media and aims to facilitate it by providing guidance regarding what is and is not acceptable. This protocol is intended to be read alongside the Members' Code of Conduct. As Members might expect, **the fundamental principle is that the same standards of behaviour and conduct apply online as are required offline.**

## What is social media?

'Social media' is the term to describe websites and online tools which allow people to interact with each other by creating their own content, for example blogs, videos or short messages such as including tweets.

On social media sites, users may share information, discuss opinions and/or create interest groups or pages, all means of building online communities and networks which encourage participation and engagement.

For the purposes of this policy Social Media also includes other forms of electronic communications such as email and 'direct/instant messaging'.

It is not a requirement that Members must have a Facebook or Twitter account or use other forms of social media to contact their constituents. However if you are already using or planning to use social media in connection with your work as a Councillor, or are already using such media in your private capacity, these guidelines will be relevant.

## Social Media can be used:

- To support councillors in performing their community leadership role
- To keep in touch with local views and opinions
- For political campaigning
- For campaigning on local issues

## Types of Social Media:

- Blogging and microblogging on online journals. Twitter is an example of microblogging, where entries are limited to 280 characters
- Online Forums involve people with similar interests sharing information and opinions. Social networking sites facilitate connections between those who already know each other, often in a social context, but are

increasingly used by businesses to promote their products or services- Facebook is an example

- Video and photo publishing involve sharing videos and photographs worldwide – YouTube, Instagram, Facebook and Flickr are examples.
- Email & messaging electronic communication usually from an individual to one or more recipients.

### **Be mindful that:**

- The use of social media does not impose any legal or ethical burdens additional to those which govern all of your behaviour as a councillor.
- However while any form of communication is capable of being misunderstood, the rapidity and immediacy of social media exchanges can lend itself to problems.
- “Misfiring”, or being misunderstood, particularly where comments are perceived as being more controversial than intended, may lead to rapid and wide broadcasting of the seemingly controversial comment.
- Although social media lends itself to a conversational tone, posting comments is still publishing in the sense of creating a written record. Most pitfalls will be avoided if your online content is accurate, informative, balanced and objective.
- While councillors are free to communicate politically in appropriate contexts, you should be careful not to say anything that you wouldn't be comfortable justifying at a public meeting.
- Be clear when you are communicating as a Councillor as opposed to a statement made in your personal capacity. You may wish to make it clear in your profile if it is a personal account however, any statement about Council business or policy will be considered as being in your capacity as a Councillor.

### **Legal issues:**

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. The same thing may happen if, for example, someone else publishes something libellous on your website, you know about it and don't take swift action to remove it. A successful libel 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 do not 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.
- **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 completely and irrevocably made your mind up on an issue that is due to be formally decided upon. 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 arguments, and were genuinely persuadable to a different view. If you were not, 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.
- **Harassment** - it is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, nuisance or distress.
- **Elections and Voting** – it is a criminal offence to publish any information relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted – s66A Representation of the People Act 1983.

#### **Social Media and the Code of Conduct for Members:**

- Aspects of the Members' Code of Conduct will apply to your online activity in the same way as they do to any other written or verbal communication you may engage in. The key to whether your online activity is subject to the Code is whether you are, or even just appear to be, acting in your capacity as a councillor rather than as a private individual.
- Councillors can have “blurred identities”. This can happen where you have a social media account where you comment both as a councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.
- One way of avoiding blurring the lines between your personal and councillor life, 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. This isn't a legal requirement but remains a decision for each Member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The Monitoring Officer or the Council's Communications Team can help you with more specific advice if needed.

**You must promote and support high standards of conduct** - do not use social media to make personal attacks or indulge in rude, disrespectful or offensive comments even if you are receiving such yourself. You should also be mindful not to publish anything that could reasonably be perceived as bringing yourself as a councillor, or the council in general, into disrepute, and in particular not to disclose any confidential information. While it is important that the Council conduct its business with openness, it is essential that councillors and employees are clear about what is confidential and ensure that relevant items remain confidential.

- **You must comply with equality laws** – do not publish anything that might be seen as racist, sexist, disableist, ageist, homophobic or anti-faith.
- **You must not bully or intimidate 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, whether the comments relate to a council employee, a fellow-councillor or anyone else.
- **You must not use anonymous accounts** – the public expects its elected representatives to be candid and not hide behind anonymous or proxy accounts. Where you engage with the public as a Councillor or on matters of importance affecting the Council or the Borough, then the public and the Council expects you to declare both your identity and your position as a Councillor.

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

#### **Some Do's**

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- 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 as a means of maintaining

appropriate professional boundaries and clarity when you are commenting in a personal or councillor capacity.

- 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 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
- be mindful of the potential for misunderstanding and miscommunication.
- feel able to make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine comments on policy are less likely to be viewed as disrespect.

### **Some Don'ts**

- Blog in haste, particularly in circumstances where your judgement might be impaired; for example if you are tired or have consumed alcohol
- make unguarded statements which could lead to potential liability, or fail to take care when reporting or copying the comments of others
- 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 Royal Borough of Windsor & Maidenhead 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 offensive or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council
- publish confidential or exempt 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 or others e.g. contractors and council staff.
- Council related information: do not 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

### **Use of social media and mobile devices at meetings:**

- Use mobile devices sparingly, discreetly and with common sense at meetings, for any matter that is not part of the agenda, being mindful of the impression you may be giving to others of proceedings.
- There may be occasions when texting or emailing between Councillors during meetings on matters relevant to the debate at hand may be valuable on the same basis as circulating paper notes to other Councillors. Mobile devices also enable Councillors to manage their busy lives when time is at a premium. However frequent use of these devices during meetings other than for accessing agenda paperwork in electronic format may give the public the impression that the councillor is not paying full attention to an item that is being discussed in a debate on a decision that is to be made.

#### Examples of the acceptable use of devices:

- reading and annotating meeting papers and background information relevant to that meeting;
- communicating with others at the meeting on matters relevant to the debate at hand; and
- sending and receiving urgent communications to/from home relating to domestic circumstances (e.g. childcare arrangements)

#### Avoid the following:

- using social media during quasi-judicial meetings or during the consideration of confidential or exempt items of business at meetings; and
- frequently checking emails and messages that are not related to the meeting; and
- extended periods of use which may suggest that insufficient attention is being paid to the meeting.

The Council wishes to encourage Members to use social media where doing so may assist you in performing your function. This guidance is intended to help Members avoid the legal and reputational risks inherent in this mode of communication. 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 on the use of social media.