RUFFORD PARISH COUNCIL

SOCIAL MEDIA GUIDANCE

1. Introduction

1.1 Social media is the term for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests.

1.2 For the purposes of this guidance, the term "social media" covers sites and applications including, but not restricted to, Facebook, Twitter, Instagram, LinkedIn, YouTube, blogs and similar sites.

1.3 Members do not have to engage in social media. However, it is recognised that it can provide significant opportunities for members to engage with the electorate.

1.4 This guidance has been prepared by the Social Media Officer to help elected and co-opted members avoid common governance and legal pitfalls. Members should also have regard to any guidance produced by the Social Media Officer in relation to style and content of social media posts.

1.5 Members should also consult the guidance published by the Local Government Association.

2. Using Social Media

2.1 Accounts used by members for Council and constituency matters must make clear that the views expressed are those of the member, not of the Council. Members must not disclose information, make commitments or engage in activity on behalf of the Council unless they are authorised to do so.

2.2 Members are personally responsible for the content which they publish on any form of social media.

2.3 It is vital to remember that members must always follow the Code of Conduct. This includes online activities and use of social media.

2.4 Some social media tools allow others to make comments on your page or posts. Members will need to moderate these. This will involve treading a fine line between allowing people to disagree with you and offer their views without fettering their ability to engage with you, and ensuring that your page does not allow discriminatory, hateful or other abusive, intimidating or threatening comments.

3. Etiquette & Style

3.1 It is advisable to keep your communications polite and professional. Plain language helps.

3.2 Treat other people with respect: avoid personal attacks and disrespectful, insulting or otherwise offensive personal comments.

3.3 Avoid irony or sarcasm, both of which are difficult to communicate in short texts.

3.4 If you make a mistake, admit it. Mistakes happen and they are likely to be noted before they can be removed from your account – and will be stored elsewhere anyway. As a result, there will always be a record of what you have said. Amending your text and acknowledging your mistake – perhaps by putting a line through the offending words and inserting a correction or providing an update section at the bottom of the post – shows you are not pretending it didn't happen and is much better than just deleting it when dealing with online misfires.

3.5 Stay calm when responding to comments which attack you personally, or criticise your actions, circumstances, values or beliefs. Always think carefully and calmly before you decide to post a response.

4. Information Security & Confidentiality

4.1 Members should be aware that disclosure of personal data via social media does count as 'processing' that data. As a result, it can only be lawfully done where the member has a lawful basis, such as consent. As a result, personal and confidential data should not be disclosed on social media sites.

4.2 Papers that form part of confidential Council business, such as confidential and exempt information in reports must not be published, via social media or otherwise. In addition, other information which is marked as confidential, which includes legal advice or which you otherwise believe to be confidential must not be shared on social media or published.

5. Meetings

5.1 Members taking part in a council meeting are performing an important public role and this must be your priority in any meeting. In performing your role, you are subject to public scrutiny which may also impact on public perceptions of the Council as a whole. Members should therefore avoid using social media during a council meeting in any way that distracts them from their role in the meeting or may undermine public confidence in the decision-making process.

5.2 Members should avoid using social media during council meetings in any way which is distracting to other members, or disruptive to the business or conduct of the meeting. Giving oral commentary while live streaming from a meeting or using flash photography for photo uploads will never be appropriate conduct in council meetings.

5.3 In considering whether social media use may be disruptive, distracting or undermine the integrity of the meeting, the size, setting and business of the meeting will be relevant. Your role as a member in the meeting will also be relevant. Discretely updating social media from your seat in the council meeting is unlikely, in most cases, to be considered detrimental to your role or the conduct of the meeting.

5.4 The Chair of a meeting will have absolute discretion to require a member to stop reporting from a meeting via social media if, in their opinion, continuing to report would prejudice the running of the meeting.

6. Legal Issues

6.1 Whilst social media opens many possibilities for communicating with the local community and the wider world, it also exposes members to legal risks, some of which are discussed in this section. It is members' own responsibility to make sure they understand and comply with the law.

6.2 Members should remember that every time they tweet or post, that tweet or post is published, effectively being broadcast to the world.

6.3 It is against the law to make an untrue statement about a person which damages their reputation, doing so is considered defamation. It is also against the law to permit a defamatory statement to be published. This includes allowing the statements to remain on your social media page.

6.4 Copyright is a form of intellectual property which is created when a person develops a new piece of work, such as text, pictures or films. Copyright restricts other peoples' ability to use the new works without the permission of the author, or owner of the copyright. As a result, when using other people's text or images members should ensure that they have the relevant permissions to do this. This includes when re-tweeting or 'sharing' other social media users' content. Using other people's creations without their consent is likely to be a breach of copyright which may result in an award of damages against the member personally.

6.5 As discussed above, the Data Protection Act 2018 will be relevant when personal data is being published via social media. Members must therefore ensure that they have a lawful basis for processing personal data prior to sharing any individual's personal details. Failure to comply with the Data Protection Act may result in action by the Information Commissioner against the member personally and/or the Council. This could result in a fine or other sanctions as well as significantly damaging constituents' trust.

6.6 Publishing obscene, hateful or other inappropriate material on social media is a criminal offence and may give rise to criminal sections.

6.7 All members should be aware of the risks of predetermination and bias in decision making. Members must not make up their minds about a matter before hearing all the relevant information, which usually means not reaching a final view personally until the committee meeting has discussed the matter. The public, and the court if a decision is judicially reviewed will be able to review and consider your social media posts when evaluating whether you made up your mind in advance of the meeting.

7. Members' Code of Conduct

7.1 Members should be mindful that the Members' Code of Conduct applies to them whenever they act in their official capacity as a member of the Parish Council.

7.2 If you set up a social media account for "Councillor XXX" this will be an official account, albeit personal. All information published on that account will be subject to the Code of conduct. This is the case even where the topic is not necessarily linked to Council business, because the account is presented as that of a member, rather than a private individual.

7.3 If you make any comments on or otherwise use a publicly accessible personal account in any way that clearly relates to your role as a councillor, the Code will apply to the comments. This will be the case even if you post a disclaimer saying the account is personal. Even if you do not refer to your role as a councillor, the comments may have the effect of bringing your office or the Council into disrepute which is a breach of the Code.

7.4 The safest approach when using social media is to assume that any social media presence can be linked to your role as a member. Always make sure you comply therefore with the principles of conduct in the Members' Code of Conduct.

7.5 Failure to comply with this guidance may result in a beach of the Members Code of Conduct.

8. If you are being harassed, intimidated or threatened online

8.1 As users of social media, members may find themselves subject to online communications which contain threatening or abusive language.

8.2 The Local Government Association has produced a guide aimed at parish councillors who may be subject to harassment or intimidation, which contains useful advice for members generally on how to safeguard themselves, friends and family if you are subject to harassment or intimidation, including online.

8.3 The Guide advises that language that contains abusive or threatening language may constitute a criminal offence, and you should bring such communications to the attention of the police.

8.4 The Guide highlights "red flag" indictors which should be brought to the immediate attention of the Police:
- Threats of imminent violence
- Fixated ideas
- If you become aware that the person has access to weapons or weapon skills
- If the person releases personal information about you which is not already in the public domain.

8.5 The Guide also gives advice on steps that can be taken to protect yourself and others:

- Keep detailed records of intimidating behaviour
- Avoid engaging with individuals who are harassing or stalking you, online or offline
- Report intimidation to your internet service provider
- Use 'report abuse' tools on social media platforms
- Block/report trolls
- Review your online information and minimise availability of personal information
- Seek advice from the police on personal safety.