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## **Social Media Policy December 2020**

### Introduction

The City of Newark ("City") understands that many of its employees use social media to share their life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

Given the multitude of concerns (legal, political, and ethical) raised by social media (including, but not limited to, Facebook, Instagram, Snapchat, LinkedIn, Twitter, etc.) this Social Media Policy ("Policy") establishes prudent and acceptable practices regarding City officials and employees (personnel) use of the internet.

### Purpose

The City has a legitimate government interest in effective, efficient, and consistent communications with the public. The City also strives to have a productive workplace. Certain activities on the part of its personnel or officials may become a problem if such activities could:

- (a) impair the work of any City official or employee;
- (b) create a harassing, demeaning, or hostile work environment;
- (c) disrupt the smooth and orderly flow of work;
- (d) or harm the goodwill and reputation of the City among its citizens or in the community.

For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, while both on and off duty. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved.

### Disclaimer

(a) Under this Policy, the City disavows, and is not responsible for any sites, posts, opinions, or content not coordinated through and approved by the Mayor.

(b) If City personnel posts data purporting to be on behalf of the City while using a social media site without the prior approval of the Mayor, the City is not responsible for said posted content, such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or City Staff, and such action may be grounds for disciplinary action.

(c) The absence of explicit reference herein to a particular site does not limit the extent of the application of this Policy. If any City personnel is uncertain, he/she must consult their supervisor before proceeding.

(d) Any posts by the Mayor, City Council or City Staff containing views or opinions on social media sites does not constitute the City's official policy, unless already ratified by the city council as a whole; nor should any comments be constructed as any formal action on any matter that may be discussed.

#### General Guidelines

(a) While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks. Social media activities shall never interfere with work commitments.

(b) It shall be a Policy violation for any City personnel to post online content as a representative of the City, or on the City's behalf without the Mayor's prior approval.

(c) All City personnel posting City-related issues online, but not as an approved representative of the City or on the City's behalf, shall explicitly clarify they are speaking for themselves and not on behalf of the City by displaying the following disclaimer: "This is my own opinion and not necessarily the opinion or position held by the City or City Council."

#### Guidelines for Official City Sites

(a) All City-sanctioned social media sites shall be maintained by the Mayor or his/her designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the Mayor before it is posted.

(b) All personnel that engage in social media activities and/or visit any City-sanctioned social media site on the City's behalf shall adhere to applicable federal, state and local laws, regulations and policies, including the Texas Public Information Act and the records retention schedule. All content must be managed, stored, and retrieved to comply with these laws.

(c) Any personnel that posts online content as a representative of the City, or on the City's behalf shall clearly state within said post that said content is subject to all applicable records retention and public disclosure laws. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to records retention and public disclosure.

(d) Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following is prohibited:

- (1) Comments not topically related to the particular site or blog article being commented upon;
- (2) Profane language or content;
- (3) 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;
- (4) Sexual content or links to sexual content;
- (5) Conduct or encouragement of illegal activity;
- (6) Information that may tend to compromise the safety or security of the public or public systems;
- (7) Content that violates a legal ownership interest of any other party;

(8) Information that is incorrect or misleading;

(9) Information that is in conflict with an approved City policy, ordinance, directive, or plan; and/or

(10) anything else that creates a disruption in the workplace.

(e) Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the Mayor because it violates criteria in the preceding item (Item 4, immediately above) of this Policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed unsuitable for posting.

(f) Any hyperlinks posted on a City-sanctioned social media site shall be accompanied by the following disclaimer: "The City guarantees neither the authenticity, accuracy, appropriateness nor security of the link, website, or content linked thereto."

(g) Personnel found in violation of this Policy may be subject to disciplinary action, up to and including termination of employment.

(h) Any content posted as representative of the City, or content posted to a City-sanctioned social media site is owned by the City and is subject to the Public Information Act and the record retention schedule.

#### Elected and Appointed Officials - Personal Social Media Sites

Elected and appointed officials may maintain personal social media sites but should maintain transparency that the Elected or Appointed Officials' site is a personal site and views or opinions expressed on the personal site are not necessarily reflective of the policy of the City.

Elected and appointed officials should be aware that information posted to their personal social media sites that pertains to official City business may be considered public information subject to the Public Information Act. In doing so, the elected or appointed official may become a temporary custodian of the City's public information. The Public Information Act makes the temporary custodian responsible for either turning over the public information to the City Secretary, forwarding the public information to an official City account (i.e. email), and/or preserving the public information for the duration of the retention period. Please contact the City Secretary for more information on the applicable retention schedule.

Elected and appointed officials should respond to a request for public information from the City Secretary or the City Secretary's designee within three business days.

Questions regarding the application of the Texas Open Meeting Act or Texas Public Information Act to content posted, created or shared via an Elected or Appointed Official's personal social media site should be directed to the City Secretary and/or City Attorney.

If you have specific questions regarding this policy, please contact your immediate supervisor or the City Secretary's Office.