

## Constitution – Proposed Changes

Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
<p><b>4.</b> Part 8 Codes and Protocols</p> <p>New Protocol – 8.14 Protocol on use of Social Media by Members</p>	<p>Not applicable</p>	<p>See attached wording for new protocol</p>
<p><b>Reason for proposed change:</b></p> <p>In recognising the ongoing developments in technology, this protocol is intended to set out clearly how Elected Members ought to interact with social media, both as Members of the Council and as private individuals. The Standards Committee, at its meeting held on 29 January 2015, endorsed the inclusion of a social media protocol to be incorporated in the Constitution.</p>		
<p><b>Implications of proposed change:</b></p> <ul style="list-style-type: none"> <li>• <b>Finance and other resource implications:</b> There are no financial or other resource implications arising from the proposal.</li> <li>• <b>Legal implications:</b> Legal considerations in relation to Members' use of social media are set out in the protocol.</li> <li>• <b>Consultation/Engagement undertaken (internal and external):</b> Consultation has taken place with the Standards Committee as referred to above.</li> <li>• <b>Human Rights implications:</b> There are no human rights implications arising from the proposal.</li> </ul>		

- **Equalities and Diversity implications:**  
There are no equalities and diversity implications arising from the proposal.
- **Risk Management implications:**  
There are no risk management implications arising from the proposal.
- **Crime and Disorder implications:**  
There are no crime and disorder implications arising from the proposal.
- **Environment and Sustainability implications:**  
There are no environment and disorder implications arising from the proposal.

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**Head of Service sign-off:**  
 (please insert a cross in the box)

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## Part 8 Codes and Protocols

### 8.14 Protocol on use of Social Media by Members

#### 1. Introduction

1.1 Social media is a collective term used to describe easy ways to create and publish on the internet. The term is generally used to describe how organisations and individuals share content – text, video and pictures – and create conversations on the web.

1.2 Social media has grown substantially over recent years as a means of communicating and sharing information. Popular sites include Twitter, Facebook, Pinterest, Blogger, Wordpress and YouTube – more information about such sites, and some helpful tips for running them, can be found on the Authority's intranet.

1.3 It is important to remember that social media is 'social'; it is about communication. Training on the use of Social Media is available via the Learning Pool for Members and this explains what social media is<sup>1</sup>.

#### 2. Maintaining good 'netiquette'

2.1 Councillors, just like anyone else, should take due regard of internet security and to ensure that communications remain proper and appropriate the following practical points may assist:

- Make the commenting policy clear

A Member will need to take note of the comments that other people make on their site. This may be a fine line to tread, if offensive or disrespectful comments are allowed to stand then it can put off other members of the community, and the Members may be called to account under the Code of Conduct for Members in relation to the comments made. For blogs, the easiest way to handle this is to moderate comments and to state clearly that it is moderated and reasons why comments may be rejected. For Facebook or other social networks, including multi-media sites like YouTube and Flickr where people can post public or semi-public messages to a Members' profile, the Member will need to regularly check messages or disable message posting.

- Allow disagreement

Some comments made may not accord with a Member's views, but deleting the comments of people who disagree with the Member's views may result in a lack of trust in the Member's site.

- Think before publishing

Words cannot be unspoken and even if comments are deleted following a hastily fired off blog post or tweet, it will probably have already been read and will be referenced or duplicated in places on the web beyond the Member's reach.

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<sup>1</sup> Please click on this link to the Learning Pool: <http://northtyneside.learningpool.com/course/view.php?id=635>

- “Following” and “friending”

Some of the terminology in social media, like ‘following’ or ‘friending’ can imply an intimacy that is not really there. Both terms just mean the Member has linked their account to someone else so information can be shared. Experienced internet users are used to this, but some members of the public may feel uneasy when their Councillor begins following them on Twitter before establishing some sort of online relationship. Some Members wait to be followed themselves first.

Members may wish to make use of other communication functions that social media allows. Twitter’s ‘list’ function, for example, can help to follow local people in a less direct way. Bloggers are, however, almost invariably happy to be linked to.

Members need to think carefully about who to be ‘friends’ with or accept ‘friend’ requests from. Requesting or accepting, for example, an officer of the Authority as a ‘friend’ on a social network site must not compromise the professional and impartial relationship between officers and elected members. Generally this should be avoided.

- If you make a mistake:

Social media is transparent, the best bloggers admit mistakes rather than try to cover them up (which is not possible online). Amending text and acknowledging mistakes – perhaps by putting a line through the offending words and inserting a correction, or providing an update section at the bottom of a blog post - shows the public that a Member is not pretending it never happened.

- Avoid the difficult users

Over time Members may come across argumentative individuals through their use of Social Media. Members should be aware that they do not have to respond to all comments or posts.

### 3. Legal Considerations

In the main, Members have the same legal duties online as anyone else (see below), but failures to comply with the law may have more serious consequences. There are some additional duties around using a Member’s website for electoral campaigning and extra care needs to be taken when writing on planning, licensing and other quasi-judicial matters.

#### a) Libel

If a Member publishes an untrue statement about a person which is damaging to their reputation they may be subject to a libel action. This will also apply if a Member allows someone else to publish libellous comments on their website if they know about it and do not take prompt action to remove it. A successful libel claim will result in an award of damages against the Member.

b) Copyright

Placing images or text on a Member's site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Members must either avoid publishing anything they are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages against the Member.

c) Data Protection

Avoid publishing the personal data of individuals unless the Member has their express, written permission.

d) Bias and pre-determination

If a Member is involved in determining planning or licensing applications or other quasi-judicial decisions, they must avoid publishing anything that might suggest they do not have an open mind about a matter they may be involved in determining. If not, the decision runs the risk of being invalidated.

e) Obscene material

A Member should avoid publishing anything that people would consider obscene. Publication of obscene material is a criminal offence.

f) Bullying and Discriminatory comments

Behaving in a discriminatory, bullying or harassing way towards any individual including making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age via social media by posting images or links or comments could, in certain circumstances, result in criminal sanction.

g) Electoral periods

The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. And there are additional requirements, such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk).

While the above list is not exhaustive it does highlight some of the more obvious issues. If you are in any doubt, speak to Head of Law and Governance and Monitoring Officer. Almost all of these pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

4. The Members' Code of Conduct

It is worth pointing out that Members can have 'blurred identities' when they have a social media account where they comment both as a Member and as a private individual.

For example, a Member may have a Facebook account where they have posted about a great night out (in their personal/private capacity) and another time explained the Authority's position on pothole repair (in their Councillor capacity). It may be clear in the Member's mind when the Member has posted in a private capacity or as a councillor, however, it could be less clear to others.

Such blurred identities might, for example, have implications where the Member's views are taken as those of the Authority or political party, rather than the Member's personal opinion.

How a Member uses their online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Members are expected to communicate politically. As explained above there is a difference between communicating on behalf of the Authority, for example blogging as an elected Mayor/Member or as a private citizen, and the former will be held to a higher standard than the latter.

The key to whether a Member's online activity is subject to the Code of Conduct for Members is whether they are acting as a councillor.

Aspects of the Members' Code of Conduct will apply to a Member's online activity in the same way it does to other written or verbal communication. Members should comply with the general principles of the Code in what they publish and what they allow others to publish.

Members will need to be particularly aware of the following sections of the Code:

- Treating others with respect. Avoid personal attacks and any disrespectful, rude or offensive comments.
- Refraining from publishing anything you have received in confidence.
- Ensuring you do not bring the Authority, or your role as a Member, into disrepute.

Further information in relation to this guidance is available from the Head of Law and Governance and Monitoring Officer.