Guidance on use of Social Media by Members

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

It 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 council's intranet.

The important thing to remember about social media is that it's social. It's about communication.

Training is available via the Learning Pool for Members which explains what social media is and how you can protect yourself when using it. Please click on this link to the Learning Pool: http://northtyneside.learningpool.com/course/view.php?id=635

1. Maintaining good 'netiquette'

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

   • Make your commenting policy clear

      You will need to take note of the comments that other people make on your site. It may be a fine line to tread, but if you allow offensive or disrespectful comments to stand on your site then it can put off other members of your community, and you may even be called to account under the Code of Conduct for Members. For blogs, the easiest way to handle this is to moderate comments and to state clearly on your site that you're doing so 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 your profile, you will need to regularly check on messages (you can be notified by email) or disable message posting.

   • Allow disagreement

      Some comments may not accord with your views, but on the other hand deleting the comments of people who disagree with you will backfire. You cannot stop them from posting the same comment elsewhere, then linking back to your site and saying you are gagging those who disagree with you.

   • Think before you publish

      Words cannot be unspoken and even if you delete 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 your reach.

- "Following" and "friending"

   Some of the terminology in social media, like 'following' or 'friending' can imply an intimacy that's not really there. Both terms just mean you have linked your account to someone else so you can share information. 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.

   Do make use of other communication functions that social media allows you. Twitter's 'list' function, for example, can help you to follow local people in a less direct way. Bloggers are, however, almost invariably happy for you to link to them.

   You must think carefully about who you request 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 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 a blog post - shows you are not pretending it never happened, and it's much better than just deleting it when dealing with online misfires.

- Avoid the difficult users

   As you begin to use social media, you'll find some argumentative characters out there. Don't get bogged down. You don't have to respond to everything. Ignore if necessary.

2. 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 you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

b) Copyright

Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages against you.

c) Data Protection

Avoid publishing the personal data of individuals unless you have their express written permission.

d) Bias and pre-determination

If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.

e) Obscene material

It goes without saying that you should avoid publishing anything in your blog 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.

f) 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.

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.

3.   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 you may have a Facebook account where you've posted about a great night out (in your personal/private capacity) and another time explained the Authority's position on pothole repair (in your councillor capacity). It may be clear in your mind when you are posting in a private capacity or as a councillor, but it could be less clear to others.

Such blurred identities might, for example, have implications where your views are taken as those of the Authority or political party, rather than your personal opinion. So it is important to be clear in your social media accounts/profiles, then you can be confident as to what you can and cannot say while you are representing the Authority or political party.

How you use your online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Councillors 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/councillor or as a private citizen, and the former will be held to a higher standard than the latter.

The key to whether your online activity is subject to the Code of Conduct for Members is whether you are giving the impression that you are acting as a councillor, and that is the case whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.

One way to separate your personal/private business from your activities as a councillor is to have two separate accounts. One for personal/private business and the other for councillor activities. The latter account would have the title of Councillor in the profile name to clearly identify the role you are undertaking when using that account. This separation of accounts will assist in managing friends lists and the content of any tweets/post etc.

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

You 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 councillor role, into disrepute.

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