

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to	Executive Committee
Date	22 April 2013
Subject	To introduce a Social Media Protocol intended to regulate the use of social media by Elected Members in their official and private capacities. The Protocol also covers the use of Social Media during meetings by the Public.
Portfolio Holder(s)	Councillor John Chorlton
Lead Officer(s)	Head of Function Legal and Administration / Monitoring Officer Corporate Information Officer
Contact Officer	Huw Pierce Pritchard (x1806)
Nature and reason for reporting	
<p>This report introduces a draft Social Media Protocol for Members, which is intended to regulate the use of social media by Elected Members in their official and private capacities.</p> <p>Inappropriate use of social media by Elected Members could result in breaches of the Code of Conduct. Therefore, it is important that Elected Members recognise the risks associated with social media and ensure that they do not use social media in a way which breaches the Code of Conduct. In this regard, it is intended that the Council's Standards Committee will have regard to the Protocol when determining an allegation of a breach of the Code of Conduct involving the use of social media.</p> <p>The Council does not currently have a policy on the use of Social Media by the public during meetings.</p>	

A – Introduction / Background / Issues
Social media can play an important part in the operation of a democratic society by

offering positive opportunities for the Council and its Elected Members to engage with the citizens of Anglesey. Elected Members can also effectively use social media to interact with constituents and support local democracy. Social media presents the Council with opportunities and challenges.

It is recognised that the absence of a definitive position statement on the use of social media by Elected Members and the public during meetings has resulted in a degree of uncertainty on what constitutes an acceptable response to issues such as the filming of meetings by the public.

The protocol is intended to set out clearly how Elected Members ought to interact with social media, both as County Councillors and private individuals. The protocol also relates to the use made of social media by members of the public who attend meetings of the Council, Executive and other committee meetings. The protocol also refers to the rights of the Media to use social media in Council meetings.

B - Considerations

The issue of permitting the use of social media during council meetings by journalists and the public in Wales is part of an ongoing discussion. Recently a campaign to raise awareness of the issue was organized by the Daily Post.

The Welsh Minister for Local Government and Communities has recently written to Welsh local authorities to express his support for improving transparency of proceedings by promoting online access.

The Protocol is intended to be as permissive as possible. This will ensure that the public's expectations concerning the use of Social Media during meetings will not be frustrated and that Elected Members will be able to engage with their constituents through Social Media.

C – Implications and Impacts

1	Finance / Section 151	No comments received
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C – Implications and Impacts		
2	Legal / Monitoring Officer	The author of the Protocol reports to the Monitoring Officer. The Protocol contains legal advice.
3	Human Resources	Not applicable
4	Property Services (see notes – separate document)	Not applicable
5	Information and Communications Technology (ICT)	Comments have been received and included.
6	Equality (see notes – separate document)	The Protocol will not have a differential impact upon any of the groups protected under the Equality Act 2010.
7	Anti-poverty and Social (see notes – separate document)	Not applicable
8	Communication (see notes – separate document)	Comments have been received and included.
9	Consultation (see notes – separate document)	The Protocol was presented to the Standards Committee on 13 March 2013. Comments about the Protocol were supportive.
10	Economic	Not applicable
11	Environmental (see notes – separate document)	Not applicable
12	Crime and Disorder (see notes – separate document)	Not applicable
13	Outcome Agreements	Not applicable

CH - Summary

The Council does not currently have a policy statement on the use of Social Media by Elected Members or the Public. The adoption of the Protocol by the Full Council will provide guidance on the use of Social Media by Elected Members, particularly in areas which could constitute a breach of the Code of Conduct.

The Protocol:

- Permits the use of Social Media by the public during meetings.
- Permits the use of Social Media by the Press during meetings.
- Prohibits the use of Social Media by Members during meetings.
- Establishes guidelines for the effective use of Social Media by Members

D - Recommendation

To recommend to the full Council that the Social Media Protocol is adopted.

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Job Title: **Corporate Information Officer**

Date: **2 April 2013**

Appendices:

Copy of the Social Media Protocol

Background papers

None

1. Introduction

1.1 Definition of social media

- 1.1.1 Social media is a collective term used to describe online media which offer easy ways to publish content online and also to facilitate and participate in online conversations, which may invite the posting of comments or contributions or otherwise invite discussion.
- 1.1.2 Social media can involve social networks (eg. *Facebook*); professional networks (eg. *LinkedIn*); content communities sites (eg. *Flickr* and *Youtube*); blogs (eg. via sites such as *Wordpress* and *Blogger*); micro-blogging sites (eg. *Twitter*). Social media can be accessed by a variety of digital equipment, such as laptops, smart-phones and tablets, which can also be used to capture audio-visual information.

1.2 Scope

- 1.2.1 This protocol is intended to set out clearly how Elected Members ought to interact with social media, both as County Councillors and private individuals. The protocol also relates to the use made of social media by members of the public whom attend meetings of the Council, Executive and other committee meetings. It is recognised that the absence of a definitive position statement on the use of social media by Elected Members and the public during meetings has resulted in a degree of uncertainty on the part of Chairs concerning an acceptable response to issues such as the filming of meetings by the public. It is therefore intended that the Protocol provides guidance concerning the permissible use of social media for Chairpersons during meetings.
- 1.2.2 The Protocol does not relate to Officers of the Council who are covered by separate ICT policies.
- 1.2.3 The use of social media by Elected Members is covered by part 2.1 of the Protocol. The use of social media by Elected Members during meetings is discussed in 2.1.5.
- 1.2.4 The use of social media by members of the public during meetings is covered by part 2.2 of the Protocol.

1.3 Background

- 1.3.1 Social media can play an important part in the operation of a democratic society by offering positive opportunities for the Council and its Elected Members to engage with the citizens of Anglesey. For example, social media can be an efficient and cost effective way for the Council to keep in touch with residents and businesses. Elected Members can also effectively use social media to interact with constituents and support local democracy. It has been demonstrated that, when used effectively, social media can engage those who would not otherwise participate in local politics or interact with their Elected Members.

- 1.3.2 It is apparent that the use of social media also presents the Council and its Elected Members with certain risks and challenges. In particular, the use of social media by Elected Members can potentially result in breaches of the Code of Conduct. Therefore, it is important that Elected Members recognise the risks associated with social media and ensure that they do not use social media in a way which breaches the Code of Conduct.
- 1.3.3 It is intended that the Council's Standards Committee will have regard to the Protocol when determining allegations of breach of the Code of Conduct involving the use of social media.

2 Social Media and the Council

2.1 Use of social media by Elected Members

- 2.1.1 It is likely that the use of social media by Elected Members may include participation in Council sponsored media, such as a Leader's Blog; use made in a private, or seemingly private, capacity through a private account; anonymous participation with, or contribution to blogs, forums or other social media sites.
- 2.1.2 Members are bound by the terms and conditions of the individual social media sites. In addition, Members should recognise that their use of social media could be covered by the Code of Conduct, and it is likely that any failure to comply with the law and user agreements of the sites could constitute a breach of the Code of Conduct. In particular, Members should also avoid using social media in a way which suggests bias and predetermination.
- 2.1.3 In addition to issues covered by the Code of Conduct, Members are reminded that their use of Social Media can have implications in general law, which for an Elected Member may have serious consequences.
- 2.1.4 It is suggested that the potential difficulties arising from the use of social media can be avoided if the information published by Members is objective, balanced, informative and accurate. The effects of publishing information online can be long lasting, as access to online published content is pervasive and effectively published in perpetuity.
- 2.1.5 Members should not use social media during meetings. The restriction extends both to making contemporaneous comments on other individuals or issues and accessing social media during meetings.
- 2.1.6 In addition, Members should seek to avoid giving others the impression that they are not fully attending to the proceedings of a meeting. This can be done by ensuring that mobile devices are used sparingly and discreetly during meetings.
- 2.1.7 Members should avoid using mobile devices to send or receive information which is not connected with the matters under consideration in the meeting. Use made of mobile devices to send or receive private messages or email during meetings ought to be reasonable and discreet. Chairs should reprimand any Member whose use of mobile devices during meetings is deemed to be excessive.

2.1.8 The following paragraphs of the Code of Conduct will apply to the use of social media and other online behaviour. The rights of Members under Articles 8 and 10 (Schedule 1) of the Human Rights Act 1998 have been considered.

2.1.8.1 Paragraph 5.4 (a) *“carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion”;*

Members should ensure that their use of social media does not breach the Council’s principles of equality. Discriminatory statements are also likely to be unlawful.

2.1.8.2 Paragraph 5.4 (b) *“show respect and consideration for others”*

Members should be aware that whilst political comments and the expression of political opinions and arguments are not stifled by the Code of Conduct, it is likely that personal remarks aimed at an individual could be seen as disrespectful and could constitute a breach of the Code.

Members are reminded that their use of social media could result in the libel of another individual. This also applies if a Member with a personal social media site allows any individual to publish libellous content on it.

2.1.8.3 Paragraph 5.4 (c) *“not use bullying behaviour or harass any person”*

Members should be cautious when making personal comments about individuals and social media should never be used to review and discuss the performance of Council staff. The Council will not tolerate any anonymous use by Members of social media which is deemed to bully or harass any person.

Members who maintain a blog or networking site (such as Twitter) should be aware that the comments of others on those sites could be attributed to the Member by association. Members should ensure that defamatory or obscene comments are removed from their personal sites.

2.1.8.4 Paragraph 5.5 (a) *“disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so”*

Members should always be certain that information they discuss or disclose on social media sites is not confidential and that it is proper to do so. Members should remember that information placed on a website, whether anonymously or not, which could only have been obtained by a Member is likely to fall under the Code.

Members should never publish the personal data of individuals on social media sites in breach of the Data Protection Act 1998.

Members should avoid breaching copyright by publishing images or text on a social media site which is the intellectual property of another person.

2.1.8.5 Paragraph 10 (2)(c)(1) Personal interests: *“or any person with whom you have a close personal association”*

Various terms are used to define online contacts and associations on various social media sites. These terms include ‘friends’ (*Facebook*) and ‘followers’ (*Twitter*). Members should be aware that any person they include as a contact on social media sites could be regarded, for the purposes of the Code of Conduct, as a close personal associate. Members should be cautious that their use of social media sites does not give the perception that a conflict of interests exists. It is advisable that Members, when creating their own content on social media sites, seek to emphasise the distinction between business content and pages containing personal content .

2.1.8.6 Paragraph 12 (1) Prejudicial interests: *“...a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest”.*

Members should be cautious that their use of social media sites does not give the perception that they have a prejudicial interest in any matter.

2.1.9 Elected Members are bound by the Code of Conduct if they use social media to conduct Council business or are representing the Council. However, an Elected Member could be open to allegations that he / she acted in breach the Code of Conduct if the use made of social media was inappropriate and that he / she was not conducting official business, but merely claiming or giving the impression that he / she was acting in an official capacity.

2.1.10 Anonymous use of social media by Members can also lead to a breach of the code where it can be demonstrated that a Member uploaded the site content and that they were acting in their capacity as a member.

2.1.11 In order to determine whether a Member was acting in an official capacity, it would be necessary to consider the context of a Member’s use of social media, taking into account such factors as:

- a. The public profile of a Member, which can result in a reasonable assumption being made that the Member was acting as a County Councillor;
- b. The privacy settings on the social media site or blog. It is a Member’s responsibility to ensure that appropriate privacy settings are in place. If constituents can access a Member’s posts they may make the reasonable assumption that the Member is acting in an official capacity;
- c. Members should seek to enable other users of social media to avoid any misunderstanding over the official status, or otherwise, of the Member’s contributions.

2.1.12 Members should avoid discussing Council business on a personal social media site, or make remarks about others. It is not adequate for Members to subsequently claim that any disputed posts were made in a private capacity.

2.2 Use of social media by the public during meetings of the Council

2.2.1 The Council acknowledges the cultural shift towards permitting the use of social media in public life. The Council will therefore permit the use of social media by the public during its meetings provided that the use is unobtrusive and does not disrupt the meeting. The Protocol does not affect the obligations of the Chair to ensure and maintain the good order of the business meeting.

2.2.2 The Council reserves the right to request that members of the public switch off digital equipment if its operation interferes with the operation of the Council's audio-visual equipment or other systems.

2.2.3 The Council tolerates the use by the public of digital media, such as smart-phones, to film its meetings, provided that the use is unobtrusive and does not disrupt the meeting. It is the responsibility of any member of the public that makes use of social media to comply with the law.

2.2.4 It is likely that filming of meetings by the Media may be considered to be more obtrusive and disruptive to the meeting, because of the nature of the digital equipment used. The Council reserves the right to refuse a request by the Media to film meetings, but will permit filming prior to the commencement of any meeting by prior arrangement.

2.2.5 Digital equipment ought not to emit any obtrusive noise which could disrupt meetings. The public ought not to answer telephone calls during meetings, as this is likely to disrupt the meeting. Chairs must advise the public attending meetings of the need to ensure that their digital equipment is set to silent.