

Policy No. 117 – Social Media Policy

Purpose

To establish a social media policy for Davis County that is inclusive of protocols, risks, and procedures. To address the fast changing landscape of the Internet and the way residents communicate and obtain information online, County departments may consider using social media to reach a broader audience. Davis County encourages the appropriate use of social media to further the goals of the County and the missions of the County agencies. Davis County has an overriding interest and expectation in deciding what is “spoken” on behalf of the County on social media. This policy establishes guidelines for the use of social media.

Reference

The policy and standards set forth herein are provided in accordance with applicable Davis County policies, including the following:

Davis County Code of Conduct Policy
Davis County Policy 240 - Conduct
Davis County Policy No. 465 - Computer Usage
Davis County Policy No. 1300 – Personal Use Policy
Davis County Ordinance 2.36 – Records Access and Management

1.0 Scope

This policy applies to all Davis County employees, contractors, volunteers, consultants and service providers performing business on behalf of Davis County inasmuch as they use any County sponsored media services. Davis County departments using social media prior to the implementation of this policy shall achieve full policy compliance within 90 days of the effective date of this policy.

2.0 Definitions

2.1 Approved Social Media Service

A social media service that has been approved for use by the County Administrative Management and the Director of the County Information Services.

2.2 County Administrative Management

With respect to their own individual offices or departments, any of the following, or their designees: Board of Davis County Commissioners, Davis County Elected Officials, and Davis County Department Heads.

2.3 Social Media

Social media is an umbrella term that defines the various activities that integrate technology, social interaction, and content creation. Through social media, individuals or collaborations of individuals can create web content, organize content, edit or comment on content, combine

content, and share content. Social media services use many technologies and forms, including but not limited to RSS and other syndicated web feeds, blogs, wikis, photo sharing, video sharing, podcasting, social bookmarking, mashups, widgets, virtual worlds, and micro-blogs. Not all forms of social media may be appropriate for use by County agencies.

2.4 County Social Media Coordinator

Individual employee in the Davis County Information Systems department (“IS”) assigned to organize and oversee all County social media platforms.

2.5 Departmental Social Media Manager

An employee in the department that utilizes a social media platform for County purposes and is responsible for all departmental activities.

2.6 Departmental Social Media Standards

Guidelines established by the Department identifying what content will be posted, what topics may be addressed, the type of public interactions the site or platform will utilize, the frequency of the updates, and the longevity of the content.

3.0 Policy Statement

3.1. All Davis County social media sites shall be approved by the requesting County Administrative Management and the Director of County Information Services, or his/her designee.

3.2 All Davis County social media sites shall be published using approved County social media sites. All social media platforms must be linked to the County’s social media archive with established guidelines.

3.3 Use of personal email accounts and user IDs for County agency social media sites is prohibited. Administrative and ownership rights shall be held by the County. Each Department must give administrative/ownership rights of each social media platform to the social media coordinator in the Information Services (IS) Department.

3.4 All Davis County social media sites shall be administered by the requesting County department or its designee. Departments shall establish approved personnel to maintain its social media platform profiles and will be responsible for departmental users.

3.5 Comments from the public may be allowed on County social media sites. County department social media forums shall be structured as limited public forums. Discussion forums shall be monitored daily during working hours to ensure the comments stay on topic and further the sponsoring County department’s mission. County departments may only remove postings consistent with applicable laws and ordinances. Only those who have received training pursuant to this policy may monitor County social media sites and remove content. All sections of social media sites that allow comments shall include a link to the Davis County social media disclaimer and the County’s social media policy.

3.6 All County department social media sites shall include a link back to the official County agency Internet site for original content, forms, documents and other information. Sites must also prominently display County department contact information.

3.7 All County department social media sites are subject to applicable County IS security policies, County Records' policies and Human Resources conduct policies. Anyone representing Davis County and County Administrative Management via social media platforms shall conduct themselves at all times as a representative of the County.

3.8 County Administrative Management will ensure that the use of County department social media sites complies with Terms of Service (TOS) or Terms of Use (TOU), as applicable.

3.9 It is the responsibility of County departments to ensure that unauthorized persons are not allowed to make changes to County department social media sites.

3.10 The County Social Media Coordinator will assist departments in establishing approved social media platforms, ensure social media platforms are archived, ensure that Departments establish and comply with archive rules, transfer Departmental Manager responsibilities when necessary, and monitor all County social media platforms to ensure compliance with this policy.

3.11 The Departmental Social Media managers' will keep their Departments' platforms current and relevant to current issues, establish departmental social media standards that comply with this policy and utilize social media platforms in accordance with this policy.

4.0 Dispatches Prohibited from Being Communicated to Third Parties

4.1 Davis County employees and other agencies are prohibited from communicating non-public record information (Utah Code: Title 63G Chapter 2 Sections 302-305) to unauthorized third parties on social media or other electronic platforms. This information includes but is not limited to:

- Personal Medical Information (Defined by HIPAA regulations)
- Financial Information (i.e. credit rating, applied for financial assistance programs)
- Legal status of a person (i.e. exempted criminal or civil information)
- Race, Religion, Sex that go beyond basic descriptors for official record-keeping
- Political and social views of a person revealed in any form of electronic dispatch
- Private family information received on a confidential basis
- All other confidential personal information that is exempt or non-relational to providing the citizen or other third party with official government services.

5.0 Public Records

Content on Davis County sponsored websites, social media pages, and employees and third parties communicating on non-sponsored social media pages are subject to Government Records Access and Management Act (GRAMA), the Utah Open and Public Meetings Act (OPMA), and other state and federal open record statutes. *See* Utah Code Ann. § 63G-2-101 et. al., and Utah Code Ann. § 52-4-101, as amended. Depending on court rulings, County social media content residing on personal communication devices and cloud services is subject to GRAMA.

All public record requests for work product on a Davis County personal device must be forwarded to the Civil Division of the Davis County Attorney Office or designated public records custodian for review. If work product resides on a personal device, under no circumstances should any employee, volunteer, or vendor perpetuating business with Davis County have their personal devices repaired or engage in a remote wipe without formal

authorization from the Davis County's Attorney's Office or other authorized person. Additionally, under no circumstances should any employee, vendor, or other third party perpetuating business with Davis County conduct a formal or informal independent investigation that entails rummaging through another person's personal smartphone without authorization from the smartphone or mobile device user. *See Riley v. California* 134 S.Ct. (2014).

6.0 Expectation of Privacy on Personal Communication Devices

6.1 To establish a zone of privacy, courts focus on social media content, not the device you used to send or receive the content. In essence, the use of a personal smartphone, tablet, or other mobile device does not provide an individual with expanded or special legal rights. County work product on a personal communication device could be the subject of a public records request, civil and criminal legal case, and internal investigation. *See* the Federal Electronic Communications Privacy Act 18 U.S.C. § 2510 et seq (1986), S. 607 – Electronic Communications Privacy Act Amendments 2013.

6.2 Receiving a stipend by Davis County to purchase a smartphone or other electronic equipment in no way directly or indirectly infers that Davis County will represent you in any legal proceeding.

6.3 Employees, elected officials, volunteers, and others perpetuating Davis County business on personal devices must check with the IS Department to make sure a personal device is compatible with information technology data extraction, encryption, and other security capabilities.

6.4 All employees, elected officials, volunteers, vendors, and others perpetuating Davis County business on a personal device must contact the IS Department to verify the protocol in preserving work related data on a personal device, especially in the event an individual needs to repair or purchase a new phone.

7.0 Ownership of Data

7.1 During and after employment with Davis County, employees, elected officials, volunteers, vendors and other third parties perpetuating business with Davis County and its various departments, hereby acknowledge that work related data transmitted, received, accessed, or stored by Davis County network systems or a third party vendor (e.g., cloud), remains the property of Davis County. Davis County reserves the right to access or audit this information in accordance with state and federal laws.

Additionally, in the event an individual is no longer a Davis County employee or vendor doing work with Davis County, the county retains the ownership to all work related data and login information that was created to perpetuate County business (i.e. passwords, usernames, contact information, customer lists created for Davis County business, Davis County Twitter Handles, etc.). County employees are hereby notified that passwords, usernames, and profiles are administrative identifications and do not create an expectation of privacy in the event of a routine audit, public record requests, lawsuit, and internal investigation.

All Davis County generated logos, trademarks, text, graphics, pictures, images, video, audio and other developed communications are the copyrighted property of Davis County and cannot be

used on personal websites, blogs, and social media pages without the written consent of an authorized Davis County official.

8.0 Prohibited Speech, Expression, and Conduct

8.1 All Davis County employees, elected officials, vendors, volunteers, and third parties are hereby notified that workplace speech is limited. For instance, speech made pursuant to your position as a public employee rather than your rights to free speech as a private citizen on matters of public concern are not always protected under the First Amendment. *See Garcetti v. Ceballos*, 547 U.S. 410 (2006).

8.2 To ensure Davis County's safety, operational fluidity, and public trust, the list below provides guidelines on prohibited speech regarding work related content on Davis County's social networks, websites, and work related content on an employee's personal social media networks. The list below is not an exhaustive list of all unprotected speech, but rather a guideline on forms of speech that are not protected under the First Amendment nor allowed by Davis County.

- Hate Speech, Libelous Speech
- Sexually Harassing Speech;
- Offensive Racist, Religious, Gender, and Age Speech;
- Obscenity prohibited by state and federal law;
- Fighting words, extortion, and other threats prohibited by state and federal law;
- Speech that reveals protected health or financial information;
- Prohibited commercial speech;
- Electronic Communications Harassment; Utah Code: Title 76 – Chapter 9 – Section 201
- Cyberstalking Speech; Utah Code: Title 76 – Chapter 106 – Section 5
- Terroristic Threat; Utah Code: Title 76 – Chapter 5 – Section 107
- Confidential information under state or federal law;
- Confidential information that compromises the safety of others;
- Health information
- Davis County prohibited speech from dispatches;
- On-duty or off duty speech that compromises county safety, and operations;
- On-duty or off-duty speech that compromises a lawsuit or witness testimony;
- True Threats (federal statute & 875 (c))
- All other federal, state, and local prohibited speech not mentioned in this list.

9.0 Duty to Remove Prohibited Speech and Forwarding Liability

It is strictly prohibited for any employee to forward or, upon notice of prohibited speech listed in the Section 8 above, to fail to remove the prohibited speech within a reasonable time period from any social media platform, smartphone, or other electronic device that is being used by an employee, elected official, vendor, volunteer or other third party to perpetuating business with Davis County. Employees clearly understand that forwarding any electronic message could be interpreted by our legal system as an endorsement of the content and the employee or County official could be exposed to both personal and professional liability for not clearly reviewing the electronic content prior to forwarding the message to others.

10.0 Personal Social Media Platforms

Employees who could be identified as an employee of Davis County on their personal social media platforms profiles or postings must clearly define that their opinions are their own and are not intended to represent the opinion of Davis County. Employees may use the following disclaimer:

The opinions expressed are my own and are not intended to represent the opinions of Davis County.

As an alternative to posting this disclaimer, employees may remove all Davis County identifiers from their personal media platform profiles and postings.

Additionally, County employees, elected officials, vendors, volunteers and other third parties are not allowed to use their personal websites or private social media platforms to display any video, audio, pictures, confidential work data, writings, logos or any other communications that identifies or infers Davis County sponsors positions taken on the website. In no situation can a Davis County employee or other person perpetuating business with Davis County communicate, either directly or indirectly, that Davis County endorses or authorizes the employee's personal website, blog, or private social network account. Employees recognize they are both professionally and personally liable for violating this policy. *See San Diego v. Roe*, 543 US 77 (2004).

11.0 Creating, Editing and Publishing On a Davis County Sponsored Social Media Site

Only authorized Davis County designees can create, edit, or publish a Davis County sponsored social media site and/or website. All authorized Davis County personnel, elected officials, vendors, volunteers or third parties must follow Davis County social media content guidelines, and adhere to local, state, and federal speech laws. If there is any confusion on posting content, employee will confer with the Civil Division of the Davis County Attorney's Office or other Davis County designated official. *See* speech standards in *Miller v. California* 413 U.S. 15 (1973).

12.0 Cloud Storage

Vendors supplying third party storage services to Davis County must comply with the provisions of GRAMA and other applicable state and federal laws. Additionally, Utah third party (cloud) vendors may also be required to produce Davis County business related data in a civil or criminal case or an internal investigation under the Electronic Communications Privacy Act 1986, U.S.C. § 2510-22.

13.0 Enforcement

Anyone found to have knowingly violated this policy shall be subject to disciplinary action, including but not limited to temporary loss of network connectivity, loss of Internet access, or complete and permanent termination of access to any Davis County network. Cumulative violations may lead to other disciplinary action up to and including dismissal from County employment.

14.0 Education

County departments are responsible to educate staff that work with social media about this policy.

15.0 Policy Affirmation

This policy is effective _____, 2022.

ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING OF THE POLICY

Upon the signing of this policy, I hereby acknowledge that I have read and understand the Davis County Social Media Policy and that I agree to comply with all of its provisions. I agree that I have received training on this Policy and given a reasonable opportunity to clarify any questions about the guidelines and risks stated in the Policy. I understand that I may be disciplined, up to and including termination, for violations of this Policy.

(Employee Name)

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DISCLAIMER

The purpose of this site is to present matters of public interest in Davis County, including its residents, businesses and visitors. We encourage you to submit your questions, comments, and concerns, but note this is a moderated online discussion site and not a public forum. Once posted, the County reserves the right to delete submissions that contain vulgar language, personal attacks of any kind, or offensive comments that target or disparage any ethnic, racial, or religious group. Further, the County also reserves the right to delete comments that are (i) spam or include links to other sites; (ii) clearly off topic; (iii) advocate illegal activity; (iv) promote particular services, products, or political organizations; or (v) infringe on copyrights or trademarks.

Please note that the comments expressed on this site do not reflect the opinions and position of Davis County government, County agency management or County employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the sponsoring County agency.