



CITY OF SIGNAL HILL

Policy & Procedure

Social Media Policy

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APPROVED: *Stanh Foster*

I. PURPOSE

This Policy establishes guidelines for City use of social media sites. The City has an overriding interest and expectation in protecting the integrity of the information posted on City Social Media Sites and the content that is attributed to the City and its officials and employees.

This Policy applies to City officials, employees, contractors, volunteers, and any other person or entity participating in social media on behalf of the City as part of their duties. All pre-existing and proposed social media sites and online accounts created by Employees during the course and scope of their employment are subject to this policy.

II. GOALS OF SOCIAL MEDIA USE

The City regards social media and any official online and internet presence as a means of enhancing traditional communication methods to engage, convey information to, and communicate with members of the public.

The City's use of social media should:

1. Build awareness and interest around the City (i.e., mission, services, projects, meetings, activities and events, etc.);
2. Supplement the rapid dissemination of emergency information;
3. Draw the public to the City website;
4. Disseminate timely, relevant information that is clear and concise; and
5. Foster civic pride and engagement within the community.

III. DEFINITIONS

City: The City of Signal Hill, California.

City Business: Information relating to the conduct of the public's business or communications concerning matters within the City's jurisdiction, including, but not limited to, pending or potential City projects, past or prospective City agenda items, or City budgets or expenditures involving City funds.

City Social Media Sites: Social media sites which the City establishes and maintains and has control of all postings (excluding advertisements or hyperlinks on the social media vendor's website). City Social Media Sites will supplement, not replace, the City's official website for all notices and events.

Employee(s): Shall include all City employees (full-time, part-time, temporary and seasonal), volunteers, contractors, consultants, vendors and other persons at the City, including all personnel affiliated with third parties who have access and/or authorization to use City Social Media Sites.

Employee Access: The degree to which authorized Employees are allowed to access Social Media Sites while at work and the procedures for gaining access.

Official(s): Any elected or appointed City Council Member, Commissioner sitting on a City legislative body. Officials shall also include the City Clerk and the City Treasurer.

Post: Items of information, articles, photos, video, etc., placed on a City Social Media Site.

Social Media: The term “social media” is used to refer to various activities and websites that integrate technology, social interaction, and content creation. This may include but is not limited to: media sharing (examples: YouTube, Flickr, iTunes), blogging/microblogging (examples: WordPress, Blogger, Twitter), and social networking (examples: Facebook, LinkedIn, Instagram, NextDoor). These examples are references only and are not to be considered a requirement that the agency use any of these third-party tools, services, or technologies.

IV. GENERAL POLICY

This Policy is the City’s official position governing the use of social media. The City has an overriding interest and expectation in what is announced or spoken on City Social Media Sites. This Policy establishes internal procedures for the use of social media.

- A. The City’s official website, www.cityofsignalhill.org, remains the City’s primary online presence and means of digital/electronic communication. Social media may be an alternative point of contact, but information on City Social Media Sites shall not be posted in lieu of posting on the City’s official website.
- B. Neither this Policy nor the City’s use of social media is intended to require the City or its Employees to actually use social media.
- C. The establishment of City Social Media Sites is subject to approval of the City Council. Upon approval, these sites shall bear the name and official City seal and logo and shall be branded as “the official [name of Social Media platform] page of the City of Signal Hill.” A list of approved sites is included as Appendix A to this Policy.
- D. All City Social Media Sites shall provide a link back to the City’s official website for further information (i.e., documents, forms, etc.) whenever possible.
- E. The City Manager, or his/her designee, shall have the discretion to direct dissemination of emergency information. Emergency information may be posted on the City’s Social Media Sites prior to being posted on the City’s website.
- F. The City intends for its use of City Social Media Sites to relate solely to matters of City business and does not, in any way, intend to, nor actually create general public forums.
- G. The use of social media by the City is not intended to create any contract with anyone at any time or in any way nor is any use of social media by the City intended to create any expectation of action to be taken by the City. The public is warned that there is no reasonable expectation that the City nor any emergency services of the City will respond to any social media posting.
- H. City Social Media Sites shall be managed consistent with the Brown Act. City officials shall not respond to, like, share, re-tweet, or otherwise participate in any

published postings, or use the site to post, blog, engage in serial meetings, or otherwise discuss, deliberate, or express opinion on any issue within the subject matter of the jurisdiction of the body, except in accordance with Section VI of this Policy.

- I. All City Social Media Sites utilized shall be a limited public forum. A limited public forum is a place where reasonable, content-based prohibitions may be utilized in furtherance of a compelling public interest. Ideally, City Social Media Sites shall function as one-way communication tools when possible. Such sites shall indicate the one-way nature of the communication and direct citizens to the official City website.
- J. The City should preserve social media activities as an extension of public-agency-related business and not for the purpose of creating a much broader public forum. All City Social Media Sites must clearly establish that such activities have terms of use consistent with a limited public forum status.
- K. The Comment and Content Moderation Policy section of this document shall govern comments and public usage of City Social Media Sites.
- L. City Social Media Sites shall comply with usage rules and regulations required by the site provider, including privacy policies.
- M. All City Social Media Sites shall adhere to applicable federal, state, and local laws, regulations and policies. This includes but is not limited to laws and policies regarding copyrights, records retention, the Public Records Act, the First Amendment, privacy laws, and information security.
- N. All City Social Media Sites shall comply with the City's Conflict of Interest code and applicable ethics rules and policies.
- O. All City Social Media Sites are subject to the Public Records Act ("PRA"). Any content maintained in a social media format that is related to City business, including, but not limited to, a list of subscribers, posted communications, and private messages sent from or received on a City Social Media Site, may be considered a public record and may be subject to public disclosure. City Social Media Sites shall clearly indicate that any content posted or submitted for posting may be subject to public disclosure requests and shall contain the following disclaimer language, "This site is intended to foster additional communication between the City of Signal Hill and the public, pursuant to the City's adopted Social Media Policy [hyperlink to Policy]. All public records requests should be directed to the office of the Signal Hill City Clerk." Content related to City business shall be maintained in an accessible format so that it can be readily produced in response to a PRA request.
- P. The City's Social Media Policy and Privacy Policy shall be made available to the public via links on each City Social Media Site where possible, and via posting on the City's official website.
- Q. Any unofficial or unauthorized content and all content posted by a member of the public on the City Social Media Sites are the opinions of the person making the post. Appearance of content on a City Social Media Site does not necessarily imply endorsement of, nor agreement by, the City, nor does such content necessarily reflect the opinions or policies of the City.
- R. The City will immediately edit or remove content from City Social Media Sites that does not adhere to this Policy.

- S. The City Manager or his/her designee reserves the right to restrict, review, or remove any content that is deemed in violation of this Policy or any applicable law.
- T. City Social Media Sites may contain content, including, but not limited to, advertisements or hyperlinks, over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City Social Media Sites by the social media site's owners, vendors, or partners.
- U. The City Manager or his/her designee reserves the right to terminate use of any City Social Media Site at any time without notice. The City Manager or his/her designee shall notify the City Council of his/her decision to terminate the use of an approved City Social Media Site.
- V. The City reserves the right to change, modify, or amend all or part of this Policy at any time.

V. EMPLOYEE PROCEDURE

When posting on social networking websites or other social media channels on behalf of the City, Employees are, in effect, serving as the voice of the City. Therefore, all posting shall be in accordance with the guidelines set forth below.

A. Employee Access

- 1. Only department heads and Employees authorized by his/her department head are authorized to post on a Social Media Site on behalf of the City.
- 2. Any Employee authorized to post items on any of the City Social Media Sites shall review, be familiar with, and have signed the attached acknowledgement with respect to this Policy, and any applicable terms and conditions.
- 3. The use of personal email, personal social media accounts, or personal phone numbers by any City Employee is not allowed for the purpose of setting-up, updating, posting or maintaining a City Social Media Site, unless previously authorized by the City Manager or his/her designee.
- 4. Social media use is for City communication and for the purpose of fulfilling job duties and not for personal use.
- 5. Each department head will designate a staff member to post authorized information and ensure the City Social Media Site is up-to-date.
- 6. Each department will have only one account per social media platform.
- 7. Designated Employees shall participate in training in the use of the specific social media site to be used, prior to being allowed to post on a City Social Media Site. Training will be provided by the City.

B. Content Rules and Guidelines

- 1. Except as expressly provided in this policy, accessing and posting on any City Social Media site shall comply with all applicable City policies pertaining to communications and the use of the internet by Employees, including the City's Email Policy.
- 2. Authorized Employees shall only use City-owned equipment to work on social media sites on behalf of the City.
- 3. Postings shall be made during normal business hours unless approved by a department head or in the event that emergency information must be

disseminated. Postings may be scheduled to post outside of normal business hours.

4. All official City-related communications through social media should remain professional in nature and should always be consistent with the City's values and professional standards.
5. Employees shall always make every effort to ensure that information shared via social media is factual and accurate.
6. If it is determined that any social media communication needs to be corrected, amended or clarified in a substantive manner; employees must seek a correction with their department head immediately, who will determine what modification or supplement to the earlier communication is needed. Non-substantive corrections (i.e., spelling errors, grammatical errors, etc.) may be immediately updated without department head approval.
7. All posts must follow professional standards for good grammar, spelling, brevity, clarity and accuracy, and shall avoid jargon, abbreviations, or acronyms when possible.
8. All posts made by Employees shall reflect the official views of the City. Any Employee authorized to post items on any of the City's social media sites shall not express his/her own personal views or concerns through such postings.
9. Employees are discouraged from using their own personal social media pages to conduct or comment about City business. In the event Employees post about City business on their personal social media pages, such posts may be subject to the PRA and any other applicable law.
10. The City shall ensure and maintain full permission or rights to any content posted by departments, including photos and video.
11. To the extent possible, any video posted to a third-party site must also be posted to the City's website for archive purposes.

C. Postings and comments (where applicable) made on City social media pages may not contain the following:

1. Any personal information except the names of employees whose job duties include being available for contact by the public.
2. Content that is made confidential by any policy of the City, or by any other local, state, or federal law.
3. Photos or images of anyone who can be identified without first obtaining a signed release of any such person, or parent of a minor, so depicted, except for publicly obtained pictures/videos involving public social events.
4. 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 or sexual orientation, or any other classes protected under federal, state, or local law.
5. Sexual content or links to sexual content.
6. Solicitations of commerce, except with respect to City bids.
7. Information that may tend to compromise the safety or security of the public or public systems.
8. Content that violates the legal ownership interest of any other party.

9. Content in support of or opposition to political campaigns, candidates or ballot measures.
10. Content that violates any local, county, state or federal law or regulation.
11. Content that is considered unprotected speech under the First Amendment.

D. Employee Personal Use Guidelines

1. The City recognizes that employees have the right to express their personal views on social media. However, the same principles, guidelines, and standards of conduct that apply to employees acting in their official capacities and carrying out their official duties for the City may also apply to an employee's participation in social media. For example, employees are bound by the City's Code of Conduct and similar policies. Further, employees must understand that non-public information (e.g., personal privacy information, proprietary information, confidential information, information pertaining to pending or threatened litigation, personnel matters, attorney-client and attorney work product information, or information subject to government privileges, among others) may not be conveyed through social media unless and until the release of such information becomes lawful and has been authorized by the City Manager or his/her designee in accordance with the law.
2. Employees do not need to obtain permission from the City to utilize social media in their personal capacity. Employees are cautioned, however, that there may be restrictions on the receipt of compensation, disclosure of nonpublic information, and improper use of a City title or official authority that may apply to social media activity – even when an employee thinks they are acting in a personal capacity. Employees are encouraged to check with their department head if there are any questions.
3. When an employee uses social media in a personal capacity, they are doing so for themselves and they are not speaking nor communicating on behalf of the City. Employees should make certain that they do not appear they are speaking for the City unless authorized to do so.

VI. ADDITIONAL REGULATIONS FOR CITY OFFICIALS

- A. This section of the Policy is adopted, in part, in light of California Assembly Bill No. 992, which authorizes members of a legislative body to use social media to communicate with the public, subject to statutory exceptions.
- B. The City recognizes that social media has become an integral channel of communication for individual members of the City Council and other City officials with members of the public. However, such communications must be balanced against legal obligations with respect to transparency in the conduct of the people's business. For example, the Brown Act requires that legislative bodies of public agencies deliberate and take action openly. (Gov. Code §§ 54950, et seq.). Moreover, communications regarding City business on private accounts may be subject to disclosure under the Public Records Act. (Gov. Code §§ 6250, et seq.) To that end, the protocol described in this section will be followed.
- C. Public Records Act: City officials should be aware that their posts, comments, and responses about City business on social media platforms, whether on public or

private pages, may be subject to disclosure under the Public Records Act.

D. First Amendment: City officials should also be aware that their private social media accounts may be transformed into public forums where members of the public may have First Amendment rights. In determining whether a private social media page has become a public forum, courts have examined factors including:

1. How the official is referenced on the site (i.e., are they referenced as "Mayor" or "Chair", or simply "Jane Doe"?);
2. How the page is titled (i.e., is the account registered as a governmental account or a private account?);
3. How the official "invites" users to use the page (i.e., in cases in which the account was deemed a public one, the public official solicited the public's opinion on City matters);
4. Whether the official is "transacting" City matters on the site (i.e., posting about matters before the City);
5. Whether City Employees help maintain and operate the site; and
6. Whether the official uses the site to engage directly with the public (i.e., replying to constituent comments regarding City business).
7. Whether an account is private or public is fact-specific and depends on the totality of the circumstances. If there are reasons to believe that a City official's private social media page has turned into a public forum, City officials should refrain from blocking members of the public from the page or deleting comments with which they disagree.

E. Brown Act: City officials may engage in separate conversations or communicate on social media platforms to answer questions, provide information to the public, or solicit information from the public regarding City business.

F. However, a City official may not do either of the following on social media:

1. Discussion by a majority: Discuss City business with a majority of members of the same legislative body. That includes communicating, posting, sharing, commenting, or using digital icons (i.e., a thumbs up or an emoji); and
2. Direct Responses: Respond directly to another member's communication, comment or post if the two are on the same legislative body of the City and the topic concerns City business.

G. Moreover, City officials must keep their social media presence separate from that of the City, and from that of other City officials. The City recommends that City officials will include the following language on their personal social media sites to prevent confusion and false public expectations that their pages are affiliated with the City: "This page is not operated by the City of Signal Hill and is not a reflection of the City's policies or opinions."

VII. EXCEPTIONS

There are no exceptions to this Policy. See separate City policies mentioned in this document.

VIII. RECORDS RETENTION

Social media sites contain communications sent to or received by the City and its Employees, and such communications may be public records subject to the Public Records Act. Retention requirements apply regardless of the form of the record (i.e., digital text, photos, audio, and video). The Department maintaining a site shall preserve records, as may be legally required, pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

- A. Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site
- B. Social media records are maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.
- C. Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
- D. Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- E. Each employee who administers one or more social networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed.
- F. The City utilizes an automated archiving solution provided by ArchiveSocial to comply with applicable public records law and fulfill the above record retention requirements.

IX. VIOLATIONS

Violation of this Policy may result in disciplinary action up to and including revoked access to City Social Media Sites, and for City Employees, dismissal from employment and referral for criminal prosecution. Additionally, failure to abide by this Policy, following its adoption, may result in one or more of the following:

- A. Disciplinary action, up to and including termination (for City Employees);
- B. Censure (for City officials);
- C. Breach of contract (for City consultants); and
- D. Revocation of electronic device privileges.

COMMENT AND CONTENT MODERATION POLICY

This Policy is to be posted on the City of Signal Hill's official website, www.cityofsignalhill.org. This Policy, or a link to it, is also to be posted on and accessible via all City-managed social media sites.

City social media sites are not monitored in real-time. If you have an emergency or know of a crime in progress, call 9-1-1 immediately.

The purpose of the City of Signal Hill's social media pages is to share news, information, and updates regarding the activities, policies and programs of the City of Signal Hill. However, the information and content contained in our social media site is only intended to supplement, not to replace, the information available through official City of Signal Hill channels, in general, and the City of Signal Hill's official website, www.cityofsignalhill.org.

Media Inquiries: If you are a reporter, please direct your inquiries to the City's Communication Specialist at 562-989-7308. We do not post nor respond to reporters' questions on our social media site.

The City of Signal Hill is not responsible for comments, remarks, messages, or other material posted to its social media sites and does not, in any way, guarantee, ensure, or warrant the content, accuracy, or use of social media content from anyone else. The City of Signal Hill specifically disclaims all liability for claims or damages that may result from any posting on its social media sites. Opinions expressed on our social media sites are those of the person posting and do not necessarily reflect the opinions, practices, or policies of the City. In no event shall the City of Signal Hill be liable to you or anyone else for any decision made or action taken in reliance on information on our social media sites.

By accessing, viewing and/or posting content to our social media pages, you accept, without limitation or qualification, these terms and conditions of use, as well as any other terms of use required by the company that owns and operates the social media site. If you do not agree to the terms of this Policy, do not view or post any content. Your use of our social media sites is deemed acceptance of these terms and conditions and to have the same effect as if you had actually physically signed an agreement.

These terms and conditions are in addition to the third-party policies, terms, and conditions of any social media provider (i.e. Facebook, LinkedIn, Twitter, YouTube, etc.). The City of Signal Hill does not operate or control these social media sites and is subject to the terms of use for these sites by the providers. The City of Signal Hill does not control the terms and conditions of the social media site providers.

Comments Are Public and Reviewed

The City of Signal Hill's social media sites are public pages and viewable by the general public. The City reserves the right, at any time, to allow comments or to disable them on any of the City's social media sites. To the extent that comments are allowed, comments and shared information may also become part of a public record and may be archived in

order to abide with applicable laws, e-discovery requirements, and document retention policies.

Information shared through the City of Signal Hill's social media sites may be subject to release to those who request it through the Public Records Act or other public information statutes. Use of the City of Signal Hill's social media sites and the posting of any content is deemed a waiver by users of any rights to privacy or confidentiality. Please be aware that all comments are reviewed upon posting. Because the sites are visible to the general public, persons who leave comments are expected to do so with respect, good manners, and careful thought.

If public comments are enabled on a City social media site, the site would be considered a limited public forum. In a limited forum, the City of Signal Hill reserves the right to moderate, monitor, remove, prohibit, restrict, block, suspend, terminate, delete, discontinue or reject comments and access to comments if they are:

- Obscene, defamatory posts, or posts that contain violent language. This may include calls-to-action for attacks on specific individuals or groups;
- Messages that are a violation of existing law or regulation;
- Violations of the intellectual property rights of others;
- Spam (unsolicited messages that are usually intended as advertising or messages that are repeatedly posted on the same site);
- Discriminatory comments or comments that promote, foster, or perpetuate discrimination or harassment on the basis of race, ethnicity, religion, gender, disability, sexual orientation, political beliefs, or a protected class under local, state, or federal law;
- Links or comments containing sexually explicit content or material;
- Links to malicious software or sites;
- Cyber-stalking or threats of violence against an individual or organization; doxxing;
- Messages that disclose confidential or proprietary information;
- Solicitation of funds;
- Unsolicited business proposals;
- Incitement of illegal or unlawful activity;
- Any form of legal and/or administrative notices or processes, which the City does not accept through its social media sites; and
- Posts that are unintelligible.

The above list is not necessarily exhaustive, and the City of Signal Hill reserves the right to remove or restrict any post or comment that violates the purpose or spirit of these terms and conditions. Individuals who repeatedly violate these terms and conditions may, among other actions, be banned, prohibited from posting future comments, or be reported to the social media provider.

The City of Signal Hill does not edit comments to remove objectionable or inappropriate content.

Information contained on the City's social media sites may be intercepted, recorded, read, copied, and disclosed by and to authorized personnel for any official purpose, including criminal investigations. Unauthorized access or use of the City's social media sites, including attempting unauthorized copying, altering, destroying, or damaging site content may violate the Federal Computer Fraud and Abuse Act of 1986 and may subject violators to criminal, civil, and/or administrative action.

Privacy: Do not include personally identifiable information in comments.

Endorsements: The City of Signal Hill does not endorse commercial entities, products, services, or other non-governmental organizations or individuals through social media. Any references to commercial entities, products, services, or non-governmental organizations or individuals are solely for informational purposes or posted by the social media provider.

The City's Comments Are Not Legal Advice and Users Comments Are Not Official Notice

Postings, interactions, and messages made through social media sites do not constitute legal advice. Likewise, anything posted by a user is not considered an official notice or comment to the City of Signal Hill or to any official or to any Employees for any purpose. The City of Signal Hill disclaims all warranties, expressed or implied, for any of the information and content provided in its social media sites.

You can contact the City of Signal Hill by visiting www.cityofsignalhill.org or calling 562-989-7300 Monday-Thursday, 7:30am-5:30pm, Friday, 7:30 am-4:30pm.

Posts in the Public Domain Become Public

By posting on the City's social media sites, users grant the City of Signal Hill a non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use that content. The City of Signal Hill can reproduce, distribute, publish, display, and otherwise use any posted content.

Advertisement and Link Disclaimer

The City of Signal Hill does not endorse nor support any advertising that may be contained on its social media sites nor on any of the pages of any linked or referenced sites.

The City of Signal Hill does not generally link to the following:

- Candidate or nominee sites nor sites advocating a position on City or ballot issues
- Corporate commercial sites
- Personal home pages

External links may be provided at times and are posted only as additional information or resource material. The City of Signal Hill does not attest to the accuracy of information provided by any links. Should a user access another site through a link, the user is then subject to that destination site's privacy policy and terms of use.

Intellectual Property Use

Images, photographs, written works and graphics posted by the City, unless otherwise noted, are the property of the City of Signal Hill and are protected under both United States and International Copyright Laws. These images, photographs, written works and graphics may not be reproduced, copied, transmitted or manipulated without the written permission of the City of Signal Hill. Any use without written permission is a violation of the United States and International Copyright laws.

For questions or for permission to reproduce our social media please call 562-989-7300.

Indemnification

By using the City of Signal Hill's social media sites, users agree to defend, indemnify, and hold the City of Signal Hill and its officers, directors, employees, contractors, representatives, agents, successors and assigns harmless from and against any and all losses, claims, damages, settlements, costs, and liabilities of any nature whatsoever (including reasonable attorneys' fees) to which they may become subject and which arise out of, are based upon, are as a result of, or are in any way connected with use of the City of Signal Hill's social media sites, including any third party claims of infringement or any breach of these terms and conditions.

Jurisdiction

By using the City of Signal Hill's social media sites, users agree that any claim or dispute relating to the posting of any content shall be construed in accordance with the laws of the State of California without regard to its conflict of laws provisions, and users agree to be bound and shall be subject to the exclusive jurisdiction of the state and federal courts located in Los Angeles County, California.

This Policy Is Subject to Amendment

This Policy may be updated or amended at any time without notice.

Appendix A

List of Approved Social Media Sites

Facebook

- City of Signal Hill
- Signal Hill Police Department
- Signal Hill Community Services Department

Instagram

- City of Signal Hill
- Signal Hill Police Department
- Signal Hill Community Services Department

LinkedIn

- City of Signal Hill

NextDoor

- City of Signal Hill

Twitter

- Signal Hill Police Department
- City of Signal Hill