LEGAL ISSUES ASSOCIATED WITH GOVERNMENT USE OF SOCIAL MEDIA

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ULCT MIDYEAR CONVENTION, APRIL 8, 2016
Social Media has revolutionized the communications landscape between citizens and government.
Connect

1,500+ CONNECTIONS

Connect Menu

**Facebook**
Find agency Facebook pages by category and see their latest status updates.

**Twitter**
Find and follow agency Twitter accounts and see their latest tweets.

**YouTube**
Find and subscribe to agency YouTube accounts.

**Mobile Applications**
Find Utah government applications for your mobile phone.

**Photo Networking**
View photos of Utah.

**Widgets**
Get state government delivered directly to your desktop.

**Utah Blogs**
Discover agency, legislative, and education blogs from across Utah state government.

**Pinterest**
Pinterest is a way for Utahns to share, or “pin”, images, videos, and other objects to a pinboard.

**LinkedIn**
Find Utah agencies on LinkedIn.
Social Media

My Quick Links
- Online Jobs Center
- Court Payments
- Pay Water Bill
- Citizen Access Portal

Airport
- Twitter
- Instagram

Golf
- Twitter
- Facebook
About Henrieville, Utah

City

Henrieville is a town in Garfield County, Utah, United States, along Utah Scenic Byway 12. As of the 2000 census, the town population was 159.

Geography

According to the United States Census Bureau, the town has a total area of 0.2 square miles (0.4 km²), none of which is covered with water.

Climate

The climate in this area...

Continue Reading

From Wikipedia, the free encyclopedia · Edit on Wikipedia
34% of you have a govt. paid for mobile phone

41% of you occasionally use govt. phone to make personal calls or send personal email or texts

81% of you occasionally use personal phone to make work-related calls or send work-related email or texts
SURVEY OF CONF. ATTENDEES

85% of you have a personal social media account

53% identify yourself as a govt. employee on the account

37% occasionally make posts on your personal social media account that relate to city or town business.
84% of cities and towns have an official social media account.

54% have written policy governing use of govt. equip. for accessing social media accounts.

38% of cities and towns have written policy addressing employee use of social media during or after work hours.
27% of you have received any formal training from your city or town regarding appropriate use of social media.
FIVE COMMON AREAS OF RISK WITH SOCIAL MEDIA

1. Reputational
2. Operational
3. Content management
4. Open Meetings Act
5. Records & Data
1. REPUTATIONAL RISKS
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1. REPUTATIONAL RISKS

#PENCERSHIP

WHEN INDIANA'S GOVERNOR THOUGHT HE COULD CENSOR THE WEB

HAY A CENSORED COMMENT YOU'D LIKE TO SHARE? E-MAIL ANDYMARKLE@GMAIL.COM.

WILSON MACK AND DAVID SMITH WERE BOTH PENCERED

Wilson Mack and David Smith were Pencered.
1. REPUTATIONAL RISKS

- “I’m downtown eating. Surrounded by Mormons and repressed sexual energy.”
1. REPUTATIONAL RISKS

Policy decisions:

- Decide who is authorized to post on government sites.

- Educate employees on reputational risks to city even when the posts are on their personal social media accounts.

- Establish a policy on whether employees may reference their city employment on their personal sites and what types of posts may be inappropriate.

- Require employees to expressly note they are speaking as an individual and not on behalf of city when they post on their personal sites unless it is obvious.
2. OPERATIONAL RISKS
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**Policy issues:**

- Does city have a written policy that governs employee use of social media while at work and that specifically covers online harassment?

- Will city monitor the computer, internet and email activity of employees?

- Does city have regular training of employees regarding online harassment and data security?

- Is city compliant with Utah law that prohibits city from asking employees or applicants for their social media passwords?
3. CONTENT MANAGEMENT RISKS
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Policy questions:

• What purpose does SM site serve?
• Allow citizen comments?
• Site moderation?
• Centralized control vs. independent departments?
• Site specific TOU or default provider terms?
4. RECORDS MANAGEMENT
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- KEEP CALM AND PRESERVE DATA
- No shredding allowed
4. RECORDS MANAGEMENT

KEEP CALM AND PRESERVE DATA

[Image of a no-entry sign over a shredder]
4. RECORDS MANAGEMENT

KEEP CALM AND PRESERVE DATA
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1. have a separate phone for city business and a separate phone for personal use.

2. Consider having city use an external, automated archiving service to capture social media content.
5. OPEN MEETINGS ACT
Q. If members of a public body text each other during a public meeting about a matter of public business, does that violate the Open Meetings Act?
SUGGESTED BEST PRACTICES

1. Elected or high appointed officials should maintain separate personal and govt. social media sites.

2. Don’t discuss govt. related business on personal sites.

3. Don’t discuss matters on govt. sites that will come before public body.
1. If your municipality does not yet have a written policy that governs public and employee use of social media, get one soon!

2. Educate & train employees on
   • the relevance of after work online activities in terms of the workplace environment, and
   • the importance of preserving social media communications, even on mobile devices.
QUESTIONS?
FOR MORE INFORMATION:

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