

SOCIAL MEDIA – GUIDANCE FOR MEMBERS

Approved by Council 16 July 2015

INTRODUCTION

Social media has changed the way we work. This guidance is for councillors who want to use social media to share information, have new dialogues with the people in their communities and beyond and engage their electorate. It is an easy way to talk to and listen to residents, local businesses and other organisations. Members are provided with ICT equipment to enable them to carry out their councillor role more effectively.

Social media is the term applied to a range of online tools and websites which allow users to interact with each other by sharing information, opinions, knowledge and interests. Although the focus is on Facebook and Twitter, similar principles will also apply to sites such as LinkedIn, Flickr, YouTube and Instagram, to blogging and as new means of e-communication emerge in this rapidly developing area.

Article 10 of the European Convention on Human Rights gives everyone the right to freedom of expression, including the freedom to hold opinions and to receive and impart information without interference by public authority and without frontiers. Political expression is given particular protection. However, there are limitations on the right. This guidance to members takes account of the need to balance the protection of the right to freedom of expression with the duties and responsibilities it carries with it. It is intended to protect individuals and communities from unjustified or inappropriate comments or communications whilst maintaining protection for freedom of expression.

Using social media is an excellent way to engage a wider audience and a good tool to get useful feedback. You should expect to be challenged as issues and ideas are debated online. However, social networking by members can attract adverse publicity for both those involved and for the Council. You should be aware of the possible pitfalls and ensure you comply with your obligations under the Members' Code of Conduct and the law.

GUIDELINES

- Think before you tweet or post on Facebook – it may be round the world in minutes
- Don't say anything, post views or opinions that you would not be prepared to
 - discuss face to face with the person you are speaking about
 - write in a letter to the press or read in a news report, or
 - be prepared to have minuted in a public meeting
- Be aware of being ironic or sarcastic: this may be misinterpreted
- Monitor and if necessary remove posts by others from your Facebook page which do not meet the required standards of behaviour. However, you may be accused of censoring political contributions if you remove posts which disagree with your political position
- Facebook and Twitter have their own terms & conditions and community guidelines, of which you should make yourself aware

- Take care to use privacy settings if you do not wish content to be accessed by the public and press (Keep texts and tweets separate)
- Don't enter into unhelpful online arguments – all of your followers or friends will see
- Ignore or block people if they persist in vexatious comment. If you choose to respond you may wish to seek advice first
- Protect your passwords and don't allow others to access your social media account
- Always ask permission before taking a picture you intend to use (Seek advice before taking or using pictures of children)
- Don't tweet or post when you are tired or your judgment is impaired
- If you make a mistake be prepared to admit it and apologise.

LEGAL CONSIDERATIONS

Communication through social media tends to be fast and informal and messages can appear lightweight and transitory. However when you post something, it is published in the public domain. The usual rules apply and you need to think about them in this context, as you are personally responsible for the content you publish.

Members have the same legal duties online as anyone else but there are also duties about members using their websites for electoral campaigning and extra care needs to be taken when writing about council business, especially on planning and licensing matters.

Defamation

It is against the law to make a false statement about someone which damages their personal or professional reputation. If you simply retweet or pass on information originally posted by others, you may still be held responsible for libel and be ordered to pay large sums of money as damages.

Copyright

Posting photos, videos or the contents of documents could breach copyright unless you have the owner's permission. Seek consent before you use someone else's material or you might face an award of damages.

Data Protection

You must not publish personal data about individuals unless you have their express written permission.

Equality

Take care when publishing anything that could be considered discriminatory in relation to sexual orientation, gender, race, religion, age, ability or philosophical beliefs (such as humanism) or any other form of discrimination under equality legislation.

Harassment

It is a criminal offence to pursue repeatedly a campaign against someone where this is likely to cause alarm, harassment, nuisance or distress.

Malicious or obscene communications

It is a criminal offence to send malicious or obscene communications.

Bias and Predetermination

As a councillor, particularly on a planning or licensing committee, you should not make up your mind about an issue until you have heard all the relevant information. You are allowed to be predisposed but must not have predetermined your decision. What you say on social media may be used as evidence that you did not keep an open mind before making your decision and there is a risk that the Council's decision may be invalidated.

The Code of Conduct for Members

The code of conduct applies to you whenever you are acting as a member of the Council. If you are identified as a councillor when you are using social media e.g. by your online identity or by what you comment on and how, the requirements of the code will apply.

Political Comment and Electioneering

You are less likely to have breached the code if you are making political statements e.g. commenting about another member's political position or expressing political differences. However, you are advised to avoid personal attacks and abuse which do not usually qualify for protection as freedom of expression.

Although it is acceptable to make political points or canvass votes via your own social media accounts, you should not do so via council-provided equipment, especially in the run up to elections. Candidates in elections must provide a return of expenditure on advertising or campaign literature to the Electoral Commission and may include web advertising.

MEMBER SUPPORT

Support, training and guidance are available from council officers:

Damian Beaumont, Digital Communication Manager

Tel: 01244 973635

Mobile: 07814 746934

Email: damian.beaumont@cheshirewestandchester.gov.uk

Network complaints

Facebook, Twitter and other social networks have their own helpdesks to support users and for reporting abuse.