

**SUBJECT: SOCIAL MEDIA AND DEPARTMENT WEBSITES POLICY**

Purpose: “Social media” is a dynamic and evolving term which includes web-based and mobile-based technologies designed or employed to facilitate interactive dialogues amongst and between organizations, communities, advocates and individuals. This policy is intended to promote the safe, orderly, responsible and consistent use of social media by City agencies and employees. The City encourages, within the rules set forth herein, the use of social media by its agencies. The City employs social media for the express and limited purposes of communicating the City’s various messages, its vision of the City and for receiving certain limited communications from the public. The City employs social media in order to promote the City’s government speech<sup>1</sup> and to allow the public a limited venue in which to communicate with the City. The City thus does not intend to create any open public forums for expressive activity. The City retains the right to edit or remove any content that violates this or any other policy of the City or any applicable law.

Application of Policy: This policy applies to all City employees, programs, departments, divisions, subunits (boards, committees, commissions) and agencies; to all City official websites, both Internet and Intranet; to all other websites hosted by the City; to any division, department, agency, or subunit receiving direct services from City of Madison Information Technology (IT). This policy does not apply to elected officials of the City of Madison. Any employee that fails to comply with the terms of this policy is acting outside the scope of their employment and may be subject to discipline and personal civil liability.

City Website to Be the Predominant Internet Presence: The City’s website and connected web pages will remain the City’s primary and predominant presence on the Internet. Therefore:

1. Any use of social media should be accessible through or linked to the appropriate web pages on the City’s website.
2. The City shall be the official registrant of any host social media site. The City shall not operate through personal accounts such as an employee’s Facebook or Twitter account.
3. Content posted to a social media website should contain links directing users back to the City’s websites where additional in-depth information, forms or other online services are available for the public.
4. The City website should be the data repository. Data will be “pushed” to social media tools. The City has a central data repository that receives online submissions and updates from database applications in various City agencies. In turn, these submissions and updates are pushed out near real-time to a variety of other channels including the City of Madison’s website, RSS feeds, SMS messaging, Twitter and Facebook.
5. RSS feeds should be built or scripted by IT or approved staff to ensure compliance with records retention laws.
6. Release of emergency information shall be through the City website central database repository, no tweeting or posting of such information to “walls.”

The Role of Departments, Divisions and Staff: Only departments, divisions and official City agencies may have a presence on social media. Individual employees, who are not elected officials, may not have an official City-supported presence on social media (see below for personal use policy). Use of social media should generally meet one of the following criteria:

1. The communication of time sensitive information in a real time manner (e.g., public meetings, city events, open houses, etc.).
2. Marketing/promotional efforts designed to reach a demographic that favors the social media under contemplation.
3. To solicit feedback or input from the largest possible audience on a distinct proposal or plan before the City.

Departments, divisions and staff shall be responsible for identifying, selecting and staffing appropriate social media opportunities that will advance their agencies’ ability to communicate with the public.

Each department/division shall, **by January 1, 2013**, develop and file with the Mayor’s Office, with a copy to the Information Technology Director, a written social media policy that, at a minimum, addresses the following considerations and include the following requirements:

1. Provides a definition of the appropriate uses or purposes for employing social media;

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<sup>1</sup> See Pleasant Grove City, Utah v. Summum, 129 S.Ct.1125, 172 L.Ed.2d 853 (2009).

2. Designates an approving authority for the use of social media and the persons designated as official social media spokespersons for the department/division; maintain a list of each use of social media tools to include:
  - a. The login and password information for each;
  - b. The persons(s) responsible for maintaining the City's presence on such social media tools; and
  - c. Designation of the repositories for all data.
3. Procedures for consulting with Information Technology to ensure that all technical issues and network security considerations have been addressed.
4. Procedures for ensuring compliance with applicable First Amendment (freedom of Speech/Press) requirements and consultation with the Office of the City Attorney;
5. Maintaining a record of:
  - a. The identity of the social media;
  - b. The name, title and contact information for the staff person(s) responsible for the department/division's social media presence;
  - c. The purpose and benefits of utilizing the social media;
6. All usage of social media shall comply with the City's Ethics Code, all APMs and all applicable laws.
7. All social media sites and tools shall contain a clear and conspicuous notice to users that the City is using the medium as a means of communicating with the public on the limited subject matter at hand. Furthermore, this notice shall contain the IT approved Terms of Use, Social Media Guidelines and Social Media Comments Policy.
8. Social media presence must be kept fresh and current.
9. Procedures to ensure complete and accurate responses to any requests for public records related to their social media presence.
10. Social media often contains the capacity for direct communications such as chat, instant messaging and text messaging that are very similar to email. However, such means of communication are not captured in the City's searchable email archive database. Therefore, if the social media contains such features the department/division shall forgo/disable the use of such communication tools unless such communications can be properly archived in accordance with the public records laws.
11. Procedures to avoid disclosing or posting any information that would compromise the health, safety or security of any person, group, organization, building or facility.
12. A requirement to include the following disclaimer whenever posting links to or on a page/site with links to external sources: "The City of Madison, Wisconsin is not responsible for the content provided on "related" and "promoted" links that are accessible from this page. All viewers should note that these related links, videos, content and comments expressed on them do not reflect the opinions and position of City of Madison government or its officers and employees."

The Role of Information Technology: The use of social media is not without its risks. Laypersons may not always have a healthy understanding or appreciation of these risks. Therefore, to protect the integrity of our records and to safeguard the City's substantial investment in IT resources, Information Technology shall be consulted prior to the use or implementation of social media.

1. The IT Director shall monitor the City's presence on the internet and may, in his/her discretion and without notice, edit or remove any presence or content that:
  - a. Violates any provision of this or any other policy or law;
  - b. Is not kept timely and up-to-date; or
  - c. Reasonably appears abandoned.The IT Director shall maintain a record of the original social media presence as it existed before any action taken by the IT Director.
2. Upon the request of any Department/Division Head the IT Director shall determine whether a social media tool or site permits the City to comply with its obligations under the Wisconsin Public Records Laws. The IT Director shall apply sec. 3.70(3)(b)9, MGO, in determining whether to approve any social media for use by City divisions, departments or staff.
3. The IT Director may periodically conduct training on the appropriate use and the mechanics of social media.
4. The IT Director shall promptly report the discovery of any criminal activity or law violation to the Madison Police Department and shall cooperate with any investigation of the same.

The Role of the Office of the City Attorney: Use of social media raises several legal issues. First, the City must comply with the Wisconsin Public Records laws and Open Meetings laws. Unfortunately, these laws never anticipated the development of either social media or the internet. Thus, close consultation with the City Attorney

may be required when employing social media so as to appropriately address public records and open meetings considerations. Second, use of social media may implicate First Amendment freedom of speech considerations. Therefore, departments/divisions should consult with the Office of the City Attorney before using any social media.


Individual or Personal Use of Social Media:

*Use While On-Duty or While Using City Equipment:* In the absence of any department/division policy to the contrary, employees may make limited and incidental personal use of social media when at work or when engaged in official duties. However, Department/Division Heads may include in their written policies a more restrictive use policy and may even include a complete prohibition on on-duty personal use of social media by employees. Department/Division Heads may request that Information Technology block employee access to social media websites.

APM 3-9, "Appropriate Use of City Computer Resources," sets forth the City's policy regarding personal use of City-owned computer resources. In the absence of a more restrictive department/division policy, the terms of APM 3-9 are incorporated into this policy.

*Use While Off-Duty on Non-City Equipment:* Use of social media while off-duty is simply another form of personal communication. Other City work rules governing confidentiality and appropriateness of communication apply to use of social media while off-duty.

Authority: Information Technology will interpret and maintain this APM.

  
Paul R. Soglin  
Mayor

APM No. 3-16  
June 22, 2012