# Draft Council Policy

# Councillor use of Social Media

## Policy Statement

The purpose of this policy is to provide guidance for Councillors about the personal and professional use of social media. Social media is an important communication, engagement and customer service channel which can encourage dialogue between Councillors and the community.

This policy intends to assist Councillors to use social media in a way that minimises exposure of both Councillors and Council to legal risk. In particular, it outlines guidance for Councillors with regards to confidentiality, governance, privacy, record keeping and other legal and regulatory risks when using social media.

## Principles

Communication through social media will be in a manner that:

- informs the community about the decisions of Council, policies, programs, services and decisions;
- protects and promotes the interests of Council through social media;
- promotes two-way communication and demonstrates how feedback has been used to support decisions;
- builds an engaged and highly satisfied community;
- accurately responds to community needs;
- complies with relevant laws and regulations, and ensures the confidentiality of Council information; and
- respects the democratic process acknowledging Council resolutions represent the majority view.

## Scope and application

This policy applies to the use of social media by Councillors in their personal and professional capacity.

- Professional capacity, being in the course of fulfilling their functions and duties to Council; and
- Personal capacity, being where the use of social media is connected with, or might otherwise impact on, Council's legal obligations, its reputation and/or its effectiveness, legal obligations or duties owed by the Councillor to the Council.

## Councillor use of social media

Northern Beaches Council recognises the importance of social media as a communication, engagement and customer service channel.

Social media provides a platform to encourage dialogue between Councillors and the community, and enables Councillors to gain insight into the community and its needs via public feedback and comments.

Councillors are responsible for managing their social media accounts, including creating and sharing content, gaining permission for the use of images, video, audio and other materials if required and monitoring comments.

Councillors should ensure that they have appropriate privacy settings on all social media sites moderated, managed or operated by them. Councillors should be aware that any social media activity or interaction, either official or personal, is public, often permanently available, traceable and able to be reproduced elsewhere.

Councillors should also be aware that whether they intend it or not, what they post online in a private capacity reflects on Northern Beaches Council and their role as a Councillor.

Councillors should behave in a way at all times that upholds the values, behaviours and reputation of the Council, and is consistent with the Code of Conduct and other Council policies.

Councillors are reminded that 'shares', 'likes' or 'retweets' may be viewed as an endorsement of the original post.

Councillors may use their own social media accounts to express personal views, however, they are strongly encouraged to have a dedicated Councillor account separate to any other personal or business accounts they might hold.

Councillors can make personal comments on their social media platforms on matters relating to Council policy and other matters of public interest, but must make clear that any views are their own opinions as an individual and are not the opinions of Council, an official Council position or a Council policy. In making comments and expressing views on social media, consistent with the Code of Conduct, Councillors must not bring the Council, Council decisions or civic office into disrepute.

Councillors should consider that a disclaimer or separate personal or business account does not necessarily provide legal protection for comments posted on social media.

When commenting on an issue, Councillors are required to provide an accurate account of the relevant Council resolution or decision. This can be achieved by publishing the full Council resolution.

Councillors should be aware that they may be legally liable for their comments and the comments of others, published on a Councillor's social media site. Councillors are encouraged to ensure prompt removal of inappropriate content from third parties.

In using social media, Councillors should comply with applicable laws and must not:

- breach the privacy of other Councillors, Council officials, employees, those that deal with Council, or other third parties or otherwise handle personal information or health information in a manner which may cause Council to be in breach of its obligations under applicable privacy laws;
- post content that is defamatory, offensive, humiliating, misleading or deceptive, threatening or intimidating to other Councillors, Council officials or employees, those that deal with Council, or other third parties
- divulge confidential Council information or any other confidential information obtained in the course of performing duties as a Councillor;
- breach copyright or trademark protected materials or otherwise infringe on the intellectual property rights or other rights of a party or individual; or
- post content that contains allegations of suspected breaches of the Code of Conduct or information about the consideration of a matter under the Procedures.

Councillors should be aware that messages, forums and posts created using social media platforms may be digital records under the GIPA if they have been used for conducting 'government business'. Similarly, messages created in messaging apps (such as WhatsApp, Facebook Messenger and WeChat) may be digital records for the purpose of the GIPA if the messages have been used for conducting government business. For this reason, Councillors should exercise care to ensure government business is not conducted on personal social media accounts and messaging apps.

**Breaches**

Breaches of this policy may be subject to disciplinary action, in line with the Northern Beaches Council Code of Conduct and disciplinary policy and procedure.

**References and related documents**

- Access to Information Policy
- Code of Conduct Policy;
- Communications Policy;
- Code of Meeting Practice; and
- Community Engagement Policy.

**Related legislation**

- Local Government Act 1993 NSW;
- Independent Commission Against Corruption Act 1988 NSW;
- The Government Information (Public Access) Act 2009 NSW (**GIPA**);
- Anti-Discrimination Act 1977 NSW;
- Privacy and Personal Information Protection Act 1998 NSW;
- Health Records and Information Privacy Act 2002 NSW;
- State Records Act 1998 NSW;
- Work Health and Safety Act 2011 NSW;
- Model Code of Conduct for Local Councils in NSW 2020;
- Copyright Act 1968 Cth; and
- Copyright Amendment (Digital Agenda) Act 2000 Cth.

**Definitions**

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| Councillors: | The current elected Mayor and Councillors of Northern Beaches Council. |
| Social media: | Social media is defined in this policy as all online and digital media. It includes information that can be created, shared, discussed and disseminated, allowing user participation and interaction.<br><br>Examples include, but are not limited to:<br><br>Social networking sites (e.g. Facebook, Twitter, LinkedIn, Yammer)<br><br>Video and photo sharing websites (e.g. Instagram, YouTube, Snapchat, TikTok, Flickr)<br><br>Blogs, including those hosted by social channels or media outlets (e.g. Tumblr, 'comments' or 'your say' feature on websites such as news websites)<br><br>Forums, discussion boards and groups (e.g. Google groups, Reddit, Whirlpool)<br><br>Instant messaging (e.g. WhatsApp, Facebook Messenger)<br><br>Geo-spatial tagging (e.g. Google maps, Foursquare)<br><br>Any other tool or emerging technology that allows individuals to publish or communicate in a digital environment |

## Responsible Officer

Executive Manager Community Engagement and Communications

## Review Date

October 2024

## Revision History

| Revision | Date | Status | TRIM Ref |
|---|---|---|---|
| 1 | 16 October 2020 | Draft Policy – Councillor use of Social Media | 2020/635627 |
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