

**STANDARDS COMMITTEE  
18 MARCH 2019**

**REPORT OF MONITORING OFFICER  
SOCIAL MEDIA GUIDANCE FOR COUNCILLORS**

1. Last year the Council decided that the Code of Conduct for councillors should be amended to include of two specific provisions to emphasise the importance of appropriate use of social media. These changes will be put in place for the new Council following the May 2019 elections.
  
2. The Council also agreed that Social Media Guidance should be prepared to assist members in avoiding the potential pitfalls in use of social media. A draft Guidance Note is attached for consideration.
  
3. Elsewhere on this agenda I have reported on the Committee on Standards in Public Life (CSPL) review of the Local Government ethical standards framework. Some of the findings and recommendations of the CSPL are relevant to the use of Social Media by councillors. In particular the recommendation regarding the introduction of a presumption that a councillor using Social Media does so in capacity as a councillor. Depending on the Government's response to this, the Social Media Guidance may need to be reviewed and amended in due course. In the meantime IT IS RECOMMENDED that the Committee considers the draft Guidance attached and recommends to Council the adoption of the Guidance for inclusion in the Constitution.

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# Ashford Borough Council

## Social Media Guidance for Councillors

### 1 About this Guidance

- 1.1 Ashford Borough Council (**the Council**), recognises that social media is now one of the most popular communication tools. It provides unique opportunities for councillors to participate in interactive discussions with constituents and share information with communities about topics of interest.
- 1.2 However, your use of social media can also pose risks to your own and the Council's reputations if it is not used in the right way. Social media can also put confidential information at risk and jeopardise compliance with legal obligations. Accordingly, this Guidance has been adopted to protect both you and the Council from reputational damage, to minimise the risks to both through the use of social media and to minimise the risk of you being the subject of code of conduct complaints.
- 1.3 This Guidance applies to you when using all forms of social media, including Facebook, LinkedIn, Twitter, Wikipedia, Instagram, Snapchat, You Tube and all other social networking sites and blogs. It applies to use of social media for council purposes as well as personal use that may affect the Council in any way.

### 2 Social Media & the Council's Code of Conduct

- 2.1 The Council's adopted Code of Conduct applies whenever you are acting in your capacity as a councillor. It may also apply when you give the impression you are acting in this capacity. For example by referring to your councillor role in the course of communications or perhaps when making general political comment. But it is not always clear-cut, especially when you are using social media platforms. However you are likely to be regarded as acting in your capacity as a councillor when you are discussing Council or Ward business with residents or other stakeholders or if you sign off your posts as "Councillor"
- 2.2 In other circumstances the position may be less clear eg when you are expressing personal views on social or general or national political issues. If your social media profile refers to the fact you are an Ashford Councillor, you leave open the possibility that others may regard you as expressing views in that capacity. You may wish to ensure therefore that your profile makes clear that views expressed by you are solely in your personal capacity unless expressly given as councillor or in relation to Councillor ward business.
- 2.3 Since the position on capacity may not always be clear you should at all times be aware of the potential to be in breach of the code of conduct in

your use of social media eg: by bullying, by bringing your office or the Council into disrepute by what you say or do, by disclosing confidential information etc. Considerable care should be taken to avoid these risks and you should always seek advice from the Monitoring Officer or the Communications Team where you are unsure.

2.4 In February 2018, the Council decided to include two specific provisions in its Code of Conduct to emphasise the importance of avoiding these risks when using social media.

- you must not publish on social media material that a reasonable person would consider offensive or abusive.

- you should be aware that members of the public may perceive you to be acting as a councillor even when you consider you are acting in your personal capacity. This includes when you publish material on social media. You must make it clear in your social media profile and/or in any posts/tweets etc whether you are acting in your personal capacity or as a councillor.

**DO always be aware that the Council's code of conduct may apply when you use social media and always ensure you do not say anything which could cause you to breach the code eg bullying or abusive language**

**DO ensure that when you use social media it is clear whether you are acting in your personal capacity or as a councillor eg: by making it clear in your profile (or posting) that the views you express are solely in your personal capacity unless specifically given as councillor**

### **3 Business use of social media**

3.1 You may wish to use social media to fulfil your responsibilities in your capacity as councillor. You must ensure that you use social media at all times in a professional and responsible manner.

3.2 If you are contacted for comments about the Council or about council business by the media for publication anywhere, including in any social media, you should normally direct the enquiry to the Communications Team in the usual way. You should not express views on behalf of the Council on social media unless you are specifically authorised to do so. For example, you could use a phrase such as 'speaking for myself only' or "I cannot speak for fellow councillors but" ... In the event of contact by residents on social media, it will often be advisable to liaise with the relevant service head before responding to ensure you have the latest up to date information on the matter.

**DO direct media enquires or requests for comments on Council business to the Council's Communications Team in the usual way. DO NOT express views on behalf of the Council (or give the impression you are so doing) on social media unless you are specifically authorised to do so**

**DO liaise with relevant service heads where necessary to ensure your information is up to date prior to responding to residents on social media**

#### **4 Personal use of social media**

- 4.1 You must make sure that your personal use of social media does not involve unprofessional or inappropriate conduct and does not interfere with your responsibilities, duties and productivity as a councillor.
- 4.2 Although there may be advantages in councillors having separate social media accounts for purely personal use and councillor work, this may not be practical or desirable for everyone. Also, separate accounts may give the false impression that contentious or immoderate statements on a personal account are acceptable. In reality, such statements would be likely to be picked up by the media regardless of which "account" was being used. Therefore, it is more important to ensure that caution and common sense is used at all times on social media rather than focus on which accounts and capacity a councillor is using at the time.
- 4.3 If you do have separate social media accounts for purely personal use, you may wish to ensure appropriate privacy settings are used if you do not wish them to be accessed by the press and public. Your personal accounts should include only personal contact details such as your private email address rather than your councillor contact details.

**DO be cautious and aware of the risks at all times when using social media whether in your private capacity or as a councillor.**

**DO consider carefully the use of appropriate privacy settings and contact details on purely personal social media accounts**

#### **5 Your responsibilities when using social media**

- 5.1 Any social media profile or page that you use should state that any views on that page or in any of your postings are your own views and do not represent the views of the Council. You should not use Ashford's logo or other branding material.

5.2 It is important to bear in mind when using social media, that you become a publisher and subject to libel laws. What you post, if unprotected, can be seen around the world instantly. This can be so even if comments are later removed or deleted as screen grabs can be taken with a single click. Journalists scour social media hourly for stories. You alone are responsible for the content you publish on social media and you should ensure you do not give the media a story! Accordingly, you must never breach the code of conduct or any of the Council's other policies including ICT or internet use policies, when you use social media. In particular you must not:

- 5.2.1 make any social media communications that could damage your or the Council's interests or reputation, even indirectly. This means you should always consider carefully not only what you say yourself but also how it might be perceived if you share or "like" or "re-tweet" immoderate or offensive posts or comments by others
- 5.2.2 use social media to defame or disparage the Council, other councillors, staff or any third party;
- 5.2.3 harass, bully or unlawfully discriminate against anyone;
- 5.2.4 make false or misleading statements;
- 5.2.5 use insulting or offensive language or engage in any conduct that would not be professionally acceptable;
- 5.2.6 use social media to post content which infringes anyone else's rights or content which is of an illegal, sexual or offensive nature;
- 5.2.7 use social media in any way which is hateful or abusive, including using racist, sexist or other discriminatory language;
- 5.2.8 use any images, text or other material which you do not have consent or the right to use (for example because the copyright belongs to someone else);
- 5.2.9 express opinions on the Council's behalf via social media, unless expressly authorised in writing by the Council to do so.
- 5.2.10 cite or reference or disclose personal data of any customers, partners, suppliers or other third parties who have a relationship with you or with the Council unless you have their express consent;
- 5.2.11 post comments about sensitive or confidential council topics or do anything to jeopardise the Council's confidential

information and intellectual property. You must not include the logo or letterhead or any other similar Council device or 'brand' in any social media posting or in your profile on any social media.

- 5.3 If you are unsure whether something you want to post is appropriate, you should refrain from posting it until you have been able to speak to someone about the appropriateness of the post. If you have questions about what you should and shouldn't post, please contact the Communications Team.
- 5.4 Any misuse of social media, or any social media content published by councillors that infringes this Guidance should be reported to the Council's Monitoring Officer.

**DO be aware of the legal and reputational risks of inappropriate use of social media, including libel, code of conduct breaches etc.**

**DO avoid doing any of the things listed in para 5.2 above when using social media**

## **6 Online safety**

- 6.1 You must be aware of your own safety and the safety of others whenever you post on social media and you must not post any information which could put your safety at risk. If you receive threats, abuse or harassment through social media, you should report this to the Communications Team and/or to the police.
- 6.2 You must use a secure password for all social media accounts and must never share your login details with anyone.

**DO take account of safety issues when using social media.**

**DO use secure login details when using social media**

## **7 Data protection**

- 7.1 Always remember that as a councillor you are a data controller in your own right with regard to certain information you hold. Where you use social media in your capacity as councillor to collect and use personal data about users, you have obligations to protect that personal data. These obligations apply even if the information collected is publicly available (for example because a user has included it in a public post or a public profile).

- 7.2 Personal data includes any information that can be used to identify an individual.
- 7.3 You must always comply with your obligations under data protection legislation when collecting personal data through social media. This includes
- 7.3.1 only using personal data for purposes that you have told people about or that they would reasonably expect;
  - 7.3.2 taking measures to keep personal data secure, such as encrypting portable devices that you store data on and keeping hardcopy documents containing personal data locked away;
  - 7.3.3 not keeping personal data for longer than you need it;
  - 7.3.4 ensuring that you correct personal data if someone informs you it is inaccurate for example updating their name and/or address etc.; and
  - 7.3.5 complying with individuals' rights, such as their right to see copies of personal data you hold about them.
- 7.4 You should also remember never to post personal data that you obtain elsewhere on social media without that person's knowledge or permission. For example, you should not post a photograph of someone without their consent, or post a copy of a letter that someone has sent you without blanking out any identifying details first or disguising the identity of an individual or individuals in a photograph.
- 7.5 As well as this Guidance, you should also familiarise yourself with Ashford's Data Protection Policy, which details what constitutes personal data and what you should do to protect it.

**DO be aware of your obligations regarding processing personal data when using social media and follow the 'rules' in this Guidance..**

## **8 Breach of this Guidance**

- 8.1 Failure to follow this Guidance may result in a complaint against you, including for breach of the Code of Conduct. You may also suffer civil or criminal action or a regulatory fine for example where this also amounts to defamation or a breach of your data protection obligations.

- 8.2 You may also be asked on behalf of the Council to remove social media content which is in breach of this Guidance.
- 8.3 Councillors are therefore urged to seek advice or guidance at the earliest opportunity if they are unsure about any issues regarding use of social media.

## **9 Questions about this Guidance**

- 9.1 If you have any questions about this Guidance, please direct them to the Council's Monitoring Officer/Director of Law & Governance or the Council's Communications Team.