

Town of Wappinger Social Media Policy

1. General Policy Statement.

- 1.1. This policy provides overall guidance for Town of Wappinger (“TOW” or the “Town”) Government use of social media. Individuals and entities that participate in social media on behalf of the Town shall abide by this policy.
- 1.2. Social media tools are creative and interactive forms of online communication. They provide a platform for the Town to develop stronger and more successful relationships and communications with members of the public, residents, visitors and organizations (“Members of the Public”). Social media refers to the creation and exchange of information among individuals through Internet-based applications. This includes, but is not limited to, information in the form of text, pictures, videos, links to other sites or any other type of communication posted to the approved social media site.
- 1.3. Social media provides the TOW with the ability to:
 - 1.3.1. Promote Town programs and initiatives by engaging Members of the Public;
 - 1.3.2. Provide Members of the Public with an additional way to interact with the Town;
 - 1.3.3. Complement and integrate traditional media for wider message distribution;
 - 1.3.4. Engage in local and Dutchess County discussions on relevant TOW issues;
 - 1.3.5. Act as a service provider and connect Members of the Public with programs or information; and
 - 1.3.6. Provide public outreach to share pertinent government issued informational messages.
- 1.4. All content posted on the social media pages, including comments submitted, and including that removed, and a list of subscribers or “followers”, is considered a public record and subject to the New York State Freedom of Information Law. Any content removed based on the guidelines below should be retained and maintained by the Town Clerk pursuant to the TOW Record Retention Policy to the extent technologically feasible.
- 1.5. Social media accounts may include but are not limited by definition to the following: Facebook, Twitter, Instagram, LinkedIn, and YouTube.
- 1.6. Town social media sites are intended to be informational. Users should not use these forums for making any official communications to the Town; for example, reporting crimes or misconduct, requesting an inspection, giving notice required by any statute, regulation or ordinance, such as, but not limited to, notices of claims.
- 1.7. Since Town social media sites will not be maintained 24 hours a day, 7 days per week and immediate responses to any requests via post, email, direct message, etc. may not occur, the readers should be advised accordingly.

1.8. The Town reserves the right to not reply or decline to reply to any/all comments posted to its social media accounts. It is also understood that the Town will not automatically “friend”, “like”, “follow” or “connect” to users who follow, comment or “like” Town posts.

2. Employee Use of Social Media. Any employees representing the Town via its social media sites shall conduct themselves at all times as representatives of the Town and in accordance with the Employee Handbook and other applicable policies. When a Town employee posts or responds to a comment in his/her capacity as a Town employee, the employee should do so in the name of the Town Department, and the employee shall not share personal information about him or herself, or other Town employees except as required for Town business.

3. Creation and Use of TOW Social Media Sites.

3.1. Registration. All existing official Town social media sites must be approved by the Town Board (“Board”) and registered with the TOW Supervisor's Office (TSO). The Board and the TSO retain the ability to deny the creation of any new social media account if the requesting Office, Department, Committee, or individual (“Organization”) cannot provide a legacy system and a unique need for said account. Prior to starting a new social media account, one must submit an application on the TSO, using the registration form provided by the TSO.

3.2. Organization Use. Each Organization involved in a social media effort must have a clear understanding of the Town's social media policy. Additionally, Organizations must clearly define internal policies to complement the overall Town policy. This internal policy must include roles and responsibilities for any personnel involved in managing social media, including affinity groups, vendors and volunteers, and a process to ensure there is consistent messaging across all media that the Organization uses for public communication, including social media. Training should be provided for employees authorized to engage in social media on behalf of the TOW. Employees not authorized to engage in social media should be warned of the potential consequences of posting in an official capacity.

3.3. Organization Policies and Procedures. Organizations should develop an organizational structure and Department-specific social media policy consistent with Town-wide policies. It should address the following elements:

3.3.1. Roles and responsibilities for staff members that create and manage the Organization's social media presence. This must include a protocol for responding to complaints or other service requests, and complying with records retention policies;

3.3.2. Organization members or staff responsible for managing social media sites must be trained on the use of social media and records management issues presented by social media. This includes review and approval processes for social media messaging and content, if deemed appropriate. Online communication should be consistent with any information and advice provided through other media and forums;

3.3.3. Oversight of the social media site(s) developed within the Organization (whether developed internally or through a vendor or consultant);

3.3.4. Clear protocol for personal posts and comments by non-social media Organization staff on official accounts; and

3.3.5. Consultant/Vendor/Contractor guidelines for use of social media.

3.4. Internal process to address customer issues, questions or complaints. An Organization's social media policy may depend on the nature and purpose of the Organization. One central contact should be designated to oversee the Organization's social media program and to coordinate with TSO for policy updates.

3.5. Consultant / Vendor / Contractor Use of Social Media On Behalf of an Organization. Vendors or contractors hired by an Organization to assist in developing Organization's social media presence must comply with all elements outlined in this policy and any other additional internal policy that an Organization may develop. In contracting out social media related tasks, it is critical that the Organization retains permanent ownership of the created webpages. For legal review of the vendor contracts, please contact TOW's legal counsel.

3.6. Branding Social Media Accounts as Official Town Sites. Organizations engaging in social media should clearly brand their websites as an official government presence. At minimum, this requires the following:

3.6.1. the profile image should include the Town seal and/or cover photos that are obviously identifiable or representative of the Town and shall not include individuals or groups of people.

3.6.2. the account should clearly link to the social media user policy, language in the blog to indicate that this is an official account, and the account name should indicate that it is TOW property;

3.6.3. It is important to represent the Town with a consistent message across all forms of communication, including social media platforms; and

3.6.4. Certain official program initiatives may require the development of a non-branded social media sites. Organizations interested in launching issue-specific campaigns without clear government association should contact their agency's legal counsel and TSO.

3.7. Employees Using Social Media in Their Official Capacity.

3.7.1. Most often, social media accounts are created to represent the TOW and its Organizations. Occasionally, an Organization might want to create an official social media

account for an individual, like the head of the Department, or a press officer. Personnel may be authorized to use social media for many reasons, including (but not limited to) promoting an Organization's message, engaging with other government and community leaders, or participating on an Organization's social media site as subject matter experts.

3.7.2. Personnel authorized to engage with Members of the Public via social media platforms as part of their TOW work should comply with all TOW and Organization guidelines while doing so. Personnel should also keep in mind that they are representing their Organization and TOW at large with every social media interaction.

3.7.3. Accounts created and maintained by individuals to use for official purposes become TOW municipal property and do not transfer to the employee should they leave the TOW Government.

3.7.4. Personnel who wish to use social media in a personal capacity must indicate they are only representing themselves, and cannot do so on Town time and using Town resources, including personnel.

4. Security.

4.1 It is important to take all necessary steps to ensure that social media accounts are secure from accidental or purposeful attacks.

4.2 Passwords must be adequately complicated to prevent cyberattacks. It is advised that passwords are never sent through email, but are communicated verbally. If a cyberattack is suspected, the agency must first contact TSO.

5. Legal Considerations.

5.1. While there are many benefits to working with social media, there are some areas of legal vulnerability that are unique to these forms of communication.

5.2. Content Posting and Sharing.

5.2.1. Many social media platforms allow users to share and post their own personal photos, videos and other creative content on fellow users' account pages and sites. The TOW should not allow or encourage this practice.

5.2.2. Organizations should work with the TSO in crafting their social media message and strategy. Organizations may, where necessary, be allowed to post to outside links including, but not limited to, other Organizations, news outlets, and other social media

pages. However, Organizations should create original content where possible, and a majority of published content needs to be original.

5.3. Privacy.

5.3.1. As TOW social media sites grow in popularity and usage, issues of privacy become paramount. Organizations (particularly those that handle sensitive or protected information) need to be mindful of customers' privacy and identities. Organizations with fundamental privacy concerns (e.g. Recreation Department that is serving minors or manage health information) should consider their customers' privacy before joining the various social media platforms disclosing customer involvement. In addition, those Organizations may choose to alert customers that by affiliating with certain social media sites, they may be openly associating themselves with the specific Organization or TOW service.

5.3.2. Organizations posting material featuring identifiable private individuals and children are encouraged try to get permission where possible/feasible before publication. Releases or permissions should be in writing or by an email authorization from the source confirming that the TOW's use is acceptable.

5.4. Terms of Service.

5.4.1. When private individuals and organizations join social media sites, the sign-on process almost always includes a Terms of Service (TOS) clause. New members must agree to the individual site's Terms of Service before they are granted full-access privileges to the site. TOS clauses vary across social media platforms; as such, Organizations should carefully read the TOS of each social media tool before developing its presence. For example, many of the sites provide that the site's operator is automatically provided with a broad license to any posted material, that the user consents to choice of law and venue in a remote jurisdiction and that the site's operator has the right to place advertising in close proximity to the user's content.

5.5. Moderating Customer Input.

5.5.1. Social media platforms often provide users the ability to voice their opinions and reactions to posted information. This may result in comments or feedback from users that concern TOW or Organization officials, department heads or other staff. An Organization should not use social media if it is uncomfortable with the idea of users posting negative or unsavory comments about itself, its leaders, or its programs. In other words, if the agency is uncomfortable with the level of exchange on a particular site, the site may not be appropriate for that agency.

5.5.2. To keep track of incoming feedback and follower contributed content, Organizations should check their social media sites at least once a day. If a TOW social media site is

created under guidelines or policies that limit the site to a particular topic (as opposed to general or all-purpose agency communications), off-topic comments or contents may be deleted under the guidance of TOW legal counsel. Otherwise, agencies may not delete or modify comments that are posted or otherwise sent or shared by outside parties on their social media sites. For guidance on the narrow exceptions (e.g., obscene comments, hate speech, solicitations and comments that violate the Terms of Service of the host site), please contact the TOW's legal counsel to determine an appropriate response.

5.6. Notice.

5.6.1. The interactive nature of social media enables Organizations to directly engage customers. However, Members of the Public also have the ability to communicate with Organizations and may choose to report an issue, request a TOW service or seek more information regarding a TOW program available to them over the various social media sites. For information requests that the Organization cannot accommodate, or if a service complaint needs to be submitted, agencies should loop TSO and TOW legal counsel into the conversation and then they will then offer a reply.

5.6.2. All employees should be alerted to the fact that a request received through a social media site may also serve as a notice of some possible issue or problem. For example, if a customer notifies the TOW Highway Department about a pothole over a social media site and another resident or visitor is subsequently injured by the same pothole, the notification may potentially be used by the injured as part of a resulting legal action. Any suspicious comments of this nature should be communicated to TOS and/or TOW Legal Counsel.

5.6.3. All social media sites maintained by the Town shall clearly set forth that they are maintained by the Town as the Town's "official" social media accounts. The following disclaimer shall appear on all Town social media sites:

The Town be the sole owner of all social media accounts and the Town reserves the right in its sole discretion to delete any postings it deems offensive or inappropriate, and reserves the right to deny access to any individual who violates the Town's social media policy without prior notice. Postings other than by Town officials do not constitute opinions of and are not endorsed or approved by the Town. The Town specifically disclaims any and all liability to for any damages, which may result from accessing links to other posts, pages, or website that are not owned, operated, controlled or reviewed by the Town. Inappropriate content, includes, but is not limited to:

- *Potentially libelous comments;*
- *Comments on disability, religion, or national origin;*
- *Private, personal information offered without express consent;*
- *Hyperlinks to materials not directly related to the discussion;*
- *Material known to be plagiarized;*

- *Commercial promotions, including for-profit advertisements or products for sale;*
- *Content appearing to be “spam”;*
- *Comments pertaining to organized political activities, including political endorsements;*
- *Comments not topically related to the particular post being commented upon;*
- *Comments that promote, foster, or perpetuate discrimination on the basis of creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;*
- *Comments that include vulgar, offensive, derogatory, threatening or harassing language, racist; personal attacks or unsupported accusations;*
- *Obscene or sexual content or links to obscene or sexual content;*
- *Illegal activity or encouragement of illegal activity*
- *Information that may tend to compromise the safety or security of the public or public systems*
- *Comments from children under 13 cannot be posted in order to comply with the Children’s Online Privacy Protection Act. By posting on a Town media site, users acknowledge that they are at least 13 years old*
- *Content that violates a legal ownership interest of any other party;.*
- *and*
- *Any content that is not deemed to be in the best interest of the Town.*

5.7. Freedom of Information Law (FOIL).

5.7.1. Organizations should ensure that relevant staff are provided with guidelines and training before posting any material to social media sites. Once information has been posted, it may be considered an agency record subject to applicable retention requirements and to the Freedom of Information Law (FOIL), under which government records are made available upon request to members of the public. Even if the communication, information, photo, video, etc. is immediately removed from the host site, once it is has been featured on a social media site, it still may be subject to record retention requirements and to FOIL. The same would be true of third party comments or materials posted on the agency's social media sites.

5.7.2. All TOW social media should be archived to the extent possible. TOW’s IT Consultant should try to procure a social media archiving tool and provide guidance on appropriate record keeping practices.

6. Applicability.

- 6.1.** This policy shall apply to all Town Organizations as well as any affiliated government or non-government agency or official permitted by the Town to post on Town media sites.
- 6.2.** . Notwithstanding the above, nothing in this Policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law. Town employees have the right to engage in or refrain from such activities as they choose.
- 6.3.** Anyone with information as to a violation of this Policy is to report said information to the appropriate Organization Head. Once the Organization Head is informed of the violation, a formal process, consistent with the Employee Handbook, Union Contract, and/or applicable law, will commence.
- 6.4.** An employee who violates this Policy will be subject to disciplinary action up to and including termination of employment.