



Brighton Council

POLICY NAME: Social Media & Communication Devices **POLICY NO:** 7.3

ADOPTED BY COUNCIL: 19/4/17

PURPOSE OF POLICY:

This policy aims to provide a clear framework for the appropriate and productive use of social media and communications devices in relation to Brighton Council where it may affect workplace safety, efficiency and confidentiality, and to protect the reputation and legitimate interests of Council.

SCOPE:

This Policy applies to:

- a) All elected members of Brighton Council (Councillors)
- b) Brighton Council Workers as defined in this policy (full time, part time, temporary and casual)

Using either Council or personal communications devices, this policy covers:

- a) Behaviour in the workplace;
- b) The performance of work for, or in connection with, Council; and
- c) Conduct outside the workplace or working hours if the acts or omissions:
 - a. Are likely to cause serious damage to the relationship between Council, Councillors, Workers or other persons at the workplace; or
 - b. Are incompatible with a Worker's duty to Council or employment relationship or engagement; or
 - c. Damage or are likely to damage Council's interests or reputation

DEFINITIONS:

Administrator: the person authorised to oversee the creation and management of Council's social media sites. Unless otherwise stated the Administrator will be the IT/Webmaster Officers.

Communication device: Any device used for any communication purpose by a Worker or Councillor and may include but is not limited to telephones (both landline and mobile devices), computers, walkie-talkies, radios, copiers, facsimiles, or equivalent of all of the preceding and their respective hardware, software and applications including email, electronic data, internet services and social media.

Confidential Information: the information that is confidential to a person or Council, which means that it is not in the public domain.

Corporate Use: any use of a communication device that is required for work purposes.

Council: Brighton Council

Councillor: an elected member of Council known as a Councillor as defined under Section 3 of the *Local Government Act 1993* (TAS).

Council-owned Communication devices: any communication device owned or supplied by the Council

Cyber bullying: the act of using social media and online technologies to act out repeated, unreasonable and unwelcome behaviour directed towards an individual or group that creates a risk to health and safety. Bullying on social media can include, but is not limited to:

- a) Posting critical or abusive comments;
- b) Posting photos or comments relating to a colleague's behaviour; and
- c) Deliberately excluding a colleague from a group of colleagues on a personal social media page.

Defamation: the publication of a false statement (or other communication) that is likely to harm an individual or Council reputation. A defamatory statement is deemed to be published if it is read, seen or heard by at least one third party who is capable of understanding its defamatory meaning. Statements on internet sites are 'published' where they are accessed or downloaded and are subject to defamation laws.

Infringing Workplace Behaviour: any act or omission which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

Moderator: a person who has been given permission to post on behalf of Council and to moderate the content on that Council site

Moderate: to monitor content by removing posts or responding to posts on behalf of Council

Offensive: upsetting, insulting or irritating, causing anger, resentment or moral outrage. It also means unpleasant or disagreeable to the senses, causing disgust or physical repugnance.

Personal Use: any use that is not Corporate Use

Post/Posting: to place information to users on a social media site

Publish/Publication: to publicly distribute or communicate words or images in print, electronically or verbally. This includes email, internet and social media activity.

Reasonable Personal Use: use of Council owned resources which does not impact Council financially or upon business operations.

Social Media: online platforms that promote social and professional networking and sharing of information. Social media is not limited to text commentary or statements, it can also involve audio, multimedia pictures, movies, and photos. Social Media includes:

- a) social networking sites (e.g. Facebook, Myspace, LinkedIn, Bebo, Yammer);
- b) video and photo sharing websites (e.g. Flickr, YouTube, Instagram);
- c) blogs, including corporate blogs and personal blogs (e.g. Twitter);
- d) wikis and online collaborations (e.g. Wikipedia);
- e) forums, discussion boards and groups (e.g. Google groups, Whirlpool), podcasting;
- f) instant messaging (including SMS); and/or
- g) any successor or equivalent to the above

Technology: the range of resources, devices and tools used for the management and sharing of information, such as computer hardware and software, storage devices, internet, email, social media and mobile phone (including 'apps'). It also includes emerging and future technologies.

Use: to deploy, create, store, communicate, transmit or access any material, information, image or the like by an communication device

User: a member of the general public who may communicate with any of Council's social media sites by viewing and/or posting to that site

Worker: A person, other than a Councillor, who carries out work in any capacity for Council, including work as:

- a) an employee;
- b) a contractor or subcontractor;
- c) an employee of a labour hire company who has been assigned to work at Council;
- d) an apprentice or trainee;
- e) a student gaining work experience;
- f) a volunteer.

Workplace: A place where work is carried out for Council

POLICY:

This policy seeks to be specific about the responsibilities of all Councillors and Workers in their use of technology in any capacity or circumstance where inappropriate use may affect their job performance, colleagues or Council. It is based on the premise that, under the law, online content is essentially permanent and should never be considered private.

The objectives of this Policy are to:

- a) Minimise the risks associated with the use of social media;

- b) Protect Council's reputation and branding through a policy framework;
- c) Set appropriate standards, roles and responsibilities in relation to creating and managing Council's social media sites;
- d) Clearly state what is expected from Brighton Councillors and Workers when using social media
- e) Confirm that Council will not tolerate the use of communications devices and social media which is unlawful or a risk to the health and safety of Councillors, Workers or other persons in the workplace

Access and Participation

Access to the most common social media sites via the Brighton Council internet is available to all Councillors and Workers.

Councillors and Workers should be aware that accessing personal social media sites via the server may be subject to monitoring.

- a) Accessing personal social media sites by Workers should only occur during designated breaks in working hours
- b) It is not acceptable to access personal social media sites during work hours (other than during designated breaks).
- c) It is acceptable to participate in a networking site that is work related and recognised as an official workplace forum.
- d) Access to social media sites may be acceptable for work related evidence gathering i.e. vandalism to Council property, lost dogs etc

Supply of Communication Devices

Council may provide Councillors and Workers with communication devices for Corporate use only or Corporate use *and* reasonable personal use at Council's discretion.

In determining whether a Councillor or Worker will be provided with communications devices and to what extent, Council will take into consideration all relevant matters including Council's system storage, security and usage requirements, the Worker's personal circumstances and work requirements and the nature and topic of the use.

Council may at their discretion remove, restrict or change a Councillor or Worker's authority to use Council owned or supplied communications devices where used for Corporate use or in the workplace.

Use of Council Communication Devices

In relation to the use of Council owned or supplied communication devices, Councillors and Workers must:

- a) Not divulge passwords or user identification to other persons
- b) Not alter a Council owned communication device by removing software restrictions imposed by the operating system of the device

- c) Not alter a Council owned communication device other than those settings accessible in standard settings or by specific direction of a Manager/Supervisor
- d) Not allow any person to Use a Council owned communication device without prior written approval from their Manager/Supervisor
- e) Maintain Council owned Communication devices they use in accordance with the manufacturer's specifications;
- f) Take care to ensure a Council owned communication device is securely kept and immediately advise their Manager/Supervisor of any damage to, or theft of, a Council owned Communication device;
- g) Not install any software on a Council owned computer/notebook/ipad without written prior approval from IT officers;
- h) Not use another person's identification (electronic or otherwise) to use a communication device
- i) Not obscure or attempt to obscure the origin of any use of a communication device in the workplace
- j) Not access, send, receive, download, store or distribute defamatory, discriminatory, harassing, unlawful or inappropriate materials of any kind
- k) Not disclose Council's confidential information or damage or engage in use likely to damage Council's interests or reputation;
- l) Not gain or attempt to gain unauthorised access to Council's information technology system or network, or any other Worker or Councillor's communication device;
- m) Not interfere with or alter security measures provided for the Council's information technology system or network, or any other Workers or Councillor's communication device
- n) Comply with Applicable Laws including not engaging in, for example;
 - a. Defamatory comments;
 - b. Inappropriate or unlawful workplace behaviour comments;
 - c. Misleading and deceptive conduct
 - d. Contempt;
 - e. Infringements of intellectual property rights; or
 - f. Privacy issues such as disclosing personal or sensitive information

Privacy using communications devices cannot be guaranteed.

ROLES & RESPONSIBILITIES:

Social Media

Social media activity should always be considered **permanent** and **public**. The following table sets out the roles and responsibilities applicable to those this policy applies to:

Mayor	<ul style="list-style-type: none">• Should seek advice from the General Manager regarding social media tools available and should be communicating in their role as outlined in 27(1)(b) of the <i>Local Government Act 1993</i> (i.e. act as Council spokesperson)• Should clarify when communicating that a view is your own, when not speaking on behalf of Council
General Manager	<ul style="list-style-type: none">• Should ensure responsibilities/delegations in relation to social media are clearly defined and act as a source of advice to the Mayor• Should approve use of Council branding• Should act as spokesperson on operational or issues of fact• Should clarify when communicating that a view is your own, when not speaking on behalf of Council
Elected Members	<ul style="list-style-type: none">• Should seek advice from the Mayor or General Manager and be sure not to speak on behalf of the Council as this is the Mayor's role (see above)• Comply with terms of use• Should clarify when communicating that a view is your own, and not that of Council
Workers (as defined by this policy)	<ul style="list-style-type: none">• Should seek advice from the General Manager or IT/Webmaster Officers and be sure not to speak on behalf of the Council as this is the Mayor's role (see above)• Comply with terms of use• Should clarify when communicating that a view is your own, and not that of Council
IT/Webmaster	<ul style="list-style-type: none">• Undertake the role of administrator for Council's social media sites• Establish, review and apply principles of moderating according to established house rules

	<ul style="list-style-type: none">• Write and post content and respond to positive or negative posts after consultation with the General Manager or other Managers• Ensure posts are accurate and not misleading in any way• Conduct training in responsible use of social media• Disclaimers and monitoring• Should clarify when communicating that a view is your own, and not that of Council
--	--

Corporate Use of Social Media

Social media will be used by Brighton Council as a communication tool, appropriate to the message/s being conveyed or sought.

Workers or Councillors interested in commencing a Council site via social media should speak with the IT or Webmaster officers to begin the approval process and explore social media options. A Worker or Councillor *must not* register or use social media for work purposes without consent from the General Manager.

Corporate use of social media:

- a) Will adhere to Council's Branding guide as set by the Council, with Council's logo always displayed on Council's corporate social media sites.
- b) Will only disclose information which is classified as suitable for the public domain and which is accurate, authorised and aligned with Council strategies, policies, decisions and relevant legislation.
- c) Will uphold the values of the Council by acting with honesty, integrity, courtesy and professionalism;
- d) Will avoid political bias;
- e) Will take steps to avoid real or potential conflicts of interest
- f) Will not establish fictitious names or identities deliberately intended to deceive, mislead or lie.

Social media posts, and responses to posts, must not:

- a) Undertake commercial solicitations or transactions;
- b) Use copyright or ownership protected materials without appropriate approvals;
- c) Be discriminatory, defamatory, or encourage law breaking;
- d) Compromise Council, Worker or system safety;
- e) Air personal campaigns.

Council reserves the right to remove content that is illegal or offensive material. Council also reserves the right to remove a person from their site if that person repeatedly posts illegal and/or offensive material.

Material that is reasonably critical of Council will not be deleted. Users contributing to Council's social media sites are required to act within Council's social media 'house rules' as shown on each of its sites. Council will when possible state why a post or content was removed regardless of who posted it.

Council IT/Webmaster Officers will monitor its corporate social media sites and establish whether:-

- a) Comments need replies or removal
- b) Current content is factual, accurate and up-to-date
- c) Posts are relevant
- d) New information needs uploading

Response times on social media will generally be during business hours. Moderators who are authorised to post comments on behalf of Council must do so from the administrative profiles set up for each site – not from individual, personal profiles.

Personal Use of Social Media

The use of social media is a personal responsibility regardless of whether it is authorised or individual, in or out of work. When using social media at any time, Workers must not:

- a) Bring Council's integrity into disrepute or harm the operations or reputation of Council;
- b) Use Council's intellectual property or copyrighted materials, including Council's logo, without authorisation. This does not apply to posts where Council's logos appear automatically, e.g. due to the inclusion of a link to the website or a Council Facebook post being shared;
- c) Mention workplace disputes;
- d) Post offensive, obscene or defamatory comments about Council, its Workers or elected members;
- e) Make political comments relating to Council elections;
- f) Publish any criticisms of Council, its Workers or any clients of Council;
- g) Establish fictitious names or identities deliberately intended to deceive, mislead or lie.
- h) Make or 'like' inappropriate comments on any of Brighton Council controlled social media pages.
- i) Imply that you are authorised to speak as representative of the Council, nor give the impression that the views you express are those of Council;
- j) Use or disclose any confidential information obtained in the capacity as Worker or Councillor;

- k) Use the identity or likeness of another Council employee;
- l) Post material that is, or might be construed as threatening, harassing, bullying or discriminatory towards another Council employee;
- m) Make any comment or post any material that might otherwise cause damage to Council's reputation or bring it into disrepute.

Workers are personally responsible for the content published in a personal capacity on any form of social media platform. However, it is recommended that all Workers recognise the potential for damage that could be caused (either directly or indirectly) to colleagues or Council via personal use of social media.

In relation to Personal Use of Social Media, Workers:

- a) may disclose they are Workers, provided they make it clear that that they do not speak on behalf of the Council and their views are personal only and do not represent the views of Council including where they are likely to be identified as a Worker;
- b) Must not cite, reference or identify (including conduct that is likely to identify) other Workers or Councillors without their prior approval; and
- c) Must not start or participate in a Facebook group, online club or any other community using Council's name;

Where your comments or profile can identify you as a Worker at Brighton Council you must:

- a) Only disclose and discuss information that is already publically available;
- b) Ensure that all content published is accurate and not misleading
- c) State views are your own and not those of the Council
- d) Be polite and respectful to all people you interact with;
- e) Adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination, harassment and other applicable laws and Councils Confidentiality Agreement.

Workers should also be mindful that:

- a) Personal comments, photos and videos may be taken out of context;
- b) They may breach this policy by 'liking' or 'sharing' other users' inappropriate work related posts;
- c) Work related activity includes that directed at a colleague in a private setting;
- d) Online conduct will be treated the same as if it had occurred offline;

Councillor Use of Social Media

When using social media at any time, Councillors:

- a) Must adhere to the Councillor Code of Conduct as adopted by Council and as per the *Local Government Amendment (Code of Conduct) Act 2015*
- b) Are expected to ensure that they do not make allegations to or about other Councillors, Workers or members of the public which are defamatory, slanderous, derogatory or discriminatory;
- c) Must not establish fictitious names or identities deliberately intended to deceive, mislead or lie.
- d) Must not bring Council's integrity into disrepute, or harm the operations or reputation of Council.
- e) Must not Council's intellectual property or copyrighted materials, including Council's logo, without authorisation. This does not apply to posts where Council's logos appear automatically, e.g. due to the inclusion of a link to the website or a Council Facebook post being shared;
- f) Must not disclose sensitive or confidential information.
- g) Must not use Council sites for personal use. For example, advertising items for sale.
- h) Must not use a council email address as the contact address for a personal social media site. A personal email address must be used for personal sites.
- i) Must ensure that when giving information to the community, they accurately represent the policies and decisions of the Council;
- j) Must ensure they do not speak on behalf of the Council unless they have been specifically authorised or delegated by the Mayor;
- k) Must ensure they clearly indicate when they are putting forward personal views;
- l) Must ensure they do not knowingly misrepresent information they have obtained in the course of their duties
- m) Must not make or 'like' inappropriate comments on any Brighton Council controlled social media pages.
- n) Post offensive, obscene or defamatory comments about Council, its Workers or elected members;
- o) Must not claim or imply to speak on behalf of Council without authorisation;
- p) Publish any criticisms of Council, its Workers or any clients of Council.

A breach of this policy may be dealt with under Code of Conduct provisions.

Social Media Check

The following questions provide an effective check for whether a post is appropriate or not. When commenting, consideration should be given to the following:

- a) Could what you are doing harm the reputation of your Council?
- b) Are you disclosing Council material that you are not authorised to disclose?
- c) Have you made it clear to others that your contribution is as a private individual, not an elected member or Worker of Council?
- d) Are you willing to defend your post to your fellow Workers or Councillors?
- e) Would you be comfortable saying it to a stranger at a bus stop or posting in on a public shop window?
- f) Are you behaving with integrity, respect and accountability?

If unsure, seek guidance from the General Manager or IT/Webmaster Officers.

Workers should notify their Manager/Supervisor of any activity that occurs whilst using a communication device or social media that has the potential to affect the integrity of the Council's information technology system or breach this policy.

Councillors should bring any such activity to the attention of the General Manager.

Procedural Matters

Council is not to use social media to communicate or disclose any detail, deliberation or determination in relation to individual matters that must follow a legislative, regulatory, permit or approval process, a public notification process, or a judicial appeal or review process, including but not limited to:

- a) Building control and compliance
- b) Disposal of public land
- c) Land use planning processes, including amendment to a planning scheme, assessment and determination of a permit application, appeals and enforcement action
- e) Animal control
- f) Public health, including for environmental nuisances, food premises and immunization
- g) Fire hazard abatement
- h) Tender processes

In relation to such matters comment should not be provided by anyone, regardless of whether they are aware or otherwise of an issue actively under consideration by a Council officer.

The Council may choose to use social media to provide generic advice in relation to any obligation it is required to observe or enforce, or any process which may be required under legislation.

Council should not use social media as a platform for conduct of any statutory process or for disclosing information or opinion in relation to any individual matter for which it is actively or likely to become actively involved. The basic premise for such restraint is natural justice, and the statutory protection of personal information. In addition, most statutory processes prescribe a method by which to undertake an action, and any departure from the prescribed process may be determined to be a breach of the rules and principles for procedural fairness for which all subsequent action is void.

Monitoring

In order to uphold their duty of care to Workers and to protect the interests of Council from adverse effects that can flow from misconduct Council may monitor the use of communication devices at any time including randomly or where Council considers it appropriate to:

- a) Ensure compliance with Applicable Laws, policies and procedures and reasonable directions;
- b) Compile or audit data or information regarding the Use of Communication devices;
- c) Investigate suspected behaviour that may be contrary to or in breach of applicable laws, policies and procedures or reasonable directions; or
- d) Prevent unauthorised or unlawful use of communication device

Monitoring processes may be implemented in response to new systems, technologies, legislation or threats. Where this is likely to unduly impact on Workers and Councillors, Council will provide notice if practicable and take reasonable steps to remind Workers and Councillors of their obligations under this policy. Should this result in an increased level of detection of inappropriate conduct, Council will ensure a fair and consistent approach to the application of disciplinary action.

Monitoring and evaluation will be determined by the General Manager in response to complaints or legitimate concerns.

Council may, through authorised personnel, monitor and if necessary copy, delete, remove or quarantine any information, data, transmissions or files (incoming and outgoing) or like materials arising out of the use of communications devices from the Council's information technology system or network, or any Councillor or Worker's Council provided communication device without notice.

Where it appoints an appropriately qualified and/or accredited person to monitor the use of communication devices on its behalf Council will advise Workers and Councillors of this appointment either before or after the event as appropriate in the circumstances.

Resourcing and Training

Social media activities will only be approved by the General Manager where there is adequate resource available to allow for content development, monitoring, interpreting the volume and content of message and responding as required.

This policy will form part of the induction process for all individuals to whom it applies. Council will provide all persons covered by this Policy with appropriate training so they are made aware of their responsibilities and obligations under the Policy.

Managers/Supervisors are required to promote this Policy within their area of responsibility and take reasonable steps to ensure that any potential breaches of this Policy are identified, taken seriously and acted upon appropriately.

Penalties for Breach of Policy

Persons covered by this policy must comply with this policy at all times. Queries about whether an activity complies should be directed to the General Manager or IT/Webmaster Officers.

An elected member breaching this policy may be subject to a Code of Conduct complaint (as per the *Local Government Act 1993* and the *Local Government (General) Regulations 2015*.)

Persons covered by this Policy who engage in Infringing Workplace Behaviour may (as is appropriate and as applicable) be subject to appropriate disciplinary action in accordance with Council's disciplinary procedures and Councillor Code of Conduct.

Infringing Workplace Behaviour may also amount to breaches of applicable laws therefore exposing individuals to legal proceedings and making Council vicariously liable for the conduct of others. Serious misconduct involving illegal activities using Council property will also be referred to the appropriate authorities for external action.

Fair Work Commission (FWC) decisions indicate that social media bullying will be covered under the anti-bullying scheme, even if the alleged bully engages in the bullying activity while not at work, so long as there is a connection with the workplace.

FOOTNOTE

Nothing in this policy should be interpreted as diminishing or attempting to interfere with a Worker's right to engage in lawful activities.

Council recognises that Councillors and Workers may wish to use social media and post online content in their personal lives. This policy does not intend to discourage or unduly limit personal expression or online activities.

REFERENCES:

Age Discrimination Act 2004 (Cth)
Anti-Discrimination Act 1998 (TAS)
Australian Human Rights Commission Act 1986 (Cth)
Commonwealth Criminal Code Act 1995
Disability Discrimination Act 1992 (Cth)
Fair Work Act 2009
Local Government Act 1993 (TAS)
Racial Discrimination Act 1975 (Cth)
Sex Discrimination Act 1984 (Cth)

Work Health and Safety Act 2012 (TAS)

Workers Rehabilitation & Compensation Act 1988 (Tas)

Brighton Council policies

Councillor Code of Conduct (Policy 2.4) and *Local Government Amendment (Code of Conduct) Act 2015*

ADMINISTRATIVE DETAILS:

Policy compiled: March 2017

Adopted by Council: April 2017

Review date: April 2019

Reviewed:

Responsibility: Governance Manager



Ron Sanderson

GENERAL MANAGER