



USE OF SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS STATEMENT AND USE POLICY

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***Town Hall, Newark,
Nottinghamshire, NG24 1DU***

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SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS STATEMENT AND USE POLICY

INTRODUCTION

The use of digital and social media, and electronic communication enables the Town Council to interact in a way that improves the communications both within the Council and between the Council and the people, businesses, and agencies it works with and serves.

The Council has a website, three Facebook pages and uses email to communicate. The Council will always try to use the most effective channel for its communications. Over time the Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur, this Policy will be updated to reflect the new arrangements.

Newark Town Council, Newark Town Hall and Newark Royal Market Place Facebook pages intend to provide information and updates regarding activities and opportunities within our Town as well as promote our community and facilities in a positive manner. We may also use these forums to provide information about other key services or activities operating in the Parish considered of benefit to residents.

What is Social Media?

The term is commonly given to websites and online tools which allow users to interact with each other in some way - by sharing information, opinions, knowledge, and interests. This interaction may be through computers, mobile phones, and new generation technology such as i-Pads.

Examples of social media websites include: -
Social networking – (e.g. www.facebook.com),
logs, Video sharing – (e.g. www.youtube.com),
Micro-blogging - (e.g. www.X.com)

GENERIC ISSUES TO CONSIDER – WHETHER OFFICER OR MEMBER

Any communication is capable of being misinterpreted. While the use of social media should not be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.

By the nature of such media, misinterpretation, or misrepresentation, particularly with regard to something that is perceived as being more controversial than it was expected to be, is likely to lead to rapid and wide broadcasting of that apparently “controversial” item.

Although the best use of social media is conversational in tone, publishing to the internet is still publishing. What you have said online is recorded and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative, and thought through. Think of it as speaking in public. Think before you commit each word.

The site is not monitored 24/7 and we will not be able to reply individually to messages or comments received. However, we will endeavour to ensure that any emerging themes or helpful suggestions are passed to the relevant people or authorities.

Sending a message/post via Facebook will not be considered as contacting the Council for official purposes and we will not be obliged to monitor or respond to requests for information through these channels. Instead, please make direct contact with the Town Clerk by emailing the Council directly.

We retain the right to remove comments or content that includes:

- Obscene or racist content
- Personal attacks, insults, or threatening language
- Potentially libellous statements.
- Plagiarised material; any material in violation of any laws, including copyright.
- Private, personal information published without consent.
- Information or links unrelated to the content of the forum
- Commercial promotions or spam
- Alleges a breach of a Council's policy or the law.

The Council's response to any communication received not meeting the above criteria will be to either ignore, inform the sender of our policy, or send a brief response as appropriate. This will be at the Council's discretion based on the message received, given our limited resources available. Any information posted on the Facebook pages not in line with the above criteria will be removed as quickly as possible. Repeat offenders will be blocked from the Facebook page. The Council may post a statement that 'A post breaching the Council's Social Media Policy has been removed.' If the post alleges a breach of a Council's policy or the law the person who posted it will be asked to submit a formal complaint to the Council or report the matter to the Police as soon as possible to allow due process.

STAFF/OFFICER USE OF COUNCIL SOCIAL MEDIA

The Town Clerk is the Council's nominated Press Officer with the authority to issue official press releases. No other member of staff nor Councillor have the authority to issue public statements on behalf of the Council (other than Deputy Town Clerk if deputising for the Town Clerk or other officers duly authorised by the Town Clerk).

A member of staff or Councillor may, however, be nominated to upload posts onto Facebook, (when already agreed by) and as requested by the Clerk.

The Newark Town Council social media pages should not be used for political campaigning, nor be perceived as being used for this purpose.

Staff must remember that they will be seen as ambassadors for the Council and should always act in a politically neutral, responsible, and socially aware manner.

Officers should be familiar with the terms of use on third party websites – e.g. Facebook - and adhere to these at all times.

Information would not be published where already known to be in the public domain – i.e. available on the Council's website, contained in minutes of meetings, stated in Council publicised policies and procedures, etc. - except where considered beneficial to do so.

- Information that is published should be factual, fair, thorough, and transparent.
- Everyone must be mindful that information published in this way may stay in the public domain indefinitely, without the opportunity for retrieval/deletion.
- Copyright laws must be respected.
- Conversations or reports that are meant to be private or internal must not be published without permission.
- Other organisations should not be referenced without their approval – when referencing, link back to the original source wherever possible.
- Do not publish anything that would be regarded in the workplace as unacceptable.

Communications from the Council will meet the following criteria:

- Be civil, tasteful, and relevant.
- Not contain content that is knowingly unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented, or racially offensive.
- Not contain content knowingly copied from elsewhere, for which we do not own the copyright.
- Not contain any personal information.
- Social media will not be used for the dissemination of any political advertising.

SOCIAL MEDIA PROTOCOL FOR MEMBERS

The Council welcomes Members' use of social media and would like to support this by giving guidance so that Members have greater clarity as to what is and is not acceptable usage of social media. This protocol is intended to provide such guidance and complements the general rules under the Code of Conduct for Members.

It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their job as a member. However, if you are using or planning to use social media in connection with your work as a Councillor or are already using such media in your private capacity, these guidelines will be relevant. Remember that, whenever you act or appear to act in your official capacity, you must comply with the Code of Conduct.

Social media can be used:

- To support councillors in performing their community leadership role.
- To stay connected with or obtain local views and opinions.
- For political campaigning.
- For campaigning on local issues.

Things to Consider

There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context – their immediacy and ease of dissemination.

This does not mean that members cannot, in the appropriate context, communicate politically. This is expected of a councillor, but you should be careful not to say anything that you would not be comfortable repeating or justifying, for example, at a public meeting.

Legal Issues:

Libel – If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your website; you know about it and do not take swift action to remove it. A successful legal claim could result in the award of damages against you.

Defamation – A complainant would need to prove that comments actually caused damage to a member's reputation. This may be exceedingly difficult to quantify, and the council is unable to commit resources to an action for defamation by an individual or group of members but would provide supporting evidence to those wishing to take such action.

Copyright – Placing images or text on your site / channel from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, do not publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.

Data Protection – Do not publish the personal data of individuals unless you have their express permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If you place personal information on a public forum you should expect it to be published by others.

Bias and Predetermination – if you participate in making planning, licensing, or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence, and were genuinely persuadable to a different view, otherwise, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the council for damages.

Social Media and the Code of Conduct for Members Generally:

Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than as a private individual. If you have a Facebook or Twitter account which includes your role as a councillor, you should keep this separate from your personal accounts or you risk being subject to the code of conduct.

It can be presumed by others that you are speaking as a councillor. This can happen where you have a social media account where you comment both as a councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others. This can also mean that your views can be taken as being those of your organisation or party (rather than you personally) when this may not be the case.

The presumption can arise simply because you are commenting on council business, because you are known to be a councillor or refer to this.

One way of avoiding this and avoiding some of the potential problems related to the Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in a personal capacity. Another is to spell it out in the text (e.g. “speaking entirely personally...”). This is a decision for each member and some Members may find the convenience of having one account outweighs the advantages of separate accounts.

Relevant Elements of the Members’ Code of Conduct:

You must treat others with respect - do not use social media to make personal attacks or indulge in rude, disrespectful, or offensive comments.

You must comply with equality laws – do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith.

You must not bully or harass anyone – do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.

You must not bring the council into disrepute – you should not publish anything that could be perceived as reflecting badly upon or lowering the reputation of you or the Council.

You must not disclose confidential information - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. Inadvertent leaks of the council’s confidential information are more likely to take place when a councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off- the cuff nature of much social media communication. Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context.

Staying out of Trouble - Some Do’s and Don’ts

Some Do’s

Do - set appropriate privacy and security settings for your blog or networking site –especially if you have a private, non-political blog.

Do -keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views. Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.

Do -consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries.

Do -ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed made in your official capacity.

Do -be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.

Do -feel able to make political points but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or comments on policy are less likely to be viewed as disrespect.

Some Don'ts

Don't - Blog in haste, particularly in circumstances where your judgement might be impaired; for example, if you are tired or have consumed alcohol.

Don't - post comments that you would not be prepared to make on paper or face to face.

Don't - request or accept a Council employee or contractor providing services to the council as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn.)

Don't - use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive, or discriminatory comments about council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the council.

Don't - publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families, friends, or others e.g. contractors, council staff as well as council related information.

Don't - present your personal views, or those of any political party or interest group you belong to, as being those of the council, on any social medium.

Don't - rowse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal, or discriminatory.

Don't - make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.

General

The Council wishes to encourage Members' use of new technology, including social media. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk.

The Town Clerk is happy to help Members by providing addition advice and guidance as appropriate.

When posting, or commenting on social media, councillors need to consider whether they are acting in a private capacity, or whether any impression might be conveyed that they are acting for and on behalf of Newark Town Council.

The Council has adopted a Code of Conduct which is binding on all members. If you use social media in your official capacity as a councillor, you should always be mindful of the Code, and of the seven Nolan principles applicable to holding public office – **selflessness, integrity, objectivity, accountability, openness, honesty, and leadership**.

Differing opinions and discussion of diverse ideas are encouraged, but personal attacks on anyone, including the Council members or staff, will not be permitted.

ELECTRONIC COMMUNICATIONS

Town Council Website.

Where necessary, we may direct those contacting us to our website to see the required information.

Town Council email.

For general enquiries please use post@newark.gov.uk. The email account is monitored during office hours, Monday to Friday, and we aim to reply to all questions sent as soon as we can. An 'out of office' message will be used when appropriate.

Council officers are responsible for dealing with email received and passing on any relevant mail to members or external agencies for information and/or action. All communications on behalf of the Council will usually come from the Clerk (or an appropriate Council Officer), and/or otherwise will always be copied to the Clerk. All new emails requiring data to be passed on, will be followed up with a Data consent request before action is taken with that correspondence.

Individual Councillors are at liberty to communicate directly with parishioners via their Town Council issued email addresses, in relation to their own personal views, if appropriate, copy to the Clerk. Any emails sent via Town Council email addresses or personal e-mail addresses that contain Town Council business are official and will be subject to the Freedom of Information Act 2000.

These procedures will ensure that a complete and proper record of all correspondence is kept. Do not, without prior consent, forward personal information on to other people or groups outside of the Council, this includes names, addresses, email, IP addresses and cookie identifiers.

SMS (texting).

Members and Officers may use SMS as a convenient way to communicate at times. All are reminded that this policy also applies to such messages.

Video Conferencing e.g. Teams.

If this medium is used to communicate, please note that this policy also applies to the use of video conferencing.

Internal communication and access to information within the Council.

The Council is continually looking at ways to improve its working and the use of social media and electronic communications is a major factor in delivering improvement.

Councillors are expected to abide by the Code of Conduct and the Data Protection Act in all their work on behalf of the Council.

As more information becomes available at the press of a button, it is vital that all information is treated sensitively and securely. Councillors are expected to maintain an awareness of the confidentiality of information that they have access to and not to share confidential information with anyone. Failure to properly observe confidentiality may be seen as a breach of the Council's Code of Conduct and will be dealt with through its prescribed procedures (at the extreme it may also involve a criminal investigation). Members should also be careful only to cc essential recipients on emails i.e., to avoid use of the 'Reply to All' option, if possible, but of course copying in all who need to know and ensuring that email trails have been removed.