

## **Guidance on use of social media by Elected Members**

### **Quick guide for councillors**

Most helpful tip – don't post any message on social media that would be inappropriate to say in a public meeting.

### **Dos and Don'ts**

#### *Do*

- Be responsible and respectful at all times.
- Share other people's helpful content and links and credit other people's work.
- Use social media in the spirit in which it was intended – to engage, openly and honestly. Seek feedback from your residents (but make sure you share the results with them).
- Listen – social media is designed to be a two-way channel, just like any good conversation.
- Set and check you have the appropriate privacy settings for your blog or networking site.
- Do keep an eye out for defamatory or obscene posts on your sites and remove them as soon as possible to avoid the perception that you condone such views.
- 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 talk to Member Services if you need advice – they can consult relevant colleagues if needed.

#### *Don't*

- Don't post social media content in haste, particularly in circumstances where your judgment might be impaired; for example if you are angered by a comment or tired.
- Don't post comments that you would not be prepared to make on paper or face to face, or content which will embarrass the Council or yourself.
- 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 [delete – 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 or friends, contractors, council staff as well as council related information.
- Don't represent your personal views, or those of political party or interest group you belong to, as being those of the Council.
- Don't try to cover up mistakes, be honest and you'll get more respect for it in the long run.
- Don't assume that social media will look after itself – you will need to invest time, enthusiasm and energy to make it work. Social media is 24/7 – just because you leave at 5.00 pm doesn't mean the world stops or that residents won't be active. If your account is only staffed 9-5 then you should say so on your profile.
- Don't ignore legal advice, it's there to help you.

### **Further detailed guidance**

1. Westminster City Council has its own social media accounts which act as the council's official channels across Facebook, Twitter, LinkedIn, Instagram, YouTube and Snapchat.
2. You are personally responsible for what you publish on your own social media accounts – whether you do that yourself or someone does it on your behalf. It is important that you think before you publish, as words once published on social media cannot easily be retracted.
3. Be mindful if using social media during an official Council meeting or event that the use does not negatively impact on the proceedings or contravene the Constitution or other Council protocol.

### **Members code of conduct**

4. This applies to your online activity in the same way it does to other written or verbal communication. You should comply with the general principles of the Code in what you publish and what you allow others to publish.
5. You will need to be particularly aware of the following sections of the Code and their practical application:
  - (i) Treating others with respect – avoid personal attacks and any disrespectful, rude or offensive comments.

- (ii) Refraining from publishing anything you have received in confidence – avoid breaching the Code by disclosing confidential information
- (iii) Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy
- (iv) Ensure you do not bring the Council or your Councillor role into disrepute, as paragraph 2.10 of the Code requires every Member to “Promote and support high standards of conduct through leadership and by example”.

## **Personal use of social media**

- 6. The key to whether your online activity is subject to the Code of Conduct for Members is whether you are giving the impression that you are acting as a councillor, and that is the case whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.
- 7. One way to separate your personal/private business from your activities as a councillor is to have two separate accounts - one for personal/private business and the other for councillor activities. However, even then, you still need to be careful to ensure that what you say on your personal/private business account does not compromise your position as a councillor.
- 8. If in respect of any personal use of social media you can be identified as associated with the Council by title, profile or content then the following guidance should be complied with

You should:

- (i) Expressly state (through a prominent disclaimer) on any profile or content that identifies you as a Councillor (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and not those of the Council. **Proposed wording for disclaimer – Views expressed are solely my own.**
- (ii) Ensure that readers are not misled into believing that you any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not.
- (iii) Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy.
- (iv) Comply with the terms and conditions of the social media site being used.

You must not

- (v) Make any comment or post material so as to give a reasonable person the impression that you have brought your office as Councillor or the Council into disrepute.

- (vi) Present political or personal opinion as fact or as representative of the Council.
- (vii) Imply that you are authorised to speak as a representative of the Council nor give the impression that the views you express are those of the Council.
- (viii) Publish content that promotes personal/ family interests, personal financial interests or any personal commercial ventures.

## Legal considerations

9. In the main, Members have the same legal duties online as anyone else (see below), but failures to comply with the law may have more serious consequences. There are some additional duties around using a Member's website for electoral campaigning and extra care needs to be taken when writing on planning, licensing and other quasi-judicial matters.
- (i) *Libel* - If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.
  - (ii) *Copyright* - Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages against you.
  - (iii) *Data Protection* - Avoid publishing the personal data of individuals unless you have their express written permission.
  - (iv) *Bias and pre-determination* - If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.
  - (v) *Obscene material* - It goes without saying that you should avoid publishing anything in your blog that people would consider obscene as it is a criminal offence.
  - (vi) *Bullying and discriminatory comments* - Behaving in a discriminatory, bullying or harassing way towards any individual including making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age via social media by posting images or links or comments could, in certain circumstances, result in criminal sanction.

10. While the above list is not exhaustive it does highlight some of the more obvious issues. If you are in any doubt, speak to the Monitoring Officer.