

WORKSHOP
Policies and Procedures Regarding
Social Media/Networking
March 15, 2011

The Board of County Commissioners met for a Workshop on Tuesday, March 15, 2011, at 12:00 p.m. to discuss County policies and procedures regarding social media/networking.

Present were Chairman John Dailey, Vice Chairman Akin Akinyemi and Commissioners Jane Sauls, Nick Maddox, Kristin Dozier, and Bryan Desloge (Commissioner Proctor arrived after the workshop had convened). Also present were County Administrator Parwez Alam and Board Secretary Rebecca Vause.

Chairman Dailey called the workshop to order at 12:00 p.m.

Facilitator(s): Herb Thiele, County Attorney
Vince Long, Deputy County Administrator
Alan Rosenzweig, Assistant County Administrator
Jon D. Brown, Public Information Officer
Pat Curtis, MIS Director

A brief overview of the workshop was provided by Vince Long, Deputy County Administrator, and County staff then utilized a power point presentation to share with the Board social media/networking benefits and concerns. A brief summary of their presentation is provided.

Mr. Brown noted the Board's continued priority to increase citizen input and to identify better ways of interacting and communicating with citizens. The popularity of social media sites, such as Facebook and Twitter provides another platform for public information and education. He shared that the County has taken a "soft launch" approach into Twitter and Facebook forums, with only the implementation of one-way communication. He advised that the content being distributed is consistent with the formal vetted information that is distributed via news advisories, press releases and emergency management alerts. In addition, he noted that the County's need to lock up the "digital real estate" for Leon County. Mr. Brown also mentioned the concerns of use by County Commissioners, County Departments and Division, and employees in regards to County personnel policies and public records and Sunshine Laws.

County Attorney Thiele described his concerns regarding the challenges of social media/networking for public officials and public agencies; and how their use could create a public forum with two-way communications. Mr. Thiele provided guidance on the personal use of social media/networking by public officials and how that use if the content relates to County Board business, would be considered public record that must be readily available to a public records request. Additionally, the Board was informed that communication between themselves with social media/networking could be a violation of Sunshine Laws. Mr. Thiele indicated that an appropriate disclosure would be placed on associated County social media/networking accounts.

Mr. Rosenzweig commented on the need to ensure that the County's reputation is not maligned and that information that is posted is accurate and consistent with authorized postings. He voiced concerns such as security risks, the potential for decreased productivity, potential for content inaccuracies, inconsistencies and personal opinions and professional boundaries. Mr. Rosenzweig mentioned that policies would need to be updated regarding employee conduct and productivity related to social media/networking interaction and additionally employees will be encouraged to not "friend" or "follow" supervisors and vice versa.

Ms. Curtis explained some of the technology considerations as the County attempts to leverage these tools. She reminded the Board that information is housed on servers owned by other commercial private entities and cannot be easily controlled. She reiterated that personal use and personal accounts are subject to public records law retention and access and that there are potential software solutions for public records capture which her office will continue to explore. Ms. Curtis shared that the roles of department/division web stewards would be expanded to include Twitter and Facebook accounts.

Mr. Long provided proposed revised County policies that would incorporate the use of social media/networking for county purposes, as well as recommendations on the use of social media/networking. The following recommendations were presented:

(Commissioner Proctor joined the workshop at 12:34 p.m.)

Recommendation #1: Authorize staff to amend the County Website policy (Policy 05-06) to incorporate the use of social media/networking and as extension of the county's Website.

Recommendation #2: Authorize staff to amend the Public Records Law, Email and Social Media/Networking (Policy 96-4) to include social media/networking, new and future technologies, e-mail archiving requirements and public records requests.

Recommendation #3: Authorize staff to amend existing policies in regard to employee conduct in the use of social media/networking.

Recommendation #4: Authorize the use of a disclosure to be placed on social media accounts.

Recommendation #5: Authorize the County Administrator to have the updated policies be reviewed by all employees during their evaluation process and documented in the electronic evaluation system and new employees are to be briefed on these policies as part of their orientation.

Recommendation #6: Recommend that County Commissioners only use social media/networking in a one-way communication (information dissemination) fashion at this time.

Recommendation #7: Recommend, if County Commissioners choose to use social media/networking in a two-way communication fashion, a daily procedural capture by Commissioners and/or their aides be implemented for any and all incoming and outgoing electronic communication for the public record.

Recommendation #8: Recommend, if County Commissioners choose to maintain personal social media/networking sites, they will need to take care to capture and save any communications received that relate to County issues to stay in compliance with Florida's public records requirements.

Recommendation #9: Recommend that County Commissioners not "friend" or "follow" each other and/or discuss government business that might be addressed at official meetings to not violate the Florida's Sunshine Law.

Mr. Long concluded the presentation by stating that staff have attempted to establish a foundation for the County to most effectively utilize the technology, while giving due consideration to all the legal issues.

Commissioner Discussion

Chairman Dailey expressed his appreciation for the information presented by staff.

Commissioner Desloge shared that he transfers any county business e-mails received through his personal e-mail to his county e-mail account; however, he inquired how he should handle those communications received via Facebook. Mr. Thiele advised that a request could be made that the communication be re-sent to the county e-mail, fax or through a phone call.

Commissioner Dozier stated that she was somewhat hesitant to limit two-way communication and inquired from the County Attorney the most appropriate method to capture those communications. Mr. Thiele suggested that the creation of a word document or a screen print made of the correspondence would be sufficient; however, the information should be saved and maintained in a manner that is easily retrieved should a public records request be received.

Commissioner Dozier referenced her Facebook page and asked if it was appropriate for her to "unfriend" someone who has become belligerent or aggressive so long as a record of the postings prior to the "unfriending" was maintained. Mr. Thiele advised that would be "ok" and there was no obligation to continue to "friend" an individual. Mr. Rosenzweig emphasized that once an official County Facebook page has been established, neither comments nor "friends" can be amended or deleted, as they will become part of the public record.

Commissioner Dozier also offered that the use of Facebook as part of the Human Resources background check on a potential employee should be entered into very carefully and also recommended that the County make use of YouTube for viewing Commission meetings and workshops. Lastly, she suggested that a link to the County's newsletter be available for posting on Facebook.

Commissioner Akinyemi thanked staff for their comprehensive and embracing approach taken to this issue. He conveyed that the NACo website contains tools that can help raise awareness of County government, i.e., I-City and the Citizen's Academy and asked that staff consider this site when developing the policy.

Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to approve Options 1 & 2: 1) Accept staff report and presentations on Proposed Leon County Policies and Procedures Regarding Social Media/Networking, and 2) Accept the following Staff Recommendations 1 through 9 as presented in the Workshop Material:

Recommendation #1: Authorize staff to amend the County Website policy (Policy 05-06) to incorporate the use of social media/networking and as extension of the county's Website.

- a. Revisions update the policy to include social media/networking and digital communications with the stipulation that use does not create a public forum, which means one-way communication.
- b. Continues the process that the Public Information Office and MIS will set up the official County social media accounts on behalf of the County Departments, Divisions, and Program Areas.
- c. Continues the requirement for compliance with public records law and retention schedules.
- d. Authorize the County Administrator to be responsible for the development and maintenance of guidelines for social media/networking and provide those guidelines upon ratification of this workshop's outcome.

Recommendation #2: Authorize staff to amend the Public Records Law, Email and Social Media/Networking (Policy 96-4) - This is a major revision of the policy to include social media/networking and new and future technologies with the term digital communications. It also addresses email archiving - its purpose and retention requirements. Procedures for responding to public records requests are updated.

Recommendation #3: Authorize staff to amend existing policies in regard to employee conduct in the use of social media/networking.

- a. E-mail/Internet Use (Policy 01-01) – The revision adds the terms social media/networking and County Computer System to expand the scope of the policy as it relates to permissible and prohibited uses. Additional changes develop procedures for direct monitoring and computer related searches.
- b. Personnel Policies and Procedures, Section 2.15 Employee Conduct – The revision adds social media/networking policy to the Employee Conduct Section to describe how employees are to use social media/networking officially and personally as it relates to their position with the County.
- c. Personnel Policies and Procedures, Section III, 3.03.2 Recruitment, Selection and Appointment – The revision adds a reference statement on Page III.4 to the following policy, Policy 03-11.
- d. Background Investigations (Policy 03-11) – The revision declares that only the HR Division can conduct background checks and others may not do so through resources on the Internet or via social media/networking.

Recommendation #4: Authorize the use of a disclosure to be placed on social media accounts such as: *Visitors to this digital platform are advised that the information contained within is believed to be accurate. However, no claims, promises or guarantees about the accuracy, completeness, or adequacy of the information are made. Visitors are encouraged to review the official version of all documents upon which they plan to rely.*

Florida has a very broad public records law. As a result, any written communication created or received by Leon County officials and employees will be made available to the public and media, upon request, unless otherwise exempt. If you do not want your post, comment and subsequent identifying information released in response to a public records request, do not post/comment. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to a County official or site.

The County reserves the right to remove any comments that may cause a breach of the peace, cause violence or obscene speech.

Recommendation #5: Authorize the County Administrator to have the updated policies be reviewed by all employees during their evaluation process and documented in the electronic evaluation system. New employees are to be briefed on these policies as part of their orientation with the County.

Recommendation #6: Recommend that County Commissioners use social media/networking in only a one-way communication (information dissemination) at this time.

Recommendation #7: Recommend, if County Commissioners choose to use social media/networking in a two-way communication fashion, a daily procedural capture by Commissioners and/or their aides of any and all incoming and outgoing electronic communication for the purpose of public records access.

Recommendation #8: Recommend, if County Commissioners choose to maintain personal social media/networking sites, they will need to take care to capture and save any communications received on the social media sites which relate to County issues so to stay in compliance with Florida's public records requirements. Since the creator of the social media site will become the records custodian for such purposes, the public official will need to save and make available at the time of a public records request such communications.

Recommendation #9: Recommend that County Commissioners not "friend" each other and/or discuss government business that they would be addressed at official meetings so to not violate the Florida's Sunshine Law.

The motion carried 7-0.

The Workshop was adjourned at 12:50 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
John Dailey, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida