City of Long Beach
Working Together to Serve

Memorandum

Date: December 5, 2019

To: Mayor and Members of the City Council, City Attorney, City Prosecutor, City Auditor, and City Clerk

From: Thomas B. Modica, Acting City Manager

Subject: **City Social Media Policy – AR8-34**

The City of Long Beach has created its first Social Media Policy through Administrative Regulation (AR) 8-34 (attached). The purpose of the policy is to establish guidelines for the creation and use of social media to prevent use that may expose the City to risks and attacks, compromise network systems and services, and result in legal issues. The policy went through a meet and confer process with all employee associations, and has been distributed to departments for immediate implementation.

It is respectfully requested that all elected and appointed City officials, and respective staff members, also adhere to this policy. The policy covers topics such as: social media guidelines, content and administrators; personal social media accounts pertaining to City business, Public Records Act requests; comment terms and conditions; reporting and removal of unauthorized comments; and more.

The City Manager's Office of Public Affairs and Communications will provide training to the Citywide Communications Team, and is available to meet with you and your staff, if desired. For more information, or questions, please contact Chief Public Affairs Officer Kevin Lee at 570-6811 or Kevin.Lee@longbeach.gov.

Attachment

CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
REBECCA GARNER, ACTING ASSISTANT CITY MANAGER
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TERESA CHANDLER, INTERIM DEPUTY CITY MANAGER
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MONIQUE DE LA GARZA, CITY CLERK
DEPARTMENT DIRECTORS

Administrative Regulations

Number AR8-34
Issue 1

Subject: City Social Media Policy

I. Purpose

To prevent inappropriate use of the City's social media that may expose the City to risks and viral attacks, compromise of network systems and services, and legal issues.

The City of Long Beach supports the use of social media networks to enhance communication efforts, collaboration, and the exchange of information to meet business missions and goals. The City has an interest in determining what messages are delivered and what information is exchanged regarding the City through the use of sites (including but not limited to Facebook, Instagram and Twitter). This policy establishes guidelines for the establishment and use of Social Media by the City as a means of conveying information about the City and its events and activities to the public.

II. Definitions

For the purposes of this Regulation, these terms are defined as follows:

A. City Business: Information relating to the conduct of the public's business or communications concerning matters within the subject matter of the City's jurisdiction. Resolution of the question of what information or communication constitutes "city business" will involve an examination of several factors, including: (a) the content itself; (b) the context in, or purpose for which the communication was written; (c) the audience to whom it was directed; (d) the purpose of the communication; and (e) whether a writing was prepared by a City official acting or purporting to act within the scope of his or her City employment.

B. Covered Individual: All current employees, commissioners (if applicable), third-party employees, interns, and volunteers.

C. California Public Records Act (PRA): State law found in California Government Code, Section 6250 et seq., concerning the disclosure of public records. Under the California PRA, records maintained by the City are subject to inspection by the public upon request unless specifically exempted from disclosure under the law.

D. Internet: A world-wide collection of publicly accessible networks linked together for the exchange of information and services.

E. Public Record: As defined by California Government Code section 6252(e), any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the City regardless of physical form or characteristics.

F. Social Media: As defined by California Labor Code section 980, means an electronic service or account, or electronic content including but not limited to videos, still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or Internet web site profiles or locations. Social media means and includes Internet technologies that facilitate and promote interactive communication, participation and collaboration. Examples of social media include, but are not limited to the websites and applications, such as Facebook, Twitter, Instagram, LinkedIn, YouTube, Snapchat and the interactive tools and functions they provide to users.

G. Social Media Content: Includes any materials, documents, photographs, graphics, and other information that is created, posted, distributed, or transmitted using social media Internet sites or social media networks.

H. Social Media Administrator: An employee that has been identified by a department to develop, curate and post social media content.

I. Social Media Bot: A software program that simulates human behavior in automated interactions on social media networks.

J. Social Media Troll: An individual whose purpose for interacting on social media networks is to create discord by starting quarrels by posting inflammatory or off-topic messages.

III. Scope

This policy applies to all current employees, commissioners (if applicable), third-party employees, interns, and volunteers (hereafter "covered individuals") who are provided access to the City's technology, equipment, and resources and who work in departments and offices directly responsible to the City Manager. It is requested that elected and appointed officials and their employees, contractors, consultants,

commissioners (if applicable), third-party employees, interns, and volunteers of other independent offices, commissions, boards, and departments who are provided access to the City's technology, equipment, and resources as necessary for business purposes with the City also comply with this policy for administrative uniformity, or adopt a separate policy if they so choose.

IV. Amendment

The City Manager may amend the procedures and content set forth in this regulation as required.

V. Policy

The City's intended purpose of using social media is to disseminate information about the City, to its residents and stakeholders in a relatable and contemporary manner. Departmental use of social media networks shall conform to the policies, protocols and procedures contained, or referenced in this policy. Nothing in this policy shall be applied to prohibit or infringe upon any speech or expression that is protected or privileged under law.

A. Guidelines

1. No City employee may establish any social media account in the name of or on behalf of the City or any City agency unless: (1) the department head or designee has approved the account; (2) the City Manager's Office of Public Affairs and Communications has approved and (3) all information to be posted on the account is approved in accordance with this policy. This requirement applies regardless of whether the account is established, accessed, or used by means of City information systems or by means of the employee's or others' information systems, and regardless of whether the account is established, accessed, or used from City or non-City premises. When deciding whether to launch a social media account, departments should consider the purpose of the messaging, department's mission and goals, audience, content development, page maintenance, legal risks, technical capabilities, and potential benefits.

2. Department heads, or designees, are responsible for determining who is authorized to use social media on behalf of the department, and for designating appropriate access levels. Departments are required to maintain all log-in information (user names and passwords), as well as provide them to the City Manager's Office of Public Affairs and Communications.

3. Access to social media networks from within the City's technology infrastructure or using a personal device for City business is limited to individuals performing official City business and to departments with sufficient information and technology security controls.

4. Departments shall only utilize City approved social media networks for hosting official City social media networks.

5. Department social media networks shall be created and maintained in accordance with the City's Style Guide and with identifiable characteristics of an official City site.

6. Departments are responsible for establishing and maintaining content posted to their social media networks and shall have measures in place to prevent inappropriate or technically harmful information and links.

7. Departments are responsible for maintaining oversight of their social media activity and policy compliance, including strategies, activities and content developed by a contractor. All content strategies, activities and content developed by a contractor must be approved by the Social Media Administrator or departmental designee.

8. Department use of social media shall be documented and maintained in an easily-accessible format that tracks account information and preserves items that may be considered a record subject to disclosure under the California's Public Records Act (PRA), or required to be retained pursuant to City policy and applicable laws.

9. Department social media sites shall be monitored regularly, and prompt corrective action shall be taken when an issue arises that places, or has potential to place, the City at risk.

10. Department use of social media networks shall comply with all applicable federal and state laws, regulations, and policies including, but not limited to, copyright, records retention, California Public Records Act, First Amendment, privacy, employment related laws and established City, and Technology and Innovation Department, policies.

B. <u>Social Media Content</u>

1. City social media networks should clearly convey they are maintained by the City of Long Beach and that they follow the guidelines of this policy.

2. Wherever possible, City social media networks should link back to the official City of Long Beach website for forms, documents, online services, and other information necessary to conduct business with the City of Long Beach.

3. Department-designated Social Media Administrators will monitor content on City social media networks to ensure adherence to both the City's policy and the interest and goals of the City of Long Beach.

4. The City reserves the right to restrict or remove any content posted by the public that is deemed in violation of this policy, the City Social Media Terms of Service or any applicable law. If a Social Media Administrator comes across inappropriate or threatening content, as set forth in Section V.E.9 on any City social media network, the Social Media Administrator must contact their supervisor and the City Manager's Office of Public Affairs and Communications to get permission to remove, hide or block the content.

5. Any content removed based on the City's Terms of Service as set forth in Section V.E.9, must be retained by the department-designated Social Media Administrator(s) pursuant to the department's record retention schedule, including the time, date and identity of the individual or group who posted the content, when available. These Terms of Service must be displayed to the public on the page on the social media network or made available on the City's website: www.longbeach.gov.

6. The City will implement Social Media tools as consistently as possible Citywide, coordinated by the City Manager's Office.

7. The City's website at http://longbeach.gov will remain the City's primary and predominant source of information. Departments overseen by Commissions, such as Harbor and Water have separate websites at http://polb.com and http://lbwater.org.

C. Social Media Administrators

Social Media Administrators who utilize social media should:

1. Have a strong understanding of the risks associated with using social media in order to make an effective business decision.

2. Engage the Office of Public Affairs and Communications to assess potential issues of utilizing a specific City approved social networking site in comparison with the business opportunities expected.

3. Establish a well thought out social media strategy and consult with the City Manager's Office of Public Affairs and Communications prior to implementation.

4. Departments should reference the City's "Terms of Service" disclosures to post on their respective social media outlets. "Terms of Use" should follow this policy and receive prior approval from the City Manager's Office.

5. Have security controls in place to protect City information and technology assets.

6. Maintain responsibility for overseeing the department's social media activity and policy compliance.

7. Require any authorized staff to be knowledgeable and familiar with the use of social media networks.

D. Personal Social Media Accounts Pertaining to City Business

1. Employees who maintain a personal social media account, should understand and follow this Social Media Policy if posting content related to City business.

2. One of the primary purposes of an employee's personal social media account should not be to communicate City business. The only social media accounts that have a primary purpose of communicating City business, on behalf of the City, should be authorized City accounts. Keep in mind, employees need to obtain the proper permission, outlined in this policy, to create and maintain a social media account on behalf of the City.

3. Employees who post on their personal social media accounts content related to City business occasionally, and not as a primary purpose, to communicate to their private or public followers, should do so in a way that aligns with City standards of appropriateness, style, and decorum.

4. If the City receives a Public Records Act request for content that is posted on a private page regarding content that is potentially related to City business, the City may ask the employee to provide the content. It is the employee's responsibility to provide the content if available. With that in mind, employees posting content related to City business on personal accounts, should archive said content, according to the guidelines in this policy, before considering deleting from their account for any reason.

E. Comment Terms and Conditions

These terms and conditions shall be included, or linked to, as a disclaimer on social media sites, if allowable by the site. The City shall include the terms and conditions on its website.

1. A posting or any other submission to the City's social media pages constitutes acceptance of these terms.

2. The posts and comments expressed on a social media network on the City's social media page by the members of the public do not reflect the opinions or endorsements of the City of Long Beach, its officers, or employees. The City of Long Beach does not claim or assert any ownership interest in any of the material posted here by the public, but by posting or submission of any materials on this site, the public is granting the City a royalty free, non-exclusive and perpetual license to display it on the City's social media page and, in the City's sole discretion.

3. "Liking," or other connections between the City of Long Beach and another person/organization, does not imply endorsement of that person/organization or that person/organization's actions or comments.

4. The content on the City's social media page is not entirely controlled by the City, and day-to-day social media content is not retained on the City's servers. All social media sites that the City participates with are owned and operated by third party entities not affiliated with the City of Long Beach. The City of Long Beach does not endorse any link or advertisements placed on this site by the social media site or its vendors or partners.

5. The City of Long Beach reserves the right to remove and hide comments and/or block anyone who posts inappropriate or offensive material meeting the standards set forth in Section V.E.9, and as determined by the City of Long Beach.

6. The City of Long Beach has the right at all times to disclose any information to satisfy any applicable law, regulation, legal process or governmental request; and to edit, refuse to post or to remove or to store any information or materials posted here. All information posted to the City of Long Beach's social media sites shall be deemed a public record, which the City will disclose without any prior notice to you.

7. The City of Long Beach does not accept any statutory notice required to be given to the City of Long Beach by any law, regulation or contract on social media websites. All such notices shall be provided and delivered to the City in the manner described by applicable law, regulation or contract.

8. Social media users should ensure social media content posted serves the public in a civil and unbiased manner.

9. The City of Long Beach reserves the right to remove without notice any comments or submissions that meet the standards set forth below including, but not limited to, comments or submissions that:

   a. Defame, abuse, harass, stalk, threaten, or violate the legal rights of others.

   b. Include sexual content, profanity, vulgarity, obscenity, racism, hatred, slander, threats, and/or violence.

   c. Include personal attacks, defamatory attacks, or comments disparaging an individual or group based on ethnicity, race, gender, religion, age, disability, sexual orientation or other protected basis under federal or State statues, or City policy.

   d. Promote or endorse commercial entities, commercial causes, or commercial products.

   e. Promote or endorse political campaigns, candidates, or organizations.

   f. Contain spam or advertisements.

   g. Contain personal information about another person or that violate a person's privacy.

   h. Include material having intellectual property rights, including copyrights, trademarks, or any other propriety property that belongs to another person or organization.

   i. Contain links to websites or links that do not directly relate to City services, issues, news, and events.

   j. Promote illegal activity.

   k. Compromise public safety or operations, or contravene law.

10. All content posted to Twitter, Facebook, Instagram, YouTube, LinkedIn, or other social media networks are bound by their respective Terms of Service and the City of Long Beach reserves the right to report any violation of said Terms of Service with the intent of those social media networks taking appropriate and reasonable responsive action.

11. The City reserves the right to report any account that it determines may be operated by a social media bot to the social media network with the intent of those social media networks taking appropriate and reasonable responsive action.

12. A comment posted by a member of the public on any City social media site is the opinion of the commenter or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Long Beach, nor do such comments necessarily reflect the opinions or policies of the City of Long Beach.

13. The City of Long Beach reserves the right to deny access, remove or hide comments from City social media networks for any individual, who violates these terms of use, at any time and without prior notice.

F. Reporting and Removal of Unauthorized Comments

1. The City requires that department-designated Social Media Administrators immediately notify their supervisor and the Office of Public Affairs and Communications if there is any posted material that violates this policy. The City Manager's Office will investigate and respond to all reports of potential violations of this policy.

2. Any content removed or hidden based on these guidelines must be retained by the sponsoring Department pursuant to the department's record retention schedule, including the time, date and identity of the poster, when available. Upon removal of content, the Social Media Administrator shall make reasonable attempt to notify the commenter that their response has been deemed inappropriate and removed due to inconsistency with the City's content requirements.

G. Reporting and Removal of Unauthorized Comments on Non-Authorized Social Media Networks

1. Cyber Bullying and Abuse, the use of technology to harass, threaten, embarrass, or target another person, is a serious issue that should not be taken lightly. Although, department-designated Social Media Administrators are not responsible for monitoring pages that are non-City pages, administrators are responsible for reporting any

inappropriate and potentially life-threatening comments to their supervisor and the City Manager's Office of Public Affairs and Communications.

2. The City Manager's Office will investigate and respond to all reports of potential violations of this policy. Depending on the level of threat that the post and/or comment raises, the City Manager's Office could advise the department encountering the threatening comment/post to also report it to the Long Beach Police Department.

3. It is important to also immediately report the comments deemed inappropriate to be removed on the social platform where it was seen. Below are links to information regarding how to report inappropriate and/or dangerous comments/posts to some of the more widely used social media networks.

Facebook: https://www.facebook.com/help/116326365118751

Twitter: https://help.twitter.com/en/safety-and-security/cyber-bullying-and-online-abuse

Instagram: https://help.instagram.com/489507671074566

Snapchat: https://support.snapchat.com/en-US/a/report-abuse-in-app

YouTube: https://support.google.com/youtube/answer/2802268?hl=en

VI. Violation of Policy

Covered individuals who violate this policy may have their computer and technology system usage and access, and related privileges, revoked or suspended, and may be subject to disciplinary action, up to and including termination. Violations of local, state, and federal laws carry additional penalties.

VII. Policy Acknowledgement

A. All covered individuals shall acknowledge receipt of this policy by signing a Condition of Employment/Service Acknowledgement form indicating they have received, read, understand, and will abide by its provisions. If a covered individual declines to sign, a witness shall make a notation that the individual has received the information.

B. The original form shall be placed in the personnel file and a copy shall be given to the employee or attached to a contractor's service agreement.

VIII. Roles and Responsibilities

A. Newly covered individuals shall be given this document during the orientation process.

B. Each department head shall be responsible for enforcing compliance with this policy by employees. Departments shall monitor their social media networks for comments requesting responses from the City and for comments in violation of this policy and report to their Department Head. When a City of Long Beach employee responds to a comment or direct message, in his/her capacity as a City of Long Beach employee, the employee shall not share personal information about himself or herself, or other City employees. For cyber security reasons, employees are encouraged to use caution when communicating with the public and take necessary measures to ensure the City's systems are not compromised. If necessary, a general department email that is regularly checked could be shared but avoid sharing any personal work emails.

C. Covered individuals are responsible for complying with this policy. Managers and supervisors are responsible for enforcing this policy. The City Manager Department is responsible for assisting and administering this policy.

D. Employees who violate this policy may be subject to disciplinary action up to and including termination.

E. When a Social Media Administrator for the City departs his/her job it is the department's responsibility to remove the former employee from having any access to City Social Media pages.

IX. References

A. Administrative Regulation 8-17 - Use of Electronic Mail System Administrative Regulation 8-30 - Computer Use California Electronic Communication Privacy Act

B. California Public Records Act

C. Freedom of Information Act

D. Policy Regarding Use of Private Electronic Devices To Conduct City Related Business

E. Technology and Innovation Department – Employee-Owned Mobile Device City Synchronization Policy and Employee Acknowledgement and Release of Liability form

X. Appendices

A. City of Long Beach Social Media Policy Acknowledgement Form

APPROVED:

CITY MANAGER

11/14/19
DATE

CITY OF
LONG BEACH

City Social Media Policy
Conditions of Employment and Service

ACKNOWLEDGEMENT FORM

My signature on this document acknowledges that I have received and read the City of Long Beach's City Social Media Policy, AR8-34, and that I will abide by the policy as a condition of employment/service.

I understand that the City has an interest in determining what messages are delivered and what information is exchanged regarding the City through use of sites (including but not limited to Facebook, Instagram, and Twitter). This policy establishes guidelines for the establishment and use of Social Media by the City as a means of conveying information about the City and its events and activities to the public.

I understand that any attempt to violate this policy may be subject to disciplinary action, up to and including termination. Violations of local, state, and federal laws carry additional penalties.

_____

Employee Name (printed) Signature Date

Original: Personnel File or Contractor's Service Agreement
Copy: Covered Individual