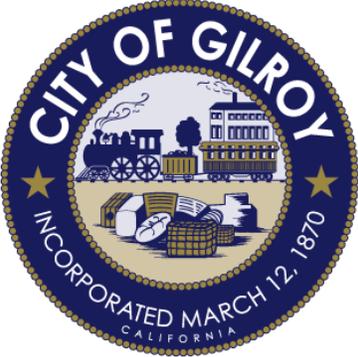


Social Media Use Policy



City of Gilroy

Adopted on February 28, 2022

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1 Definitions

For purposes of this policy, the following definitions apply:

Administrator

The single person who oversees and, ultimately, controls all official Social Media Sites for the City. The Administrator will be the City Administrator or their designee.

Authorized Users

City employees, staff liaisons for governing bodies, attorneys, and any consultants, providers, and contractors that are using Social Media in an official capacity for City business. The Administrator will determine, in their sole discretion, who is an Authorized User.

City Officials

Any elected or appointed official sitting on a Legislative Body of the City. These may include, but are not limited to, City Councilmembers, commissioners, board members and committee members.

Comment

Any reply on a post on an official Social Media Site. Comments may appear organized as threads, depending on the Social Media Site. A public user may add a comment, and an Authorized User may reply to that comment with another comment, depending on the situation.

Legislative Body

The City Council and any City Boards, Commissions and/or Committees.

Message

Any direct, private written communication from the public to an Official Social Media Site.

Official Social Media Site

Any Social Media Site controlled by an Authorized User that is used to promote, discuss, carry out, or reference City-related business and/or activities. These sites will clearly communicate they are representative of the City as a whole or of a specific Department or Division as applicable.

Post

Any content an Authorized User initially publishes on an official Social Media Site. The medium of a post can range from plain text, to hyperlinks, to images, to videos, etc. This definition also applies to more ephemeral content such as Facebook/Instagram "Stories."

Social Media

Online sources that allow people to communicate, share information, share photos, share videos, share audio, and exchange text and other multimedia files with others via some form of online or cellular network platform. These online sources may include, but are not limited to, channels, networks, and technology, such as Facebook, LinkedIn, Twitter, Instagram, Nextdoor, YouTube, and similar platforms or kinds of electronic networking services (collectively, "Social Media Networks").

Tag or Mention

Using a Social Media Site's built-in feature to notify another user of a post or comment. The tag or mention usually begins with "@" followed by the username of the referenced user's Social Media Site.

2 Purpose and Scope

Social media networks offer substantial opportunities to communicate to a significant segment of the population. If used properly, they may provide a benefit to the City of Gilroy by providing an additional avenue of public outreach and dissemination of information. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, the City encourages the use of social media (where appropriate) to further the goals of the Gilroy City Council and City leadership.

However, as with other interactive uses of the internet, posting information on social media is not without risks. Use of such networks for official City purposes raises legal issues that are unique to the City and generally do not affect private persons or entities. This includes, for example, the applicability of the Brown Act and the California Public Records Act. The City has an overriding interest and expectation in protecting the integrity of the information posted on its Official Social Media Sites in the name of and on behalf of the City, and the content that is attributed to the City and its officials.

This Social Media Use Policy establishes guidelines for the City participation in and Authorized Users' use of Social Media for City business. The City intends for its use of any Official Social Media Site to relate solely to matters of City business and does not, in any way, intend to--nor actually create--general public forums. While this policy acknowledges that Social Media is one way to engage with others, this policy is not intended to require the City nor any Authorized User acting in an official agency capacity to actually use social media.

All Authorized Users shall comply with this policy in all respects. This policy is subject to revision at any time. This policy may be changed without prior notice when deemed necessary to fully protect the City's interests and/or the public's interests. If it is necessary to change this policy without providing prior notice to employees, the City shall notify the employees of the change at the earliest possible time. All Authorized Users who have been authorized for social media access shall sign an acknowledgement of receipt of this policy indicating that they have read and understand all of its provisions and agree to be bound by the same. Before posting on Official Social Media Sites, the Authorized Users must check the most current policy to ensure compliance.

When posting on Official Social Media Sites on behalf of the City, Authorized Users are, in effect, serving as the voice of the City. The City has an overriding interest and expectation in deciding what is "announced" or "spoken" on behalf of the City on social media. Therefore, all participation on social media must be in accordance with the provisions set forth herein.

This policy establishes standards for:

- Authorized Users who have permission to post information on Official Social Media Sites on behalf of the City, during working hours, non-working hours (subject to limitations determined by managers), and/or at the workplace;
- City Officials who are authorized to use social media in an official capacity;
- Public users who view and/or engage with content from the City's Official Social Media Sites, or who Message the City through the City's Official Social Media Sites; and
- Employees' personal use of Social Media as it relates to the City.

3 Official Social Media Sites

3.1 Creation of Social Media Sites

The Administrator may, in their sole discretion, establish a new Official Social Media Site.

Creation of any such Official Social Media Site must be proposed, in writing, by the Department Director to the Administrator. The Administrator may, in their sole discretion, approve, deny, or modify the creation of such sites. No one may create an Official Social Media Site without the prior written authorization of the Administrator. Consideration shall be given to the overall purpose of the requested site, the perceived ability of Authorized Users to maintain a new site, and its suitability for use for City purposes.

All Official Social Media Sites, except for Facebook, shall use official City contact information for account set-up, monitoring, and access. The use of personal email accounts or phone numbers by any City employee is not allowed for the purpose of setting up, monitoring, or updating an Official Social Media Site other than Facebook. Facebook's policies require users to manage Facebook Pages from a real, personal Facebook Profile. If a user creates a fake and/or duplicate Facebook Profile to manage a Facebook Page, the Facebook Page may be flagged and restricted, causing the City to lose access to the Page.

Authorized Users and their managers are responsible for the creation, administration, posting and deactivation of Official Social Media Sites.

The Administrator shall have ultimate authority over all City participation on Official Social Media Sites and may order the deactivation of all or part of an Official Social Media Site if the Administrator, in their sole discretion, determines that the content or site is not in the best interests of the City. If there is an existing Official Social Media Site without any new Posts for two (2) months or longer, with the exception of sites such as YouTube and Nextdoor, it should be deleted or merged with another Official Social Media Site, consistent with current City Records Retention policies. The Authorized User in charge of the site in question must provide written confirmation to the Administrator if they intend to delete or not use an Official Social Media Site before deactivation.

3.2 Governance of Official Social Media Sites

Only Authorized Users acting in an official capacity who utilize social media on behalf of the City, authorized in writing by the Administrator, are permitted to maintain, administer, and/or post on an Official Social Media Site on behalf of the City of Gilroy.

In approving an Official Social Media Site, the Administrator shall designate at least one Authorized User who will be responsible for the regular monitoring and maintenance of that particular Official Social Media Site.

Authorized Users who use Official Social Media Sites on behalf of the City must adhere to the following rules:

- Any and all information posted on behalf of the City by Authorized Users on Official Social Media Sites should directly pertain to the City and be of citywide interest, address issues within the scope of their specific authorization, and contain factual information that is freely available to the public and that is not made confidential by any policy of the City, or by local, state, or federal laws.
- Authorized Users should conduct themselves at all times as a representative of the City and in accordance with all City policies.
- Authorized Users should review, become familiar with, and comply with the designated social media network policies and terms and conditions.
- Official Social Media Sites shall use account names or usernames that are clearly identifiable as representing the City. Examples include but are not limited to: @CityofGilroy @GilroyPolice @GilroyParksandRec.
- Profiles or account information for Official Social Media Sites must contain a valid City username, address, website, and phone number.
- Authorized Social Media Sites must clearly indicate the Department or Legislative Body they represent on their home page or Bio or About section.
- Authorized Users may not use or include personal email addresses or any other personal information in the user profiles and/or posted content for Official Social Media Sites. Instead, Authorized Users may use their name, title, and a city email address. If an Authorized User wishes, they may request a “common” email address from the IT department (i.e. "ParksRec@CityOfGilroy.org").
- The City logo (with or without the department name) or a City Department or Division logo shall be used as the account Profile Picture and/or included in a Cover Photo (AKA "banner image"). If a Department or Division wishes to use an alternate image as the Profile Picture or Cover Photo, they must obtain approval from the

Administrator before changing the existing photo and assure any photo used is not subject to federal copyright protection.

- Photographs, videos, or images of anyone who can be readily identified by the naked eye should not be posted to Official Social Media Sites without first obtaining the depicted person's written consent. If the person depicted in the photograph, video, or image is a minor or someone incapable of providing consent, the City must obtain the consent of the depicted person's parent or legal guardian before posting the photograph, video, or image to an Official Social Media Site. Consent is implied within public spaces or at City-sponsored events, unless otherwise stated. Authorized Users may consult the Administrator for guidance on using media from/for special projects or campaigns.
- Language that is sexually explicit, or that is lewd or obscene, racial, promotes religious beliefs, political, or illegal, or that expresses a personal opinion, except as provided in section 3.3 "Responding to Posts, Comments and Messages" is prohibited.
- Solicitation; engaging in or endorsing any commercial, products or activities is prohibited. This provision is not intended to limit the City's ability to support business in Gilroy generally, but to refrain from supporting one particular business or a particular commercial enterprise or sole business.
- Comments in support of or in opposition to elected and appointed City Officials, political candidates, political campaigns, ballot measures, and matters that may reasonably be agendaized for consideration by the City Council, and/or any other Legislative Body are prohibited.
- Authorized Users should avoid posting about the following items, unless approved in advance by the City Administrator or City Attorney:
 - Actual or perceived threats to public health, safety or property;
 - Actual or potential legal claims, lawsuits or other legal issues;
 - Personnel or medical matters;
 - Criminal investigations and content regarding crime scenes;

While Official Social Media Sites are to be used for City business and for the purposes stated herein, they are not intended to replace nor serve as the primary means of the City's

communication with anyone. The City has an official website. This website shall remain the primary means of online communication with the public and should be the primary link used on accounts and in posts as much as possible.

Except as expressly provided in this policy, Authorized Users accessing any Official Social Media Site shall comply with all applicable policies of the City, including, but not limited to those policies that pertain to use of the internet by Authorized Users acting in an official capacity.

3.3 Responding to Posts, Comments, and Messages

Authorized Users should be aware that it is not always possible or recommended on social media networks to disable the feature that allows or permits responsive posts by members of the public. By permitting use of this feature, the City does not intend to create a general public forum, and all Comments and Posts must comply with this Social Media Policy. In addition, most social media networks have their own terms of use and standards of conduct. All content posted on an Official Social Media Site must comply with this Social Media Policy and any host site user guidelines. The City reserves the right to remove any Post or ban any posters from the site at its sole discretion for violation of this Policy or applicable guidelines.

Some social media networks provide the ability to hide or delete posts from the public. If the Authorized Users wish to hide or delete a Post or Comment, they need to coordinate with the Administrator and possibly the City Attorney. If the Post is to be deleted, there is a documentation process for public records that needs to be followed first. Standard practice for social media is that once a Post is published, it should not be deleted. It can be edited as long as it does not change the original intent of the Post.

No Post, Comment, or other content shall be removed solely simply because it is critical of the City, City Officials, employees, or programs, or because city staff disagrees with the viewpoint of the Comment, content or submittal. On social media networks where the feature is available, a "strong" profanity filter should be enabled to automatically prohibit Comments and Posts with profanity.

3.4 Public Terms of Use

Every Official Social Media Site that allows Comments or Posts from the public must include the disclaimer/terms of use (see Appendix A) located in a readily accessible part of

each Social Media Site, such as the privacy policy, the “about us” section, or a "pinned" post.

3.5 Public Records Retention

All content posted on an Official Social Media Site should be assumed to be subject to the California Public Records Act, California’s civil discovery statutes, and other applicable laws requiring the disclosure of public records. All content must be managed, stored, and retrieved to comply with these laws, including any photographs or images. In addition, all content subject to the City’s records retention policy must be maintained consistent with that policy. Any content on Official Social Media Sites shall be maintained in a format that preserves the integrity of the original record and must be easily accessible using the approved City platform and tools. Any content submitted for posting that is deemed unsuitable because it is not topically related or is inappropriate under this policy must also be retained pursuant to the applicable record retention schedule.

4 Council, Commission, Committee, and Board Use of Social Media

4.1 Creation of Social Media Sites

Any established Legislative Body within the City may request from the Administrator to create an Official Social Media Site on behalf of the City.

Creation of any such site must be proposed, in writing, by the Legislative Body staff liaison, to the Administrator. The Administrator may, in their sole discretion, approve, deny, or modify the creation of such sites. A Body may not create an Official Social Media Site without the prior written authorization of the Administrator. Consideration shall be given to the overall purpose of the requested site, the perceived ability of Authorized Users to maintain a new site, and its suitability for use for City purposes.

4.2 City Officials' Use of Social Media

The City does not create or provide support for individual social media accounts for City Officials. City Officials who maintain personal social and other digital media accounts should be aware that--similar to City email or any other written or recorded communication related to the official conduct of city business--digital communications, Social Media Posts and Messages by City Officials regarding matters that are before the City for action or within City jurisdiction can be "official city business" subject to laws and policies regarding freedom of speech, records retention and production, and public transparency. Those laws and policies include, but are not necessarily limited to: the California and United States Constitution, the California Public Records Act, the Ralph M. Brown Act, and the City's records retention regulations.

City Officials participating in digital or social media communications shall maintain and clearly delineate between separate accounts for official and personal/campaign statements, taking precaution not to convey personal/campaign communications in a manner that suggests such communications represent the position of the City or their Legislative Body as a whole.

City Officials are prohibited from using the City logo or seal or any variation of the City logo or seal, representing the City, or representing that they speak on behalf of the City within their official or personal social media account(s) or site(s).

To avoid ambiguity, all statements, headings, profile pictures, or biographies on personal or campaign accounts shall:

- Not be made in the name of the position to which the City Official was elected or appointed;
- Clearly reflect that content on such accounts does not represent the official positions of the City or the governing body;
- Not display the City logo or any other official City mark or title.

Digital records relating to public business are required to be handled in a manner capable of maintaining the record for the applicable retention period, including through the use of highlights, bins, or archives for temporary and disappearing stories, reels, posts, or otherwise. Likewise, City Officials should avoid deleting Comments or blocking individuals on official pages or sites they maintain. Social media content should be treated the same as any written document and retained in accordance with the City retention schedules.

To avoid any violations of the Brown Act, consistent with the update provided by AB 992, City Officials are permitted to use a social media site to engage in conversations or communications on matters within the subject matter jurisdiction of their governing body:

- To answer questions;
- To provide information to the public; and
- To solicit information from the public.

However, a majority of City Officials may not use social media to "discuss among themselves" official business. The Brown Act broadly defines the meaning of "discuss among themselves" to include any "communications made, posted, or shared on an internet-based social media network between members of a Legislative Body, including Comments or use of digital icons that express reactions to communications made by other members of the Legislative Body." The Brown Act prohibits a Board member from communicating directly with the social media of any other member on a subject within the jurisdiction of the board.

City Officials must refrain from using the City's Official Social Media Sites or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body without complying with the Brown Act.

City Officials should be honest and accurate when posting information or news, especially when communicating during a crisis or emergency. Any mistakes, misstatements and/or factual errors must be corrected quickly upon discovery. When possible, news of citywide importance should first be announced by the City's Official Social Media Sites including the

City website. This information can then be shared by City Officials, linking back to the original Post or official City website, when possible. Unless the City Official has been designated to serve as a spokesperson, a City Official should never represent themselves as a spokesperson for the entire Legislative Body or the City. City Officials should be mindful of recognizing that accomplishments of the City or Legislative Body are achieved by collective action of the entire body or organization.

In summary,

City Officials may:

- Use social media in the Official’s capacity to communicate with constituents to “answer questions, provide information to the public, or solicit information from the public.”

City Officials may not:

- Discuss on social media with a majority of the legislative body business of a specific nature that is within the subject matter jurisdiction of the legislative body.
- Comment on a post of another member of the legislative body, including “liking,” sharing, reposting, or use of emojis.
- Block any member of the public from participating in your social media account.

5 Personal Use of Social Media

While the City does not monitor employees' personal social media accounts, this section sets forth suggested guidelines to follow when referring to the City. Following these principles helps ensure a distinction between sharing personal and agency views/information.

5.1 Rules and Guidelines

The following rules and guidelines apply to all employees acting in an official capacity of the City of Gilroy:

- While employees may voluntarily choose to engage with the City on its Official Social Media Sites, the City does not encourage or require any employee to follow or “like” Official Social Media Sites.
- The City does not condone the personal use by employees of social media during the working hours by any means, including by using City-owned equipment. Employees have no right or expectation of privacy when using City-issued devices or systems. The City reserves the right to monitor, search, or disclose employee use of City resources.
- When an employee uses social media in a personal capacity, they are doing so for themselves and they are not speaking nor communicating on behalf of the City. Employees should make certain that it does not appear that they are speaking or posting for the City unless authorized to do so.
- Employees are reminded and cautioned that nothing posted on the internet is private. Content can easily be shared, forwarded, and distributed to broader audiences without your knowledge or permission.
- Information posted on social media may be used as evidence in disciplinary, administrative, or legal proceedings. The City will not require you to provide a password or other security information for your personal sites that are password-protected or otherwise non-public.
- The personal use of social media by an employee in a manner that violates any City policy or procedure will not be tolerated, and may be grounds for disciplinary action, up to and including termination. Employees are expected to comply with the same ethical and performance standards on-line as in the

workplace. Using social media in a way that adversely impacts a job, co-workers, the City, or the public is prohibited. Employees may not use their official City email addresses to create or maintain any personal social media account(s) or site(s).

- Employees may not post any content on the internet or social media that constitutes or contains City confidential, proprietary, privileged, private, personnel, or other non-public information.
- Employees are prohibited from using the City logo or seal or any variation of the City logo or seal, representing the City, or representing that they speak on behalf of the City within their personal social media account(s) or site(s). Employees must also make clear in any online activity that the views and opinions they express about work-related matters are their own, have not been reviewed by the City, and do not necessarily represent the views and opinions of the City.

6 Failure to Adhere to Policy

An Authorized User's failure to adhere to the provisions of this policy may result in disciplinary or adverse action being taken against the Authorized User up to and including termination.

Appendix A

Disclaimer/Terms of Use

THIS SITE IS NOT MONITORED IN REAL TIME. IF YOU HAVE AN EMERGENCY OR KNOW OF A CRIME IN PROGRESS, PLEASE CALL 911 IMMEDIATELY. THIS SOCIAL MEDIA SITE IS NOT A PUBLIC FORUM. BY ENGAGING WITH THIS SOCIAL MEDIA SITE, YOU AGREE TO ADHERE TO THE TERMS OF USE OUTLINED AT <https://www.cityofgilroy.org/socialmediapolicy>.

The City will publish the following information on its website at <https://www.cityofgilroy.org/socialmediapolicy>:

These Terms of Use apply to all Official Social Media Sites ("sites") of the City of Gilroy. This site is not a public forum and all Comments and Posts must comply with these Terms of Use. Official Social Media Sites are intended to serve as a mechanism for communication between the City and the public to help further our mission. Any Comment submitted to sites and their fans, followers, or subscribers may be considered a public record, which is subject to disclosure pursuant to the California Public Records Act. Public information requests must be directed to the City Clerk's office.

If any public Comments are allowed on these sites, we reserve the right to remove posts or comments at the City's sole discretion. The City reserves the right to report a user directly to the host social media network if a Post, Comment or other content by the user violates the network's own Terms of Use. Under the City of Gilroy Social Media Use Policy, the City reserves the right to remove inappropriate content on its sites, including, but not limited to, the following:

- a. Profane, obscene, violent, or pornographic content and/or language;
- b. Content that promotes, fosters, or perpetuates discrimination or harassment on the basis of race, color, national origin, religious creed, ancestry, physical or mental disability, medical condition, pregnancy, childbirth or related medical condition, age, sexual orientation, sex, gender identity, gender expression, genetic information, military or veteran status, marital status, or any other basis protected by applicable state or federal law;
- c. Threats to any person or organization or encouragement of illegal activity;
- d. Information that tends to compromise the safety or security of City employees, the public, public systems, or the City's technology resources;
- e. Content that violates any legal ownership interest, such as a copyright or trademark;

- f. Content containing personal information, such as home addresses, phone numbers, social security numbers, dates of birth or driver's license numbers;
- g. Solicitation of commerce, including any advertising or business services or products for sale;
- h. Content that violates any federal, state or local laws;

The City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner. The City reserves the right to remove any fans, followers, or subscribers for violation of this policy.

A Comment posted by a member of the public on any City of Gilroy Social Media Site is the opinion of the commentator or poster only, and the publication of a Comment does not imply endorsement of, or agreement by, the City of Gilroy, nor do such Comments necessarily reflect the opinions or policies of the City of Gilroy.

The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Notwithstanding the foregoing, the City of Gilroy is not obligated to take such actions, and disclaims any and all responsibility and liability for any materials posted by a member of the public.

By posting a Comment, users agree to indemnify the City of Gilroy, its officers and employees from and against all liabilities, judgments, damages, and costs (including attorney's fees) incurred by any of them which arise out of or are related to content posted by users. If a user does not agree to these terms, the individual should not use the City of Gilroy's Social Media Sites as a violation of these terms may lead to legal liability.

If you have any questions regarding these Terms of Use, please email us at Communications@CityOfGilroy.org.

The above disclaimer may not be altered without the prior approval of the City Administrator or City Attorney (or their respective designees). The Administrator will work with authorized staff to set up the site and disclaimers correctly.