

## **A. Purpose**

The purpose of this policy is to establish and communicate requirements regarding the use and administration of Social Media sites and provide notice of acceptable conduct and limitations to Covered Persons and the public when interacting on public or Personal and City Supported Social Media Sites.

In addition, this policy is intended to further the City's compelling interest in ensuring that employees' use of social media does not violate laws and rules designed to protect and maintain the stability and integrity of the workplace, disclose confidential information and/or otherwise impair the City's ability to maintain efficient operations free from undue disruption. This policy supersedes any previously promulgated social media policies, guidelines, or plans.

## **B. Definitions**

### **City Business**

Any matter over which any City employee has any authority, administrative duty, or advisory duty.

### **City-Supported Social Media Sites**

Social Media Sites, approved by the City Manager or their designee, that are used to communicate messages and interact with the public as the City or on behalf of City programs, projects, departments, initiatives, officials and others, or on behalf of a City board or commission

### **Covered Persons**

For the purposes of this policy:

1. All full-time and part-time staff;
2. Temporary/Seasonal Employees;
3. Volunteers; and
4. Interns

### **Personal Social Media Sites**

A presence on a Social Media Site that is solely for a Covered Person's personal use.

### **Social Media Site**

An internet site or application where users create and share content and participate in online communities and conversations, in the form of a page, profile, account, group or other presence. These include, but are not limited to, blogs, forums, chat sites, Facebook, Twitter, Instagram, Nextdoor, LinkedIn, Reddit, Slack, Snapchat, and YouTube, as well as emerging new platforms generally regarded as social media or having many of the same functions as those listed

### **Social Media Officer**

The individual, or individuals, designated by the City Manager to administer, oversee, and ensure proper application of the terms of this policy and those responsibilities specifically delegated to them by this policy.

### **C. Guidelines Regarding Personal Use of Social Media**

The following guidelines are intended to provide the basic framework for personal Social Media use by Covered Persons. Individual City Departments may impose additional requirements as needed to conform to the unique nature of employment within those Departments. Furthermore, this policy is not intended to subvert or displace any right of an employee from exercising their rights to engage in protected concerted activity to address work-related issues as provided by the National Labor Relations Act.

1. Covered persons are responsible for their conduct and the content they post on City-Supported and Personal Social Media Sites.
2. Covered Persons must restrict personal use of Personal Social Media Sites during work hours to occasional activities that do not interfere with, or that are unrelated to, the ability to conduct City Business.
3. City email accounts or passwords shall not be used in conjunction with a Personal Social Media Site. Providing one's City email address, or other business contact information, on professional Social Media Sites such as LinkedIn are excluded from this rule.
4. Employees must not make intentional, careless, or unintentional disclosures of City data that is not public. Unauthorized disclosures can include, but are not limited to, the unauthorized dissemination of private, confidential, proprietary or privileged information.
5. Covered Persons must not use Personal Social Media Sites to originate content as an official form of communication to speak on behalf of the City, to indicate they are representing the interests of the City, or in a way that could be reasonably perceived as official City communication. Always consider how something may be interpreted or understood before posting. The term "originate," as used in this section, does not include the dissemination of publicly available information.
6. Covered Persons are responsible for understanding the transferability of Social media content, and that they have no expectation of privacy with respect to information shared with any Social Media Site, regardless of their privacy settings. Private communications posted on the internet can easily become public. Covered Persons should also remember that conduct on City

Supported or Personal Social Media Sites could be obtained and used in criminal trials, civil proceedings and administrative investigations.

7. The City expects Covered Persons to be truthful, courteous, and respectful toward supervisors, co-workers, residents, customers, and other persons or entities associated with or doing business with the City. When a Covered Person can be identified as someone who does work for the City, they must not engage in name-calling, personal attacks, or other such demeaning behavior if the conduct would adversely affect the City. This provision and its limitations apply when the action of the Covered Person adversely affects their, or any other Covered Person's work, job duties, ability to function in their position, or creates a hostile work environment.

8. Covered Persons must not use a City brand, logo, or other City identifiers on their Personal Social Media Sites, nor post information that purports to be the position of the City, or an affiliated body such as an advisory board or commission, without prior appropriate authorization. The fact that an employee appears on social media in a uniform or wearing clothing with a City brand, logo or other City identifier does not, in and of itself, constitute a violation of this policy.

9. If a Covered Person chooses to identify themselves as someone who works for the City of Asheville and posts a personal opinion on Social Media pertaining to a matter related to City business, a disclaimer that is similar to the following must be used:

“These are my own personal opinions and do not represent those of the City of Asheville.”

The use of this or a similar phrase, however, does not relieve any Covered Person of their responsibility to comply with the remaining provisions of this or any other City policy.

10. There may be times when personal use of Social Media Sites (even when off-duty) may affect or impact the workplace and become the basis for coaching or discipline. Examples of situations where this might occur include, but are not limited to:

- a. Cyber-bullying, stalking, or harassment;
- b. Participating in offensive or hateful conduct;
- c. When conduct on public or Personal Social Media could be perceived as a conflict with the City's mission, values, or degrades public trust in the City or its departments;
- d. Disclosure of any non-public information;
- e. Unlawful activities.

f. Inappropriate use of the City's name, logo, website URL, or a Covered Persons' position or title.

g. Using City-owned equipment or City-time for more than occasional personal use on Social Media Sites, which are not City Supported Social Media Sites, or which interferes with one's ability to do their job.

h. Violation of law, whether federal, state, or local, or violation of a City policy.

Engaging in this or similar conduct could result in discipline, up to and including dismissal from employment.

#### **D. Standards and Best Practices for City-Supported Social Media Sites**

##### **1. Limited Public Forum**

Unless otherwise specifically noted, when the City establishes and maintains a City-Supported Social Media Site it does so to communicate to the public through official City Content, and is intended to be government speech. If the City allows the public to provide Content on the City-Supported Social Media Site, the addition of Content is permitted as a limited public forum under the City Terms of Use as set forth in Appendix A.

##### **2. Removal of Content of the Public**

In determining whether Content should be removed from a City-Supported Social Media Site, the City may consider whether the removal is reasonably required under this policy, including the Terms of Use contained in Appendix A to this policy, and the law at the time of removal. If Content is removed, the City department responsible for the administration of the relevant site must maintain documentation, such as screen shots of the data that was removed, and the reason(s) for removal. Questions regarding removal should be posed to the City Attorney's Office.

##### **3. Blocking**

A Covered Person must not block an individual from interacting with a City-Supported Social Media Site without approval from the City Attorney's Office. In determining whether an individual will be blocked, the City may consider, among other things, whether blocking is allowed under this policy, including the Terms of Use in Appendix A, the law at the time, the nature of the incident on the City-Supported Social Media Site that prompted review, whether blocking would entail viewpoint discrimination, and whether other actions could be attempted to stop or prevent further violations without blocking an individual. If an individual is blocked, the City department responsible for the administration of the relevant site must maintain

documentation, such as screen shots of the data that prompted the block and the reason(s) for the block.

#### **4. Required Terms of Use**

The City Terms of Use must be provided on a City-Supported Social Media Site, to the extent allowed by the technology, even if only as a link, as provided in Appendix A.

#### **5. Data Retention and Privacy**

All social media interaction involving a City-Supported Social Media Site are subject to relevant record retention and public records laws.

#### **6. Intellectual Property Rights and Confidential Information**

Information that is proprietary, copyrighted, attorney-client privileged, protected under state or federal privacy laws and not subject to disclosure under the North Carolina Public Records Act, must not be posted on City-Supported Social Media Sites.

An owner of copyrighted material or other intellectual property who believes the owner's rights are infringed must promptly notify the site administrator at the email address provided on the relevant Social Media Site. The City must take appropriate action upon notification to review and address the issue within a reasonable timeframe.

#### **7. References, Links and Embedded Content**

##### **a. Links Allowed**

Links placed on City-Supported Social Media Sites by the City must only link to a resource on the City's website, a subdomain of the City website, other City-Supported Social Media Sites, a state, federal or local government site (.gov), an educational website (.edu), or an organization with an official partnership or supportive business relationship with a City department or program. If a link is provided to any other Social Media Site or website, a disclaimer must be included which states, at a minimum, that the links provide access to a non-City sponsored site, and include the information provided in section 7(b) below.

##### **b. Disclaimer regarding links**

Any references or links to a specific entity, product, service or organization posted by individuals on City-supported Social Media Sites must not be considered an endorsement by the City or its Covered Persons. The City is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, Social Media Site, or its content. The City reserves the right to delete links and embedded content in accordance with this policy.

#### **8. Security and Privacy Risks**

Some Internet services (such as streaming video, music, photos, and subscriptions to RSS feeds) that may be useful to a City-Supported Social Media Site's mission can cause clutter, security risks, and copyright issues. An internet service should only be used to serve a City purpose and add to the user experience, and only if it comes from a trusted source and has been approved for use by the Social Media Officer. An application may be removed at any time, without notice, if it causes a security breach or contains or is suspected of containing a virus, malware, or similar material.

Where Social Media Sites are hosted by third parties, they are governed by those parties' privacy policies. Additionally, the City-Supported Social Media Sites are governed by the City's Social Media Policy, these procedures, and privacy laws.

### **9. No Privacy in Administration of Site**

There is no reasonable expectation of privacy associated with the use or administration of a City-Supported Social Media site.

### **10. Account Ownership Remains with City**

Upon a Covered Person's separation from service from the City, or change in job duties, ownership of City-Supported Social Media sites, as well as the content contained thereon, remains the City's and the Covered Person must take all necessary steps to protect the City's ownership interests.

### **11. Authorized Content**

City-Supported Social Media sites are to be used for City business only. Postings not related to the City or its programs are not allowed. Only Covered Persons authorized by the City department director responsible for the administration of the relevant site are permitted to originate content on any City Supported Social Media site.

### **12. City Supported Social Media Site Posting and Responding Guidelines**

Covered Persons using City-Supported Social Media Sites, whether as an administrator or as a Covered Person adding Content or responding to a posting, must follow these guidelines:

- a. Unless posting or responding as the site administrator, a Covered Person must be clear about their role with regard to the subject and the extent of the Covered Person's authority to speak for the City.
- b. Unless specifically or generally authorized by the Social Media Officer, a Covered Person must not use other public or Personal Social Media Sites to comment or respond on behalf of the City, to conduct City business, or to circumvent or replace City-Supported Social Media Sites.

- c. Write and post about the Covered Person's area of expertise, especially as related to the City and daily assignment(s). When writing about a topic for which a Covered Person is not the City's expert, make this clear to readers, and provide a resource, such as a contact or website URL to get more information.
- d. Keep postings factual and accurate. If a mistake is made, make the necessary correction as soon as possible.
- e. Reply to comments and messages in a timely manner when a response is appropriate. When disagreeing with others' opinions or providing comments, be sure that the comments are meaningful, respectful and relevant to the topic.
- f. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time, so consider content carefully.
- g. Ensure comments do not reveal confidential or privileged information. Never comment on legal matters, such as pending litigation, without the specific approval of the City Attorney's Office.
- h. Refrain from expressing personal opinions or positions regarding policies, programs or practices of other public agencies, political organizations, private companies or non-profit groups. Official City positions can be expressed, such as messages which have been approved by the pertinent department director, the Communication and Public Engagement department, or the City Manager's Office.

### **13. Privacy Policies of Third-Party Sites**

Social Media pages are often the target of hacking and hijacking. Covered Persons with access to City-Supported Social Media must take proper measures to ensure Social Media Site security, including but not limited to: enabling two-factor authentication or multi-factor authentication when available; not sharing access with those not approved for access; periodically changing passwords, especially after a reported breach or leak of log-in credentials; and not allowing non-Covered Persons access without approval from the City's IT Services Department.

### **14. Monitoring of City-Supported Social Media Sites**

Covered Persons who administer City-Supported Social Media sites are required to regularly monitor the site to respond to comments and determine whether the comments or any Content placed on the site by the public is inappropriate under this policy, including the Terms of Use contained in Appendix A.

### **15. Ownership of Data**

Unless it is sharing an item expressly owned by a partner organization or entity, the City retains the rights to all text, photographs, graphics of any kind, and other content found on City-Supported Social Media Sites. All social media communications or messages composed, sent, or received on City equipment in an official capacity or on other equipment in an official capacity are the property of the City. The City maintains the sole property rights to any image, video, or audio captured while a City Covered Person is representing the City in any capacity unless a release of those property rights has been specifically granted in writing to a Covered Person or another by the City.

#### **16. Third-Party Copyright or other Intellectual Property Interest**

Content that violates a legal ownership interest of any party, copyright, or other intellectual property should not be posted or submitted in any form without permission of the holder of those rights. Any person redistributing information subject to a third-party copyright or other intellectual property via the City-Supported Social Media Sites must adhere to the terms and conditions of the third-party intellectual property or copyright holder and upon request of the holder of the copyright or owner of other intellectual property, the information may be removed from the site. Please consult with the Social Media Officer if such a request is made. To avoid copyright violations for videos, a Covered Person should link to or share from the original post and should not embed or upload a video, except those specifically created by the City, on a City-Supported Social Media Site or on a City website.

### **E. Records Retention, Public Records, and Open Meetings**

#### **1. Records Retention**

The City department responsible for the administration of the relevant site must ensure that City Supported Social Media Sites meet the requirements of law regarding record retention and disposal. Such records must be retained in a format that preserves the integrity of the original record and is easily accessible.

#### **2. Public Records**

North Carolina law governs whether content posted to a City-Supported Social Media Site, including information such as subscriber information, metadata, and posted communications, is a public record. A Covered Person who removes or deletes Content from social media may be improperly destroying a public record if such record is not properly archived or destroyed under an approved retention schedule. Questions regarding the disposal of any records should be resolved in conformity with the City's record retention schedule in consultation with the City's Public Records Officer.

All Covered Persons are responsible for responding completely and accurately under the requirements of North Carolina law and City policy to any request for public records related to content posted to a City-Supported Social Media site. Any request of this type should be reported promptly to the City's Public Records Officer.

### **3. Open Meetings and Public Business**

North Carolina law governs whether communications must be discussed in an open meeting or whether such communications constitute a public meeting. Covered Persons must not use City-Supported Social Media sites to discuss matters that may only be discussed in an open meeting under North Carolina law.

### **F. Limitation of Liability**

#### **1. Accuracy of Posted Information is Not Guaranteed**

The City strives to post accurate and relevant Content on City-Supported Social Media Sites. However, the City does not guarantee the accuracy of any information posted and assumes no liability for damages resulting from reliance on any inaccuracies.

#### **2. Continuity not Guaranteed**

The City does not guarantee that City-Supported Social Media Sites will be uninterrupted, permanent or error free.

#### **3. Limited Public Forum for Topic Discussion**

City-Supported Social Media Sites are not intended to operate as traditional open public forums. When the City opens a site for public comment, it does not intend to open the site for all purposes, but to open the site to limited discussion of only those topics addressed by the City on that site.

#### **4. Public Free Speech Rights**

Covered Persons administering City-Supported Social Media Sites must not participate in viewpoint discrimination and limit one's free speech rights as granted by the First Amendment. Content that is not considered covered by the First Amendment is listed in Appendix A of this policy.

### **G. Public Right to Appeal Removal of Content, Blocking, or Application of this Policy**

#### **1. Removing Content of the Public or Blocking Notice**

When the City determines it will remove content of the public, or block a public individual or group from posting on or accessing a City-Supported Social Media Site, the site administrator must endeavor to contact the person promptly to notify them of the action. The person may appeal the decision under Section G(2) of this policy. When Content is removed due to a potential security breach, the notice under this Section 10.1 is not required, but the person responsible for the post may appeal the decision as provided by Section G(2).

#### **2. Appeal of Decision to Remove Content of the Public or Blocking**

When Content has been removed, anyone aggrieved, other than a Covered Person acting as a Covered Person, may request that the City reconsider the decision to remove Content by providing the site administrator with a written request stating the reason or reasons why the Content should not be removed under the City Terms and Conditions, as set forth in Appendix A. This written request must be sent to the site administrator at the e-mail address provided on the relevant social media site or by contacting the Social Media Officer. The City must render a written decision on the request noting the basis for the decision. That written decision should be rendered within 10 (excluding official City Holidays) days of receipt of the request, if possible. When circumstances warrant additional time to consider the request, the City shall respond within 30 business days (excluding official City Holidays) of receipt of the request. The decision of the Social Media Officer, upon review of a request for reconsideration, shall be the final administrative decision of the City.

### **3. Appeal for other than Removing Content or Blocking**

When a person, other than a Covered Person acting as a Covered Person, believes this policy violates their rights in ways other than set out for appealing the removal of Content, or the blocking of a person from posting or accessing, that person may seek to have the City review all or part of the procedures as applicable to that person by providing the site administrator with a written request at the email address provided on the relevant social media site stating the reason or reasons why the procedures violate the person's rights. The City should render a written decision on the request within fifteen business days (excluding official City Holidays) and give the basis for the decision. For good cause, the City may extend the time for rendering a decision. The decision of the Social Media Officer shall be the final administrative decision of the City.

### **4. Covered Person Process to Appeal Decision**

The appeal rights contained in this subsection do not apply to any Covered Person with respect to any action arising out of the Covered Person's representation of the City or their official duties. The appeal rights contained in this subsection do apply with respect to any action arising out of the Covered Person's capacity as an individual. A Covered Person who feels aggrieved by any action under these procedures not covered by Section G of this policy should seek review according to the City's grievance procedures.

### **H. Use of City-Supported Social Media Sites in Times of Disaster or Emergency**

In disaster or emergency situations the Social Media Officer, or the Communication and Public Engagement department, or any other appropriate person as determined by the City Manager's Office, may assume control of City-Supported Social Media Sites to ensure that communications are managed appropriately and to ensure the timely dissemination of information.

### **I. Applicability of Policy to Law Enforcement Activities**

This policy shall not apply to Covered Persons utilizing Social Media sites in connection with any lawful law enforcement investigatory activity, including but not limited to, criminal and administrative investigations.

## **APPENDIX A**

### **CITY TERMS OF USE**

Requests for emergency services should be directed to 9-1-1 and not through this site.

To better serve the public, the City of Asheville and its boards and commissions (“City”) uses engagement tools and websites, including social media channels, to provide the public with information. Content placed on this site by the City is government speech.

Comments, posts, replies and messages, if allowed on this site, are public and are subject to disclosure pursuant to North Carolina Law. The City may reproduce any pictures or videos posted to this site in any of its publications or websites. All content will be kept in accordance with the City’s retention policies.

Please be aware that anything you post may survive deletion whether by you or others.

The purpose of this site is to discuss matters of public interest in and to the City as identified and raised by the City for discussion. If posts are allowed on this site, you must address your comments to the specific topic(s) raised by the City. Users who submit content to this site agree they have read, understand and agree to the following terms and conditions:

### **Terms of Use**

1. I am submitting content voluntarily and on my own behalf.
2. The content I post reflects my own original thoughts or work.
3. I understand that the City has the right to re-post or share any content, photos or videos that I submit on this site.
4. I understand that any content I provide may be considered a “public record” under state law.
5. I understand and agree that unless specifically identified as a resource for receiving requests for information under the state public information laws, this Site is not a proper vehicle for making data requests under state law and any such requests must be made in writing under City procedures as outlined on its website [www.ashevollenc.gov/service/request-public-records/](http://www.ashevollenc.gov/service/request-public-records/)
6. I understand and agree that my comments are subject to removal and archiving from this site and I understand that others’ comments are subject to removal and archiving if my or their comments contain:
  - Comments not on the topic raised for discussion by the City
  - Obscene, indecent, or profane language, or pornographic images
  - Threats
  - Hate speech that is directed toward a protected class, including race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, or age
  - The solicitation, promotion or endorsement of specific commercial services, products or entities
  - Links to any site or content posted by automatic software programs (i.e., “bots”), or spam
  - The promotion or encouragement of illegal activity
  - Personally identifiable information or sensitive personal information

- Information that compromises the public safety or security of the public or security systems
  - Information that directly interferes or compromises ongoing investigations, public safety tactics, or the safety of public safety officers
  - Not public City data that may have been obtained through a breach of the City's data
  - Content that appears to violate the intellectual property of the City or a third party
7. I understand that the views and comments expressed on this site only reflect those of the comment's author, and do not necessarily reflect the official views of the City.
  8. Individual complaints, concerns, or service requests may not be addressed via this site unless the City specifically identifies this site for that purpose.
  9. I understand that to protect my privacy and the privacy of others, I should not include sensitive personally identifiable information, such as social security numbers. I understand this site should not be considered secure.
  10. I understand that if I have specific questions regarding a City activity or program that involves details I do not wish to share publicly, I should consult with the proper contact person for that City activity or program.
  11. I understand that posts to this site may be removed under the City's Social Media Policy and its implementing procedures, and these posts may be retained as government data.
  12. I understand that the City reserves the right to discontinue this site at any time.
  13. I understand that practical and legal considerations may sometimes constrain, prevent, or prohibit discussion by the City on this site of certain topics, including, but not limited to, litigation and pending investigations.
  14. I understand that following or "friending" persons or organizations is not an endorsement by the City and is only intended as a means of communication.
  15. I understand that any references or links to a specific entity, product, service or organization posted by individuals on this site should not be considered an endorsement by the City.
  16. I understand that the City does not endorse any product, service, company or organization whose advertising may appear on this site, besides advertising sponsored by the City of Asheville.
  17. I understand that the City does not review, sponsor, or endorse any other website(s) linked to this site. I understand that the views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the City and may not be quoted

or reproduced to state or imply any endorsement or approval of any product, person, or service by the City or its Covered Persons or agents.

18. I understand that the City is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its content.
19. I understand that the City of Asheville may block me from posting or accessing this site, or may remove my content from this site, if I violate these Terms and Conditions and that I have appeal rights to that blocking or content removal under the City's Social Media Policy and its implementing procedures.
20. Waiver of Liability.

By accessing this site, posting, or commenting, I acknowledge having been advised of the foregoing.

Because various laws exist that create liability for various actions, including but without limitation defamation, invasion of privacy, false light, breach of contract, procurement violations, violations of due process among many potential areas of exposure for which the City accepts no responsibility based on the actions of others or for hosting this site, I, for myself, successors and assigns, release and hold harmless and agree to indemnify the City, including its Covered Persons, elected officials, and agents from any and all actions, claims, liabilities and damages of whatever kind and nature arising out of or in connection with my use of this site.