

CITY OF SOUTH PORTLAND CITY USE OF SOCIAL MEDIA POLICY

I. Purpose

The City has an overriding interest and expectation in deciding what is “spoken” on behalf of the City on Social Media sites. This Policy establishes guidelines for the establishment and use of Social Media by the City. It is the intent of the City to use Social Media Sites for conveying information about the City and its events and activities to its residents, taxpayers and guests. Any comments section of a City Social Media Site is intended to be a designated or limited public forum, to serve as a mechanism for communication between the City, its Departments and/or Committees, and members of the public with respect to the City’s mission, services and the transaction of City business. City Social Media Sites are moderated by City staff as described herein.

Nothing in this Policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under the State or federal Constitutions as well as labor laws or other applicable laws.

II. Definitions

For purposes of this Policy, the following definitions shall apply:

“City Social Media Sites/Accounts” means those pages, sections or posting locations in Social Media websites established, managed or maintained by the City.

“Comment” or “Comments” mean and include any information, articles, words, pictures, videos or any other form of communicative content posted on a City Social Media Site.

“Committee” means any City board, committee, or commission whose membership has been appointed by the City Council, without regard to whether it is a standing or an *ad hoc* board, committee, or commission.

“Department” means any City department other than the School Department.

“Policy” means this City Use of Social Media Policy.

“Social Media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, Twitter, Google Plus, YouTube, Pinterest, LinkedIn, and Instagram.

“Social Media Administrator” means the City employee or employees expressly designated by the City Manager to monitor, manage, supervise or control the City Social Media Sites as provided in this Policy.

III. General Policy

1. The City's website (www.southportland.org) will remain the City's primary and predominant Internet presence.
 - (a) The best, most appropriate City uses of Social Media tools fall generally into two categories:
 - (i) As channels for disseminating time-sensitive information as quickly as possible (for example, emergency information).
 - (ii) As marketing/promotional channels that increase the City's ability to broadcast its messages to the widest possible audience.
 - (b) Wherever possible, content posted to City Social Media Accounts will also be available on the City's main website.
 - (c) Wherever possible, content posted to City Social Media Accounts should contain links directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct business with the City.
2. City Social Media Accounts are to be to convey information about the City and its events and activities. This may include information from nonprofit organizations that serve South Portland, its residents and taxpayers, and/or the Greater Portland metropolitan area. City Social Media Accounts are not to be used to promote commerce (*e.g.*, business offers, discounts, coupons) or to promote fundraiser content from any non-City entity where the primary goal is to raise monetary funds. The Social Media Administrator is responsible for determining if social media content "convey(s) information about the City and its events and activities" and may suggest edits to Department or Committee posts, or remove posts, that do not meet this standard.
3. The City will approach the use of Social Media tools as consistently as possible, enterprise-wide.
4. No City employee, elected official, appointed official, contractor, Department, or Committee may establish any Social Media identity, account, profile, page, or site in the name of or on behalf of the City or any Department or Committee unless the City Manager, the IT Director, the Social Media Administrator, and the appropriate Department Head, if applicable, have all approved the account pursuant to Section VI below. 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.
5. All City Social Media Accounts shall comply with all appropriate City policies and standards, including, but not limited to, the City's Personnel Policy and Information Systems Acceptable Use Agreement.
6. City Social Media Accounts are subject to Maine's public records disclosure law, the Freedom of Access Act ("Right-to-Know" law), 1 M.R.S. § 401 *et seq.*, as may be amended. Any content maintained in a Social Media format that is related to City business is a public record. The Department or Committee maintaining the account is responsible for responding completely and accurately to any public records request for public records on Social Media, with assistance, if necessary, from the City's Public Access Officer. Content related to City business shall be maintained in an accessible format and so that it can be produced in response to a

request. Wherever possible, such accounts shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure. Users shall be notified that public disclosure requests must be directed to the relevant Department Head or the Public Access Officer.

7. Maine's record retention law, 5 M.R.S. § 95-B, as may be amended, and relevant record retention schedules apply to Social Media formats and Social Media content. The Department or Committee maintaining an account shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a City server in a format that preserves the integrity of the original record and is easily accessible. All social media sites are required to be linked to City Clerk's archiving service for public records retention.

8. Administration of City Social Media Accounts.

- (a) IT Department staff will maintain a list of Social Media tools that are approved for use by Departments and Committees. All new Social Media tools proposed for City use must be approved by the City Manager, the IT Director, the Social Media Administrator, and the appropriate Department Head, if applicable.
- (b) No City employee, elected official, appointed official, contractor, Department, or Committee may establish any Social Media identity, account, profile, page, or site in the name of or on behalf of the City or any Department or Committee unless the City Manager, the IT Director, the Social Media Administrator, and the appropriate Department Head, if applicable, have all approved the account pursuant to Section VI below.
- (c) IT Department staff will maintain a list of all City Social Media Accounts. Department Heads and Committees must submit to the IT Director and the Social Media Administrator a list of all Social Media Accounts maintained by the Department, including the following information: (1) the name, hosting site and Internet address and date of inception for the account, and a statement of the purpose and scope of the Department's or the Committee's use of the account; (2) all user names, passwords, and other log-in credentials for the account; (3) all authorized Social Media users for the Department or the Committee that have access to and/or responsibility for the account; and (4) the administrative contacts and contact information for the account. The Department Head or the Committee must promptly notify the IT Director and the Social Media Administrator of any changes in any of the foregoing, and of any new Department or Committee Social Media Accounts or pages and any termination of accounts or pages.
- (d) Department Heads and Committees shall ensure that all approved Social Media Accounts and Social Media content are periodically reviewed for compliance with this Policy. Department Heads and Committees are responsible for all Social Media content created, received, transmitted, stored, deleted, destroyed, and/or printed in the name of or on behalf of the City, Department or Committee.
- (e) The City must be able to immediately edit or remove content from City Social Media Accounts.
- (f) The City Manager, IT Director, Social Media Administrator, Human Resources Director and Department Heads may monitor content on each of the Social Media Accounts to ensure adherence to this Policy for appropriate use, message and branding consistent with the goals of City.

- (g) Violation of these standards may result in the removal of pages from Social Media Accounts. The IT Director and the Social Media Administrator retain the authority to remove information that is deemed in violation of this Policy or any applicable law.
- (h) If a decision is made to deactivate a Social Media Site/Account, because it is no longer of use, or accomplishing the goals of the City or Department or Committee, or otherwise does not comply with this Policy, the following actions shall occur:
 - Confirm all public records management to preserve content related to the site/account has occurred;
 - Set a time-line for deactivating the site;
 - Develop a “sign-off” message to post on the site that includes when the site shall be closed and a “sign-off” message to post during the final days/weeks;
 - Confirm to the IT Director and the Social Media Administrator once the site has been deactivated that the site is completely deactivated; and
 - Determine whether to protect the site name by keeping it active to prevent use of the City’s name for improper purposes and upon a determination that it is necessary to protect the site name, take all necessary action to do so.

9. The City Manager, IT Director and Social Media Administrator shall implement this Policy, and broadly disseminate the Policy to inform employees and officials of these guidelines for creating, using and maintaining Social Media resources subject to this Policy and to ensure that all City employees and officials confirm they are aware of and understand this Policy.

IV. Comment Policy

1. As a public entity, the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.
2. Users and visitors to City Social Media Sites shall be notified that the intended purpose of the account is to serve as a mechanism for communication between City employees/officials and members of the public with respect to the City’s mission, services and the transaction of City business. City Social Media Site Comments containing any of the following forms of content shall not be allowed:
 - (a) Comments not related to the business of the City (or the specific Department or Committee, if a Department-specific or Committee-specific Site), or not topically related to the particular social media article being commented upon;
 - (b) Profane, obscene or pornographic language and/or content;
 - (c) Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, national origin, physical or mental disability, sexual orientation or any other status protected by law;
 - (d) Confidential or personally identifiable information in violation of State or federal law;
 - (e) Solicitations of commerce;
 - (f) Conduct or encouragement of illegal activity;
 - (g) Information that may tend to compromise the safety or security of the public or public systems, including, without limitation, spam, hacking, phishing, or malware distribution or solicitation; or
 - (h) Content that violates a legal ownership interest, such as a copyright, of any other party.

These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available.

3. A Comment posted by a member of the public on any City Social Media Site is the opinion of the commentator or poster only, and publication of a Comment does not imply endorsement of -- or agreement by -- the City, nor do such Comments necessarily reflect the opinions or policies of the City.
4. The City reserves the right, at any time and without prior notice, to deny access to City Social Media Sites to any individual who violates this Policy.
5. The Social Media Administrator, Departments and Committees shall monitor their Social Media Sites for Comments requesting responses from the City and for Comments in violation of this Policy.
6. When a City employee responds to a Comment, in his/her capacity as a City employee, the employee's name and title should be made available, and the employee shall not share personal information about themselves, or other City employees.
7. Each type of Social Media maintains a "Terms of Use" agreement. All Comments posted to any City Social Media Site are bound by these Terms of Use, and the City reserves the right to report any user violation with the intent of allowing that Social Media company to take appropriate and reasonable responsive action.

V. Reporting/Removal of Unauthorized Comments

1. The City requires that Department-designated Social Media Administrators immediately notify the Social Media Administrator if there is any posted material that may be inappropriate, that violates this Policy, or any City policy, is illegal, or that potentially infringes the copyrights or other rights of any persons. The Social Media Administrator will investigate and respond to all reports of potential violations of this Policy. The Social Media Administrator is authorized to remove (or to cause to be removed) unauthorized Comments or links posted on City Social Media Sites that do not conform with the requirements of this Policy in a viewpoint neutral manner.
2. Any content removed based on these guidelines must be retained by the sponsoring Department or Committee for a reasonable period of time, including the time, date and identity of the poster, when available. When the City determines to remove Content of a person who is not an employee and who was not acting on behalf of the City, the Social Media Administrator must endeavor to contact the person promptly to notify them that their response has been deemed inappropriate and removed due to inconsistency with the Policy. The person may appeal the decision under Section V(3) (Right to Appeal Removal of Comments or Application of this Policy to the Public). When Content is removed because it is a potential security breach or may contain a virus, the notice under this section is not required, but the person responsible for the

post may appeal the decision under Section V(3) (Right to Appeal Removal of Comments or Application of this Policy to the Public).

3. Right to Appeal Removal of Comments or Application of this Policy to the Public.

- (a) When a Comment has been removed, anyone aggrieved other than an employee as provided in subsection (c) below may seek to have the Social Media Administrator reconsider the decision to edit or remove a Comment by providing the Social Media Administrator with a written request stating the reason or reasons why the Comment does not fall within the limitations established in this Policy or offer other bases to establish a right to publish the Comment or other communication on the City Social Media Site. The Social Media Administrator or other appropriate official must render a written decision on the request within one business day (excluding official City holidays) of receipt of the request noting the basis for the decision. The decision of the Social Media Administrator or other appropriate official shall be the final decision of the City.
- (b) When a person other than a City employee as provided in subsection (c) below believes this Policy violates his/her/their rights in ways other than as set out in subsection (a) above, that person may seek to have the Social Media Administrator review all or part of the Policy as applicable to that person by providing the Social Media Administrator with a written request stating the reason or reasons why the Policy violates the person's rights. The Social Media Administrator must render a written decision on the request within 5 business days (excluding official City holidays) of receipt and give the bases for the decision. For good cause, the Social Media Administrator may extend the time for rendering a decision by 5 additional business days. The decision of the Social Media Administrator shall be the final decision of the City.
- (c) The rights to appeal created in this Section V(3) do not apply to a City employee when the employee is acting in an official capacity or as a representative of the City and may only apply when the employee is acting in the employee's personal capacity as a private party and when exercising the rights accorded a person under the Constitution and the laws of the United States. An employee who feels aggrieved by any action under this Policy not covered by this Section V(3) should seek review through established grievance procedures, if applicable, or through the employee's chain of command.

VI. Procedure for Requesting and Maintaining Social Media Sites/Accounts for Departments and Committees

1. Departments. A Department may seek to develop its own Social Media Account specific to its needs. Department-specific Social Media Sites should be focused and limited in scope and topic and should complement rather than supplant the official City Social Media Site or existing web resources. General departmental pages and associated content should be included and managed within the current City Social Media Site. On a case-by-case basis, the Social Media Administrator must review and recommend approval or denial of all requests for developing Department-specific City Social Media Sites, as follows:

- (a) The Department shall submit a request in writing on a form provided by the Social Media Administrator. The request shall state:
 - (i) How or in what respect there is a clear benefit of specific stakeholder outreach that is not already met by the City's Social Media Site;
 - (ii) How the Department has developed an effective strategy to develop and maintain the site/account;
 - (iii) How the content contained on the Department-specific Social Media Site will be captured and retained in accordance with applicable Freedom of Access Act and public record retention requirements;
 - (iv) How the Department will ensure that authorized Social Media Account users review, be familiar with, and comply with the Social Media Site's use policies and terms and conditions.
- (b) The Social Media Administrator will be the coordinating authority for review and monitoring and enforcement of any approved City Social Media Sites. The City Manager shall be the final decision-making authority for the approval or denial of any Social Media Sites and the use of such sites by the City.
- (c) If approved, Departmental authorized users of the Social Media Account shall be provided a copy of this Policy and are required to acknowledge their understanding and acceptance by signing and dating the last page of this Policy and returning the original to the Social Media Administrator.
- (d) All City Social Media Sites shall utilize authorized City contact information for account set-up, monitoring and access. The use of non-City email accounts or phone numbers is not allowed for the purpose of setting-up, monitoring, or accessing a City Social Media Site.
- (e) Once the site is developed, all usernames and passwords associated with the new site must be provided to the IT Director and the Social Media Administrator consistent with Section III(8) as well as to the Department Head. If/when the username and password is changed, the new information must be provided to all parties listed above.
- (f) Departments shall comply with the City's Press Process Protocol when issuing a press release or responding to a press inquiry. See the City's Communications Officer for more information.

2. Committees. Committees must comply with this Policy, and the City-assigned Departmental staff liaison to the Committee is responsible for ensuring that any request for Social Media tools or resources made by a Committee is coordinated with the Social Media Administrator and is acted upon.

- (a) A Committee may seek to develop its own Site or Account specific to its needs subject to review and approval by the Social Media Administrator of appearance, general content and any vendor or third party that is to be used to assist in the development or operation of such site. Committee-specific Social Media Sites should be focused and limited in scope and topic and should complement rather than supplant the City Social Media Site or existing web resources. General Committee pages and associated Content should be included and managed within the current City Social Media Site. On a case-by-case basis, the Social Media Administrator must review and recommend approval or denial of all requests for developing additional City Social Media Sites/Accounts, as set forth herein. The Committee shall submit a request in writing on a form provided by the Social Media Administrator. The request shall state:

- (i) How or in what respect there is a clear benefit of specific stakeholder outreach that is not already met by the City's Social Media Site;
 - (ii) How the Committee has developed an effective strategy to develop and maintain the site/account;
 - (iii) How the content contained on the Committee-specific Social Media Site will be captured and retained in accordance with applicable Freedom of Access Act and public record retention requirements; and
 - (iv) How the Committee will ensure that authorized Social Media Account users will review, be familiar with, and comply with the Social Media Site's use policies and terms and conditions.
- (b) The Social Media Administrator will be the coordinating authority for review and monitoring and enforcement of any approved City Social Media Sites. The City Manager shall be the final decision-making authority for the approval or denial of any Social Media Sites and the use of such sites by the City.
 - (c) If approved, Committee authorized users of the Social Media Account shall be provided a copy of this Policy and are required to acknowledge their understanding and acceptance by signing and dating the last page of this Policy and returning the original to the Social Media Administrator.
 - (d) All City Social Media Sites shall utilize authorized City contact information for account set-up, monitoring and access. The use of non-City email accounts or phone numbers is not allowed for the purpose of setting-up, monitoring, or accessing a City Social Media Site.
 - (e) Once the site is developed, all usernames and passwords associated with the new site must be provided to the IT Director and the Social Media Administrator consistent with Section III(8) as well as to the City-assigned Departmental staff liaison. If/when the username and password is changed, the new information must be provided to all parties listed above.
 - (f) Committees shall have a process for removing and re-assigning social media management duties when an appointed official ceases their service. Administrator privileges shall be revoked on the official's last day of service and immediately re-assigned to a new administrator.
 - (g) If a Committee Social Media Account has unauthorized activity, *i.e.*, is hacked, the authorized administrators should:
 - Immediately notify the IT Director.
 - Immediately try to regain access to the account.
 - Once access to the account is obtained, change the password.
 - Delete messages posted by hackers.
 - Let followers know that the account was hacked and what is being done to fix the issue.
 - Review third-party apps. These could be used by hackers to gain access to accounts.
 - (h) The Freedom of Access Act applies to use of Social Media by multiple members of a Committee and prohibits them from participating in postings or discussion threads on Social Media sites whether created and maintained by the Committee of which they are a member or otherwise. Members of Committees and their staff must comply with Maine law regarding public meetings, public records and record retention when using Social Media.

- (i) Any use of Social Media Sites shall not serve as a replacement for postings or notifications required by law.
- (j) Regular business of the Committee may be posted to an approved Social Media Site by the appropriate staff liaison having that role without formal action of the Committee *provided that* posted documents are also available on the City’s website. In general, it is preferred that a Committee Social Media Site simply provide a link back to information and documents posted on the City website. “Regular business” is defined as the standard and routine activity of any Committee, and generally includes agendas, minutes, event notifications, presentation documents and backup items created during the course of regular Committee proceedings. This may also include responses or clarifications of items of fact related to the Committee (dates, times, published data, etc.).
- (k) Expression of the City’s official sentiments on City policy is reserved to the City Council. Committee-specific Social Media Sites should not be used to share opinions, to make statements of support/opposition to an issue or incident, or to sponsor the expression of a third party. (A Committee may provide input to the City Council on City policy germane to the Committee’s business or express support/opposition to an issue or incident germane to the Committee’s business by formulating its statement at a duly noticed public meeting and then submitting the statement in writing to the City Clerk for inclusion on the next City Council agenda under “Petitions and Communications.”)
- (l) Committees shall comply with the City’s Press Process Protocol when issuing a press release or responding to a press inquiry that may be posted on a Committee-specific Social Media Site. See the City’s Communications Officer for more information.

VII. Existing Social Media Accounts

The Social Media Administrator must review existing Departmental and Committee Social Media Sites or tools that have already been established as of April 27, 2021, the effective date of this Policy, to ensure that they follow this Policy. Within 60 days of the effective date of this Policy, the Social Media Administrator must recommend approval, amendment or denial of the existing Department and Committee Social Media Site or tools to the City Manager. The Department Head or Committee, as applicable, shall review the Social Media Site or tools and submit a written request for approval, or approval with amendments to the Social Media Site, to the City Manager. In the event the request is denied by the City Manager or the Department or Committee agrees to the discontinuation of the Social Media Site, the site or tool must be immediately taken down and its use discontinued as provided in Section III(8)(h) (regarding deactivating a Social Media Account).

VIII. Compliance with Policy

This Policy is intended to be self-enforcing and is an expression of the standards of conduct for Committee members and employees expected by the City. It therefore becomes most effective when Committee members and employees are thoroughly familiar with it and embrace its provisions. The City Council does not waive the right to address any violations in the manner it deems appropriate under the specific circumstances as relates to Committee members, and the

City Manager does not waive the right to address any violations in the manner he/she/they deem appropriate under the specific circumstances as relates to employees.

Date: May 2013

Amended: April 27, 2021
December 28, 2021
October 10, 2023

**CITY OF SOUTH PORTLAND
CITY USE OF SOCIAL MEDIA POLICY**

This acknowledges that I have received and reviewed the City Use of Social Media Policy (“Policy”).

By signing this form, I agree to abide by the Policy and any guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Social Media are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Name (Print)

Signature

Date