



NAMBUCCA VALLEY COUNCIL

SOCIAL MEDIA POLICY NO: CS 09

Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley Council will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy Principles

The Councillors, staff and other officials of Nambucca Valley Council, are committed to upholding and promoting the following principles of social media engagement:

1.1 Openness - Our social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.

1.2 Relevance - We will ensure our social media platforms are kept up to date with informative content about our Council and community.

1.3 Accuracy - The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies should they occur.

1.4 Respect - Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform.

2.0 Related legislation/documents

- Privacy and Personal Information Protection Act 1998
- Privacy and Personal Information Regulation 2005
- Government Information (Public Access) Act 2009
- Records Management Policy and Program Policy No CS 04
- Code of Conduct Policy No G 04
- Anti-Discrimination Act 1977
- Archives Act 1983
- Copyright Act 1968
- Copyright Amendment Act 2006
- Copyright Amendment (Disability Access and Other Measures) Act 2017
- Defamation Act 2005
- Local Government Act 1993
- State Records Act 1998
- Councillor Record Keeping Policy No CS 05
- Customer Service Charter Policy No CS 02
- Community Engagement Strategy Policy No CS 01
- Local Government (State) Award

3.0 Definitions

In this Policy, the following terms have the following meanings:

authorised user	members of Council staff who are authorised by the General Manager or SMCs to upload content and engage on Council's social media platforms on the Council's behalf
Council official	Councillors, members of staff and delegates of the Council (including members of committees that are delegates of the Council)
minor	a person under the age of 18 years
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
SMCs	are Councils Social Media Coordinators appointed by the General Manager
social media	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and/or discuss content.

Examples of social media platforms include, but are not limited to, Facebook, X, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

4.0 Policy Content

4.1 Administrative Framework

4.1.1 Council will maintain a presence on Facebook only due to the cost of administering various platforms. Council will provide a clearly accessible link to the "House Rules" for engaging on Facebook.

4.1.2 A new Council social media platform, or a social media platform proposed by a Council related entity (for example, a Council committee), can only be established or deleted with the written approval of the General Manager or their delegate.

4.1.3 Where a Council social media platform is established or deleted in accordance with clause 4.1.2, the General Manager or their delegate may amend clause 4.1.1 of this policy without the need for endorsement by Council's governing body.

4.1.4 The General Manager will appoint the Director Corporate Services (DCS) and the Director Engineering Services (DES) to be Council's Social Media Coordinators (SMCs). The SMC's role is to:

- a) approve and revoke a staff member's status as an authorised user
- b) develop and/or approve the training and/or induction to be provided to authorised users
- c) maintain a register of authorised users
- d) maintain effective oversight of authorised users

- e) moderate Council's social media platforms in accordance with section 4.4 of this policy
- f) ensure Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 4.6.1 to 4.6.4 of this policy)
- g) ensure Council adheres to the rules of the social media platform(s)
- h) coordinate with the Council's Information & Communication Technology Section to ensure social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.
- i) to approve content (General Manager or staff acting in the Directors' role ay also approve content).

The SMCs may delegate their functions under paragraphs (e) and (f) above to authorised users. The SMCs are authorised users for the purposes of this policy.

4.1.5 Authorised users are members of Council staff who are authorised by the General Manager/SMC's to upload approved content only. Authorised users should be members of Council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content. SMCs will appoint authorised users when required. An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.

4.1.6 The role of an authorised user is to:

- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate.
- b) correct inaccuracies in Council generated content.
- c) engage in discussions and answer questions on Council's behalf on social media platforms.
- d) keep the Council's social media platforms up to date.
- e) where authorised to do so by the SMCs:
 - i) moderate Council's social media platforms in accordance section 4.4 of this policy.
 - ii) ensure Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media.

4.1.7 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within Council. Authorised users must not use Council's social media platforms for personal reasons.

4.1.8 Authorised users upload content and engage on social media on Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role. Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

4.1.9 SMCs will maintain a register of authorised users. This register is to be reviewed annually to ensure it is fit-for-purpose. SMCs may revoke a staff member's status as an authorised user, if:

- a) the staff member makes such a request.
- b) the staff member has not uploaded content onto any of the Council's social media platforms in the last year.
- c) the staff member has failed to comply with this policy.
- d) the SMC is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

4.2 Administrative Framework for Councillors' Social Media Platforms

4.2.1 For the purposes of this policy, Councillor social platforms are not Council social media platforms. Part 4.1 of this policy does not apply to Councillors' social media platforms.

4.2.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with sections 4.2 and 4.4 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* and Council's records management policy in relation to social media.

4.2.3 Clause 4.2.2 also applies to Councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.

4.2.4 Councillors must comply with the rules of the platform when engaging on social media.

4.2.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the Councillor's induction program or as part of their ongoing professional development program.

4.2.6 Councillors must identify themselves on their social media platforms in the following format:

Councillor "First Name and Last Name".

4.2.7 A Councillor's social media platform must include a profile photo which is a clearly identifiable image of the Councillor.

4.2.8 If a Councillor becomes or ceases to be the mayor, deputy mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within 2 weeks of a change in circumstances

4.2.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

4.2.10 A Councillor's social media platform must include a disclaimer to the following effect:

"The views expressed and comments made on this social media platform are my own and not that of the Council".

4.2.11 Despite clause 4.2.10, Mayoral or Councillor media releases and other content that has been authorised according to Council's media and communications protocols may be uploaded onto a Councillor's social media platform.

4.2.12 Councillors may use more personal, informal language when engaging on their social media platforms.

4.2.13 Questions from Councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the SMCs in the first instance

4.2.14 A Councillor must advise the SMCs of any social media platforms they administer on which content relating to the Council or Council officials is, or is expected to be, uploaded. The Councillor must do so within:

- a) One month of becoming a Councillor, or
- b) One month of becoming the Administrator

4.3 Standards of Conduct

4.3.1 This policy only applies to Council officials' use of social media in an official capacity or in connection with their role as a Council official. The policy does not apply to personal use of social media that is not connected with a person's role as a Council official.

4.3.2 Council officials must comply with the Council's code of conduct when using social media in an official capacity or in connection with their role as a Council official.

4.3.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- a) is defamatory, offensive, humiliating, threatening or intimidating to other Council officials or members of the public
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
- e) contains content about the Council, Council officials or members of the public that is misleading or deceptive
- f) divulges confidential Council information
- g) breaches the privacy of other Council officials or members of the public
- h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment

- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses or solicits commercial products or business
- n) constitutes spam
- o) is in breach of the rules of the social media platform.

4.3.4 Council officials must:

- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
- b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.

4.3.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.

4.3.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this section.

4.3.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

4.4 Moderation of Social Media Platforms

Note: Councils and Council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- a) is uploaded by a third party; and/or
- b) appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.

4.4.1. Council officials who are responsible for the moderation of the Council's or Councillors' social media platforms may remove content and 'block' or ban a person from those platforms.

4.4.2. 'Social media platform' and 'platform' means both the Council's and Councillors' social media platforms.

4.4.3 House Rules

4.4.3.1 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.

4.4.3.2 At a minimum, the House Rules should specify:

- a) the principles of social media engagement referred to in clause 1.1 of this policy

- b) the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
- c) the process by which a person can be blocked or banned from the platform and rights of review
- d) a statement relating to privacy and personal information
- e) when the platform will be monitored (for example weekdays 8am – 5pm, during the Council's business hours)
- f) that the social media platform is not to be used for making complaints about the Council or Council officials. These complaints can be made through Council's Requests and Complaints Policy No CS 03 on Council's website.

4.4.3.3 For the purposes of clause 4.4.3.2 (b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:

- a) is defamatory, offensive, humiliating, threatening or intimidating to Council officials or members of the public,
- b) contains profane language or is sexual in nature
- c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
- d) contains content about the Council, Council officials or members of the public that is misleading or deceptive
- e) breaches the privacy of Council officials or members of the public
- f) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
- g) violates an order made by a court
- h) breaches copyright
- i) advertises, endorses or solicits commercial products or business,
- j) constitutes spam
- k) would be in breach of the rules of the social media platform.

4.4.3.4 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 4.4.3.3, the moderator may remove or 'hide' that content.

4.4.3.5 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).

4.4.3.6 If the moderator removes or 'hides' the content under clause 4.4.3.4, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.

4.4.3.7 A person may request a review of a decision by a moderator to remove or 'hide' content under clause 4.4.3.4. The request must be made in writing to the General Manager and state the grounds on which the request is being made.

4.4.3.8 Where a review request is made under clause 4.4.3.7, the review is to be undertaken by the SMCs or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.

4.4.3.9 If a person uploads content that is removed or 'hidden' under clause 4.4.3.4 of this policy on two occasions, that person may be blocked or banned from that social media platform.

4.4.3.10 A person may only be blocked or banned from a Council social media platform with the approval of the SMCs. This clause does not apply to blocking or banning a person from a Councillor's social media platform.

4.4.3.11 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.

4.4.3.12 The duration of the block or ban is to be determined by the SMCs, or in the case of a Councillor's social media platform, the Councillor.

4.4.3.13 Where a determination is made to block or ban a person from a social media platform, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.

4.4.3.14 Despite clauses 4.4.3.9 to 4.4.3.13, where a person uploads content of a kind referred to under clause 4.4.3.3, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform may be imposed on the person immediately for a period no longer than twelve months.

4.4.3.15 A person who is blocked or banned from the platform/all platforms under clause 4.4.3.14 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 4.4.3.9 to 4.4.3.13.

4.4.3.16 A person may request a review of a decision to block or ban them from a social media platform. The request must be made in writing to the General Manager and state the grounds on which the request is being made.

4.4.3.17 Where a review request is made under clause 4.4.3.16, the review is to be undertaken by the General Manager or a member of staff nominated by the General Manager who is suitably qualified and who was not involved in the decision to block or ban the person.

4.4.3.18 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 4.4.3.9 to 4.4.3.17 do not apply.

4.5 Use of Social Media During Emergencies

4.5.1 During emergencies, such as natural disasters or public health incidents, the Director Engineering Services or their nominee will be responsible for the management of content on the Council's social media platforms.

4.5.2 To ensure consistent messaging both during and after an emergency, authorised users and Council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.

4.5.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and Councillors.

4.6 Records Management and Privacy Requirements

4.6.1 Social media content created, sent and received by Council officials (including Councillors) acting in their official capacity is a Council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.

4.6.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy, and consult with Council's Records Officer and comply with the requirements of the *State Records Act 1998*.

4.6.3 When a Councillor's term of office concludes, the Councillor must contact Council's Records Officer and SMCs to transfer any records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.

4.6.4 In fulfilling their obligations under clauses 4.6.1 to 4.6.3, Council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content

4.6.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.

4.6.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by Council and Councillors. To mitigate potential privacy risks, Council officials will:

- a) advise people not to provide personal information on social media platforms
- b) inform people if any personal information they may provide on social media platforms is to be used for official purposes

- c) moderate comments to ensure they do not contain any personal information
- d) advise people to contact the Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.

4.6.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, Council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

4.7 Private Use of Social Media

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients. The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.

4.7.1 For the purposes of this policy, a Council official's social media engagement will be considered 'private use' when the content they upload:

- a) is not associated with, or refers to, the Council, any other Council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council, and
- b) is not related to or does not contain information acquired by virtue of. their employment or role as a Council official.

4.7.2 If a Council official chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

4.7.3 Council staff may only access and engage on social media in their private capacity while at work during authorised breaks and must ensure it not does not interfere with the performance of their official duties

4.8 Concerns or Complaints

4.8.1 Concerns or complaints about the administration of Council's social media platforms should be made to the Council's SMCs in the first instance.

4.8.2 Complaints about the conduct of Council officials (including Councillors) on social media platforms may be directed to the General Manager.

4.8.3 Complaints about the General Manager's conduct on social media platforms may be directed to the Mayor.

5.0 History

Revised policy – previous policy now redundant – CM9 38070/2018.

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