IWADE PARISH COUNCIL

SOCIAL MEDIA

A GUIDE FOR PARISH COUNCILLORS

GENERAL

In the main, Councillors have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences. There are some additional duties around using their websites for electoral campaigning and extra care needs to be taken when writing on planning matters.

1. Libel

If you publish an untrue statement about a person which is damaging to their reputation, they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and do not take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.

2. Copyright

Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you

3. Data Protection/GDPR

Avoid publishing the personal data of individuals unless you have their express written permission.

4. Bias and pre-determination

If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.

5. Obscene material

It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

6. Electoral periods

The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. And there are additional requirements, such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at:
www.electoralcommission.org.uk16

7. The council's legal position

Material published by a local authority as an organisation is, for obvious reasons, restricted in terms of content. It must not contain party political material and, in relation to other material, should not persuade the public to a particular view, promote the personal image

of a particular Councillor, promote an individual Councillor's proposals, decisions or recommendations, or personalise issues. Nor should the Council assist in the publication of any material that does any of the above.

Some Councils take a strict line on this and do not provide links to Councillor blogs or social media accounts from councillor profile pages. But many people (especially young people) prefer to communicate via social networks and so this is as valid a method of communication as an email address. This can have significant advantages in terms of transparency and the ability to answer frequently asked questions more efficiently through an open format, bearing in mind, of course, the data protection requirements.

8. The Members' Code of Conduct

It's worth pointing out that Councillors can have 'blurred' identities. This means you have a social media account where you comment both as a Councillor and as an individual. For example, a Facebook account where you've posted about a great night out (personal) and another time explained the Council position on pothole repair (Councillor). It may be clear in your mind when you are posting in a private capacity or as a Councillor, but it could be less clear to others.

As a point of advice, whilst there are a number of factors which will come into play which are more a question of judgment than a hard and fast line, it is worth assuming that any online activity can be linked to your official role. This is because the judgment of whether you are perceived to be acting as a Councillor will most likely be taken by someone else. Unless you've gone to significant effort to keep an online persona completely separate from your Councillor identity, you are unlikely to be able to claim that you were acting in a completely private capacity.

Such blurred identities might also have implications where your views are taken as those of your organisation or political party, rather than your personal opinion. There is a need therefore to get your position on social media accounts/profiles clear so that it cannot be misinterpreted that you are acting as the corporate voice for the Council. Indeed, there is an important difference between communicating on behalf of the Council, for example blogging as an un-elected Mayor, or as a Councillor or as a private citizen and the former will be held to a higher standard than the latter.

With this latter point in mind, you need to be aware that how you use your online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Councillors are expected to communicate politically. The key, however, to whether your online activity is subject to the Code of Conduct is whether you are giving the impression that you are acting as a Councillor. And that stands whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.

Aspects of the Members' Code of Conduct will apply to your online activity in the same way it does to other written or verbal communication you undertake. Members should comply with the general principles of the Code in what they publish and what they allow others to publish.

You will need to be particularly aware of the following sections of the Code:

- Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments.

- Comply with equality laws. Take care in publishing anything that might be considered sexist, racist, ageist, homophobic or anti-faith.

- Refrain from publishing anything you have received in confidence.

- Ensure you do not bring the Council, or your Councillor role, into disrepute.

Standards for England, whilst no longer in existence, has prepared a very useful specific guidance to cover blogging and social networking and has already provided a quick guide to blogging at www.tinyurl.com/blogstandards

9. Just using good sense

Although these warnings may seem stark, they shouldn't put you off engaging online. Use your common sense. The things that can get you in hot water anywhere else are the same things to avoid in social media. Most Councillors who are using social media engage with citizens in entirely constructive and often colourful fashions without ever engaging the Code of Conduct or running foul of the law.

Councillors, just like anyone, should also take due regard of internet security. Use secure passwords (generally over eight characters long and using a mix of letters and numbers) and never share your password with anyone. If you are using shared IT equipment, don't store your password on the computer.

There are few additional things to be aware to ensure you are well-respected online. For those new to the online world it can take a short time to get used to the culture of the web.

10. Avoiding gaffes and maintaining good 'netiquette'

Make your commenting policy clear - You will need to take note of the comments that other people make on your site. It may be a fine line to tread, but if you allow offensive or disrespectful comments to stand on your site then it can put off other members of your community and you may even be called to account under the Code of Conduct. For blogs, the easiest way to handle this is to moderate comments and to state clearly on your site that you're doing so and reasons why comments may be rejected. For Facebook or other social networks, including multi-media sites like YouTube and Flickr where people can post public or semi-public messages to your profile, you will need to regularly check on messages (you can be notified by email) or, far less preferably, disable message posting. It is worth noting that you cannot moderate twitter as such, but you can 'block people' who are posting inappropriate comments.

Allow disagreement - Some comments may be out of line, but on the other hand deleting the comments of people who disagree with you will backfire. You cannot stop them from posting the same comment elsewhere, then linking back to your site and saying you are gagging those who disagree with you.

Think before you publish - You cannot un-ring that bell. Words cannot be unspoken and even if you delete a hastily fired off blog post or tweet it will probably have already been read and will be indexed or duplicated in places on the web beyond your reach.

Beware the irony - Few writers are able to communicate sarcasm or irony through short online messages. It is probably best to assume that you're one of those that can't.

Don't be creepy - Some of the terminology in social media, like 'following' or 'friending' can imply an intimacy that's not really there. Both terms just mean you have linked your account to someone else so you can share information. Savvy internet users are used to this, but some people can feel a frisson of unease when their council, local police service or Councillor begins following them on Twitter before establishing some sort of online relationship. Some Councillors wait to be followed themselves first. Do make use of other communication functions that social media allows you. Twitter's 'list' function, for example, can help you to follow local people in a less direct way. And bloggers are almost invariably happy for you to link to them, so you do not need to ask first in this instance.

Own up: Social media is transparent -The best bloggers admit mistakes rather than try to cover them up (which is not possible online). Amending your text and acknowledging your mistake – perhaps by putting a line through the offending words and inserting a correction or providing an update section at the bottom of a blog post – shows you are not pretending it never happened, and is much better than just deleting it when dealing with online misfires.

Avoid arguments with vexatious and extraneous commentators - You know that person who always shows up to area forums and asks the tricky but entirely irrelevant questions? That person has an equally difficult cousin who likes to go online. As you begin to use social media, you will find some argumentative characters out there. Do not get bogged down. You don't have to respond to everything. Ignore if necessary. Also, worth bearing in mind that people will have a lot more confidence to say things behind the protection of their keyboard than they would in a face-to-face conversation!

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