

Official New York City Social Media Policy

Introduction

This policy, in conjunction with the existing New York City Acceptable Use Policy and agency codes of conduct, provides overall guidance for agency use of social media. Individuals and entities that participate in social media on behalf of the City are expected to abide by these policies.

Social media tools are creative and interactive forms of online communication. They provide a platform for New York City to develop stronger and more successful relationships with residents, visitors, and other customers. Social media provides agencies the ability to:

- Promote agency programs and initiatives by engaging customers
- Provide customers with an additional way to interact with the City
- Complement and integrate traditional media for wider message distribution
- Engage in national and regional discussions on relevant City issues
- Act as a service provider and connect New Yorkers with programs or information

Official Use of Social Media

Agencies looking to explore and engage on social media should evaluate their individual needs and goals as to when and how they engage users. All existing official agency social media sites must be registered with the Mayor's Office of Digital Strategy (ODS). ODS retains the ability to deny the creation of any new social media account if the agency cannot provide a legacy system and a unique need for said account. Prior to starting a new social media account, please submit an application on the Social Media Registration System, hosted on CityShare, the City's Intranet. To access the registration system, visit <http://cityshare.nycnet/socialmediaregistry>.

Agency Usage

Each person or group involved in an agency's official social media effort must have a clear understanding of the City's social media policy. Additionally, agencies must clearly define internal policies to complement the overall City policy. This internal policy must include roles and responsibilities for any personnel involved in managing social media, including affinity groups, vendors and volunteers, and a process to ensure there is consistent messaging across all media that the agency uses for public communication, including social media. Training should be provided for employees authorized to engage in social media on behalf of the City. Employees not authorized to engage in social media should be warned of the potential consequences of posting in an official capacity. ODS is able to provide these trainings for agencies.

Agency Policies and Procedures

Agencies should develop an organizational structure and agency-specific social media policy consistent with Citywide policies and approved by agency counsel. It should address the following elements:

Roles and responsibilities for staff members that create and manage the agency's social media presence. This must include a protocol for responding to complaints of dangerous conditions, or other service requests, by referring those submitting complaints to nyc.gov/311 and complying with records retention policies.

Agency staff responsible for managing social media sites must be trained on the use of social media and records management issues presented by social media. This includes review and approval processes for social media messaging and content, if deemed appropriate. Online communication should be consistent with any information and advice provided through other media and forums.

Oversight of all social media sites developed within the agency (whether developed internally or through a vendor or consultant).

Clear protocol for personal posts and comments by non-social media agency staff on official accounts

Consultant/Vendor/Contractor guidelines for use of social media.

Internal process to address customer issues, questions or complaints

Agency social media policies may depend on the nature and purpose of the agency. Multiple divisions should be involved in developing each agency's social media policy, and its ongoing use; these divisions may include communications, legal, press, technology and operations. One central contact should be designated to oversee the agency's social media program and to coordinate with ODS for policy updates.

Consultant / Vendor / Contractor Use of Social Media On Behalf of an Agency

Vendors or contractors hired by agencies to assist in developing agencies' social media presence must comply with all elements outlined in this policy and any other additional internal policy that an agency may develop. In contracting out social media related tasks, it is critical that the agency retains permanent ownership of the created webpages. For legal review of the vendor contracts, please contact your agency's legal counsel.

Branding Social Media Accounts as Official City Sites

Agencies engaging in social media should clearly brand their websites as an official government presence. At minimum, this requires the following:

the profile image has to include the New York City bubble-letter icon,

the account should clearly link to the social media user policy, language in the bio to indicate that this is an official account, and the account name should indicate that it is a city property.

Some networks authorize official channels with a visual marker, like a check-mark. You may contact ODS for help attaining this.

It is important to represent the agency with a consistent message across all forms of communication, including .gov sites and social media platforms.

Certain official program initiatives may require the development of a non-branded social media sites. Agencies interested in launching issue-specific campaigns without clear government association should contact their agency's legal counsel and ODS.

Employees Using Social Media in Their Official Capacity

Most often, social media accounts are created to represent agencies. Occasionally, an agency might want to create an official social media account for an individual, like the head of the department, or a press officer. Personnel may be authorized to use social media for many reasons, including (but not limited to) promoting an agency's message, engaging with other industry leaders, or participating on an agency's social media site as subject matter experts.

Personnel authorized to engage with customers via social media platforms as part of their City work should comply with all City and agency guidelines while doing so. This includes linking to the User Social Media Policy, and retention policies. Personnel should also keep in mind that they are representing their agency and New York City at large with every social media interaction.

Agency personnel authorized to use social media for official City purposes may do so on City time and using City resources, including other personnel. Accounts created for individuals to use for official purposes become public property and do not transfer to the employee should they leave the City.

Personnel who wish to use social media in a personal capacity must indicate they are only representing themselves, and cannot do so on City time and using City resources, including personnel. For information on personal use of social media sites during work hours, please check with your agency's Acceptable Use Policy.

Security

It is important to take all necessary steps to ensure that social media accounts are secure from accidental or purposeful attacks. All scheduled content must be scheduled through

the City's social media vendor. Currently, this is Hootsuite. Please contact the Office of Digital Strategy at mgindler@digital.nyc.gov to attain access if your agency does not have it.

Passwords must be adequately complicated to prevent cyberattacks. It is advised that passwords are never sent through email, but are communicated verbally. If a cyberattack is suspected, the agency must first contact ODS, DOITT and their City Hall press point.

Legal Considerations

While there are many benefits to working with social media, there are some areas of legal vulnerability that are unique to these forms of communication.

Content Posting and Sharing

As with other areas involving content use (e.g., websites, publications), agencies must make sure that content, such as photographs and videos, posted on City social media sites is either City-owned or that the material is used under a proper license or permission from the original owner. Reposting or "sharing" third party material via an article link or reference to the original text or material does not require a release when the original content is not actually reproduced.

Many social media platforms allow users to share and post their own photos, videos and other creative content on fellow users' account pages and sites. Agencies cannot reproduce content posted to official City social media pages by fans, followers, and customers in other media without direct permission from the original owner of the content unless the person posting has clearly consented to reuse, editing, or condensing of content at the time the post is made.

Social media promote and facilitate the sharing of user content. Agencies should work with their agency's communication or press office in crafting their social media message and strategy. Agencies are allowed to post to outside links including, but not limited to, other agencies, news outlets, and other social media pages. However, agencies should create original content where possible, and a majority of published content needs to be original.

Privacy

As City social media sites grow in popularity and usage, issues of privacy become paramount. Agencies (particularly those that handle sensitive or protected information) need to be mindful of customers' privacy and identities. Agencies with fundamental privacy concerns (e.g. those serving minors or managing health information) should consider their customers' privacy before joining the various social media platforms disclosing customer involvement. In addition, those agencies may choose to alert customers that by affiliating

with certain social media sites, they may be openly associating themselves with the specific agency or City service.

Agencies posting material featuring identifiable private individuals and children must get permission before publication. Releases or permissions should be in writing or by an email authorization from the source confirming that the City's use is acceptable.

Terms of Service

When private individuals and organizations join social media sites, the sign-on process almost always includes a Terms of Service (TOS) clause. New members must agree to the individual site's Terms of Service before they are granted full-access privileges to the site. TOS clauses vary across social media platforms; as such, agencies should carefully read the TOS of each social media tool before developing its presence. For example, many of the sites provide that the site's operator is automatically provided with a broad license to any posted material, that the user consents to choice of law and venue in a remote jurisdiction and that the site's operator has the right to place advertising in close proximity to the user's content.

Moderating Customer Input

Social media platforms often provide users the ability to voice their opinions and reactions to posted information. This may result in comments or feedback from users that concern agency moderators or other staff. An agency should not use social media if it is uncomfortable with the idea of users posting negative or unsavory comments about itself, its leaders, or its programs. In other words, if the agency is uncomfortable with the level of exchange on a particular site, the site may not be appropriate for that agency.

To keep track of incoming feedback and customer contributed content, agencies must check their social media sites at least once a day. If a City social media site is created under guidelines or policies that limit the site to a particular topic (as opposed to general or all-purpose agency communications), off-topic comments or contents may be deleted under the guidance of agency counsel. Otherwise, agencies may not delete or modify comments that are posted or otherwise sent or shared by outside parties on their social media sites. For guidance on the narrow exceptions (e.g., obscene comments, hate speech, solicitations and comments that violate the Terms of Service of the host site), please contact your agency's legal counsel who will be able to consult with the Law Department to determine an appropriate response. You may also ask ODS for advice.

Notice

The interactive nature of social media enables agencies to directly engage customers. However, customers also have the ability to communicate with agencies and may choose to report an issue, request a City service or seek more information regarding a City program

available to them over the various social media sites. Social media managers should be checking their feeds as often as possible for these requests. For information requests that the agency cannot accommodate, or if a service complaint needs to be submitted, agencies should loop NYC311 into the conversation. NYC311 will then offer a reply. Please contact ODS for training in how to do this.

A request received through a social media site may also serve as official legal notice for future lawsuits. For example, if a customer notifies the NYC Department of Transportation about a pothole over a social media site and another customer is subsequently injured by the same pothole, the notification may potentially be used by the customer as part of a resulting legal action.

Freedom of Information Law (FOIL)

Agencies should ensure that relevant staff are provided with guidelines and training before posting any material to social media sites. Once information has been posted, it may be considered an agency record subject to applicable retention requirements and to the Freedom of Information Law (FOIL), under which government records are made available upon request to members of the public. Even if the communication, information, photo, video, etc. is immediately removed from the host site, once it has been featured on a social media site, it still may be subject to record retention requirements and to FOIL. The same would be true of third party comments or materials posted on the agency's social media sites. If a request for government documents is posted on a social media site, the agency should treat the request as a FOIL request. For further guidance on compliance, consult with your agency's Record Retention and Records Access officer.

All social media must be archived to be available in case of a relevant FOIL request. ODS will procure a social media archiving tool. Until that tool is enacted, agencies are responsible for maintaining all records of public posts.