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Utah Division of Archives
and Records Service

SOCIAL MEDIA USE GUIDELINE FOR GOVERNMENT AGENCIES

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PURPOSE: This guideline is intended to help governmental entities make informed decisions regarding social media strategy, usage, and management, thereby mitigating risks associated with the use of social media.

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Determine Your Social Media Strategy

Social media can help your agency connect with the community in an easy, accessible, and cost-effective way. Along with the benefits, using social media has associated challenges of security, privacy, and records management. A simple but sound social media strategy can help optimize the benefits and reduce the risks.

Tips for Creating a Strategy

- Define your intent at the outset: what is your overall social media goal? Develop a strategy that aligns the social media use with objectives that support your organization's overall goals.
- Ensure that your agency has the staff support and time necessary to coordinate and create content and monitor social media activity, and the resources to train staff on these processes.
- Identify your audience and determine which social media platforms will best meet their needs as well as your objectives. Make a plan that will create an online interaction that leads to a positive relationship with your audience.
- Know and comply with laws and policies that apply to your social media records, including those pertaining to appropriate use (by both internal and external

users), appropriate access, and records retention. Consult with your legal counsel when questions arise.

- Document your strategy and measure your successes.

Develop a Social Media Policy

Social media is an important communication tool that requires implementing clear processes, policies, and assignments.

Elements of an Internal Social Media Policy

- **Internal appropriate use standard**
 - Establish expectations for how employees should talk about your organization, administration, and initiatives on social media.
 - Guide staff on how to respond to, follow, and engage with social media when it mentions your organization.
 - Clarify what information should and should not be shared on social media.
 - Specify which social media accounts your organization has elected to use and if there are any that are prohibited.
 - Specify who will have administrative access to your social media accounts and who will not.
 - Credit original sources when using open materials. Get permission to use any copyrighted material.
 - Ensure employee accountability for what they post, especially if you allow a lot of people to have access to your social media accounts.
- **External appropriate use policy**
 - Establish the parameters of your social media site and expectations for how the public should engage with it.
 - Publish an outward-facing policy for public commenters and agency moderators to follow, and post it where users will be most likely to find it. The policy needs to:

- List categories of prohibited speech and behavior that are subject to deletion or banning.
 - Please note that viewpoint discrimination is not allowed. You cannot remove somebody's opinion because it is critical of you or your agency, or because it is contrary to the position of the agency, even if the opinion is stated rudely.
- Be posted publicly
- Be applied consistently
- A sample is included at the end of this guideline (see Appendix A).
- **Guideline for moderating public content judiciously**
 - Social media may include public comments or postings which are inconsistent with an administration's policies and may require removal from the site.
 - Create clear guidelines for moderating content which aligns with your agency's strategy while also complying with the First Amendment's protection of free speech. These guidelines could be the same as, or in addition to, the outward-facing policy for public commenters mentioned above.
 - Train platform moderators to distinguish between a prohibited category of speech and a protected viewpoint.
 - Develop a "tiered" moderation policy wherein commenters who repeatedly violate the comment and posting policy receive a set number of warnings before being prohibited from posting.
 - Preserve both deleted comments and their context in order to defend challenges to a deletion or prohibition/banning.
- **Recordkeeping practices and requirements**
 - Incorporate government recordkeeping needs into terms of service (discussed further in the next section).
 - Develop policies and procedures for regular identification and transfer of historical public records on social media to the Division of Archives and Records Service (aka State Archives). Social media platforms are unique and the content generated in each platform must be evaluated and captured in ways best suited that particular platform.
 - Contact the Division of Archives and Records Service records and information management ([RIM](#)) [specialists](#) for information about capturing your social media accounts, posts, and comments for archiving.

- **Roles, responsibilities, and training**
 - Clearly define for each platform who will create content, monitor quality and appropriateness of content, schedule postings, moderate public comments, own content, manage the accounts, etc.
 - Educate staff regarding social media policies and train them to fulfill their roles correctly.

Negotiate Terms of Service Agreements

Government agencies have specific needs and limitations that should be reflected in social media Terms of Service (ToS) agreements. Do not just “click through” and agree with standard social media terms of service. Work with your IT, legal counsel, in-house fiscal authorities, etc. to negotiate enterprise-level agreements with social media vendors that meet the standards of your agency and cover the appropriate provisions (Council of State Archivists & National Governors Association, 2018, p. 2).

Areas Needing Special Attention

Special attention should be paid to the following areas in ToS agreements:

- **Indemnity clauses**
 - Frequently, government indemnity (defined as liability for loss or damage from another party) is limited by constitution or law. The ToS should adequately reflect the level of indemnity appropriate to the government agency. In many cases, this means striking the indemnity clause.
- **Legal disputes**
 - ToS agreements often specify that legal disputes be heard in a state favorable to the social media provider and under the law of that state. This may be in opposition to state or local government practices.
- **Records and Information Management**
 - The ToS agreement should ensure that the records created as part of the social media platform comply with all relevant state records management laws and regulations throughout the life and termination of the agreement.

- If the provider can export a record, the agency should include a clause in the terms of service agreement that stipulates how and when this will occur. This clause should state that export shall occur before the provider deletes or otherwise destroys the public records that reside in their systems.
- Include instructions for notification and export requirements if the provider goes out of business or is purchased by another company.
- Specify what will happen when an employee or official who uses one of your agency's social media accounts leaves or is terminated. Determine whether you want the account to be closed or to remain open, and how your agency will retain access to it.

Distinguish Between Official versus Personal Accounts

Any social media accounts used for government business are subject to Utah's public records laws: the Government Records Access and Management Act ([GRAMA, Utah Code 63G-2](#)) and Public Records Management Act ([PRMA, Utah Code 63A-12](#)). If personal accounts are used for government business, then the content created is a public record, and the personal accounts must be managed and archived according to these public records laws. For this reason, it is best practice to not use personal accounts for government business.

Use Official Accounts for Official Communications

To simplify compliance, ensure that:

- Public officials and all staff use official media accounts for all government business.
- Government communications do not originate from personal accounts (although they can be amplified via personal accounts).
- Personal communications are never made via public accounts.
- Elected officials do not use government accounts to post content reflecting the interests of political campaigns or parties.

Social Media as a Public Record

Significant governance happens via social media. Social media communications have been used to inform the public in times of uncertainty, to unveil public policy, and as evidence in court cases. Even tweets may offer insights into government decisions and practices. Social media content that relates to transactions of government business and accounts created by government are government records, and their management and care are governed by the same laws that apply to government records in any other format or storage medium.

Apply Retention Schedules to Social Media

Records published on social media platforms and websites do not all have the same value. The content and its value will make a difference in determining retention and disposition. However, it may not be a good idea (or even possible) to delete content from a social media platform; it may be best to focus on identifying content that has historical value.

Several existing retention schedules apply to records on social media. A dashboard displaying an agency's accomplishments for the year could be the equivalent of an annual report and would follow the general retention schedule ([GRS-3, Annual or Official Reports](#)). Content in a post could be equivalent to a government publication, which would follow [GRS-1678, Publications](#), or to a press release, which would follow [GRS-1716, Public Relations Records](#). Or content could be only temporarily valuable, such as a Tweet announcing that the office will be closed due to construction, which would follow [GRS-1759, Transitory Correspondence](#).

One important thing to remember when managing social media records is that only the record copy needs to follow the retention schedule; if you publish content on social media and have another copy elsewhere, you may choose which copy is the record copy. However, keep in mind that:

- If the record copy is destroyed, but another copy still exists, it now becomes the record copy (by default).
- If there is public comment on a social media post, the post and comment are now a unique record, with no identical copy elsewhere.

The most practical approach may be to identify records with long-term or historical value and focus records management efforts on preserving them effectively.

Preserve and Transfer Historical Content

Public records in social media that should be captured and preserved may include:

- Evidence of an administration's policies, business, or mission
- Information only available on the social media site
- Official agency information
- Direct communication with the public using social media

Preserved social media records should include content, context, and structure, along with the associated metadata (e.g., author, date of creation). There are social media preservation tools on the market that can facilitate the preservation of, and access to, social media content. Forrester Research, Inc. has published a market review of social media archiving tools, and asserts that "Social archiving vendors help meet...emerging challenges with tools that directly capture social posts, fully recreate metadata, and enable quick, intuitive searches to handle review and supervision tasks," (Hayes, Nick & Cheryl McKinnon, 2015, p. 1).

Features to look for in a social media archiving tool include:

- Has archive options for all of your social media platforms (Facebook, Instagram, Google+, LinkedIn, Pinterest, Twitter & YouTube, blogs, Flickr, etc.)
- Archives social media records in their native format, preserving all metadata and context.
- Live captures and archives data, automatically 24/7
- Archives ALL social media account information (the past, present, and future)
- Creates custom retention rules per account
- Searches and filters internal and external (public) social media archive while maintaining context and metadata
- Searches across all social media archive accounts agency-wide
- Exports data in its original format and context--whether performing an export based on a specific topic or exporting the entire archive directory and its contents
- Creating agency maintains ownership rights to ALL social media data archived by a third party archiving solution
- Comprehensive reporting
- Connects to your own local backup (your servers) as well as having cloud-based backups (their servers)
- Creates and exports an audit/maintenance log
- Imports data from other archiving systems
- Encrypts data with 256-bit encryption, and is SSAE16/SOC2 Audit Certified
- Runs a checksum as part of each backup procedure

The State of Utah currently has a contract with ArchiveSocial for archiving social media accounts and content. Contact the Division of Archives and Records Service ([RIM specialists](#)) if you have questions about capturing and preserving your social media accounts, posts, and comments for archiving.

Resources for Further Study

Government

National Archives and Records Administration (NARA)

- “Guidance on managing social media records,” [Bulletin 2014-02](#), 2013
- [Social Media Policies and Public Comment Policies](#), 2018

Utah Department of Technology Services

- [State of Utah Social Media Guidelines](#), 2016

Utah Division of Archives and Records Service

- [Records Management Essentials](#), 2018
- [Records and Information Management Specialists](#) (formerly known as Records Analysts)

Professional Organizations

ARMA International – <http://www.arma.org/>

Guidelines, webinars, blogs, periodicals, etc., available upon purchase or with membership.

- [Using Social Media in Organizations](#), 2012

Council of State Archivists and National Governor’s Association

- [Social Media and Public Records: Developing a Social Media Use Policy](#), 2018; guideline for government agencies.

Freedom Forum Institute

- [First Amendment FAQs](#), 2018; identifies nine types of speech that are not protected under the First Amendment.

Vendors or Corporations

ArchiveSocial

- [Resources for Government](#), 2018; includes policies, guides, ebooks, case studies, and videos.

Forrester Research

- [Market Overview: Social Media Archiving](#), 2015

SMARSH

- [The Public Sector Guide to Social Media Strategy and Policy 2017 Edition](#), 2017

YouTube

- [Community Guidelines](#), 2018; example of a public use policy.

Attribution

Portions of these guidelines have been adapted, with permission, from NGA and CoSA's [Social Media and Public Records: Developing a Social Media Use Policy](#) guideline.

Works Cited

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https://www.statearchivists.org/files/2415/4265/8810/SocialMediaAndPublicRecords_2018.pdf
- Hayes, Nick and Cheryl McKinnon. 2015. "Market Overview: Social Media Archiving." Forrester Research, Inc.. Cambridge, Massachusetts.
- U.S. National Archives and Records Administration. 2018. "Blog Comment and Posting Policy" National Archives. November 7. Accessed December 20, 2018.
<https://www.archives.gov/social-media/policies/blogs-comment-policy.html>.

Appendix A: Sample Public Comment and Posting Policy

We welcome your comments on our [*name of applicable social media platform*].

Here is some information you should know in advance:

- Our [*platform*] account is moderated and we will only allow comments from commenters over 13 years of age.
- We will remove comments that contain abusive, vulgar, offensive, threatening or harassing language, personal attacks of any kind, or offensive terms that target specific individuals or groups.
- We will remove comments that contain personal information (whether your own or someone else's), including home address, home or cell phone number, or personal e-mail address. Any information that would be considered private, protected, or controlled per GRAMA will likewise be removed.
- Gratuitous links to sites are viewed as spam and may result in the comment being removed.
- We will remove comments that are clearly off-topic, that promote services or products, or that promote or oppose any political party, person campaigning for elected office, or any ballot proposition.
- Reporters should send questions through [*your preferred method*] and refrain from submitting questions here as comments.
- We do not discriminate against any views, but reserve the right to not post or to remove comments that do not adhere to the above standards.
- Commenters who repeatedly violate this policy may be prohibited from posting.
- Communications made through our [*platform's*] messaging system will in no way constitute a legal or official notice or comment to [*your agency*] or any official or employee of [*your agency*] for any purpose.
- It is presumed that by posting a comment you are agreeing to have it released into the public domain, so do not submit anything you do not wish to broadcast to the general public.
- Your comments are welcome at any time. We will review and post comments as quickly as we are able.

Attribution

Portions of this sample policy have been adapted from the U.S. National Archives and Records Administration's "[Blog Comment and Posting Policy](#)."

Appendix B: Social Media Use Checklist

Using Social Media in Government

- Develop a social media strategy
- Create a social media policy
 - Establish and disseminate an internal appropriate use standard
 - Make a plan for managing social media records
 - Designate roles (by platform) and provide applicable training
- Publicly post an external appropriate use policy (i.e., Public Comment and Posting Policy)
 - Provide a guideline and training for staff who will be enforcing the policy
 - Retain public comments that you remove, along with their context
- Negotiate Terms of Service Agreements with each platform provider
- Train staff to use only official accounts for official information
- Identify retention schedules that apply to your social media records
- Transfer historical records to Utah's Division of Archives and Records Service (aka State Archives)