

**TOWN OF JOHNSTOWN  
ELECTED OFFICIAL SOCIAL MEDIA POLICY**

**I. Purpose and Scope**

The purpose of this Elected Official Social Media Policy (“Policy”) is to describe manner in which the Town of Johnstown’s elected officials are authorized to use social media in their official capacities and to set forth the rules and limitations that govern such use. This Policy also sets forth the extent to which elected officials use of social media in their personal capacity may bring such personal use within the purview of this Policy. This Policy is intended to protect the rights of the public in their ability to access public forums, and to ensure that the Town is able to comply with its requirements under the laws and constitutions of the State of Colorado and the United States of America.

**II. Definitions**

- A. *Councilmember*: The members of the Town Council, including the Mayor.
- B. *Official Capacity Use*: A Councilmember’s use of their Town e-mail address, position, title or official capacity or a Councilmember’s personal use of social media that is reasonably related to engaging with constituents, communicating with the public on matters of public concern or affairs or carrying out the Councilmember’s official duties.
- C. *Personal Information*: Information that can be used to distinguish or trace an individual’s identity, such as date and place of birth, personal addresses or telephone numbers, social security number, driver’s license number, or records that contain genetic, medical, or psychological data or information. Personal information also includes personal financial information and other information maintained because of the employer-employee relationship, pursuant to C.R.S. § 24-72-202(4.5). For purposes of this section, “personal information” does not include publicly available information that is lawfully made available to the public from federal, state, or local government records.
- D. *Personal Use*: A Councilmember’s use of social media that is not an official capacity use.
- E. *Social Media*: Online, electronic, or internet media, tools, communities and spaces for social interaction, sharing user generated content or public communication. Social media typically uses web-based technologies to turn communication into interactive dialogs. Social media may take many different forms, including, for example, internet forums, blogs & microblogs, online profiles, wikis, podcasts, pictures and video, email, text, instant messaging, music-sharing, and chats. Examples of social media include but are not limited to the following: LinkedIn, Facebook, MySpace, Wikipedia, YouTube, X (previously, Twitter), Skype and blog. The Town acknowledges that this form of communication changes rapidly and, therefore, this list is intended to be illustrative rather than comprehensive, and this definition should in no way be construed to limit the applicability of this Policy.
- F. *Town*: The Town of Johnstown, including acts by its Town Manager or designee(s).
- G. *Town Council*: The Town Council of the Town of Johnstown.

**III. Individual Responsibility for Social Media Activity**

- A. Councilmembers are not expected or required to use social media. Councilmembers may engage freely in official capacity or personal use of social media, but personal use, to the extent reasonably practicable, should not involve official capacity use.
- B. If a Councilmember chooses to use social media using their official title or to discuss the business or affairs of the Town, the Councilmember is solely responsible for such use. Any use of social media communication that is not operated, maintained or used in compliance with this Policy shall be considered outside of the Councilmember's official capacity use and the Town shall bear no responsibility for what transpires on or because of those accounts, including without limitation no responsibility to defend or indemnify a Councilmember.
- C. The Town does not create, operate or maintain social media accounts on behalf of Councilmembers for their official capacity use.

#### **IV. Official Use of Social Media**

- A. **No Expectation of Privacy.** All official capacity use of social media by Councilmembers may be open to public inspection in accordance with the Colorado Open Records Law (C.R.S. § 24-72-200.1 *et seq.*), and Councilmembers do not have an expectation of privacy concerning such participation.
- B. **Councilmember to Councilmember Discussion.** In order to assure compliance with the Colorado Open Meetings Law (C.R.S. § 24-6-402 *et seq.*), Councilmembers shall refrain from engaging in discussions with more than one other Councilmember through social media, including personal social media accounts, regarding Town business, except where the use does not relate to the merits or substance of Town business or where electronic mail communications are sent by a Councilmember for the purpose of forwarding information, scheduling or responding to a non-substantive inquiry from an individual who is not a Councilmember.
- C. **How a Councilmember presents the account.** Councilmembers must identify themselves by name and position title and use their Town e-mail address when participating in social media websites for official capacity use. Such accounts shall be clearly designated as "official capacity" accounts. Councilmembers are encouraged to include a disclaimer on their official capacity accounts in generally the following form: "Comments, opinions and similar such postings on this site are my own and do not necessarily represent the Town of Johnstown's positions, strategies or opinions."
- D. **How a Councilmember uses the account.** When engaging in official capacity use of social media, a Councilmember shall not:
  - 1. Claim to speak on behalf of the Town or the Town Council, unless authorized to do so by the Town Council;
  - 2. Post or publish;
    - a. Discriminating content on the basis of race, creed, color, age, religion, sex, marital status, sexual orientation, national origin, weight, height or genetic information;

- b. Degrading, obscene, defamatory, libelous, offensive, combative, harassing or demeaning comments;
  - c. Confidential, proprietary information or non-public information;
  - d. Personal information of any person without such person's consent;
  - e. Information that may tend to put at risk the safety and security of the public or public systems;
  - f. Solicitations of commerce except as part of Town-sponsored events or the promotion of businesses in the Town;
  - g. Comments supporting or opposing political campaigns or ballot questions, except for reporting resolutions approved by the Town Council;
  - h. Comments regarding legal proceedings or ongoing investigations or items that may be the subject of such in the future, except with the written authorization of the Town Attorney or Town Manager;
  - i. Threatening comments about or related to anyone;
  - j. Sexual content or links to sexual content;
  - k. Content that involves or encourage illegal activity; or
  - l. Material that is copyrighted or trademarked by third parties.
- 3. Engage in discussions or post content related to quasi-judicial matters;
  - 4. Restrict a person's ability to view or post comments on the account based in any way upon the viewpoint of that person's speech;
  - 5. Prevent persons from joining a public conversation on the social media account;
  - 6. Block or otherwise restrict access of any individual or group from viewing the account or responding to any post, except as such restrictions apply to all members of the public; or
  - 7. Except upon written authorization of the Town Attorney or the Town Manager, censor user comments, block users or delete posts.
- E. **Additional Requirements.** When engaging in official capacity use of social media, a Councilmember shall abide by the following requirements:
- 1. Avoid utilizing social media platforms that automatically delete content after a certain amount of time, such as Snapchat;
  - 2. Provide the Town access to official social media accounts not created by the Town for archival purposes only;
  - 3. Consider, at a Councilmember's discretion, avoiding social media platforms that are substantially political, polarizing or controversial in nature; and
  - 4. Understand the Terms of Service and any other policies established by social media websites.

## **V. Personal Use of Social Media**

- A. **Separate Accounts.** Any social media account established, operated, maintained or used by a Councilmember for personal use must be separate and distinct from any social media account established, operated, maintained or used by a Councilmember for official capacity purposes.

**B. How a Councilmember presents the account.** When establishing or creating a social media account for personal use, a Councilmember shall not:

1. Associate the account with such person's official position by, for example, including the Councilmember's official title in the account description or using a profile picture that shows the Councilmember acting in his or her official capacity;
2. Refer to or identify the account as "official," or direct constituents or others to it in a way that suggests that the account is an extension of such Councilmember's office;
3. Use the Town's official trademark or logo; or
4. Use a Town-issued email address to register on social media.

**C. How a Councilmember uses the account.** When engaging in personal use of social media, a Councilmember shall not:

1. Communicate information about his or her official duties, solicit information from constituents or the general public related to those duties or make announcements about such Councilmember's official responsibilities or actions;
2. Seek or encourage comments about what legislation the Councilmember should bring or support, or share any decisions the Councilmember made as a public official;
3. Discuss items that will be or could be on the Town Council's agenda or encourage public discussion regarding Town matters;
4. Speak as a representative of the Town or imply that the Councilmember's speech has been endorsed, approved or connected to the Town;
5. Disclose or disseminate any Town proprietary or confidential information; or
6. Disclose or disseminate any Town records or documents that are not publicly available or are protected against disclosure by law.

**D. Disclaimer.** A Councilmember may disclose that he or she holds the office of Mayor or Councilmember. When personal use of social media may reasonably be perceived as being related to the Town, the Councilmember is strongly encouraged to include a visible disclaimer on the account to inform other users that the opinions are his or her own and do not represent those of the Town. The disclaimer may read as follows: "Comments, opinions and similar such postings on this site are my own and do not necessarily represent the Town of Johnstown's positions, strategies or opinions."