

LEBANON FIRE DISTRICT
POLICY, PROCEDURE AND INSTRUCTION

SECTION: 1100 – Administration
TITLE: **Social Media Policy**
NUMBER: **1100-049**
SUPERSEDES: All Previous Documents Related to PPI Manual
APPROVAL: Joseph Rodondi 6/25/2020
Fire Chief Date
UPDATED: John Tacy 6/25/2020
Division Chief Date

1. Scope

1.1. This policy applies to all District officers, elected officials, employees, and volunteers (collectively, “District Personnel”). Failure to abide by this Social Media and District Website Policy (Policy) may result in discipline up to and including termination as described in the District’s Personnel Policies.

2. Purpose

2.1. The purpose of this Policy is to promote effective and transparent communication between the District and the public, while ensuring that use of social media, the District’s website, and other internet and digital resources by District Personnel complies with District policies, applicable state, federal, and local laws.

2.2. This policy is not intended to limit rights of free speech or expression, but the District has an interest in regulating certain speech by its Employees. District Personnel have First Amendment rights to speak about matters of “public concern” – like general safety issues that could affect the public – but such speech may not unreasonably interfere with the efficiency of the public services that the District provides.

3. Applicability

3.1. This policy is applicable to social media and District website use by all District Personnel for District business. It also applies to personal use of social media by District Personnel when that use violates District policies, negatively affects the public’s trust in the District, or negatively affects the ability for staff to perform their jobs. Use of social

media and the District's website by District Personnel is also subject to other applicable District policies (for example, computer use policies, cell phone use policies, HIPAA policies, harassment policies, etc.).

4. Definitions

4.1. "Blog" means a self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for "Web log."

4.2. "District Website" means the District's official website.

4.3. "Page" means the specific portion of a website where content is displayed.

4.4. "Post" means content a user shares on a social media site or the act of publishing content to the site.

4.5. "Social Media" means a category of internet-based resources that integrate user-generated content and user participation. Social Media includes but is not limited to the following technologies:

- a.) Blogs
- b.) RSS feeds
- c.) Microblogging sites (i.e. Twitter)
- d.) Social networking sites (i.e. Facebook, LinkedIn)
- e.) Social bookmarking sites (i.e. Pinterest)
- f.) Event Sites
- g.) Internet Radio
- h.) Internet Video or Photo share sites (i.e. YouTube, Instagram)

5. Use of Social Media and the District Website for District Business

5.1. District Personnel are permitted to use social media and the District Website to conduct District business, including but not limited to dissemination of information about the District, District operations, District programs, and emergency communications.

However, an employee must have a pre-approval from the Fire Chief to post any information on social media or the District Website on behalf of the District.

5.2. All social media sites created by District Personnel for District business are subject to approval by the Fire Chief (hereinafter referred to as "Administrator"), or the Administrator's designee.

5.3. Only District Personnel designated by the Administrator are authorized to post information to the District's social media sites and/or the District Website. The Administrator or the Administrator's designee will monitor the content posted to the District's social media sites and/or the District Website by District Personnel to ensure that the posted content adheres to all applicable District policies. Information posted on the District's social media sites and/or the District Website by District Personnel must be consistent with the District's mission, vision, values, goals, and other applicable District policies.

5.4. In order to comply with the retention requirements of the Oregon Public Records Law (ORS Chapter 192 and OAR 166-200-0005 *et seq*), it is the policy of the District that District Personnel may not post original content to social media sites or the District Website unless that content is preserved and retained according to Oregon Public Records Law.

5.5. The Oregon Public Records Law and relevant District records retention schedules apply to all content posted to the District's social media sites and to content posted to the District Website. The District shall preserve all content posted to the District Website and all content posted to the District's social media sites (including both content posted by District Personnel and content posted by members of the public). The content will be retained for the period required by the relevant records retention schedule and maintained in a format that preserves the integrity of the original record, is easily accessible, and is allowable under the Oregon Records Retention Law.

5.6. Use of the District Website and/or social media sites by District Personnel may not violate the Oregon Public Meetings Law (ORS 192.610 through ORS 192.695).

5.7. Personnel representing the District through social media and/or the District Website must conduct themselves at all times as representatives of the District in compliance with District policies. Failure to do so may result in discipline as described in the District's Personnel Policies. Posts on the District Website and/or the District's social media sites by District Personnel must reflect the views, policies and positions of the District. When posting information to the District Website or the District's social media sites, District Personnel are responsible for complying with all applicable federal, state, and local laws, regulations, and policies, including but not limited to laws governing copyright, public records, free speech, and privacy.

5.8. District social media sites will refer users to the District's official website or the District's e-mail system for forms, documents, online services, and other information necessary to conduct business with the District. District Personnel may direct visitors with questions and/or requests for additional information to make such requests via e-mail, mail, in person, or by telephone.

5.9. The following forms of content will not be allowed on the District Website or District controlled social media sites:

- a.) Content that violates the terms of use of the site;
- b.) Content unrelated to the purpose of the site;
- c.) Profane language or content;
- d.) Content that promotes, fosters, or perpetuates discrimination on the basis of membership in a protected class;
- e.) Content, the disclosure of which, would violate any federal, state, or local law;
- f.) Sexual content or links to sexual content;
- g.) Solicitations of commerce;
- h.) Content that would violate the ownership interest of another party;
- i.) Illegal conduct or encouragement of illegal activity;
- j.) Information that may tend to compromise the safety or security of the public or public services, including but not limited to: personal information relating to District residents, confidential or sensitive District information, and information that may tend to compromise the safety or security of public buildings, public utilities, public transportation systems, police, fire, or other emergency services; and
- k.) Links to:
 - i. Sites promoting or opposing any political committee; the nomination or election of a candidate; the gathering of signatures on an initiative, referendum or recall petition; the adoption of a measure; or the recall of a public office holder.
 - ii. Corporate commercial sites; or
 - iii. Individual personal pages or websites.

5.10. The District reserves the right to monitor the District Website and District controlled social media sites and to restrict or remove any content that is deemed in violation of this Policy or any applicable law.

5.11. Except as provided in paragraph 5.9(k) of this section, the Administrator shall determine, at his or her sole discretion, whether to allow links to other pages or websites from the District Website and/or District controlled social media sites, and which links to allow. The linking of the District Website or District controlled social media sites to other pages or websites constitutes government speech and does not create a public forum.

5.12. The District will prominently post the following disclaimer on any District social media site that allows the public to post content to the site:

Comments and other information posted to this page will be monitored. The District reserves the right to modify or remove inappropriate comments and other information, including comments or other information that: 1) violate the terms of use of this site; 2) contain profane language or sexual content; 3) promote, foster, or perpetuate discrimination on the basis of membership in a protected class; 4) threaten or defame any person or organization; 5) violate the legal ownership interest of another party; 6) promote illegal activity; 7) promote commercial services or products; 8) compromise the safety and security of the public or public services; 9) are not topically related to the particular post; or 10) contain links to other pages or websites. Comments posted to this site by a user other than the District represent the views of that user only and do not reflect the views or policies of the District. The District does not support or endorse comments made by users other than the District.

Communications made through social media will in no way constitute a legal or official notice to the District or any official or employee of the District for any purpose. Use of this website constitutes acceptance of this policy. Any information posted here is public information and may be subject to monitoring, moderation or disclosure to third parties.

5.13. Pursuant to ORS 260.432, District Personnel may not post content to the District Website or District-controlled social media sites that promotes or opposes: 1) any political committee; 2) the nomination or election of a candidate; 3) the gathering of signatures on an initiative, referendum or recall petition; 4) the adoption of a measure; or 5) the recall of a public office holder. Any political posts made by District Personnel while not on the job during working hours should clearly state that the views expressed in the post are the personal views of the individual and are not supported or endorsed by the District.

5.14. District Personnel may not remove any content from the District Website or a District controlled social media site without prior approval from the Administrator or the Administrator's designee.

5.15. Any content removed from the District Website or a District controlled social media site must be retained in accordance with District records retention policies and the Oregon Public Records Law.

5.16. Administration of District Controlled Social Media Sites:

- a.) All new social media sites proposed for District use will be approved by the Administrator or designee.
- b.) The Administrator or designee will maintain a list of social media sites which are approved for use by District Personnel.

- c.) The Administrator or designee will maintain a list of all District controlled social media sites, including login and password information.
- d.) The Administrator shall be informed of any administrative changes to existing District controlled social media sites.
- e.) The Administrator must be able to immediately edit or remove content from District controlled social media sites.

5.17. The District reserves the right to terminate the District Website and/or any District controlled social media site at any time without notice.

5.18. The District's social media use will be reviewed periodically to assess effectiveness, evaluate performance, and provide suggestions for changes or improvements. The Administrator or designee will perform this review.

6. Use of Social Media for Personal Business

6.1. Use of Social Media by District Personnel on a personally-controlled, rather than District-controlled, Social Media account constitutes the use of Social Media for personal business. Any use of Social Media for personal business must comply with all applicable District policies.

6.2. When using Social Media for personal business, District Personnel may not imply that the content posted is endorsed by the District. For example, District Personnel should not use the District's logo on their personal social media accounts, and posts should be made in the individual's personal capacity, not in his or her capacity as District Personnel.

6.3. Employees shall not criticize or ridicule the District, its policies, its officers or other Employees by speech, writing or other expression, when such speech, writing or expression:

- A. Is untrue, defamatory, obscene, slanderous or unlawful; and/or
- B. Unreasonably interferes with the efficiency of the public services the District performs through its employees.

7. Confidentiality of Information

7.1. District Personnel must adhere to all applicable District policies concerning confidentiality when using social media. District Personnel may not discuss or otherwise disclose confidential information (including photographs) acquired as a result of their relationship with the District, including but not limited to:

- a.) Information protected by the Health Information Portability and Accountability Act (HIPAA) and associated federal regulations;

- b.) Information protected by ORS 192.553 through ORS 192.581;
- c.) Information exempt from disclosure under the Oregon Public Records Act, ORS 192.311 through ORS 192.431;
- d.) Information related to legal matters or litigation;
- e.) Information the disclosure of which would violate any federal, state, or local law; and
- f.) Information made confidential or exempt from disclosure under state, federal, or local law.

7.2. District Personnel may not use or disseminate photographs or other images taken at a scene or during the course of work done for the District without the prior permission of the Administrator or Administrator's designee (see policy # 1100.010). All photographs or images taken at a scene or during the course of work done for the District (whether taken electronically or using film) are the property of the District and must be provided to the District as soon as practicable upon return to the station. At the District's discretion, electronic photographs and images will be uploaded to the District's network and erased from the individual's personal electronic device. Film and/or negatives will be provided directly to the District. District Personnel may not use or disclose photographs or images taken at a scene or during the course of work done for the District without permission from the Administrator or the Administrator's designee.

7.3. District Personnel must adhere to District's HIPAA policies when using the District Website and/or social media for either District business or personal business. Remember that HIPAA prohibits disclosure of patient information without the patient's express written permission. Even if an individual is not identified by name, if there is a reasonable basis to believe that the individual could be identified from the information you are thinking about disclosing, the use or disclosure of the information could violate HIPAA and District policies.

8. Use of District Equipment

8.1. Employees may use District resources (i.e., equipment) to participate in legitimate Internet-based networks and forums for the purpose of training, approved work-related research, and professional networking with other organizations, related agencies, professional associations, and individuals. Employees may not use District resources to create or maintain a personal blog or a personal website, or to upload personal content such as photos or videos.

8.2. District Personnel have no expectation of privacy in communications made in furtherance of their District duties or in communications which utilize District-owned equipment, including District-issued computers, cellular phones, smart phones, tablets and personal digital assistants (PDAs). Use of District-owned equipment is subject to investigation and audit by the District at any time and without notice. Communications

made in furtherance of District duties or which utilize District-owned equipment may be subject to public disclosure.

9. Use of Personnel Communication Devices while on Duty

9.1. Many cell phones and other electronic devices are able to access the Internet. Employees may use such devices during breaks and personal time while on duty. As with all personal cell phones, the use of any personal communications devices shall not be allowed to disrupt or interfere with department operations at any time. They are not to be used during training (classroom or drill ground), while responding to or at an emergency scene, at on-duty meetings, or at public relations events (see policy # 1100.025). Officers may answer calls related to daily operations but should have the device on mute or vibrate during above referenced events.

10. Posting While on Duty

10.1. District Personnel may post to social media for District business while on duty in some circumstances. However, such use must meet the following criteria:

- Must be consistent with the job duties of the user
- Must be authorized by the Administrator
- Must utilize District, rather than personal, social media accounts
- Must be professional and respectful in nature
- Must be limited to legitimate business-related sites
- Must not interfere with other job responsibilities
- Must not interfere with the ability of others to perform their duties
- Must be conducted in accordance with all District policies
- Must be within Federal Regulations and Medical Privacy requirements

Internet Usage While at Work

While employees may access non-work-related social networking sites from work, such activity must be “de minimus” in nature. That is, it should occur only during breaks. If the activity interferes with the employee’s work or that of other employees, it is not de minimus and is not allowed.

11. Evaluations and Revisions

11.1. This Policy will be evaluated and revised regularly to maintain compliance with state records retention requirements and applicable District policies.