



## CITY OF SHEBOYGAN DRAFT SOCIAL MEDIA POLICY

1. **PURPOSE.** The City of Sheboygan recognizes that social media can be a useful platform for community engagement, communication, and information sharing. This policy is intended to provide guidance and regulation to City staff and Public Officials who use social media on behalf of the City, and to the public who engages with the City through social media. This policy governs the use, administration, management, monitoring, and retention of Social Media and Social Media Content, consistent with state, federal, and local laws, regulations and in line with City goals.

The guidelines and restrictions within this Policy should not be construed in a manner that unlawfully interferes with any applicable employee rights provided under state or federal law, or individual constitutional rights under state or federal law.

- 2: **SCOPE.** This policy applies to:
  - A. All City Officers and Authorized Users of Municipal Social Media Accounts.
  - B. All Municipal Social Media Accounts created or used on behalf of the City.
  - C. External Users who engage with Municipal Social Media Accounts.
  - D. Employee's Personal Usage of social media on Municipal Social Media Accounts or social media use that is otherwise unprotected by state or federal law.
3. **DEFINITIONS.** Terms used but not defined by this policy should be construed with ordinary use and meaning. The defined terms used within this policy are:
  - A. **Authorized User(s):** The City employee(s) given the authority and authorization to manage Municipal Social Media Accounts. All City Officers are also Authorized Users.
  - B. **Candidate Sites:** a website, social media account, or other electronic public content that promotes an individual that is currently running for a political office or position.
  - C. **Corporate Commercial Site(s):** a commercial entity's official online presence which acts either as a digital storefront, advertisement, or mechanism for customer engagement and business growth.
  - D. **External Users:** Individuals or commercial entities who engage with Municipal Social Media Accounts that are not City Officers or Authorized Users.
  - E. **Limited Public Forum:** A Municipal Social Media Account or specific post or publication within or onto a Municipal Social Media Account that is restricted to specific or particularized subject matter or content.
  - F. **Link or Linking:** the act of associating or connecting two or more social media accounts. This may include but is not limited to "liking", "sharing", "retweeting", "@mentions," or directly posting or including a secondary source to a social media site or account.
  - G. **Malware:** Software that is capable of or used to damage, disable, or otherwise infiltrate electronic systems or communication devices.
  - H. **Municipal Social Media Accounts:** Any social media accounts that have been authorized, curated, and used by a City Officer or Authorized User for the purpose of engagement, communication, and information sharing with the community on behalf of the City and the Mead Public Library.



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- I. **Personal Identification Information:** Those identifiers referred to within Wis. Stat. § 43.201(1)(a) and (b). This does not include information shared about the specific user that publishes content to a Municipal Social Media Account. For example, this definition excludes information shared by an external user who posts their own address to a Municipal Social Media Account related to a complaint, comment, or concern.
- J. **Personal Use/Usage:** Use of social media that is strictly used for individual or personal use unrelated official City initiatives or business.
- K. **Publish:** includes creating, sharing, posting, reposting, or otherwise the dissemination of information or content on a social media platform or account.
- L. **City Content:** Any messages, materials, documents, media, information, or similar uses of social media that is published or otherwise made public and relates to an official function, position, or policy of the City, Authorized User, or City Officer.
- M. **City Officers:** Elected or appointed public officials capable of making and enforcing City policy.

### 4. OWNERSHIP OF MUNICIPAL SOCIAL MEDIA ACCOUNTS.

- A. All Municipal Social Media Accounts, regardless of the employee or official who creates or otherwise manages the account in whole or in part, are owned by and belong solely to the City. The City does not own, manage, or regulate content on social media accounts or profiles created by employees exclusively for an employee's own personal use.
- B. All Municipal Social Media Accounts must be approved pursuant to this policy. The City Officer or Authorized User in charge of managing the account is the custodian of the records created through the use of the Municipal Social Media Account and is responsible for maintaining those records and producing those records pursuant to a lawful records request. The City may assist in record retention or production for any Municipal Social Media Accounts made and operated in compliance with this policy.

### 5. GENERAL PRACTICES AND PROCEDURES FOR MUNICIPAL SOCIAL MEDIA ACCOUNTS.

- A. All Municipal Social Media Accounts shall be operated in accordance with applicable state, federal, and local laws, regulations, and policies, including all information technology security policies, public record laws, and applicable record retention laws.
- B. Authorized Users shall not combine Personal Usage of social media with Municipal Social Media Accounts. Combining Personal Usage of social media with Municipal Social Media Accounts may result in liability, employment issues, and other consequences both to the individual employee and the City.
- C. Categories of Municipal Social Media Accounts.
  - i. Nonpublic forum: Municipal Social Media Accounts used to inform the public without engaging in two-way communication shall have comments and other external user actions deactivated. Such accounts shall post in a conspicuous location, the following statement, "This account is used for informational purposes. For those who wish to express views with the City, please contact your elected representative (link to alder page)."
  - ii. Public forum: Municipal Social Media Accounts used to engage with the public shall post in a conspicuous location, the following statement, "The City of Sheboygan (Mead Public Library) does



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not endorse and is not responsible for content placed by others that may be offensive, hurtful, in poor taste, or disagreeable. The City reserves the right to hide content placed by others that includes:

1. Spam, advertising, or links that promote a business, service, or product;
2. Content that promotes, directs, or perpetuates illegal activity including but not limited to threats of violence and unlawful activity.
3. Content that is defamatory, according to law;
4. Content containing obscenity that is not protected by law. "Obscenity" refers to sexually explicit content having no reasonable value in arts, literature, etc., as distinguished from language that is offensive, vulgar, distasteful, etc. An example of material considered "obscene" is child pornography.
5. Direct threats;
6. Malware, viruses, security threats to the City network, or flooding;
7. Infringements of copyrights or trademarks.

This is not an exhaustive list. Content moderation will be addressed on a case-by-case basis in conformity with the law."

### D. Creating a Municipal Social Media Account:

- i. Any new Citywide Municipal Social Media Account must be approved by the City Administrator or designee. Any new Municipal Social Media Account specific to a department must be approved by the Department Head or designee. Such approval shall be in writing and shall identify the account's scope/purpose, its Authorized Users, and whether the account will operate as a nonpublic forum or public forum. Each account shall have at least two Authorized Users.
- ii. Any new Municipal Social Media Account shall have at least two Authorized Users with access to manage content on the account. This does not include department heads or those otherwise designated by the City Administrator to manage or maintain City communications or social media.
- iii. Any Municipal Social Media Account or Authorized User must comply with the provisions of this policy. Each Authorized User must review this policy and sign off on this policy on a yearly basis.

### E. Form and Format of Municipal Social Media Page.

All Municipal Social Media Accounts are required to:

- ii. Identify that the Account is an official City/department Account. If the Municipal Social Media Account is managed as the official page for a City Officer, the account or page must identify that it is the official page of that City Officer.
- iii. Prominently display in a conspicuous place a hyperlink to the City website and a separate hyperlink to this policy on the City website.
- iv. Clearly state that the Account is maintained by the City and that its use and content is governed by this Social Media Policy.

### F. Linking Municipal Social Media Accounts



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- i. Municipal Social Media Accounts and Authorized Users shall not ‘friend’, ‘like’, ‘follow’, or otherwise connect with:
  1. Candidate Sites or pages advocating a position on a City or other political ballot issue. During election, re-election, or a political campaign where a sitting City Officer’s page acts as a Candidate Site, the other Municipal Social Media Accounts should not promote one candidate or ballot issue above other candidates or ballot issues.
  2. Corporate Commercial Websites that promote companies or subsidiaries whose business is derived from the sale or manufacture of tobacco products, alcoholic beverages, or sexual/adult-oriented products.
  3. Religious or political organizations.
  4. Individual Personal Social Media Accounts.
- ii. Municipal Social Media Accounts may “‘friend’, ‘like’, ‘follow’,” or otherwise connect with:
  1. Other Municipal Social Media Accounts.
  2. Corporate Commercial Websites not prohibited by 5(C)i.2).
  3. Entities that have been identified by the Municipality as having programs or offerings which-compliment a City or department program and which are not operated for commercial purposes.

### G. Terminating a Municipal Social Media Account.

- i. Prior to terminating any City Social Media Account, the Authorized Users and/or City Officer must notify the City Administrator, for citywide accounts, or their department head, or designees of their intent to terminate the account.
- ii. Prior to termination of a Municipal Social Media Account, any records created or otherwise existing as part of the Municipal Social Media Account must be memorialized in conformity with Wisconsin Public Records laws.

## 6. SPECIAL CONSIDERATIONS FOR MUNICIPAL OFFICER USE OF SOCIAL MEDIA.

- A. Municipal Officers hold unique positions in the operation of the City government. By virtue of their position and authority, Municipal Officers have the potential to generate records anytime the Municipal Officer creates content or otherwise posts or publishes content related to a City function or related to the authority of the Municipal Officer. Municipal Officers are strongly encouraged to use proper discretion and compliance with this policy and all related policies involving community engagement.
- B. Municipal Officers are the record custodians for their content posted and shall adhere to all local, state, and federal laws.
- C. Municipal Officers may make political statements or statements related to ballot issues on their own Municipal Social Media Account managed by that Municipal Officer, but should be aware that those statements and records may generate interest and issues for the municipality, including but not limited to substantial records requests, lawsuits, damages, etc.



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- D. Municipal Officers may not post or publish political or ballot content to any other Municipal Social Media Account.
- E. Municipal Officers should refrain from posting or publishing content on other Municipal Officer Social Media Accounts.

### 7. GENERAL REQUIREMENTS ON AUTHORIZED USERS.

All Authorized Users of Municipal Social Media Accounts shall:

- A. Provide account information, including username, password, and any other access credentials to the City Administrator (for Citywide accounts) or to their department head, or their designees.
- B. Provide full and updated records of active Authorized Users having access to and authority to regulate content on the Municipal Social Media Account(s).
- C. Ensure that any content published, posted, or hyperlinked-to in any capacity by an Authorized User to a Municipal Social Media Account is related to and in furtherance of the City's missions, services, goals, or objectives of the City.
- D. Maintain the Municipal Social Media Account in conformity with this policy.
- E. Monitor Municipal Social Media Accounts on a regular basis during the Authorized User's normal working hours excluding City Holidays.
- F. Notify the IT Director immediately of any security threats, risks, or unauthorized uses of their Municipal Social Media Account.
- G. Maintain and produce records in compliance with Wisconsin Public Records law.
- H. Provide a signed and dated copy of this policy acknowledging they have read and are aware of this policy and their obligations as an Authorized User.
- I. If the Authorized User or City Officer terminates, is removed from, or is no longer employed/representative of the City, said user shall immediately cease all involvement and/or use of Municipal Social Media Accounts. Failure to cease activity or surrender control of a Municipal Social Media Account upon expiration of the City Officer or Authorized User's position will result in penalties or other legal recourse.
- J. Upon change or termination of an Authorized User or Municipal Official, the Department Head/ City Administrator or designee shall change any password for a Municipal Social Media Account to assure account security.
- K. Authorized Users shall not use their position or Municipal Social Media Account for personal gain.

### 8. CONTENT MODERATION BY AUTHORIZED USERS.

- A. Regulations on Content published on Municipal Social Media Pages by an Authorized User:
  - i. All content that is published, posted, or hyperlinked-to in any capacity by an Authorized User to a Municipal Social Media Account must be related to a mission, service, goal, or objective of the municipality, department, officer, board, commission, committee, or authority of the municipality.



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- ii. Except for Municipal Social Media Accounts administered by public safety or public health departments, Municipal Social Media Accounts should refrain from posting any original content related to public safety or public health without approval from the City Administrator. Reposting or republishing previously approved content related to public safety or public health that has already been posted or published on other Municipal Social Media Accounts is acceptable.
- iii. Authorized Users of Municipal Social Media Accounts shall not publish prohibited content, including but not limited to:
  - i. Content that violates a person's rights under federal, state, or local laws such as personally identifiable information and personal financial information;
  - ii. Content that is abusive, discriminatory, inflammatory, or sexually explicit;
  - iii. Information that could compromise an ongoing investigation or the safety and security of City operations, its employees, or members of the public;
  - iv. Content posted for personal use;
  - v. Content that is not properly authorized by this policy or a supervisor.
- vi. Denying an External User access to a Municipal Social Media Account
  - i. Authorized Users may hide or remove individual posts that violate this Policy.
  - ii. The City reserves the right to ban/block an External User's access to Municipal Social Media Accounts for repeated violations of this Policy.
  - iii. Prior to banning or blocking an External User, the Authorized User shall obtain City Administrator authorization. A ban/block may be permanent or temporary, full or partial. Any External User that is denied access to a Municipal Social Media Account may appeal the ban to Licensing, Hearing, and Public Safety Committee by submitting an appeal in writing to the City Clerk's Office within thirty (30) days of the ban.

### **9. CONTENT POSTED BY EXTERNAL USERS.**

The City is not responsible for content published or posted by External Users onto Municipal Social Media Accounts. To the extent allowed by law, the City will attempt to moderate illegal or unprotected content such as that identified in section 5.C.ii. External Users of Municipal Social Media Accounts are prohibited from publishing content on a Municipal Social Media Account that is in violation of this policy such as that identified in section 5.C.ii. Content published by External Users may be subject to disclosure or retention subject to Wisconsin Public Records and Record Retention laws or discovery obligations. Any content published on a Municipal Social Media Account becomes public information, subject to the terms of this policy, and the External User should have no expectation of privacy or confidentiality with respect to the published content.

### **10. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA.**

- A. This policy is not intended to limit or restrict Employees to speak as private citizens on matters related to a public concern provided that the post or content does not create a security risk or disruption to the City.



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- B. Employee Personal Use of Social Media may not be protected when it creates security or safety risks, becomes amplified to the extent it creates disruption to official municipal business, or relates to private concerns or matters.
- C. Employees may be held responsible for their personal social media use to the extent allowed by law.

### 11. LEGAL REQUIREMENTS.

- A. Content published on Municipal Social Media Accounts is subject to Wisconsin Public Records Law.
- B. Authorized Users are responsible for maintaining records of the Municipal Social Media Account(s) that they manage and responding to lawful records requests.
- C. City Officers understand that discussions with other City Officers on social media may be subject to records requests AND may constitute a meeting pursuant to Wis. Stat. § 19.82. As such, City Officers are discouraged from communicating with other City Officers through social media.
- D. City Officers understand that even a private social media account may transition to a Municipal Social Media Account if the City Officer engages in official actions, duties, or authority conferred to the Officer by virtue of their position.

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