

## Introduction (last updated August 2023)

Social Media it is an efficient and cost-effective way for Essex County Council (ECC) members to keep in touch with residents and businesses and discuss issues with communities.

This protocol provides guidance to members and co-opted members of ECC based upon the Code of Conduct for Members (the Code).

## What is Social Media?

Social Media is a term used to describe technologies that allow the creating and sharing of information, ideas, career interests and other forms of expression via virtual communities and networks and invite the posting of comments, contributions or facilitate conversations.

There are a number of ways in which social media is used, these can be found as Appendix A.

## How can Members use social media?

You can use social media in a number of ways:

- as an individual through a private account; or
- anonymously through a private account
- sponsored by either ECC, for example by way of a Chairman's or Leader's blog (ECC uses both);

When using social media you are bound by [ECC's Code](#) if you are conducting ECC business or representing ECC.

## Using Social Media as an Individual

You can make private and personal non-political social media contributions, unconnected to ECC business, where you are making that contribution in your personal capacity. In these circumstances the [Code](#) is unlikely to apply.

In considering whether you are acting as a member, the Audit, Governance and Standards Committee would have regard to the following factors:

### The privacy settings on your social media site

Where you have a private, personal blog or social media site, which is used in your personal capacity as a private individual and not as a member, there should be appropriate privacy settings in place on those accounts. This will enable you to control who is able to see, review and comment on your posts. If your account is open to all readers, it may be reasonable for residents, and the Audit, Governance

and Standards Committee, to assume that you are acting in your capacity as a member.

## Your profile on the social media site

Where this is intended to be private, you should not describe yourself as a member or refer to ECC business or contacts. If you refer to yourself as a member or county councillor to discuss official business it would be difficult to argue that you were not subject to the [Code](#).

A disclaimer in a private blog to the effect that comments are not made as a member will not necessarily avoid the application of the [Code](#).

## Anonymous postings on social media

ECC does not support or encourage anonymous postings by members.

An anonymous post by you conducting ECC business will be subject to the Code. The issue of whether there was sufficient evidence to attribute the post to you will be a matter to be decided by the Audit, Governance and Standards Committee.

## How does the [Code](#) apply to social media?

You must comply with the [Code](#) whenever you ‘...conduct the business of ECC...or if you are acting as a representative of ECC’

The following paragraphs of the Code will apply to online behaviour just as they would to any other form of communication.

- Paragraph 24.8 - I treat other councillors and members of the public with respect and I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.
- Paragraph 24.9 - I do not bully any person. I do not harass any person. I promote equalities and do not discriminate unlawfully against any person.
- Paragraph 24.10 – I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.
- Paragraph 24.11 – I do not disclose information: given to me in confidence by anyone, acquired by me which I believe, or ought reasonably to be aware is of a confidential nature. (see further details in the Code)
- Paragraph 24.12 – I do not bring my role or local authority into disrepute.
- Paragraph 24.13 – I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

You should also consider other online activities where the Code may apply;

- Forum Posts. If you identify yourself as a member the Code will likely apply. If you put content on the site which could only have been obtained by you as a

member, the Code is also likely to apply. You should also consider that information you post on a forum could be reposted in part or full by others.

- Comments made by others. It is also important for you to regularly check your blog or networking site to ensure there are no defamatory or obscene comments posted by others. It is good practice for blogs to include a statement making clear how inappropriate or offensive comments will be dealt with. Any offensive posts should be removed immediately.
- Contacts on social media sites. Various terms are used to define contacts on social media sites. These include 'friends' (Facebook) and 'followers' (Twitter). You should be aware that anyone you include as a contact on a social media site could be regarded as a "close associate" within the meaning of paragraph 24.16 of the Code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

## Other important issues to consider

There are also considerations apart from the Code that you should take into account when using online media. The following is a brief guide to some of the legal pitfalls in establishing personal social media sites such as blogs. These can be avoided if your online content is objective, balanced, informative and accurate.

In the main, you have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences.

- **Libel:** If you publish an untrue statement about a person which is damaging to their reputation they may bring proceedings for libel against you. This will also apply if you allow someone to publish something libellous on your website or social media page and do not take prompt action to remove it.
- **Bias and Predetermination:** You should avoid publishing anything that might suggest you have already made up your mind about a matter that you may be involved in determining. Otherwise, the decision runs the risk of being invalidated.
- **Copyright:** Placing images or text on a site from a copyrighted source (e.g. extracts from publications, photos etc.) without permission is likely to breach copyright legislation. You should avoid publishing anything you are unsure about or seek permission from the [Head of Democracy and Transparency](#) in advance. Breach of copyright may result in prosecution or an award of damages. This risk may be avoided by providing a link to the material.
- **Data Protection:** Never publish the personal data of individuals in your capacity of member. You should not publish/upload any photographs of others unless you have expressly sought permission from them to take the picture and to post it to your social media. You should avoid taking pictures of children or vulnerable people altogether. You should be careful to ensure that the way photographs are presented on social media is not misleading.
- **Obscene Material:** Never publish anything that people might consider obscene. Publication of obscene materials is a criminal offence.
- **Pre-Election Period:** [The Electoral Commission](#) requires that candidates provide a return of expenditure on any form of advertising or campaign

literature and that includes web advertising. There are additional requirements such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk). ECC will not support councillors to use social media and will not publish blogs when the blog author is involved in an election.

- **Repetition:** It is important to note that you cannot avoid liability by saying you are repeating what others have said. Anyone who repeats a libellous statement is liable for it. This is particularly important if you 'like' something on Facebook or re-tweet something. Think carefully before re-tweeting or 'liking' a post. If in doubt, please don't. Liking, sharing or retweeting content from others can appear as agreement or recommendation.
- **Emergency Situations:** Social media is a useful way to get information to the community during the response to an emergency. However, the uncontrolled flow of unconfirmed information can disrupt the activities of the emergency services. As a Member, any messages you post will be given greater weight than postings by members of the public. It is therefore strongly recommended that in such situations you consult those in charge of the emergency response before posting information. This will ensure that you do not inadvertently mislead the public or hamper the response to an incident.

## Getting started

Should you require help getting started with social media or have specific questions relating to using it, please speak to a member of [Democratic Services](#) or the [Communications Team](#). We cannot, however, provide assistance during the pre-election period or if you intend to use social media for party political purposes.

## Appendix A

### Social Networks

These are sites which allow people to build a personal web page and then connect with other individuals, organisations or groups to share content, ideas and updates and allows for conversations to take place. The biggest social network is [Facebook](#).

### Professional Networks

These are sites which allow people to build a professional web page and connect with other individuals, organisations and groups. Professional networks are also used to search for employment opportunities and share innovative ideas, or industry developments. [LinkedIn](#) is the most popular professional network.

### Blogs

These are online journals, used to discuss a range of subjects from personal topics and issues to political opinion. Two of the largest blogs are [WordPress](#) and [Blogger](#).

## Wikis

These are websites which allow people to add content to or edit the information on them, acting as a communal document or database. The best-known wiki is [Wikipedia](#), an online encyclopaedia.

## Forums

These are areas for online discussion, often around specific topics and interests, and are a powerful and popular element of online communities.

## Content Communities

This occurs where communities organise and share particular types of content such as photos or videos, with popular sites including [Flickr](#), [Instagram](#) and [YouTube](#).

## Microblogging/Vlogging

These are bite-sized blogging sites, where content or updates are available, but they are restricted to the number of characters that can be used in any one tweet. [Twitter](#) is the most popular microblogging site.

## Mobile Messaging Applications

There are several mobile messaging applications that allow photos, video, text and drawings to be sent. Some of these such as Snapchat delete messages from the recipient's phone after a few seconds. [WhatsApp](#) is a popular one.

## Mobile photo-sharing

[Instagram](#) is another sharing service for video and photos that can be shared privately or publicly and through other social media platforms such as [Facebook](#) and [Twitter](#).