



TITLE: Social Media Policy

POLICY NUMBER: 2-16

EFFECTIVE DATE: 09/02/2015

PAGES: 1 of 7

ENABLING ACTIONS:

REVISED DATES: 10/04/2022

APPROVED:

PURPOSE

The Social Media Policy governs the operation of social media accounts by the Town of Los Gatos (“Town”), its Departments, and Town Elected/Appointed Officials to ensure that the community has access to timely, useful, and important information. The intended purposes of these Town social media accounts are to disseminate information regarding the Town’s mission, meetings, current issues, programs, projects, services, and events; strengthen relationships; foster communication; and engage the community.

The Town has an important interest in assuring the accuracy and consistency of information associated with its social media accounts. The Town also respects the First Amendment to the United States Constitution and the constitutional right to freedom of speech. This Policy also establishes guidelines for the public’s use of social media that balances these values.

Social media users who submit content to any official Town social media account acknowledge they have read, understand, and agree to the Town’s terms and conditions by virtue of such use.

This Policy is not meant to address one particular form of social media; rather social media in general as advances in technology will occur and new tools will emerge.

DEFINITIONS

Town Social Media Account – An official account or page on social media maintained by the Town of Los Gatos.

Elected/Appointed Town Officials – Town Mayor, Vice Mayor, Councilmembers, and people appointed by the Council to serve on a legislative body such as a Town Board, Commission, Committee.

Post – The addition of information of any kind in the form of text, links, graphics, photos, videos, etc. to social media.

Social Media – Publicly accessible technologies used to publish and/or share information using the internet. Examples of social media include: Nextdoor, Facebook, Instagram, Twitter, LinkedIn, and YouTube.

SCOPE AND AUTHORITY

This Policy applies to all employees of the Town including temporary personnel, interns, volunteers, or other individuals performing work and/or engaged in external communications on the Town's behalf and to Town Elected/Appointed Officials.

Town employees shall operate Town social media accounts and post items on behalf of the Town only as authorized and in conjunction with the Town Communication Team consistent with the administrative procedures outlined in the Town Communication Plan.

GENERAL POLICY

Town employees shall follow these general guidelines when posting items to social media and/or operating the Town's social media accounts. Employees should also refer to and comply with the Town's Communication Plan.

1. The Town's official website (www.LosGatosCA.gov) will remain the Town's primary means of digital communication. When possible, social media posts should contain a link directing viewers to the Town website for more information.
2. Posts should specifically address information regarding Town services, Departments, officials, programs, safety and disaster preparedness, emergency alerts, meetings, recognition, recruitment, history, community, and/or offerings specifically related to or originating from the Town.

The Town may post information from Town Departments, Town government agency partners, organizations that are under contract with the Town for programming (e.g., Music in the Park, Los Gatos-Saratoga Recreation, etc.), and/or relevant media outlets (local, regional, State).

The Town may post information from non-profits providing housing or philanthropic services in Los Gatos with whom the Town has a contractual partnership. Information from non-profits providing housing or philanthropic services in Los Gatos that are not in

a contractual partnership with the Town may be “shared” on the Town’s social media accounts, but not posted directly to the Town’s social media accounts.

The Town may post information from the official sites or accounts of local, State, and Federal government or quasi-government agencies.

The Town may post information from utility, energy, water, recycling, waste management and/or other Los Gatos service providers. Examples include: PG&E, Silicon Valley Clean Energy, West Valley Collection & Recycling, etc.

The Town reserves the right to deny requests to post external links or information that do not fall into any of these categories.

3. Social media content may include information, graphics, photos, videos, and links.
4. Official Town accounts should clearly identify that they are operated by the Town and use an official Town or Department name and logo.
5. Where possible, this Social Media Policy should be linked on all Town social media accounts.
6. Social media posts will supplement and not replace legally required notices and standard methods of communication.
7. No confidential information may be posted.
8. Posts should not contain any personal information except for the names of employees whose job duties include being available for contact by the public.
9. Posts should be professional, respectful, timely, and factual.
10. All necessary permissions should be obtained prior to posting (e.g., permission to use photos if applicable).
11. All posts must comply with usage rules and regulations required by third party providers of Town social media accounts. The Town reserves the right to report any violation of those rules and regulations to the third party social media providers so that those third party social media providers can take appropriate and reasonable responsive action.
12. Posts must comply with all applicable Town Policies and Procedures pertaining to communications including the Town Communication Plan, employee electronic

TITLE: Social Media Policy	PAGE: 4 of 7	POLICY NUMBER: 2-16
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communications usage requirements, and any restrictions on the forum such as limitations to specified activities or topics.

CONTENT MODERATION

The Town's social media accounts are limited public forums moderated by Town staff. Members of the public are invited to view and, where possible, provide comments or other engagement on Town social media accounts in accordance with this Policy and any other restrictions specific to the forum such as limitations to specific activities or topics. Any public comment posted to a Town social media account is the opinion of the commenter. The presence of that content in connection with a Town social media account shall in no way imply Town endorsement of, or agreement with, the content.

The Town may hide and/or delete comments that are not related to the topic of the post or are not protected speech protected by the First Amendment. The Town shall not hide and/or delete comments solely because such comments are critical of the Town or its officials. It is understood that social media is a 24/7 medium and the Town may not see every inappropriate comment right away. The Town is trusting in the community to allow reasonable time for off-topic, inappropriate or harmful speech to be reviewed and/or removed.

The following types of content shall not be permitted in connection with Town social media accounts and will be removed:

1. Content unrelated to the Town or specified post topic.
2. Violent and/or pornographic content.
3. Content promoting discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, disability, veteran status, national origin, or any other legally protected class.
4. Profane language or content.
5. Solicitations of fundraising or commerce, including but not limited to advertising of any business or product for sale.
6. Violations of any law, threats, and/or promotion of violence or illegal activity.
7. Content compromising public safety or security.

8. Content supporting or opposing any political candidate or campaign, including ballot measures.
9. Content that violates a legal ownership interest of any other party.
10. Apparent spam, content posted by automatic software programs (i.e., "bots"), or comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, servers, or browser.
11. Duplicate comments posted repeatedly within a short period of time.
12. Personal attacks or comments containing actual defamation against a person, either as determined by a court or comments that are patently defamatory by easily discovered facts.
13. Private or personal information posted without consent.

Public comments that do not conform with these restrictions shall be removed following approval by the Town Manager or designee in consultation with the Town Attorney. Any public comment removed based on this Policy shall be retained in a manner consistent with the Town's Records Retention Policy.

NO LIABILITY/GUARANTEE

The Town operates its social media accounts as a public service to provide information about the Town. The Town assumes no liability for any inaccuracies its social media accounts may contain and does not guarantee its social media accounts will be uninterrupted, permanent, or error-free.

All users of social media should review and understand all applicable privacy and other policies, including those established by the third-party social media providers. Town social media accounts may contain content, including but not limited to, advertisements or hyperlinks, over which the Town has no control. The Town does not endorse any hyperlink or advertisement placed on a Town social media account by anyone other than the Town.

Shares, likes, follows, etc. by any Town social media account are not endorsements.

Town social media accounts are not monitored 24 hours a day, seven days a week and no one should utilize Town social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.

The Town does not guarantee it will respond to comments or messages on Town social media accounts. The Town will use its discretion in determining when to reply publicly, reply privately, or not reply at all.

ELECTED/APPOINTED OFFICIALS

If Elected/Appointed Town officials have their own social media accounts, the Town recognizes that they may choose, in their individual capacity, to post items relevant to Town business. In such situations, Elected/Appointed Town officials shall make it clear that they are speaking for themselves, not for the Town or for their legislative body. Elected/Appointed Officials shall individually ensure that they comply with all applicable laws, including, but not limited to, the United States Constitution and the First Amendment, the Ralph M. Brown Act, the California Public Records Act, and the Town's Records Retention Policy.

The Town does not create or provide support for individual social media accounts for Elected/Appointed officials and those who maintain personal social media accounts should be aware that (similar to Town email or any other written or recorded communication related to the official conduct of Town business), digital communications, social media posts, and messages by Elected/Appointed Town officials regarding matters that are related to Town business are subject to laws and policies regarding freedom of speech, records retention and production, and public transparency.

Elected/Appointed Officials are prohibited from using the Town logo or seal or any variation of the Town logo or seal, representing the Town, or representing that they speak on behalf of the Town within their official or personal social account(s).

To avoid violations of the Brown Act, consistent with the update provided by AB 992, Town officials are permitted to use social media to engage in conversations or communications on matters within the subject matter jurisdiction of their legislative body to answer questions, provide information to the public, and/or to solicit information from the public. However, the Brown Act prohibits Elected/Appointed Officials from communicating directly with the social media of any other member of the legislative body on a subject within the legislative body's jurisdiction. Elected/Appointed Officials should be careful not to post, respond, like, react, share, retweet, etc. any content from another member of their legislative body in a manner that could constitute an improper serial meeting or otherwise violate the Brown Act.

Elected/Appointed Officials may share or like official Town social media account postings. If there is any concern about whether an action or content falls within the Brown Act or other legal limitations, the Elected/Appointed Official should check with the Town Manager and Town Attorney prior to posting.

TITLE: Social Media Policy	PAGE: 7 of 7	POLICY NUMBER: 2-16
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When possible, news of Town-wide importance should first be announced by the Town's official social media accounts including the Town website. This information can then be shared by Elected/Appointed Officials, linking back to the original post or Town website, when possible. Unless the Elected/Appointed Official has been designated to serve as a spokesperson, a Town Elected/Appointed Official should never represent themselves as a spokesperson for the entire legislative body or the Town. Elected/Appointed Officials should be mindful of recognizing that accomplishments of the Town or legislative body are achieved by collective action of the entire body or organization.

Digital records relating to public business are required to be handled in a manner capable of maintaining the record for the applicable retention period. Elected/Appointed Officials should avoid deleting comments or blocking individuals on any social media accounts they maintain that are related to Town business. Social media content should be treated the same as any written document retained in accordance with the Town records retention schedules.

When an Elected/Appointed Official engages in public social media discussion on matters related to Town business, it is strongly recommended that the Elected/Appointed Official capture relevant comment threads and forward such communications to the participant's own Town of Los Gatos email address, the Town Manager, or staff liaison for the legislative body so that such communications are captured and preserved.

RECORDS

There is no expectation of privacy on any of the Town's social media accounts. Town social media records are subject to the California Public Records Act. Any content maintained on a Town social media account that is related to Town business, including posts, public comments, replies, and information about subscribers/followers, may be considered a public record and subject to public disclosure.

APPROVED AS TO FORM:


Gabrielle Whelan, Town Attorney

