

Title	Councillor Social Media Policy
Description	A policy to establish the standards which Councillors are expected to observe under the Councillor Code of Conduct in relation to the use of social media.
Category	Council
Type	Policy
Approval authority	Council
Responsible officer	Group Manager Advocacy, Engagement and Communications
Approval date	8 March 2022
Review cycle	Every four years
Review date	8 March 2026
Document Reference	D22/55284
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities

1. Purpose

- 1.1. Councillors are required to act in accordance with the Standards of Conduct set out in the *Local Government (Governance and Integrity) Regulations 2020* and further described in the Councillor Code of Conduct.
- 1.2. This policy sets out the standards which Councillors are expected to observe in relation to their use of social media and other online platforms in the performance of, or in connection with, their functions as a Councillor.
- 1.3. A failure to adhere to these standards constitutes a breach of the Councillor Code of Conduct and may also breach the Standards of Conduct.

2. Guiding principles

- 2.1. Yarra City Council recognises:
 - 2.1.1. the value and importance of social media in engaging with our community
 - 2.1.2. that social media plays an important role in informing the community and engaging residents, as well as nurturing the reputation of Council and its values
 - 2.1.3. that social media provides the opportunity to listen to and, where appropriate, be part of conversations that are occurring in our community.

3. Purpose, scope and application

- 3.1. This policy applies to all Councillors when they are using social media in the performance of, or in connection with, their functions as a Councillor, or otherwise in relation to Council matters. This policy:
 - 3.1.1. outlines protocols for the appropriate usage of social media and publishing standards as an elected representative
 - 3.1.2. aligns with the provisions of the Councillor Code of Conduct

3.1.3. reminds Councillors that breaching this policy may result in disciplinary action.

- 3.2. This policy does not apply to personal accounts operated by Councillors or to comments made in a personal capacity, unless those comments are of a kind that could be interpreted as being made in the Councillor's official capacity.
- 3.3. The purpose of this policy is to provide Councillors clear guidance for the appropriate use of online and social media platforms when utilised in the performance of, or in connection with, their functions as a Councillor.

4. Definitions

- 4.1. 'Social media' applies to digital spaces where people post, comment, like and share content, including (but not limited to):
 - 4.1.1. social networking sites (e.g. Facebook, LinkedIn)
 - 4.1.2. microblogging sites (e.g. Twitter, Reddit)
 - 4.1.3. video and photo sharing sites (e.g. Instagram, YouTube).

5. Social media posting expectations and standards

- 5.1. Council supports and encourages appropriate use of social media for engaging and communicating with the community. Social media is an effective tool to publicise outcomes, services, events, initiatives, and projects that matter to the municipality.
- 5.2. Councillors with social media accounts that are used in the performance of, or in connection with, their functions as a Councillor, or otherwise in relation to Council matters, must operate and administer such accounts, including posts and comments on them, in a respectful and appropriate way that accords with the standards expected of Councillors under the Councillor Code of Conduct and this policy.
- 5.3. When utilising social media, Councillors must avoid exposing Council to legal and reputational risk.
- 5.4. Council recognises that, while Councillors are free to operate social media accounts as one means of expressing their views to the community, posting must be consistently respectful across these mediums. It is important to the reputation of Council that Councillor communications on official Council matters do not misrepresent Council or its adopted or established positions.
- 5.5. Councillors are reminded of their obligations under the Councillor Code of Conduct and relevant organisational policies when engaging with social media in the performance of, or in connection with, their functions as a Councillor, or otherwise in relation to Council matters.
- 5.6. These requirements will also apply to any future social media platforms taken up by Council or Councillors.

6. Social Media Expectations

- 6.1. It is each Councillor's responsibility to manage any social media accounts they hold, including when creating and sharing content and when monitoring comments, so as to meet the requirements of relevant legislation.
- 6.2. Councillors must, when using social media, identify expressions of their personal opinions so as to make it clear that they are not speaking for or on behalf of Council. When contributing to public comment on social media, Councillors will have regard to, and act in accordance with, the Councillor Code of Conduct and the Media Policy when discussing Council matters.

- 6.3. Councillors who wish to have a social media presence for the purpose of Council-related activity are encouraged to have a dedicated Councillor account separate to any other personal or business accounts they might hold.
- 6.4. Councillors should ensure that they have appropriate privacy settings on all social media sites moderated, managed or operated by them, bearing in mind that all social media posts will be public to some degree.
- 6.5. Councillors are encouraged to reshare/retweet social media posts that are published on the official Yarra City Council pages.

7. When using social media, do:

- 7.1. Present Council as effective and cohesive, regardless of differing opinions.
- 7.2. Be respectful, fair, open minded and accurate in all social media interactions.
- 7.3. Disclose that you are a Councillor in the biography for any social media accounts that are used in the performance of, or in connection with, your functions as a Councillor, or otherwise in relation to Council matters.
- 7.4. Be accurate, informative and truthful.
- 7.5. Ensure social media commentary does not misrepresent Council's adopted or established positions and be seen to treat any decision taken by Council respectfully, even if disagreeing with it.
- 7.6. Identify expressions of your personal opinions so as to make it clear that you are not speaking for or on behalf of Council. Councillors are entitled to express views that differ from the position adopted at Council meetings, however, you must make it clear that those views are your own personal views and not those of Council. Wherever possible this should be in the post itself, rather than the Councillor seeking to rely solely on a general disclaimer in their online biography or similar.

Example

Council has attracted significant media attention following a decision to close a street to vehicular traffic. A Councillor who did not support the decision retweets a media article on the subject with the comment "we've made a big mistake here and the sooner we return this street to the way it was before, the better." The Councillor relies on the fact that their Twitter profile includes the sentence "all views my own". Notwithstanding the profile disclaimer, this tweet is might give some in the community the impression that the Councillor is speaking for Council on a changed position. If the Councillor wished to tweet, the Councillor could tweet "speaking for myself, I think the Council has made a big mistake but sadly, this is the position that was endorsed by the majority".

- 7.7. Be aware that "liking" or "sharing" a post can be considered to be endorsing the position.
- 7.8. Ensure posts are devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person, group of people or organisation.
- 7.9. Provide individual Council email address and phone number for resident/ratepayer's enquiries.

8. When using social media, don't:

8.1. Misrepresent Council or its adopted or established positions.

Example

A new supermarket development has been endorsed by Council. A Councillor who opposed the development and voted against it posts "Council was on the side of big business and put commercial gain over local community interests." Instead the Councillor could post "It's disappointing that more community facilities could not be incorporated into the design. I strongly advocated for this and wanted to see a community first approach here instead of a focus on business".

8.2. Express a predetermined view or convey an opinion that could prejudice a decision of Council.

Example

A report is coming to Council recommending the sale of a parcel of land. A councillor who does not support the plan posts "There's no way I will ever support the sale of any block of land in Richmond". A comment like might be taken as showing that the Councillor is not open to considering the facts in front of them. The Councillor's post will expose Council's decision to the risk of legal challenge and place its validity in jeopardy. Instead, the Councillor could post "I haven't heard any good arguments for the sale of this land, and until I do, I won't support it".

Example

A development proposal is being considered at it's next PDC a councillor posts "this proposal is in complete contradiction to what should be done on this site, I vow to oppose this outright at our upcoming meeting". Instead, the Councillor could post "there are a number of important decisions being considered by this week's PDC, any interested residents who wish to share their view should do so by lodging their submissions through the following process...".

8.3. Be seen to endorse any commercial operation or product, on behalf of Council.

Example

A Councillor is live tweeting from an annual awards ceremony at the Collingwood Town Hall and posts online "I just had another great lunch here at Yarra delivered by Community Caterers and can't recommend them highly enough. There's a reason why they are the City of Yarra's caterer of choice", when in fact Community Caterers has no official connection to Council. This comment suggests that Council itself is officially endorsing the commercial operation concerned, rather than it being the Councillor's individual view. Instead, the Councillor could tweet "I just enjoyed lunch provided by Community Caterers. I think they make the tastiest chicken schnitzel sandwich I've ever had".

8.4. Promote Council decisions or initiatives using political party branding (text/images).

- 8.5. Attribute a Council decision or action to themselves or a third party.

Example

Council hosts a music festival in Victoria Street and attracts worldwide media attention. The headline acts are members of Live Performance Australia, but the organisation itself had nothing to do with organising the event. A Councillor posts online “Well done LPA – another great event with your members front and centre” – giving the impression that the event was affiliated with LPA. The Councillor could have said instead “A great event put on by Council with LPA members front and centre, showing their depth of talent”.

- 8.6. Publish or share confidential Council business.
- 8.7. Comment, like, post or share content that is malicious, offensive, prejudiced or knowingly inaccurate.
- 8.8. Post, like or comment on abusive or inappropriate content, or materials that would breach applicable laws (e.g. *Defamation Act 2005 (Vic)*, *Copyright Act 1986 (Cth)*, *Spam Act 2003 (Cth)*, *Crimes Act 1958 (Vic)*).
- 8.9. Discuss or share internal operational or organisational matters, issues or correspondence.

Example

A Councillor posts a screen shot of an email sent to them by a member of Council staff providing an update on the progress of a capital works project in their ward. The screen shot is accompanied by the message “good news”. Instead of posting the internal correspondence, the Councillor should have provided an update on the project without providing the email itself.

- 8.10. Operate anonymous or deceptive accounts to surreptitiously engage in public discussion of matters with which Council is concerned.
- 8.11. Post or comment using staff names or titles to protect their privacy.

9. Legal obligations

- 9.1. In addition to the obligations that arise from holding office as a Councillor, social media activity must be undertaken lawfully. Councillors must keep themselves informed of all relevant legislations. Just some (but not all) of the laws applicable to social media use are:

Privacy and Data Protection Act 2014 (Vic)

- 9.2. Council and, in most cases, Councillors are required to comply with the Information Privacy Principles in its treatment of personal information of individuals, including members of the community, staff and Councillors. Among other things, this places limitations on the publication of private details online, the use of information collected from social media posts of others and the sharing of information about third parties.

- 9.3. Similarly, the *Health Records Act 2001 (Vic)* establishes a series of Health Privacy Principles that apply to health information collected and handled by Council. Health information should never be disclosed on social media.

Example

A Councillor assists a member of the public who had their letterbox vandalised. The Councillor publishes a post online reading “Since her mobility issues meant she couldn’t do it herself, I was happy to help this 86 year old resident of High Street repair her letterbox after it was attacked by vandals.” The post included a photograph of the letterbox that showed the number on the letterbox. While the Councillor did not name the complainant, their identity is readily discernible from the photograph and the Councillor has described their personal and health circumstances. A breach of the *Privacy and Data Protection Act 2014 (Vic)* has occurred.

Copyright Act 1968 (Cth)

- 9.4. The *Copyright Act 1968 (Cth)* regulates copyright in Australia in relation to original literary, dramatic, musical and artistic works, as well as subject matter other than works. Copyright is infringed if a person does, or authorises the doing, of, any act which infringes on the copyright in a work without the copyright owner’s permission.

Example

A Councillor wishes to post an artist’s impression of a proposed new building on Twitter. The image is part of an officer’s report coming before an upcoming meeting of the Planning Decisions Committee. Unless the Councillor receives express permission from the copyright holder (the architect), they cannot publish the image without breaching the *Copyright Act 1968 (Cth)*. Instead, an option would be to post a link to the meeting agenda on Council’s website where the image appears with the implied consent of the copyright holder.

Defamation Act 2005 (Vic)

- 9.5. Defamation in Victoria is the publication of material that has a negative impact on the reputation of an individual, and the statements in the publication are not substantiated by facts. Publication includes online postings in words, drawings, audio or video, and the person responsible for posting or sharing the content will generally be considered to be the ‘publisher’.
- 9.6. A person who owns a social media account on which defamatory matter is published by a third party (e.g. in comments on a post) may also be considered to be the ‘publisher’ of that defamatory matter, even though they did not author it. Councillors need to actively monitor the comments on their social media posts.

Example

A Councillor publishes a Facebook post that names another Councillor and describes them as “corrupt and in bed with developers”. There is no evidence to suggest any of the claims are true. The Councillor may be subject to defamation proceedings.

Spam Act 2003 (Cth)

9.7. The *Spam Act 2003* (Cth) prohibits the sending of bulk unsolicited commercial email messages.

Example

A Councillor, who owns a pet store, receives a petition on an online platform containing details of 200 persons opposed to the introduction of new Local Law provisions regarding cat ownership. The Councillor responds to the petitioners by email and provides them with a coupon for a discount at the Councillor's store. These messages could be contrary to the *Spam Act 2003* (Cth).

Crimes Act 1958 (Vic)

9.8. Section 21A of the *Crimes Act 1958* (Vic) contains specific provisions relating to the stalking of another person. These include contacting a person online, publishing information about a person online, as well as a number of other provisions.

Example

A Councillor posts comments on the Twitter feed of a community group, criticising the group's convenor and describing them as 'uninformed' and 'hopeless'. The posts are repeated, escalate to include threatening content and go on for many months. The group's convenor reports the conduct to the Police on the basis that they are fearful of their safety. This conduct could expose the Councillor to a charge of stalking.

10. Breaches of this policy

10.1. A breach of or non-compliance with this policy and related documents will constitute a breach of the Councillor Code of Conduct and may also breach the Standards of Conduct.

11. Related Documents

11.1. Councillor Code of Conduct

11.2. Media Policy