HUMAN RESOURCES DEPARTMENT

FORT BEND COUNTY, TEXAS

Kent M. Edwards, PHR
Director of Human Resources

To: Judge KP George
Commissioner Vincent Morales
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner Ken DeMerchant

From: Kathy Novosad
Sr. Human Resources Generalist

Date: November 20, 2019

Subject: Revisions to Policies of the Employee Information Manual

Human Resources is submitting revisions to *Policy 615: Social Media*, for your review and consideration. The policy underwent extensive revisions that made it impractical to produce a document tracking the changes. The revised policy is attached.

The revisions were made under the guidance of the County Attorney's Office and the Records Management Committee. The policy more adequately addresses the present state of social media, provides for reasonable cyber-security, seeks to ensure that records of social media are retained in accordance with statutes, protects freedom of speech, and to the extent possible, seeks to ensure that the County's use of social media is productive and projects an appropriate message to the public.

If you have any questions, please contact Kent Edwards or Kathy Novosad in Human Resources.

615 – SOCIAL MEDIA

Section 615.01
Scope and Purpose

The purpose of this Policy is to establish standards, requirements, and expectations regarding any official Fort Bend County related social media usage. This Policy applies to all official Fort Bend County social media sites, including the official site of any County Elected Official that contains hyper-links between the Elected Official's site and Fort Bend County's official website.

This Policy applies to County employees' use of social media as part of their job duties, as well as accessing social media through County Technical Resources. Section 615.07 of this policy addresses employee's personal use of social media both on and off duty.

Social Media as an Engagement Tool

Fort Bend County recognizes that social media tools such as blogs, micro-blogs, online forums, content sharing websites, and other digital channels established for online interaction and connection are increasingly used by County employees, constituents, businesses, and the general public to discuss, debate, and engage Fort Bend County in many online conversations. The County recognizes the vital importance of participating in these conversations, and is committed to providing the opportunity for Elected Officials and employees to participate and listen in meaningful ways.

The Role of Commissioners Court in Social Media

The County Judge and County Commissioners have an overriding interest and expectation in deciding what is "spoken" on behalf of Fort Bend County on social media sites, and Commissioners Court is responsible for protecting Fort Bend County's intellectual property, which includes the county seal and any related county trademarks. Fort Bend County allows Department Heads to establish and operate social media sites for their respective departments with the understanding that sites must comply with this Fort Bend County Social Media Policy.

Social Media for Offices of Elected Officials

Fort Bend County acknowledges that each Elected Official is the records management officer for their office, unless that function is assigned by the Elected Official to the County Records Management Officer. However, social media records are government records belonging to the office, not the individual. Each Elected Official has the right to create, or have created, social media sites to be exclusively maintained by the Elected Officials. However, if hyper-links are to exist between the Elected Official's site and the official Fort Bend County website, then the Elected Official must agree to adhere to this Policy.

Platforms Not Appropriate for Official County Use

This Policy specifically prohibits the use of Snapchat and other similar social media services that prohibit the Account Administrators from retaining content published within the service.

Conduct that violates the provisions of this Policy in whole or in part is

considered to be outside the course and scope of County employment or the direct consequence of the discharge of an employee's duties. Accordingly, to the extent permitted by law, the County reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

Section 615.02 Definitions

Account Administrator means one or more of the following: the Social Media Coordinator, the Department Head or Elected Official, authorized staff designated by the Department Head or Elected Official, as well as an employee designated by Fort Bend County Information Technology, and are the only individuals who have the authority to access and/or operate the social media account(s).

Social media means web-based technologies used to broadcast messages and participate in dialogues. Examples of social media software applications and social networking applications include, but are not limited to, the following:

a) Facebook™ and Facebook Messenger™;

b) Instagram™;

c) YouTube™;

d) Twitter™;

e) Reddit™;

f) LinkedIn™;

g) Pinterest™;

h) Nextdoor™;

i) Collaboration applications such as Wikipedia™; and

j) County's official blog.

Social Media Coordinator means the person responsible for overseeing the department's social media activity and compliance with: state retention laws and the department's records management policy; compliance with state and federal laws related to Confidential Information; reviewing site activity daily to ensure compliance with County policies. The Department Head will be the Social Media Coordinator if no other employee is designated the Social Media Coordinator.

Confidential Information and "Privileged Information" means information that is confidential by law or privileged and not available to the public. It can also include information of customers, business partners or others that has been disclosed to County under obligations of confidentiality. Examples include, but are not limited to:

a) All exceptions, mandatory or discretionary, under the Texas Public Information Act;

b) Medical Records;

c) Dates of Birth; and

d) Lawsuits and other legal proceedings.

County Technical Resources includes county issued mobile phones, desktop and portable computer systems, fax machines, internet access, including Wi-Fi and wireless local area networking (WLAN), voice mail, electronic mail (email), and intranet.

Section 615.03 Procedures for Creating and Maintaining an Official Fort Bend County Social Media Presence

Fort Bend County, through IT, maintains an official social media presence on Facebook™, Twitter™, LinkedIn™, YouTube™, Nextdoor™, and Pinterest™. New social media sites may be requested by contacting IT, who in turn will send a request form for the department to complete. Departments may not create their own official County social media sites, without approval from IT. When considering a presence on social media, it's important to think about goals, objectives and audiences. Before creating a separate social media presence the Department Head or Elected Official should consider whether the presence would be better served by working with IT and/or the Public Information Officer in the County Judge's Office to utilize the County's primary social media presence.

Social Media Requirements

1. Elected Officials may create their own official social media presences but must adhere to this Policy if they wish to have links between the Elected Official's site and the official Fort Bend County website.

2. All County social media accounts should be created using the County provided email address of the Account Administrator(s) and include an employee designated by IT. The Department Head and IT must always know the current password. Account passwords should be promptly reset when an employee is removed as an account administrator.

3. Department Heads may delegate authority to Account Administrators to determine and establish the social media activity for their department that is consistent with the department's purpose. However, the County Judge's Office is responsible for distribution of public information on behalf of the County, and Commissioners Court has the ultimate authority over social media activity covered by this Policy.

4. Account Administrators for Elected Officials are not subject to number 3 above for social media activity related to dissemination of information or postings related to their respective jurisdictions.

5. IT will provide the umbrella framework for the County's social media presence. In this role IT will:

    a. Serve as a silent administrator of all accounts;

    b. Develop minimum security standards for using each social media site and assist Account Administrators in responding to a security breach;

c. Assist the County Homeland Security & Emergency Management Office during emergencies;

d. Provide feedback and continuous training;

e. Provide assistance when social media sites adopt new guidelines and/or terms of service;

f. Amplify presence and information through countywide accounts;

g. Include metrics (such as number of followers, engagement (likes, comments, shares and clicks), share of voice, reach, and influence) with county statistics.

h. Archive social media records to maintain legal compliance and as requested by departments; and

i. Assist in publishing messages to all or select social media accounts, as requested.

It is critical that employees immediately report any official social media behavior they suspect is in violation of this policy. To report known or suspected violations, contact the County Attorney's Office and IT. Anyone reporting a suspected or actual violation of this Policy is protected from retaliation in accordance with Section 204 of this manual. All good faith allegations of violations of this Policy will be fully and confidentially investigated. Employees are required to cooperate with all investigations of alleged Policy violations.

Section 615.04 Official Statements/Press Releases

FIRST AMENDMENT RIGHTS TO FREEDOM OF SPEECH ON COUNTY SOCIAL MEDIA SITES:

If an official County social media site is designed for public comments and interaction, and the Department Head or Elected Official allows comments and interaction, employees are strictly prohibited from blocking, banning, or restricting users' ability to comment and interact. Because the County is a governmental entity, any action taken to restrict a user's ability to comment on an official County social media site is considered a State action prohibiting freedom of speech and may be a violation of the first amendment rights of the user. If defamatory or obscene material is posted on the official county social media site, immediately contact the County Attorney's Office for guidance.

Expectations for Appropriate Content and Behavior on County Social Media

1. Except for Elected Official's social media postings, any County-related social media postings must be pre-authorized by the Department Head. If employees and/or Elected Officials are in doubt as to what may be appropriate to write, seek advice from the County Attorney's Office and/or the County Judge's Office (Elected Officials need not consult with

the County Judge's Office but may do so at their discretion). When participating in County-related communication, employees must identify their position or affiliation with the County. Fort Bend County does not take responsibility for any publication except for those produced in accordance with this policy.

2. In some cases, the County may wish to permit outside consultants (i.e., non-employees) to blog in connection with current County events, services, or other activities. The same requirements and procedures that apply to County employees under this Policy shall also govern consultants' blogging activities on behalf of County. County Account Administrators must advise such consultants of this Policy and are responsible for ensuring their full compliance.

3. Employees shall protect Privileged and Confidential Information from public disclosure on social media sites. It is never appropriate to share, post, publish, or otherwise disclose Privileged and/or Confidential Information unless employees are legally authorized to disclose the information. Employees must follow the Texas Public Information Act, as well as any other applicable state or federal privacy laws, and must not post or otherwise comment in any capacity on Privileged and/or Confidential Information. For assistance in determining what information may be publicly disseminated, contact the County Attorney's Office.

4. Blogging and other online dialogue are far-reaching forms of communication; distribution is meant for a vast public audience. Information purported to be published by the County contained within blogs and other websites could have a negative impact on the County and the County's constituents, with potential legal implications. Unless employees have successfully completed County's social media training course(s) employees shall never claim to be speaking on behalf of County or expressing an official County position in such communications.

5. Employees shall not conduct activities that are illegal or contrary to the policies of the Fort Bend County Employee Information Manual, or other applicable County policies. Employees shall always respect the dignity and privacy of colleagues, constituents, and the general public.

6. Harassing, intimidating, offensive, abusive, threatening, menacing, or hostile content communicated through blogs and other online communications is prohibited.

7. Employees shall not cite, reference or discuss County's constituents, vendors, employees or other persons that provide services to County without their prior approval.

8. Employees shall disclose their connection to the County in all communications with businesses, the media and/or constituents when speaking on behalf of County (if authorized to do so) or discussing or recommending County programs or services. Employees must also provide their County contact information upon request. Unless employees are certified to speak on behalf of County, employees should make it clear that the opinions are theirs alone and do not necessarily

reflect the County's views or positions.

9. Employees shall never knowingly communicate information that is untrue or deceptive. Communications shall be based on current, accurate, complete and relevant data. The County will take all reasonable steps to assure the validity of information communicated via any channel, but it is the employees' responsibility to assure accuracy in the first instance. Anecdotes and opinions shall be identified as such. Employees will be held accountable for the information employees share in online activities.

10. Social media sites using County technical resources shall not contain content that may reasonably be considered offensive to other individuals. Offensive material includes, but is not limited to, sexual comments, racial slurs, gender-specific comments, or any comments, jokes or images that may offend someone on the basis of race, color, religion or creed, sex, sexual orientation, gender, gender identity, gender expression, pregnancy status (including childbirth and related medical conditions), national origin, ethnicity, citizenship status, age (40 and over), physical or mental disability, genetic information, protected military and veteran status, political affiliation or beliefs, or any other classification protected by state, federal and local laws, Any use of social media to harass or discriminate is strictly prohibited by Fort Bend County. Violators will be subject to discipline, up to and including termination of employment.

11. Employees should not post to blogs or social media sites that either mask their identity or indicate that the content was created by someone else. Posting information to social media sites that has been obtained by unauthorized review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other property of County, or improper use of information obtained by unauthorized means, is strictly prohibited.

Section 615.05 Trademarks, Trade Dress and Copyright

County social media sites may not use third-party trademarks or logos:

a) in any way that attempts (or seems to attempt) to capitalize on their fame, reputation or familiarity to benefit the County, that seems to associate the employee, County or the blog or other posting with the trademark or logo owner, or that seems to suggest any affiliation or endorsement by the owner (unless the owner's consent has been obtained),
b) in connection with negative or derogatory posts, or,
c) in connection with any content that promotes a revenue-generating product or service (such as a product promotion).

The following disclaimer must be clearly visible on every page where third-party trademarks or logos appear and ideally should appear somewhere near the trademarks or logos.

> "Third-party trademarks used on this site are the property of their respective owners, and do not indicate any sponsorship or endorsement of, or affiliation with, [ ], as applicable, by such trademark owners."

If an employee or official of Fort Bend County receives a complaint from the owner of a trademark or logo, he or she should IMMEDIATELY notify the County Attorney's Office and, unless instructed otherwise, should

IMMEDIATELY remove the mark or logo.

Section 615.06
Records Retention

Records created through the use of social media sites are records subject to the Local Government Records Act, Subtitle C., Texas Local Government Code, et. seq., as amended, as well as the Texas Public Information Act. The below requirements are necessary to ensure social media records are kept in accordance with these regulations.

1. Each department maintaining a social media site shall preserve records pursuant to the relevant records retention schedule as provided by the Texas State Library and Archives Commission for the required retention period. The records shall be maintained in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

2. Social media records must be captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.

3. Social media records must be maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.

4. Social media records must be archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.

5. Social media records must be indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).

Section 615.07
Employee's Personal Use of Social Media

Fort Bend County in no way seeks to control an employee's use of social media sites on their own time, however, the below guidelines are meant to ensure that personal social media use does not negatively impact the work or workplace relationships of County employees:

1. It is the policy of Fort Bend County that employees should refrain from personal use of social media while on duty. Employees shall not use their County email account or password in conjunction with a personal social media site.

2. An employee who chooses to use Fort Bend County technical resources for personal social media activity (whether permitted or not by a Department Head or Elected Official) is hereby advised that he/she has no right of privacy as to any information created using the County's technical resources or files maintained in, on, or transmitted via the County's technical resources. Such information may be subject to disclosure in accordance with open records statutes.

3. Employees' personal social media activity should remain personal in nature and should not be used for any County related purposes. Personal social media sites and activities made by employees are personal publications and not County publications.

4. Employees do not need to identify themselves as County employees on their personal social media sites but if employees choose to identify themselves as a County employee, employees shall make clear to their readers that the views expressed are theirs alone and do not represent the views and opinions of the County. At a minimum, employees should include this disclaimer in their own blog or social media site:

   > "The postings on this site are my own and I take full responsibility for them. I am not speaking as a representative of my employer, any company, or organization."

5. Any reference in employees' social media activity to their position or status with the County must be accurate (for example, employees may not misrepresent their position or authority within the County). If employees choose to disclose their position with the County, disclosure should be limited to the title or description of their position officially given to them by the County.

6. Employees are prohibited from using trademarks, copyrighted material, logos or other similar intellectual property belonging to County in their personal social media sites and posts.

7. No employee of Fort Bend County, including supervisors, managers, Department Heads or Elected Officials should use any illegal or unethical means of accessing another employee's personal social media account, including posing as someone else, gaining unauthorized access to a password, or coercing a person to give access to an account.

8. Given the nature of social media, it is reasonable to expect that one's social media postings may be viewed, copied, forwarded, printed, or otherwise shared with multiple people, including other employees and officials of the County. Employees should refrain from posting any information, rumors, gossip, photographs, video or audio of co-workers, clients, customers, and vendors of the County without the consent of the other individual. Such activity, even if conducted while off duty, could affect the work environment and may be a violation of Section 202: Respectful Workplace: Discrimination, Harassment, and Sexual Harassment Prevention, or other County policies.

9. Fort Bend County will take reasonable steps to ensure compliance with this policy and employees may be subject to discipline, up to and including termination of employment for policy violation. Employees who have any question about this policy, or are unsure about the content of a social media activity, should discuss their concerns with their supervisor or manager.

Policy Approved and Adopted by
Fort Bend County Commissioners Court
September 14, 2010
Revised: September 24, 2019
November 26, 2019