

**Electronic Mail and Social Media Policy Statement for the City of Ocoee**  
**Authorized April 1, 2016**

**Purpose**

Social media and other forms of electronic communication provide a valuable means for assisting the city and its personnel in meeting community needs for outreach, problem-solving, crime prevention, and related objectives related to municipal activities. The city also recognizes the role these electronic communication mechanisms play in the private lives of city employees, elected officials, and citizen volunteers. This policy statement provides basic social media usage obligations and precautions for city staff, elected officials, and volunteer members of city advisory and quasi-judicial boards in recognition of the possible interaction between official and personal electronic communications. It is intended to maximize the ability for the members of these groups to have the greatest possible freedom to utilize electronic and social media in their personal and professional lives while properly representing the city, interacting with its citizens, and conforming to the requirements for Government in the Sunshine.

**Application**

Social media is a fast-changing mechanism for personal expression through an electronic medium that is widely utilized by our citizens. As such, it offers another mechanism for municipal governments to better include our citizens in the governance process. However, this new opportunity also presents new challenges, particularly since the law and its application by the courts lags behind the technical capabilities for social media opportunities. The city has an overriding interest and expectation in deciding what is published on its behalf at social media sites and in other forms of electronic communication. This policy statement establishes the limitations that apply to such speech. Since public officials may be viewed by our citizens as always representing the governmental entity with which they are affiliated, these policies apply to the use of official city computing equipment and social media sites, as well as the personally owned computing equipment and social media away from the workplace. Nothing in this policy statement is intended to diminish or otherwise negatively impact the ability for city employees to participate in concerted efforts to improve the workplace or to speak on issues of public concern.

**Social Media and Electronic Mail**

Social media is a category of Internet-based mechanisms for interpersonal communications. Social media includes social networking sites, such as Facebook, microblogging sites, such as Twitter, photo- and video-sharing websites, such as YouTube and Flickr, collaborative writing sites, such as wikis and blogs, and news sites. The city has established and may revise, add, delete, or otherwise modify its official social media, website, and other electronic mechanisms for interpersonal communications. Social media utilized by the city for official purposes are to be used for information services only, and all such media will be clearly identified as being an official mechanism for city communications for information broadcast to the public.

The City Manager, or his designee, must review and approve all new social media and website accounts created for official purposes. All official, city-related electronic communications through such mechanisms as electronic mail (e-mail) and social media, should remain professional in nature and should always be conducted in accordance with the city's communications policies, practices, and expectations. Only individuals authorized by city management may publish content on an agency social media site. Any such publication must identify the name and role of the person creating and publishing the information.

Employees, elected officials, and volunteer board members shall not use official city equipment, services, and websites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

The city uses continuous archiving services to generate the types and number of official records required to meet its duties for producing public records. Any written, auditory, or visual message communicated by an employee, elected official, or citizen board members on an official city mechanism is the property of the City of Ocoee, can and will be recorded, and is subject to disclosure through a public records request.

Websites and social media postings often include links to external sources of additional information. All links to external websites must be related to official purposes. Any such link on an official means of electronic communication posted by the city must meet one or more of the following criteria:

- An official federal, state, regional, or local government agency; special-purpose district; hospital; scientific or cultural organization; non-profit organization serving the city and surrounding area; or public education institution.
- A human-service organization receiving direct support from the city.
- A community festival or event that is open to the public and sponsored or co-sponsored by the city.
- A search mechanism present on a city website.
- Extend the content of a city website, such as to post photographs or videos of official or sponsored activities.

Staff may propose links to content not meeting one of the criteria listed above for review by the City Manager or his designee. Links shall not be provided that lead to sites associated with, sponsored by, or otherwise supporting or serving a candidate for any elective office or any political party or organization seeking to elect or defeat any candidate or policy proposal. The city may publish links that seek to provide factual information or otherwise explain issues present on any official city ballot by action of the Ocoee City Commission. In order to better support the use of city-owned facilities by the public, the city may allow information about commercial enterprises serving such facilities to be posted on city websites as an aid to the public in identifying these businesses.

When posting content on websites or social media on behalf of the city, employees are advised that restrictions and limits that apply to face-to-face communications with our citizens also apply to such postings. Employees shall not post content or information that is defamatory, obscene, slanderous, libelous, unlawful, or deceptive, or that causes harm to the mission and functions of the city. Employees shall not post protected or confidential matters, including but not limited to personnel or medical information and certain information regarding public employees. These restrictions particularly apply to those involved in law enforcement and public safety, about which the release of information may be prohibited by law or may be damaging to the ability of such personnel to fulfill their work obligations. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting material on electronic media. Any misuse or inappropriate use of websites or social media on behalf of the city by employees may lead to disciplinary action.

Employees are permitted to utilize and participate in personal electronic communications mechanisms using personally owned computing devices while on duty subject to appropriate management oversight with regard to the need to perform official duties.

When an employee, elected official, or citizen volunteer includes a reference to their association with the city in personal e-mails or social media postings, such a person shall also post a suitable disclaimer so as to identify such postings as personal and not representative of official duties by that person or any other city employee or official, such as "The postings on this site are my own and do not reflect or represent the agency or elected officials for which I work." No one may use the city logo or other identifying mark in personal communications or disclose information identified by law as being protected or confidential.

In accordance with court rulings and official opinions of the Florida Attorney General, the Florida Sunshine Act is understood to apply to all communications that represent a public purpose or action, regardless of whether such communications occur on governmental or privately owned equipment and services. When employees and public officials of a public agency create a public document by posting comments about official agency business, the individual is responsible for ensuring that the information is maintained in accordance with the Public Records Law. Accordingly, employees, elected officials, and volunteer participants in certain city-related groups may be required to provide public record content to the city whenever they use personal devices and services to perform public service functions.

To avoid making personal communications subject to public disclosure, employees, elected officials, and volunteers performing official duties on city boards should limit outgoing communications of an official nature to city-owned computing equipment and services, including social media sites. When any communications is received by a city employee, elected official, or citizen board member on his or her personal e-mail or social media mechanism from a citizen or other external party regarding official duties or a subject reasonably related to official duties, the recipient should direct the writer to the city's official website or other appropriate point of contact and should not engage in a discussion of the topic on the personal communications mechanism. Doing so will trigger creation of a public document with related public records preservation and production obligations.

Public employees and officials are held to a high standard by our citizens. Everyone affiliated with the city has a responsibility to maintain the transparency of government decision-making and operations. Elected officials and citizen board members are cautioned against posting anything online that may be perceived as circumventing the requirements for open government. Such postings include any content that may be seen as responding to a comment from another member of that body or in anticipation of any matter that may be before that body or may be reasonably foreseen as coming before that body. Employees may not post any content that may serve to bypass the requirements for public and open meetings. It is incumbent upon all parties to avoid any action that could be construed as an attempt to evade the requirements of Government in the Sunshine. Employees assume all risk associated with their off-duty use of social media and other means of electronic communication on personally owned equipment and services.

#### **Protected Speech**

Nothing herein is intended to restrict the ability of public employees to participate in protected speech. These policies are not intended, and shall not be used, to curtail the right of public employees to engage in concerted activities not prohibited by law for the purpose of collective bargaining or other means of mutual aid and protection. The city does not specify nor limit the means by which employees may engage in protected concerted activity or discussion of public concern.

**Cell Phones, Computers, and Electronic Tablets**

Use of cell phones, computers, or electronic tablets by City staff shall comply with all federal, state, and local laws. Additionally, without the use of a hands-free adapter or speakerphone, no city vehicle may be driven nor shall any city business be conducted by the driver while using a cell phone, computer, or handheld electronic tablet when driving a city vehicle. Emergency response radios and mobile data terminals used in the course of an employee's duties are not within the scope of this provision.

Due to the need to provide a secure city network and to preserve the ability for the city to maintain a complete record of all official communications, city staff shall not use personally owned cell phones, computers, laptops, electronic tablets, and similar devices to directly access city e-mail services and data so as to be able to download, create, modify, or otherwise impact official communications related to city business in a manner that will not preserve a public record of such actions on the city's information system. For example, staff may not add their city e-mail account to their personal smartphone so that city and personal e-mails are treated similarly on that device. Staff shall instead use city-supplied, Internet-based access mechanisms or secure virtual private network (VPN) connections to receive, create, and send city communications using personally owned computing devices, as such mechanisms provide only an interface for operations actually being conducted within the city's computing environment where an official record is continuously maintained.

*SPECIAL REQUIREMENTS FOR LAW ENFORCEMENT PERSONNEL:* In order to comply with the requirements of the federal Criminal Justice Information Services (CJIS) Security Policy, no city employee shall access CJIS except through encrypted cell phone services provided by the city, a city-authorized VPN connection, or the city's secure Wi-Fi services. Public Wi-Fi access points, in particular, are to be strictly avoided in order to reduce the chance of official CJIS data being intercepted by unauthorized persons. Law enforcement personnel are also warned that most home-based wireless routers do not use security mechanisms meeting the strict requirements for CJIS communications. All portable computing devices used to access CJIS must utilize city-supplied mobile device management software. Personally owned cellphones and other telecommunications and computing equipment shall not be used to compile CJIS data of any type.

Authorized by the City Manager on this, the 1<sup>st</sup> day of April, 2016

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Robert D. Frank

