

RESOLUTION NO. 2021 - 581

A RESOLUTION APPROVING AND ADOPTING THE UTAH COUNTY SOCIAL MEDIA MANAGEMENT POLICY

WHEREAS, the Board of County Commissioners of Utah County, Utah, pursuant to Utah Code § 17-33-5, has the authority to approve and adopt rules and regulations in the form of policies and procedures; and

WHEREAS, the Board of County Commissioners of Utah County, Utah, recognizes the importance of a uniformed approach in handling all Utah County social media platforms; and

WHEREAS, the Board of County Commissioners of Utah County, Utah, recognizes the First Amendment protections afforded individuals interacting with Utah County social media platforms.

NOW, THEREFORE, be it resolved that the Board of County Commissioners of Utah County, Utah hereby resolves as follows:

The Utah County Social Media Management Policy, which is attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and adopted by Utah County.

APPROVED AND ADOPTED this 23rd day of June 2021.

BOARD OF COUNTY COMMISSIONERS
UTAH COUNTY, UTAH

DocuSigned by:
By: William C. Lee
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William C. Lee, Chairman

ATTEST:
Josh Daniels
Utah County Clerk/Auditor

DocuSigned by:
By: Alice Black
2937075D91C74DB...
Deputy

APPROVED AS TO FORM:
David O. Leavitt
Utah County Attorney

DocuSigned by:
By: [Signature]
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Deputy Utah County Attorney

BOARD OF COUNTY COMMISSIONERS,
UTAH COUNTY, UTAH

	YEA	VOTE	NAY
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WILLIAM C. LEE, CHAIR

<u>X</u>	_____
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THOMAS V. SAKIEVICH, COMMISSIONER

<u>X</u>	_____
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AMELIA POWERS GARDNER, COMMISSIONER

<u>X</u>	_____
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Utah County Social Media Management Policy

1. Scope

This policy applies to all Utah County employees, contractors, volunteers, consultants and service providers performing business on behalf of Utah County insofar as they use any County sponsored social media services. Utah County departments using social media prior to the implementation of this policy shall achieve full policy compliance within 180 days of the effective date of this policy.

For purposes of this policy, “social media” is an umbrella term that defines the various activities that integrate technology, social interaction, and content creation. Through social media, individuals or collaborations of individuals can create web content, organize content, edit or comment on content, combine content, and share content. Examples of social media include, but are not limited to, Facebook, blogs, YouTube, Twitter, LinkedIn, and Instagram. This policy applies, but is not limited to, all posts, comments, messages, and content created, generated, produced, and/or maintained by official County social media sites. This policy does not apply to elected officials’ personal social media accounts, including those personal accounts that designate the elected official as an elected official for the County.¹

2. Social Media Policy

- a. All Utah County social media sites shall be administered by the requesting County department management or their designee.
- b. The County shall maintain a public comment policy, known as the Utah County Social Media Public Comment Policy (“Comment Policy”), that shall be accessible by the public on each County social media site. Attached hereto as “Appendix A”.
- c. Comments from the public *may* be allowed on County social media sites if the County department feels it would be beneficial to accomplish the purposes of the department. Comments settings must be set so that either no public user can comment, or any public user can comment, subject to the Comment Policy.
- d. County social media sites shall generally be structured as limited public forums if comments are permitted.
- e. Discussion forums may be monitored to ensure comments do not violate public comment restrictions.
- f. County departments may manage postings consistent with applicable laws, the Comment Policy, and other applicable countywide policies. Only those who have received training may monitor County social media sites and hide or, after review from the Utah County Attorney’s Office, remove content.
- g. All County social media sites that allow comments shall include a link to the Comment Policy or display it in the “About” or similar section of the social media site.
- h. In addition to the Comment Policy, all County social media sites shall include a link back to the official County department page and prominently display County department contact information.
- i. All County department social media sites are subject to County IT security policies, if applicable, records retention policies, and Human Resources conduct policies. Anyone

¹ NOTE TO ELECTED OFFICIALS: Use of personal social media platforms for official County business may convert your social media account into a public forum with First Amendment protections and restrictions, such as removing your ability to block individuals. If you wish to keep your personal social media account personal, do not use it for official County business.

representing Utah County and County department management via social media outlets shall conduct themselves at all times as a representative of the County.

- j. County department management will ensure that the County social media sites and authorized users comply with any terms of service, terms of use, guidelines, or policies of the platforms, as applicable.
- k. Use of personal information, such as personal email or social media accounts and user IDs, for County department social media sites should be avoided if possible.
- l. It is the responsibility of each County department to ensure that unauthorized persons are not allowed to make changes to County department social media sites.
- m. Social media sites or accounts owned or controlled by Utah County Government, including any social media account used by an elected official to conduct County business, constitute public records subject to the Utah Government Records Access and Management Act (GRAMA). All content placed or maintained on a County social media site or account are treated as and constitute government records. Private messages sent between a government account and a private user shall be treated as emails between a department and private citizen.
- n. Authorized users of County social media accounts, including elected officials and their employees, are expected to communicate at all times in a manner consistent with the County's standards of conduct and professionalism. Authorized users should be aware that no one has any expectation of privacy in their use or participation with a County owned or controlled social media account and should therefore refrain from posting content that is contrary to official Utah County policies, procedures, or practices.
- o. Public Users or visitors to County owned and controlled social media accounts should be aware that the intended purpose of these pages is to serve as a means to disseminate information from Utah County Government to members of the public. The County disclaims responsibility for materials the County deems to be inappropriate or otherwise violates the Comment Policy that are not removed in a timely manner. Comments made are the opinion of the commentator and do not necessarily reflect the opinion of the County or its officers.
- p. Official County social media accounts shall be used for official County social media communication. Public officials and all staff shall use official social media accounts for all government business conducted on social media. Department administration shall ensure: (1) that government communications do not originate from personal accounts; (2) personal communications are never made via government social media accounts; and (3) elected officials do not use government accounts to post content reflecting the interests of political campaigns or parties.
- q. Social media accounts for any multimember board, commission, or committee, shall represent the board, commission, or committee, respectively, as a whole, and no one member shall be authorized to post or comment on any social media without majority approval, by the board, commission, or committee, unless previously authorized by the board, commission, or committee.
 1. In the event one or more members of a multimember board, commission, or committee has an opinion that is different that the majority of that board, commission, or committee, those members shall be given the opportunity to express said opinion on that board, commission, or committee's social media site.

3. Prohibited Public Use

- a. When comments are permitted, County pages should be viewed as a limited public forum. County controlled social media sites should be moderated. If a public user posts a comment or link, the County reserves the right, consistent with the Comment Policy, to hide or delete said content.
- b. The County does not discriminate based on viewpoint, because a comment is posted anonymously, or merely because it expresses disagreement with County action, policy, custom, or practice. Any such content will not be flagged, minimized, hidden, or removed and no user will be blocked so long as the content meets complies with the Comment Policy.
- c. Violations of Comment Policy– Hiding or deleting content
 1. Authorized personnel may immediately hide or delete content posted by public users on County social media posts if the public users content violates the Comment Policy. Authorized personnel should contact and consult the Utah County Attorney’s Office prior to hiding comments if they deem doing so is necessary.
 2. Within three (3) business days of content being hidden or deleted, authorized personnel shall contact the social media user through direct messaging, if possible, notify them that their content has been hidden or deleted, describe the violation, and inform them of their right to appeal the decision to hide or delete their content in accordance with subsection 3 below.
 3. If a comment is hidden or deleted, authorized personnel shall notify the public user through a direct message or other available means that the user may appeal the decision by sending written notification within five (5) business days to the pertinent department, official, or division. Upon timely appeal, a comment or post may be restored for public view upon a determination by the Department Head that the post does not violate the Comment Policy. If a user appeals, the County Attorney’s Office shall be notified.
 4. Before hiding or deleting a comment or material, a copy of the content must be retained (i.e., through a screen shot, etc.) by the County and/or pertinent elected official, or County department, division, committee, commission, or board who owns or controls the pertinent social media site.
- d. Violation of the Comment Policy – Blocking a user
 1. When the County determines that a public user has violated the Comment Policy on two or more occasions within a twelve (12) month rolling period, the offending user may be blocked or banned for no more than three (3) months. If a user is blocked, authorized personnel shall (a) notify the public user within three (3) business days that they have been blocked; (b) describe the violation and the length of time the public user will be blocked; and (c) notify the public user of that they may appeal the decision within five (5) business days of receiving notification by sending written notification of their appeal the pertinent department, official, or division. Upon timely appeal and a determination by the Department Head that the Comment Policy has not been violated on the current alleged violation or any subsequent violation, a user may be unblocked.

4. Enforcement

Any County employee, excluding elected officials posting or commenting on their own personal or official political social media site, found to have knowingly violated this policy shall be subject to disciplinary action, including, but not limited to, temporary loss of network connectivity, loss of Internet access, or complete and permanent termination of access to any Utah County network. Any violation or cumulative violations may lead to other disciplinary action up to and including dismissal from County employment, subject to current department and Utah County Human Resources Rules and Regulations. All contractors that handle County social media shall agree to adhere to this policy and the Comment Policy. Any contractor found to have knowingly violated this policy or the Comment Policy shall be considered in breach of contract and subject to termination in accordance with the terms of their agreement with the County.

5. Education

Each County department shall be responsible to educate staff that work with social media regarding this policy.

6. Records

Utah County Government, its elected officials, and all other County departments, divisions, committees, commissions, or boards who own or control a social media account from which content has been removed or a public user's access has been blocked must preserve records of the removed or blocked content for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Any removal or deletion of comments or posts by the public must be treated as government records and must be preserved pursuant to GRAMA. Authorized users for an elected official, or other department, division, committee, commission, or board who owns or controls the pertinent social media account must also work with the County Records Officer to ensure the records are properly retained.

The use of personal social media accounts to conduct County business is prohibited. If a personal social media account is used for government business, the content created is a public record, and the personal social media account must be managed and archived according to public records laws and these policies.

Records published on social media platforms and websites do not all have the same content. The content determines the retention period. All County social media posts, comments, messages, and media shall be retained for a period as determined by the Utah County Records Officer in accordance with applicable retention schedules.

Personal and official political social media accounts are not governed by this policy and are not government records. Use of personal or official political social media accounts for official County business may convert the personal or official political social media account into a public forum subject to this policy.

7. Security

The County should take all necessary steps to follow directions from County IT to ensure social media accounts are secure from accidental or intentional attacks. Passwords should be adequately complex to prevent cyberattacks. Passwords should not be sent through email but should be stored in a location that is secure yet accessible to authorized users. If a cyberattack is suspected, the executive officer, elected official, or department, division, committee, commission or board who owns or controls the pertinent social media account should immediately contact IT and attempt to remedy the security breach (e.g. shut down the account).

8. Disclaimers

- a. Neither the County, nor its elected officials, or other departments, divisions, committees, commissions, and boards guarantee that material posted and comments on County owned and controlled social media accounts or sites – including those owned and controlled by an elected official in his or her official capacity – are monitored regularly; thus, public users should not use such an account to contact or provide notice to the County, its elected officials or other departments, divisions, commissions, committee or boards, of an emergency or dangerous conditions on County property or regarding any County related function, event, or any other dangerous circumstance. If a dangerous condition or circumstance exists, contact the appropriate law enforcement department, the fire department, public utilities, or other relevant department.
- b. Neither the County, nor its elected officials, or other departments, divisions, committees, commissions, and boards guarantee the completeness or accuracy of any information posted on a social media account or site. Nonetheless, the goal of County owned social media accounts shall be to provide information that is as accurate as possible.
- c. Information posted by the County, its elected officials, or other departments, divisions, committees, commissions, and boards is provided on an "as is" basis and public users assume the risk of use or reliance on such information. Neither the County, nor its elected officials, or other departments, divisions, committees, commissions, and boards are liable for any injury or damages resulting from viewing, distributing, or copying materials on County owned and controlled social media accounts or sites – including those owned and controlled by an elected official in his or her official capacity – including without limitation, liability for indirect, special, incidental, or consequential damages.

APPENDIX A

Utah County Social Media Public Comment Policy

Visitors to County owned and controlled social media sites should be aware that the intended purpose of these pages is to disseminate information from the Utah County Government to members of the public. The County disclaims responsibility for materials the County deems to be inappropriate for posting that are not removed in a timely manner. Comments made by the public are the opinion of the commentator and do not necessarily reflect the opinion of the County or its officers.

As a limited public forum, this is a moderated site. If you post a comment or link, the County reserves the right to hide or delete any submission that includes:

1. foul or profane language or content;
2. content that promotes, fosters, or encourages discrimination against any ethnicity, race, national origin, religious affiliation, gender, sexual orientation, age, disability, or other group as defined by state or federal law or County ordinance;
3. content that encourages or condones illegal conduct or activity;
4. sexual content, links to sexual content, or other obscene, indecent, or pornographic materials;
5. content that discloses private, protected, or confidential material as defined by state or federal law or County ordinance;
6. information that compromises public health or safety or the health or safety of public systems;
7. slanderous or defamatory attacks of any person;
8. content that is hateful or incites violence, or threatens to harm a person or an organization;
9. advertisements, promotions, or solicitation regarding any service or product;
10. content that violates a legal ownership interest of any person, including improper use of a trademark or copyrighted material;
11. comments not topically related to the post made by the County;
12. content, including links, that promotes the candidacy of any person, petition, or referendum; and/or
13. spam or repetitively disruptive content.

The County does not discriminate based on viewpoint or for merely expressing disagreement with County policies or practice. Materials that are removed based on these guidelines shall be retained, including time, date, and identity of the poster if available.

If a visitor to the County's social media pages violates these terms two or more times within a 12-month period, the employee, contractor, department, division, committee, commission, or board who controls the social media account may block the offending visitor. Users who have been blocked or whose posts or comments have been hidden or removed may appeal the decision in accordance with the Utah County Social Media Management Policy found on the Utah County website.

Comments made on this page do not constitute a legal or official notice or comment to Utah County and will not be regarded as a request for service.