

<p style="text-align: center;">CITY OF SAN LEANDRO</p>  <p style="text-align: center;">ADMINISTRATIVE PROCEDURE</p>	<p>AP-1011: SOCIAL MEDIA APPLICATIONS POLICY</p>
	<p>DATE ISSUED: 2/1/13</p>
	<p>DATE REVISED: 7/15/14</p>
	<p>APPROVED BY CITY MANAGER:</p> 

I. APPLICABLE TO

All administrators of and content providers to social media applications managed or sponsored by the City, including City employees, contractors, consultants, volunteers, and users with the exception of certain law enforcement personnel for public safety purposes as determined by the Chief of Police, including but not limited to criminal investigations. This policy applies to City Councilmembers to the extent that Councilmembers use social media applications managed or sponsored by the City. This procedure does not apply to any of the above named individuals' use of social media applications for personal use or campaigns for elected office.

II. PURPOSE

A. To provide guidance to City employees, volunteers, consultants, and contractors ("Users") on the City's use of social media applications to promote the City, market City services and programs, and enhance the public's knowledge and use of City services. All employees, volunteers, consultants, contractors, and other authorized non-employees administering or managing social media applications on behalf of the City must adhere to this Administrative Procedure (which shall also be known as the "Guidelines") as well as all other applicable Administrative Procedures.

III. DEFINITIONS

Social Media refers to a communications medium that facilitates interaction and content creation through technology, either through software or other technological applications. Social media allows users to generate, organize, share, edit, comment and communicate to other users through open or shared networks on static and mobile computing and communications devices.

Users should be aware that all information posted to social media applications administered or managed by the City is public information, and is subject to disclosure under the California Public Records Act.

IV. GUIDELINES

- A. Use of City Electronic Communication Systems to post information or access social media applications, sites, or pages are subject to all applicable policies of the City regarding use of City computers, including Administrative Procedure AP-1010, Guideline for Employee Use of the Internet & Electronic Communication.
- B. Only the City Manager, Assistant City Manager, Department Heads, employees and authorized non-employees, with prior authorization from a Department Head, are permitted to post or generate content on social media applications, sites, or pages managed or sponsored by the City of San Leandro.
- C. Any and all information posted on social media applications created on behalf of or by the City and/or a City Department must:
 - 1. Directly pertain to the City of San Leandro, or to the particular City Department's operations or functions;
 - 2. Contain information that is freely available to the public and that is not made confidential by any policy of the City, or by local, state, or federal law;
 - 3. Comply with all applicable federal, state and local laws, rules and regulations. This includes copyright laws, records retention laws, California Civil Code section 3344, the Freedom of Information Act, the California Public Records Act, privacy laws, and employment laws;
 - 4. Be factual;
 - 5. Not include photographs or images of a featured minor without a verbal or written release from the minor's parent or legal guardian;
 - 6. Be managed so that language is not posted that is prohibited political activity, that is otherwise illegal, or that violates any other Federal, State, or City policy, code, regulation, or procedure;
 - 7. Not include comments referring to political campaigns, ballot measures, or other political issues unless authorized by the City Manager or his/her designee, and when so authorized, such comments shall be unbiased, factual, and for informational purposes only;
 - 8. Be managed so that postings, comments, or statements on social media applications that announce functions or events sponsored, endorsed by, or conducted by the City, another local public agency, the State, the United States government, or any other public safety agency are permitted. Such postings should be professional and edited to be typographically and grammatically accurate.

- D. Specific consideration shall be given to social networking applications, websites, or channels that permit and invite responsive posts, comments or messages by the public. Such interactive postings can benefit the City in that they provide a way for residents and other interested persons to express opinions or suggestions, and provide information or feedback on City programs, services, and events. It is important to note that responsive posts may contain links, pictures, and videos that must be reviewed to confirm compliance with this administrative procedure.
- E. City managed or sponsored social media applications, websites, or channels that allow responsive posting of comments or messages by residents, the public, or other interested persons or entities shall do so according to the following:
1. The Department Head, or the employee authorized by the Department Head as responsible for monitoring any persons,' including members of the public's, responsive posts, comments, or messages to content generated by the City, must make a good faith attempt to post this Administrative Procedure so that it appears upon, within, or links directly to this Administrative Procedure, whether through a link to the City's website or the City's social media application's main page(this Administrative Procedure may, for example, be posted on the "About" tab of a Department's Facebook page).
 2. Each Department must publish, whether directly to the social media application or on the City's website that links to the social medial application, the following: (a) The purpose of the Department's use of the social media application or website (by, for example, stating the Department's purpose on the "About" tab of the Department's Facebook page); (b) if responsive posting, comments or messages are allowed by members of the public, then an invitation for such posts, comments, and messages germane to the purpose of the Department's application or website; and (c) a description of the kinds of posts, comments, images, videos, or messages that are objectionable. Please refer to Section IV.F below.
 3. The responsible employee monitoring posts, comments, images, videos or messages to content generated or posted by the City shall at all times use his/her best judgment in deciding whether or not to respond to responsive posts, comments, or messages. Engaging with any person that comments in an argumentative or offensive manner should be avoided.
 4. The social media application or page must provide a mechanism for the employee to remove comments, posts, images, videos or messages that violate this administrative procedure.
 5. The responsible employee must review the Department's social media application or page not less than once each workday to ensure compliance with these Guidelines. Work done in connection with the social media application or

page during non-work hours must be preapproved by the employee's Department Head. If a Department is unable to review a social media application or page at least once each workday, then the ability for comments or messages to post to the application or page should be disabled.

- F. Social media content, comments and messages containing any of the following will be removed:
1. Comments, posts, messages, images, or video not related to the purpose of the Department's use of the social media application or page, including hyperlinks to material that are not related to the discussion posted by the Department or the Department's purpose;
 2. Profane language or content;
 3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, color, national origin, gender, gender identification, sexual orientation, marital status, age, or physical or mental disability, or any other protected status;
 4. Personal attacks, insults, fighting words, language that exhibits bullying behavior, or language that threatens physical, emotional, or mental harm;
 5. Sexual, obscene, or lewd content, links to sexual content, or any content that would violate the City's Harassment Policy¹;
 6. Commercial solicitations, promotions, requests for product or service endorsements, or spam;
 7. Conduct or encouragement of illegal activity;
 8. Content that violates a legal ownership interest of any other party;
 9. Information that may compromise public safety or health;

¹ In reviewing such content, staff should consider the following, also known as the "Miller Test," as provided by the United States Supreme Court in *Miller v. California* (1973), 413 U.S. 15: a) Whether the average person, applying contemporary community standards (not national standards, as some prior tests required), would find that the work, taken as a whole, appeals to the prurient interest;

b) Whether the work depicts or describes, in a patently offensive way, sexual conduct or excretory functions specifically defined by applicable state law;

c) Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

10. Content that violates Federal or State laws or regulations, or the City's Municipal Codes;
11. Content that does not clearly provide, or is deliberately deceptive as to what person or which organization is the author or origin of the comment or responsive posting.

V. PROCEDURE

- A. If a Department wishes to use a social media application or create a social media page, the Department Head must obtain City Manager approval.
- B. City use of any social media site and the content generated thereon are subject to the California Public Records Act. Content posted on City managed social media applications or pages are public records. Content shall be retained according to the user agreement of the social media site. If there is no provision for records retention in the user agreement, then the City's records retention policy for regular correspondence applies.
- C. Where possible, social media applications or pages should link back to the official City of San Leandro website. The official City of San Leandro website will be the City's primary web presence.

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