

70 Social Media Policy

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70.01.010 Title

This policy shall be referred to as the Clearfield City Social Media Policy and may be cited herein as “Social Media Policy” or “Policy.”

70.01.020 Purpose

Social media platforms have become meaningful and necessary mechanisms for government communication and engagement with members of the public. The purpose of this Social Media Policy is to provide City employees, officers, elected officials, and members of commissions and committees with the knowledge and guidelines to effectively and appropriately conduct online communication through social media. This Policy also sets forth rules and regulations for official and authorized use of City Social Media Accounts and regulations and terms of use for public use of City Social Media Accounts.

70.01.030 Policy

Clearfield City endorses the secure use of authorized social media accounts to enhance communication and information exchange with the public and to increase engagement, education, and awareness with City programs, events, and business. Official City communication tools and social media channels should be used in ways that provide clear communication, maximize transparency, encourage engagement, foster trust, maintain the security of the City network, and comply with the City’s professional standards.

70.01.040 Scope

This Policy governs use of social media for City Business by City employees, officers, elected officials, and members of boards and committees and use of City Social Media Accounts. To the extent permitted by law, and as more particularly provided herein, this Policy also governs personal social media use by City employees, officers, elected officials, and members of boards and committees.

70.01.050 Notice

City employees, officers, elected officials, and members of boards and committees shall be provided notice of and online access to this Social Media Policy. The City Recorder shall be responsible for providing notice of this Policy and any amendments to all City employees, officers, elected officials, and members of boards and committees. Access to this Policy shall be provided as part of the City's Administrative Rules which can be accessed online at Clearfield.municipalcodeonline.com.

70.01.060 Definitions

For purposes of this Social Media Policy, the following words and terms shall be defined as set forth herein.

- (a) *City Social Media Accounts.* City Social Media Accounts (or "City Accounts") are City authorized social media accounts created, managed, and maintained by or on behalf of Clearfield City. Unless the context clearly indicates otherwise, references to "City Social Media Accounts" and "City Accounts" shall include by definition "Elected Official Social Media Accounts."
- (b) *City Business.* City Business refers to subject matter that directly relates to services, programs, events, initiatives, and official business of Clearfield City.
- (c) *Elected Official Social Media Accounts.* Elected Official Social Media Accounts (or "Elected Official Accounts") are social media accounts of the Mayor and City Council members, which are used to conduct City Business and to communicate with members of the community in the elected official's official capacity. Elected Official Accounts are City created and administered social media accounts for use by elected officials. Unless the context clearly indicates otherwise, references to "City Social Media Accounts" and "City Accounts" shall include by definition "Elected Official Social Media Accounts."

- (d) *Personal Social Media Accounts.* Personal social media accounts (or “Personal Accounts”) are social media accounts created, managed, and maintained by City employees, officers, and elected officials for their own personal use and are not affiliated with, sponsored by, or directly associated with Clearfield City.
- (e) *Social Media.* Social media refers to online technologies used to share information, communicate, and engage with the public. Social media is used as a communication tool to distribute and/or amplify City Business including emergency alerts, public engagement opportunities, and general awareness of City news, events, and services.
- (f) *Social Media Agent.* Social Media Agent is any City employee (including, but not limited to, employee, officer, department head, and elected official) who has authority to post to City Social Media Accounts on behalf of the City, or on behalf of any City elected official, department, or employee. Social Media Agents and the scope of their authority shall be specifically designated in writing by the Social Media Manager.
- (g) *Social Media Manager.* The Social Media Manager is the designated City employee directed to maintain and manage all City Social Media Accounts and to administer and provide oversight for the implementation of this Policy. Certain roles and responsibilities of the Social Media Manager may be delegated to Social Media Agents. The Social Media Manager is also designated as the public information officer of the City. The Social Media Manager is authorized to post to City Accounts on behalf of Clearfield City, or on behalf of any City elected official, department, or employee. The Social Media Manager shall be deemed an authorized Social Media Agent for purposes of this Policy and shall be subject to all applicable provisions and posting regulations for Social Media Agents unless otherwise specifically provided herein.

70.02 ADMINISTRATION

70.02.010 Administration

70.02.020 Social Media Manager Duties

70.02.030 Designation of Social Media Agents

70.02.040 Social Media Agent Duties

70.02.050 Account Management

70.02.060 Account Security

70.02.070 Records Management

70.02.080 Notice of Policy on Platforms

70.02.010 Administration

The provisions of this Policy shall be administered, interpreted, and enforced by the Social Media Manager.

70.02.020 Social Media Manager Duties

In administering this Policy, the Social Media Manager should:

- (a) Define and reinforce City brand standards for all social media channels.
- (b) Work with the City Manager to evaluate and make final determinations and recommendations for all social media channels, including requests to create new, deactivate old, and/or consolidate existing City Social Media Accounts.
- (c) Work with the City Recorder to ensure all content on authorized and official City Accounts is properly and regularly archived and maintained in accordance with the provisions of this Policy and the Government Records Access and Management Act.
- (d) Ensure an electronic copy or link to this Policy, and other Terms of Use and Disclaimers set forth herein, are posted on the City website and on all City Social Media Accounts in accordance with Section 70.02.080 (Notice of Policy on Platforms) of this Policy.
- (e) Work with City departments to coordinate social media strategies, tactics, and campaigns for public engagement, programs, and events.
- (f) Stay up to date on emerging and industry best practices and provide resources and training materials to Social Media Agents and City employees, officers, and elected officials, when necessary.

- (g) Set standards, metrics, and benchmarking to measure effectiveness of social media efforts.
- (h) Serve as a resource to City departments, including providing resources, answers to questions, and support as it relates to this Social Media Policy and social media practices.
- (i) Recommend updates to this Social Media Policy and other related policies as needed.

70.02.030 Designation of Social Media Agents

Social Media Agents shall be designated in writing by the Social Media Manager. Such designation should include scope of authority and the specific City Social Media Accounts on which the Social Media Agent is authorized to post.

70.02.040 Social Media Agent Duties

Social Media Agents are authorized to post content to City Social Media Accounts as approved by the Social Media Manager. All posting of content and management of City Social Media Accounts shall comply with the specific authority granted to the Social Media Agent and shall be conducted in accordance with applicable provisions of this Policy.

As part of designated duties, The Social Media Agents should:

- (a) Post content to authorized accounts as appropriate.
- (b) Monitor authorized accounts for questions from residents, questions about the City or department that should be addressed, and other potential issues to the extent possible.
- (c) Respond to questions for information within a reasonable time.
- (d) Regularly track the effectiveness of posts and pages and adjust social media strategy as needed.
- (e) Uphold brand standards and values when posting content.
- (f) Work with the Social Media Manager to develop, enhance, and use best practices for social media.
- (g) Provide the Social Media Manager with any changes made to City Social Media Accounts and login information.
- (h) Work with the City Recorder to ensure the retention of all public records on authorized City Social Media Accounts in accordance with the provisions of this Policy and the Government Records Access and Management Act.
- (i) Work with the Social Media Manager and the IT Specialist to ensure proper measures are in place to protect social media security in accordance with applicable provisions of this Policy.

As part of designated duties, Social Media Agents should not:

- (j) Edit, hide, or delete posts or comments on City Social Media Accounts unless specifically permitted to do so in this Policy or specifically directed or authorized to do so by the Social Media Manager or the City Manager.
- (k) Engage in arguments with members of the public on City Social Media Accounts.
- (l) Comment on or answer questions on behalf of the City or comments regarding City Business on third-party websites or platforms. Condolence comments may be allowed if approved by the Social Media Manager.
- (m) Post content that promotes, advertises, or endorses commercial businesses, services, entities, or products on City Social Media Accounts unless specifically permitted to do so in this Policy or specifically directed or authorized to do so by the Social Media Manager or City Manager.

70.02.050 Account Management

The Social Media Manager shall maintain a list of authorized and official City Social Media Accounts and Social Media Agents. For each City Social Media Account, the Social Media Manager shall retain login information and administrative privileges for security, archiving, and emergency purposes.

70.02.060 Account Security

The Social Media Manager should work with the IT Specialist to ensure appropriate social media security measures are in place for all City Social Media Accounts. Such security measures and practices may include, but are not limited to, enabling multi-factor authentication when possible, changing passwords often, changing passwords immediately if Social Media Agents are removed from authorization or City employment, changing passwords immediately if an authorized account has, or is suspected of being, compromised.

70.02.070 Records Management

Any content created or maintained on City Social Media Accounts or Elected Official Accounts, including communications posted by the City, its officers, employees, and representatives, and communications posted or received from citizens or users, is a public record. The City is responsible for maintaining such records in accordance with the Utah Government Records Access and Management Act (“Government Records Act”), as set forth in Utah Code § 63G-2-101, et seq. Comments, communications, and postings on City Social Media Accounts will be retained and are subject to disclosure in accordance with applicable provisions of the

Government Records Act. The City Recorder shall be responsible for government records management of social media records in accordance with applicable provisions of this Policy and State law. Social media records management and retention shall comply with applicable provisions of Chapter 70.11 (Government Records Access and Management Act).

70.02.080 Notice of Policy on Platforms

An electronic copy or link to this Policy and the Terms of Use and Disclaimers set forth herein, shall be posted on the City website and on all City Social Media Accounts.

70.03 CITY SOCIAL MEDIA ACCOUNTS

- 70.03.010 City Social Media Accounts**
- 70.03.020 Uniform Design and Branding**
- 70.03.030 Existing City Accounts**
- 70.03.040 New City Accounts**
- 70.03.050 Social Media Action Plan**
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- 70.03.100 Posting Restrictions**
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- 70.03.1320 City Ownership**

70.03.010 City Social Media Accounts

The City may create and use social media accounts or platforms for disseminating information about City Business. Any such accounts or platforms shall be subject to the rules and regulations set forth in this Policy.

70.03.020 Uniform Design and Branding

All City Social Media Accounts shall bear the official title of Clearfield City and the relevant City department, committee, or organization for which the account is maintained. All City Social Media Accounts shall be created with a similar design and branding theme to make user interface with City platforms consistent and recognizable. The Social Media Manager shall be responsible for social media design, approval, and criteria requirements.

70.03.030 Existing City Accounts

The City has certain existing social media accounts, including, but not limited to, the City, Police Department, and Parks and Recreation Facebook accounts, the City and Police Department Twitter account, the City Instagram account, and the City YouTube Channel. The Social Media Manager should create a Social Media Action Plan as set forth in Section 70.03.050 (Social Media Action Plan), of this Policy, for all existing City Social Media Accounts-

After the time of adoption, all current city social media pages must prepare a Social Media Action Plan as if it was a new account to determine the continued adoption or discontinuation of accounts within one month of notification. The Social Media Manager shall provide the Social Media Action Plan along with a written recommendation regarding the proposed continuation of City Account to the City Manager. The City Manager shall review the Social Media Action Plan and recommendation from the Social Media Manager and determine if the existing City Account should be continued. All existing City Social Media Accounts must also give the Social Media Manager access and login information within one month after the adoption of the policy. Existing accounts may be subject to audits to determine continued feasibility of accounts.

70.03.040 New City Accounts

The creation of a new City Social Media Account must be approved by the City Manager. No other employee, officer, department head, or agent is authorized to create a new City Social Media Account. Any employee, officer, elected official, department head, or authorized agent requesting the creation of a new City Social Media Account shall submit a written request to the Social Media Manager along with a proposed Social Media Action Plan that addresses key questions. The Social Media Manager shall review and finalize the Social Media Action Plan for the proposed new City Account in accordance with Section 70.03.050 (Social Media Action Plan). The Social Media Manager shall provide the Social Media Action Plan along with a written recommendation regarding the proposed new City Account to the City Manager. The City Manager shall review the Social Media Action Plan and recommendation from the Social Media Manager and determine if the new City Account should be approved. If the City Manager approves the creation of the new City Account, the Social Media Manager shall create and manage the new City Account in accordance with the applicable provisions of this Policy. The City Manager may put conditions on approvals, such as an annual audit or a 6-month lifespan to determine feasibility.

70.03.050 Social Media Action Plan

Any employee, officer, elected official, department head, or authorized agent requesting the creation of a new City Account shall work with the Social Media Manager to complete a Social

Media Action Plan that addresses key questions. If the Social Media Manager is proposing or initiating a new City Account, the Social Media Manager shall prepare the Social Media Action Plan for the new account. The Social Media Action Plan shall include at least the following:

- (a) Overall purpose for the account and its social media strategy.
- (b) Description of why the account is needed and how it differs from existing social media channels.
- (c) Target audience, including an explanation for how no existing channel reaches or includes that audience.
- (d) Gaps in existing communication channels that will be filled by the new account.
- (e) Resources and staff time needed to create and maintain the account.
- (f) How the public records created by the account will be accessed and retained in accordance with the Government Records Act.
- (g) Brief summary of the success metrics and monitoring for the account.
- (h) The primary employee or Social Media Agent responsible for content and management of the account, along with a list of all other agents allowed on the page.

70.03.060 Authority to Post Content

Only authorized Social Media Agents of the City are authorized to and responsible for posting content to City Social Media Accounts. Any posting of content to official accounts shall comply with all applicable provisions of this Policy, including, but not limited to, the training, posting, and content creation provisions set forth herein.

70.03.070 Mandatory Training Prior to Access

Prior to gaining access to posting or editing access to a City Social Media Account, the City employee, officer, or elected official must complete training on this Policy and social media best practices. The Social Media Manager shall create a curriculum for and monitor completion of such training by authorized agents prior to obtaining access to City Accounts.

70.03.080 Content and Posting Goals

The City recognizes and establishes the following goals as they relate to creation of official City social media content and posts.

- (a) Increase public awareness of Clearfield City's vision, mission, services, events, and programs.

- (b) Build trust by enhancing transparency and accessibility of messages and communications.
- (c) Encourage residents to participate in City programs, public meetings, and events.
- (d) Develop affinity for the City brand by building new and existing relationships with residents.
- (e) Disseminate information regarding public safety issues or events.

70.03.090 Content and Posting Guidelines

Social media content for City Social Media Accounts shall be interpreted to include any and all information posted through words, pictures, graphics, videos, and links. When creating and posting social media content on City Accounts, authorized agents shall comply with the following guidelines.

- (a) Use a professional, succinct, and engaging tone of voice.
- (b) Include a visual element to accompany text when appropriate.
- (c) Use content that complies with the City's brand standards, mission, policies, and expectations.
- (d) Use custom City images, graphics, and videos over stock images to the extent possible.
- (e) Obtain written permission or release for use of stock images.
- (f) Comply with State open records and meetings laws.
- (g) Content should provide a link back to the City website to the extent possible.
- (h) Use approved City hashtags.

70.03.100 Content and Posting Restrictions

The follow restrictions apply for professional use of City Social Media Accounts.

- (a) Authorized agents are prohibited from posting any content to City Social Media Accounts that is hate-oriented, potentially libelous, attacking, plagiarized, copywritten, private information, or any content that violates section 70.05.090 Prohibited Public Comments.
- (b) Authorized agents shall not post any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Authorized agents shall not post any information that could compromise an ongoing investigation.
- (d) Authorized agents shall not post any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (e) Agents shall not post any information that could compromise the safety and security of city operations, employees of the City, or the public.
- (f) Agents shall not post any content posted for personal use.

- (g) Authorized agents shall restrict postings to the applicable account or department and area of expertise and provide account or department updates on relevant information, events, or activities.
- (h) Authorized agents must obtain prior approval from the Social Media Manager before posting any content that promotes, advertises, or endorses any commercial business, service, entity or product. Any approval for posting such information, advertisement, or endorsement must meet the third-party posting rules set forth in Chapter 70.04 (Third-Party Content Rules), of this Policy.
- (i) Social media posts on City Social Media Accounts that constitute a “limited public forum,” shall not be deleted or hidden unless such comments or posts meet one or more of the criteria established in the Public Comment Rules set forth in Chapter 70.05 (Public Comment Rules), of this Policy.
- (j) City posts on City Social Media Accounts shall not be edited except as otherwise provided in Chapter 70.05 (Public Comment), of this Policy, regarding posts that contain inaccurate or typographical or grammatical errors.
- (k) External consultants shall not be granted access to manage or post to City Accounts.

70.03.110 Editing City Content

Social Media Agents, including the Social Media Manager, are authorized to edit City social media content and posts on City Social Media Accounts when such posts or content contains inaccurate information, typographical or grammatical errors, private, protected, or controlled information, or content mistakenly posted to the wrong account. When edited, a comment should be noted as to how the post has been edited.

70.03.120 Records Retention

Comments, communications, and postings created through City Social Media Accounts are public records and shall be archived and retained by the City in accordance with Section 70.02.040 (Records Management), of this Policy, and Chapter 70.11 (Government Records Access and Management Act).

70.03.130 City Ownership of Content

All content created or posted on City Social Media Accounts belongs to Clearfield City and is considered a public record, pursuant to the Government Records Act. Posts, comments, replies, and messages, regardless of who created them, will be archived as provided herein. City

employees, officers, and elected officials may not retain official accounts or access to any official accounts in a personal capacity and/or after departing employment or position with the City.

70.04 THIRD-PARTY CONTENT RULES

70.04.010 Posting Third-Party Content

70.04.020 Governmental and Nonprofit Third-Party Content Criteria

70.04.030 Commercial Third-Party Content Criteria

70.04.0430 Prohibited Third-Party Content

70.04.010 Posting Third-Party Content

The primary purpose of City Social Media Accounts and usage is to provide information for citizens and the public regarding City Business. City social media postings and communication should primarily and substantially address City Business. Occasional posting of third-party content may be provided as approved by the Social Media Manager. Such determination by the Social Media Manager for posting or providing third-party content on City Social Media Accounts shall be based on the criteria set forth in this Chapter. If approved, the best practice for posting any third-party content is to share the information with a link to the third-party's webpage and to clearly define and direct it to an external contact.

70.04.020 Governmental or Nonprofit Third-Party Content Criteria

The Social Media Manager, or designee, may post and/or provide information or advertising on City Social Media Accounts for upcoming governmental, nonprofit, public safety, or public interest events, issues, projects, programs, or services that meet one or more of the following requirements:

- (a) The information is related to a governmental entity event, issue, project, program, public information, or service deemed to be in the public interest or related to public safety issues (such as providing information on water quality from the Weber Basin Water Conservancy District, sharing fire safety information from the North Davis Fire District, or providing public safety information from the Utah Department of Emergency Management);
- (b) The information is related to a governmental entity or nonprofit corporation that receives financial support or cooperation from the City;
- (c) The information is related to a governmental entity or nonprofit corporation of which the City is a member or has a representative on the entity's board of directors (including, but not limited to the Mosquito Abatement District); or

- (d) The information is related to an event, issue, project, program, public information, or service deemed to be in the public interest (such as advertising a blood drive by the Red Cross, or advertising for the Jason W. Read Protect and Serve Foundation); or
- (e) The information is related to an event, project, program, or service sponsored or funded by a governmental entity (such as the Day of Service sponsored by the State of Utah).

70.04.030 Commercial Third-Party Content

Content that promotes, advertises, or endorses commercial businesses, entities, services, or products is not generally allowed to be posted on City Social Media Accounts. Such commercial content may be approved by the Social Media Manager in limited circumstances when such content meets one or more of the following requirements:

- (a) The content references certain businesses or entities solely for the purpose of acknowledging or recognizing certain donations or services provided to the City or donations or services deemed to be within the public interest (such as naming a specific business for donating materials for City project or naming a specific business for donating funds to support City event); or
- (b) The content is related to an event, issue, project, program, public information, or service deemed to be in the public interest (such as advertising for winter coat drive for Intermountain Health Care or advertising for community day of service event).
- (c) The content fits into Clearfield City's current social media goals and the goals of the city council and or city management (such as a decision from council to highlight new businesses).

70.04.040 Prohibited Third-party Content

No third-party content shall be posted on any City Social Media Account or platform that is political in nature or that involves any fund-raising event or information. Except as otherwise provided in Section 70.04.030 (Commercial Third-Party Content). No third-party content should promote, advertise, or endorse a particular business, entity, service, or product unless part of a specified communication campaign or as approved by the Social Media Manager.

70.05 PUBLIC COMMENT TERMS OF USE

- 70.05.010 Public Forum**
- 70.05.020 Limited Public Forum**
- 70.05.030 Government Speech**
- 70.05.040 Moderating Public Comments**
- 70.05.050 Retaining Public Comments**
- 70.05.060 Editing or Deleting Public Comments**
- 70.05.070 Hiding Public Comments**
- 70.05.080 Editing City Comments**
- 70.05.090 Prohibited Public Comments**
- 70.05.100 Procedure to Hide Public Comments**
- 70.05.110 Turning Off Comments**
- 70.05.120 Retention of Edited Records**
- 70.05.130 Notice of Public Comment Terms of Use**

70.05.010 Public Forum

Whether a City Social Media Account is considered a “public forum” subject to First Amendment free speech protection is a developing area of law and dependent on a number of criteria. It is likely that most City Social Media Accounts are not considered a traditional “public forum” for purposes of the First Amendment. A traditional “public forum” is subject to the highest level of scrutiny and the greatest protections for free speech. However, if a City Social Media Account allows public comment or interaction with the City or other members of the public, the City Social Media Account or platform may constitute a “limited public forum” subject to constitutional free speech protections. See, Section 70.05.020 (Limited Public Forum), of this Policy.

70.05.020 Limited Public Forum

If a City Social Media Account or platform allows public comment or interaction with the City or other members of the public, the account or platform may constitute a “limited public forum” subject to First Amendment free speech protections. As a limited public forum, the City can

restrict or limit certain speech such as obscene content or hateful speech, but there are limitations on editing or removing relevant but unfavorable public comments on City Social Media Accounts. Given these restrictions, if a City Social Media Account is considered to be a “limited public forum,” public comments on the account must be retained and unedited, except as otherwise provided herein and as allowed by law. The retention and editing of any public comments or interactions with the City on City Social Media Accounts shall be subject to the terms and conditions of this Chapter.

70.05.030 Government Speech

If the City Account does not allow public comment or interaction with the City or other members of the public, the account or platform may be considered “government speech” which is not subject to First Amendment free speech protections. To be considered “government speech,” the City must have complete control over the message and the account or platform cannot have any kind of “chat room,” “bulletin board,” or other public comment section or platform where private viewers can express opinions or post information or questions. If the account or platform is considered “government speech,” the City need not allow opposing viewpoints.

70.05.040 Moderating Public Comments

The moderating, retention, and editing of any public comments on City Social Media Accounts that are considered to be a “limited public forum” shall be subject to the following public comment moderation, retention, and editing guidelines. The Social Media Manager shall designate which accounts are limited public forums subject to the provisions of this Chapter. Except as otherwise provided herein, only the Social Media Manager can edit, hide, or remove public comments on a City Social Media Account that is considered a “limited public forum.”

70.05.050 Retaining Public Comments

City Social Media Accounts that encourage the exchange of ideas and information by allowing users to voice their opinions and ask questions inevitably result in some comments made on City Social Media Accounts that may be negative or unsavory. If comments are in context to the conversation and are not otherwise prohibited content as set forth in Section 70.05.090 (Prohibited Public Comments), of this Policy, the comments should remain visible, regardless of whether their content is favorable or unfavorable towards the City. Such public comments shall also be retained as public records in accordance with the Government Records Act and Section 70.02.040 (Records Management) of this Policy.

70.05.060 Editing or Deleting Public Comments

Social Media Agents, including the Social Media Manager, shall not edit or delete public comments on City Social Media Accounts that are considered a “limited public forum.” If such comments meet the criteria for prohibited public comments under Section 70.05.090 (Prohibited Public Comments), of this Policy, the comments should be hidden rather than edited or deleted. An exception may be made for spam or malware comments or posts that constitute a threat to the City’s cyber security and/or network systems.

70.05.070 Hiding Public Comments

In social media litigation, the courts have held that deleting and hiding public comments on a “limited public forum” are the same. Therefore, caution must be used when hiding any public comments on City Social Media Accounts that constitute a “limited public forum.” Social Media Agents, including the Social Media Manager, may only hide public comments on City Social Media Accounts that constitute a “limited public forum” when such comments meet the criteria for prohibited comments under Section 70.05.090 (Prohibited Public Comments), of this Policy. When possible, Social Media Agents should consult with the Social Media Manager before hiding comments on City Accounts that constitute a “limited public forum.” When time is of the essence, such as content that contains an obscenity, promotes illegal activity, or constitutes malware, Social Media Agents may immediately hide such content. In such cases, the Social Media Agent shall notify the Social Media Manager within 24 hours that the content was hidden and for what reason.

70.05.080 Editing City Content

Social Media Agents, including the Social Media Manager, are authorized to edit City social media content and posts on City Accounts in accordance with Section 70.03.110 (Editing City Content), of this Policy.

70.05.090 Prohibited Public Comments

For City Social Media Accounts that constitute a “limited public forum,” public comments may not include the following listed content. Social Media Agents are allowed to hide public comments when the comments contain one or more of the following listed content.

- (a) Obscenity: Any obscene, profane, or indecent utterance, act, sexual or non-sexual explicit content that strongly offends the prevalent morality of the time.
- (b) Defamation: Any statement or content constituting defamation which requires the statement must be false, an assertion of fact, and cause damage.
- (c) Threats: Any communicated intent to inflict harm or loss in another that is usually very specific.
- (d) Fraud. Any content that commits or attempts to commit a fraud on any person or entity or encourages others to commit fraud.
- (e) Discrimination: Any content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status regarding public assistance, national origin, physical or mental disability, or sexual orientation, including any content that encourages or promotes discriminatory government employment or hiring practices.
- (f) Illegal Activities: Committing a crime, attempting to commit a crime, or encouraging others to commit a crime.
- (g) Spam: Any content not topically related to the particular social media post article being commented upon, including random or unintelligible comments.
- (h) Commercial Solicitation. Any content related to commercial solicitation or advertisement.
- (i) Malware: Any content or links to malware.
- (j) Copyright: Any content or material that infringes on a copyright.
- (k) Personally Identifiable Information: Any personally identifiable information such as home addresses, social security numbers, driver license numbers, etc.

70.05.100 Procedure to Hide Public Comments

If a public comment meets any of the criteria above the following steps must be taken:

- (a) The Social Media Agent or Social Media Manager will search for the comment on the City’s social media retention software or records to make sure the record and metadata has been retained as a public record.
- (b) The Social Media Agent or Social Media Manager will privately message the comment’s author to inform them that the comment in question is being hidden. Here is an example:
 - a. “We are reaching out to let you know that your comment made on [Authorized Account Name]’s post about [topic] has been removed for violating Clearfield City’s Social Media Terms of Use. These Terms of Use can be found through [the link in our profile bio/the About section of our page] and are also posted on the City website: [insert link]. Your comment is considered a public record, pursuant

to the Utah Government Records Access and Management Act (“GRAMA”). Though it is no longer visible to other social media users, the comment and its metadata have been properly archived in compliance with Utah GRAMA standards.”

- (c) The Social Media Agent or Social Media Manager will hide the comment (not delete it).
- (d) If the Social Media Manager was not consulted prior to hiding the comment due to circumstances, the Social Media Agent should notify the Social Media Manager within 24 hours.

70.05.110 Turning Off Comments

Some third-party social media platforms allow administrators to turn off a post’s comments entirely. Social Media Agents may disable comments for certain posts if such comments are disabled immediately at the time of posting. Social Media Agents must consult with the Social Media Manager prior to creating a post that if they want to turn off comments after the posting.

70.05.120 Retention of Edited Records

Any edits made to posted content and comments as provided herein, including any comments that are removed by the City due to inappropriate content, shall be retained in accordance with applicable provisions of the Government Records Act and Section 70.02.040 (Records Management), of this Policy.

70.05.130 Notice of Public Comment Terms of Use

The Social Media Manager shall ensure that a copy or link to Clearfield City’s Social Media Terms of Use is posted and accessible to the public on each City Social Media Account that is considered a “limited public forum.”

70.06 SOCIAL MEDIA TERMS OF USE

70.06.010 Scope

70.06.020 Accuracy Disclaimer

70.06.030 Public Records Disclaimer

70.06.040 Ownership of Content

70.06.050 Third-party Privacy Policies

70.06.060 Notice of Terms of Use

70.06.070 Terms of Use

70.06.010 Scope

Any person commenting, posting, following, sharing, or otherwise using any City Social Media Account shall be subject to the City’s Social Media Policy and the Social Media Terms of Use (“Terms of Use”) as more particularly set forth herein.

70.06.020 Accuracy Disclaimer

The City, its employees, departments, and elected officials use City Social Media Accounts, including online engagement tools such as websites, social media, Twitter, and YouTube, as a public service to provide information about matters of public interest in the City. The City assumes no liability for any inaccuracies in these posts and does not guarantee that the information shared on these platforms will be uninterrupted or error-free.

70.06.030 Public Records Disclaimer

City Social Media Accounts are subject to applicable public records laws. Any content maintained in a social media format related to City Business, including communications posted by the City and communications posted or received from citizens or users is a public record. The City is responsible for maintaining such records in accordance with the Government Records Act. Any user must be aware that their comments, communications, and postings on City Social Media Accounts will be retained and may be shared with others, including disclosure in response to a government records request, even if those communications are moderated, later deleted or hidden.

70.06.040 Ownership of Content

All content created or posted (e.g., posts, comments, replies, and messages) on City Social Media Accounts belongs to Clearfield City and is considered a public record subject to retention and maintenance in accordance with the Government Records Act and the City's Social Media Policy.

70.06.050 Third-Party Privacy Policies

Third-party social media platforms (e.g., Facebook, Twitter, Instagram) have their own privacy policies. Users of City Social Media Accounts that use third-party platforms, such as Facebook and Twitter, should refer to the privacy policies of such social media platforms for more information as users are no longer on a City website and are subject to the privacy policy and conditions of that website or social media platform.

70.06.060 Notice of Terms of Use

The Social Media Manager shall ensure that a copy or link to the City's Social Media Terms of Use is posted and accessible to the public on each City Social Media Account. It is recommended to include a link to such policies in the "About" section of each City Social Media Account or social networking profile that directs visitors to a page containing these policies.

70.06.070 Terms of Use

Any individual or user who accesses any online platform utilized by Clearfield City agrees they have read, understand, and accept, without limitations, the provisions of this Chapter and the Terms of Use set forth herein. The City's Terms of Use are in addition to those upheld by the social media platforms.

70.08 PERSONAL SOCIAL MEDIA ACCOUNTS

The City recognizes the employee's right to create and use personal social media accounts and to exercise the employees constitutionally protected First Amendment free speech rights to the extent protected by law. Any use of such Personal Social Media Accounts shall be subject to the Local Government Use of Social Media Policy 202.

70.11 GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

70.11.010 Retention of City Social Media Accounts and Posts

70.11.020 Notice of New City Social Media Accounts

70.11.030 Retention of Personal Social Media Accounts or Posts

70.11.040 Responding to Records Requests

70.11.050 Responding to Discovery Requests

70.11.010 Retention of City Social Media Accounts and Posts

City Social Media Accounts and posts, including public comments, create and constitute a government record under the Government Records Act. Clearfield City must retain and maintain social media records in accordance with the Government Records Act. The City retains and maintains social media records by contracting with third-party social media public records capture services. This records retention program is managed by the City Recorder in accordance with Section 70.02.040 (Records Management), of this Policy.

70.11.20 Notice of New Accounts

The Social Media Manager shall notify the City Recorder of the creation of any new City Social Media Account. The Social Media Manager shall notify the contracted third-party so the account can be added to the list of accounts to be monitored and retained by the social media records capture services contractor.

70.11.030 Retention of Personal Social Media Accounts or Posts

Under most circumstance, Personal Social Media Accounts or posts are not considered public records and the City does not retain or maintain records created by Personal Social Media Accounts or posts. Personal Social Media Accounts, including campaign accounts or posts should not be used to create a public record. In order to avoid the creation of a public record, the use of Personal Social Media Accounts should not be used to conduct City Business or to otherwise comment in the official capacity of the City employee, officer, elected official, or member of official City commissions. However, such Personal Accounts may still be subject to discovery or court proceedings. See, Section 70.08.070 (Public Records and Discovery), of this Policy, regarding discovery rules.

70.11.040 Responding to Records Requests

Since social media content is considered a public record, such records should be included in response to broadly worded government records request, such as “all notifications of street closures,” or “all emails and communications regarding proposed cemetery regulations.”

70.11.050 Responding to Discovery Requests

Social media content is increasingly requested during litigation. Failure to produce social media records in response to discovery request may result in sanctions, fines, and compromised legal position.

70.12 LEGAL PROVISIONS

70.12.010 Confidentiality

70.12.030 Legal Liability

70.12.040 Personal Liability

70.12.050 Privacy Policy

70.12.060 Amendments

70.12.070 Governing Law

70.12.010 Confidentiality

Confidential City information must not be shared on any social media channel. This includes information subject to copyrights and other licensing agreements, contract evaluations prior to award, attorney-client privileged matters, and any other information that is exempt from disclosure as private, protected, or controlled under the Government Records Act. City employees shall not divulge confidential City information on any social media account or page, whether as a City employee, authorized agent, or private citizen.

70.12.030 Legal Liability

All authorized agents and Clearfield City employees must recognize that they and the City may be liable for anything written or posted online including, but not limited to, commentary, content, or images that are defamatory, pornographic, confidential, proprietary, harassing, libelous, in violation of copyright laws, or that create a hostile work environment.

70.12.040 Privacy Policy

There is no expectation of privacy with social media comments or postings on City Social Media Accounts or when using City devices, networks, or systems. Clearfield City reserves the right to monitor the use of its accounts, devices, and networks and to retrieve, manage, and retain all social media comments and postings on City Accounts or social media activity when using City devices, networks, or systems.

70.12.050 Amendments

The City reserves the right to unilaterally alter, amend, except, or revoke any policy, practice, or procedure set forth herein in its sole discretion. The Social Media Manager shall be responsible for compiling and maintaining an updated version of this Social Media Policy and notifying applicable employees, officers, elected officials, and members of boards and committees of any updates hereto.

70.12.060 Governing Law

The policies and procedures set forth in this Social Media Policy are subject to compliance with all State and Federal laws and regulations applicable to the City and its employees, officers, elected officials, and members of boards and committees. In the event of conflict between the provisions of this Social Media Policy and any State or Federal laws or regulations, such State and Federal laws and regulations shall govern.

70.13 ENFORCEMENT

70.13.010 Employee Violations

70.13.030 User Violations

70.13.040 Government Records Violations

70.13.010 Employee Violations

An employee who violates the terms and conditions of this Policy may be subject to disciplinary action, up to and including termination. Authorized access to any City Social Media Accounts may be temporarily or permanently restricted or prohibited. Any violation of State law as referenced herein may be subject to civil or criminal enforcement in accordance with applicable provisions of law.

70.13.030 User Violations

Any user who violates the terms and conditions of this Policy and/or the Terms of Use and Public Comment Policy set forth herein, may be restricted or prohibited from using and/or posting content to City Social Media Accounts. Any violation of State law as referenced herein may be subject to civil or criminal enforcement in accordance with applicable provisions of law.

70.13.040 Government Records Violations

Any employee, officer, or other person who has lawful access to any private, controlled, or protected government record under the Government Records Act, and who intentionally discloses, provides a copy of, or improperly uses a private, controlled, or protected record knowing that the disclosure or use is prohibited may be guilty of a class B misdemeanor as more particularly provided in Utah Code.

§ 63G-2-801. A district court may issue an injunction against the City for any violation or proposed violation of the Government Records Act and assess against the City reasonable attorney fees and costs incurred by an appellant in connection with any judicial appeal in accordance with Utah Code § 63G-2-802.