



## SOCIAL MEDIA

*THE RECORDS MANAGEMENT CHALLENGE*

---

---

---

---

---

---

---

---



## WHAT WILL BE COVERED?

- Goals of Training
- Social Media Defined
- Social Media as Records
- Records Management Challenges
- Scenarios/Breakout Session
- Plan for Social Media Engagement

---

---

---

---

---

---

---

---



## GOALS OF TRAINING

PARI SWIFT  
SENIOR RECORDS MANAGER  
OFFICE OF OHIO ATTORNEY GENERAL MIKE  
DEWINE  
OHIOERC CHAIR

---

---

---

---

---

---

---

---



## WORKSHOP GOALS

- Participants Should Walk Away With:
  - An Understanding of Records Management Challenges that Accompany Government Use of Social Media
  - Apply Concepts Learned through Participation in Breakout Session Group Scenarios
  - Sample Social Media Engagement Plan
  - Ability to Apply What You've Learned

---

---

---

---

---

---

---

---



## Social Media Guidelines

BARB BROWN  
CLERMONT COUNTY RECORDS CENTER

PARI SWIFT  
OHIO ATTORNEY GENERAL'S OFFICE

JAMES ZIMMERLIN, CA  
WARREN COUNTY RECORDS CENTER & ARCHIVES

---

---

---

---

---

---

---

---



## WHAT IS SOCIAL MEDIA?

- Web Publishing    
- Social Networking  
- File Sharing & Storage    

---

---

---

---

---

---

---

---



### SOCIAL MEDIA AS RECORDS

- Defined in Ohio Revised Code (O.R.C.) 149.011(g)
- Electronic Records as Defined in Section 1306.01
- Official Copy vs. Secondary Copy
- One Unique Record vs. Collection of Records
- Evaluation of Social Media Tool and Impact on Records Management Obligations

---

---

---

---

---

---

---

---



### QUESTION

- What Types Of Records, Other Than Correspondence, Are Created Through Social Media Usage?

---

---

---

---

---

---

---

---



### ANSWER: PART ONE

- POSTED ON OR CREATED BY SOCIAL MEDIA:
  - Press Releases
  - Live Speech Tweets
  - Public Meeting Notices
  - Project Records (Internal)
  - Public Service Announcements
  - Work Order Requests

---

---

---

---

---

---

---

---

**ANSWER: PART TWO**

- **CREATED BECAUSE OF SOCIAL MEDIA USE:**
  - User Name/Password Logs
  - Social Media Engagement Plans
  - Terms of Service Agreements
  - Authorization or Justification of use Records

---

---

---

---

---

---

---

---

**SOCIAL MEDIA CHALLENGES**

- Capture of Content
- Ownership & Control of Data
- Implementation of Retention Policy
- Duplication of Content
- Management of Non-Record Content
- Disposition of Content
- Public Records Requests
- Legal Issues
- Preservation
- Employee Use & Access
- Security
- Citizen Conduct



---

---

---

---

---

---

---

---

**QUESTION**

- **Why Is It Important To Capture Content Placed On Your Organization's Social Media Tool?**

---

---

---

---

---

---

---

---



### CAPTURE OF CONTENT

- Why Capture Content?
  - May Need to Retain Due to Record Value
  - To Fulfill Public Records Requests
  - Litigation Hold
  - Disposition of Content in Accordance with Records Retention Policy.
- Capturing Content is Difficult
  - Social Media Platform Developed Tools
  - Third-Party Tools
  - In-house Applications
- How will you find captured content?

---

---

---

---

---

---

---

---



### OWNERSHIP & CONTROL OF DATA

- Most Social Media Tools Owned by Third-Party Companies
- Terms of Service Agreements
  - Internal Policy Clarifying Authority to Enter into Agreements
  - Negotiate
  - Consult Legal Counsel & IT
  - Consider Retention and Disposition of Content

---

---

---

---

---

---

---

---



### QUESTION

- Do Social Media Records Need To Be On Schedules Of Records Retention & Disposition?

---

---

---

---

---

---

---

---

 **IMPLEMENTATION OF RETENTION POLICY**

- Application of Existing Retention Schedule(s) vs. Creating New Retention Schedule(s)
- Inventory of Data and Records Created Across Social Media Platforms.
- Communication Managed in Accordance with Existing Policy
- Work in Conjunction with Policies Governing Employee Use.



---

---

---

---

---

---

---

---

 **DUPLICATION OF CONTENT**

- Critical to Ensure Records are Not Maintained Longer Than Necessary
- Copies Have to be Managed
- What Causes Duplication?
  - Different Naming Conventions
  - Employee Turnover
  - Lack of Employee Access
  - Use Controls



---

---

---

---

---

---

---

---

 **MANAGEMENT OF NON-RECORD CONTENT**

- Information Transmitted via Social Media May Not be a Record
- Non-Record Content Needs to be Managed
- Issues if Not Managed Properly:
  - Difficulty in Information Retrieval
  - Wasted Records Storage
  - Additional Discovery Burden

---

---

---

---

---

---

---

---



QUESTION

- Can You Permanently Delete Content Placed On A Social Media Account?

---

---

---

---

---

---

---

---



DISPOSITION OF CONTENT

- Social Media Presence = Posting Captured, Forwarded, and Used by Others
- Use Caution when Posting Content
- Removal of Obscene Content
- Information Posted on Social Media should be Considered Available Indefinitely

---

---

---

---

---

---

---

---



PUBLIC RECORDS REQUESTS

- Public Records Requests can be Made Through Social Media
- Consider Social Media Features and Components
  - Two-Way Communication
- Who will monitor the social media tool?
- How will you respond and document public records requests?
- Social Media can be Used Both Internally and Externally

---

---

---

---

---

---

---

---



### LEGAL ISSUES

- Ensure All Applicable Laws are Followed
- Consider Legal Issues:
  - Privacy
  - Freedom of Information
  - Accessibility
  - Public Records Laws
- Consider How You Will:
  - Handle Public Records Requests
  - Removal of Inappropriate Content
  - Use of Copyrighted Material
- Consult Legal & Other Professionals



---

---

---

---

---

---

---

---



### PRESERVATION

- Records Must Be Retained in an Organized and Accessible Manner (O.R.C. 149.351 & 149.43 (b)(2))
- May Not Be Reliable to Leave Records in Third-Party Environment
- Some Platforms Provide Preservation Tools
- Use of Third Party Tools for Capture
- Social Media Not Just Posts (Embedded Files, Links, Photos, Videos, Etc.)

---

---

---

---

---

---

---

---



### QUESTION

- Can Information On Your Private Social Media Account Be A Public Record?

---

---

---

---

---

---

---

---

 **EMPLOYEE USE & ACCESS**

- Social Media Content Created By a Public Employee May Be a Record
- Creation of Use Policy
- Consideration of a Disclaimer for Comments Personal in Nature
- Employee Access Control
- Official Business Justification & Pre-Approved Social Media Sites

---

---

---

---

---

---

---

---

 **SECURITY**

- Management of Records Placed on Social Media
- Username & Password Protection
- Removal of Inadvertent Posts
- Posts Containing Confidential or Protected Information



---

---

---

---

---

---

---

---

 **QUESTION**

- If Your Organization Is Using Social Media, How Have You Handled Inappropriate Content?

---

---

---

---

---

---

---

---



### CITIZEN CONDUCT

- Creation of Citizen Conduct & Removal of Inappropriate Content Policy
- Consider what Information Needs to be Retained to Document the Removal of Content
- Consider a Disclaimer
- Understand that by Enabling Two-Way Communication You May get Negative Feedback



---

---

---

---

---

---

---

---



### SCENARIOS & BREAKOUT SESSION

JEFFREY A. HISSEM  
BUREAU CHIEF, BUSINESS SERVICES  
OFFICE OF EMPLOYEE AND BUSINESS SERVICES  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

---

---

---

---

---

---

---

---



### SCENARIO ONE

*THE BROOKMILL FACEBOOK  
DEBACLE*

---

---

---

---

---

---

---

---



### THE FACTS

- The City of Brookmill's City Council had a lengthy, and at times heated, discussion at a recent meeting on the re-zoning of the Brookmill Industrial Park.
- Following the meeting, comments and blog posts ensued on Facebook between several City Council members and the constituents of the City of Brookmill.
- Some of the exchanges between the constituents and members of City Council bordered on vulgar and inappropriate.
- Due to the public outcry, the Brookmill Daily Post began inquiring about the re-zoning case, requesting all records from City Council's Facebook pages related to the re-zoning case.
- Prior to the request, several members of the Council deleted comments and posts pertaining to the re-zoning issue from their respective Facebook pages; with one member deleting their entire Facebook account.
- Other members of City Council have refused to fulfill the requests citing privacy concerns.
- The Brookmill Daily Post has threatened to take the Board to court citing open meetings and public records violations if the requests are not fulfilled.

---

---

---

---

---

---

---

---

---

---

---

---



### YOUR CHARGE

The City Manager, in the meantime, had put together a committee to address these issues and to develop a policy for the entire city to deal with social media usage. As a committee member, your task is to advise the City Manager on how to mediate this dispute and develop a plan to mitigate future incidents from occurring.

Consider the Following Challenges:

1. Capture of Content	2. Ownership & Control of Data
3. Implementation of Retention Policy	4. Disposition of Content
5. Public Records Requests	6. Legal Issues
7. Preservation	8. Employee Use & Access
9. Citizen Conduct	

---

---

---

---

---

---

---

---

---

---

---

---



## SCENARIO TWO

*TWITTER TIME!*

---

---

---

---

---

---

---

---

---

---

---

---



## THE FACTS

- The City of Brookmill's Police Department recently established a Twitter account as a way to provide city residents instant information on severe weather conditions, criminal activity alerts, information on missing persons, and departmental safety bulletins.
- Access to the department's Twitter account was given only to the Department's Command Staff to make sure information was being provided 24 hours a day.
- At the request of the Police Chief, a Twitter application was loaded on the employee's cell phones for quick transmission of the information to the department's Twitter account.
- The program had been highly successful and even receiving high praise from several local officials, until several incidents arose.
- The first incident stemmed from a disgruntled department employee who had managed to get a hold of one the Command Staff's cell phones and post sensitive information related to another department employee who had recently received a promotion.
- To make matters worse, the department was unable to identify who made the posts.
- The second incident was initiated by several posts from residents reporting criminal activity and emergency situations. Department personnel responded to find the posts to be fictitious.
- Lastly, several Command Staff employees were posting the same departmental alerts, sometime multiple times a day.
- Several citizens began to complain and became confused as to what was really going on.
- Dispatchers also reported an increase in call volume in response to these issues.

---

---

---

---

---

---

---

---

---

---

---

---



## YOUR CHARGE

Determined to keep and improve the program, the Police Chief has appointed you to investigate these incidents and identify policy changes needed to improve the program and prevent future issues.

Consider the Following Challenges:

1. Ownership & Control of Data	2. Duplication of Content
3. Management of Non-Record Content	4. Disposition of Content
5. Employee Use & Access	6. Security
7. Citizen Conduct	

---

---

---

---

---

---

---

---

---

---

---

---



## IMPLEMENTING A SOCIAL MEDIA PLAN

DARREN SHULMAN  
DELAWARE CITY ATTORNEY  
OHIOERC MEMBER

---

---

---

---

---

---

---

---

---

---

---

---



### WHEN SHOULD I THINK ABOUT A SOCIAL MEDIA PLAN?

- Ideally, you will work through your social media plan before you start using social media.
- If you are already involved in social media, when should you start working on your plan?
- Now!

---

---

---

---

---

---

---

---



### COMPLETING A PLAN

1. Agency/Department/Section/Unit [Who is considering using social media?]  
**Public Works Department**

2. Proposed Timeline: [Include anticipated launch date, project milestones, and if applicable, termination date]  
**Proposed launch January 1**

3. Contact [Person who will be responsible for account]  
Name: **Jane Doe**  
Title: **Administrative Assistant**  
E-mail:  
Phone:

---

---

---

---

---

---

---

---



### IDENTIFYING THE PLATFORM

4. Identify the social media platform on which you would like to participate [Fill out a new plan for each social media platform. Different platforms present different challenges]:

---

---

---

---

---

---

---

---



## GETTING THE RIGHT PLAYERS INVOLVED

**■ Why is each role important?**

5. Have You Talked With (check all that apply and insert contact person)

Communications: \_\_\_\_\_

Information Technology: \_\_\_\_\_

Legal: \_\_\_\_\_

Program(s)/Business Unit(s): \_\_\_\_\_

Records Management: \_\_\_\_\_

Other Areas or Offices: \_\_\_\_\_

Add additional areas or offices within as dictated by your specific mission, goals, and objectives

---

---

---

---

---

---

---

---

---

---

---

---



## STRATEGY

### 6. Description of Strategy

Who are you aiming to connect with?

Provide rapid updates to notify drivers of road closures or emergencies.

How are other agencies, staff, and your leadership affected by the use of social media?

Posts could cause an increase in calls to the City asking for further information. Person who answers phones should be notified when a post is updated and given information to help answer questions.

---

---

---

---

---

---

---

---

---

---

---

---



## CONTENT MANAGEMENT

7. Content Management

Which positions will be responsible for content creation and editing? Take steps to ensure that appropriate material is not posted on your page by having who has access to your social media account and providing guidelines or an approval process for posting content.

Will platform require moderation?

How frequently content will be updated?

What level of participation will be given to followers/visitors/users on social media platforms?

### EXAMPLE APPROACHES

- The public information officer is responsible for content. Departments who wish to post something can submit to the PIO for review and posting
- The page is set up to allow user comments. Therefore, the page will be monitored each day at 4:00 to review comments.
- Content will be posted as needed. Current expectation is once per week.
- Comments will be allowed.

---

---

---

---

---

---

---

---

---

---

---

---



## PUBLIC RECORDS IMPACT

### THINGS YOU POST

- Is the content you are posting a public record?
  - Copy of existing record?
  - Does it meet the definition of a public record?
- If it is a record, how will you maintain the records?
  - Fit retention schedule?
  - Print or save PDF?
  - Remember social media is rapidly changing

### THINGS SOMEONE ELSE POSTS

- Are comments a public record?
- How will you treat vulgar/offensive/spam comments?
- Accepted as an avenue to file complaints/make reports?

---

---

---

---

---

---

---

---

---

---



## RETENTION OF RECORDS

- What are you posting? Your plan will help answer retention questions.
- Identify schedules that fit what you are posting
- If no schedules fit, create retention schedules
- Assign someone to manage the records according to the schedule
- Remember, in most cases, the site controls the data. It is likely the social media site will only allow access for a limited time.

---

---

---

---

---

---

---

---

---

---



## TO COMMENT OR NOT TO COMMENT, THAT IS THE QUESTION

How would you handle vulgar, offensive, advertising, or spam comments?

A) Delete them

- Not meet definition of record
- Retention schedule
- Post notice on site about how you will treat comments

B) Leave them up on the site

- Consider a disclaimer

---

---

---

---

---

---

---

---

---

---

## SAMPLE NOTICE

This site is intended to serve as a mechanism for communication between the public and the \_\_\_\_\_ on the listed topics. Any comments submitted to this page and its list of fans are public records subject to disclosure pursuant to Section 149.43 of the Ohio Revised Code.

The comments expressed on this site by non-state commentators do not necessarily reflect the official views of \_\_\_\_\_. Comments posted to this page will be monitored during regular business hours. \_\_\_\_\_ reserves the right to remove inappropriate comments containing, but not limited to, the following types of content:

- Vulgar, profane or offensive language and sexual content or links to sexual content
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, age, religion, sex, national origin, military status, disability, genetic information or sexual orientation
- Spam or solicitations of commerce
- Content that advocates illegal activity
- Endorsement or advertisement of a vendor's products or services
- Content that supports or opposes political views, campaigns or ballot measures
- Infringement upon copyrights or trademarks
- Information that may tend to compromise the safety or security of the public or public systems

---

---

---

---

---

---

---

---

---

---

---

---

## LINKS, ENDORSEMENT, ADVERTISING

Sponsored: If \_\_\_\_\_ Create an Ad

Like This Page

Facebook © 2012  
English (US) · Privacy · Terms · Cookies · More

If this ad appears on your Facebook page, why should you care?

- Impression that your organization endorses the product/person
- Link could go to an outside site that has a virus or is otherwise objectionable
- Impression that your organization makes money on the ad

---

---

---

---

---

---

---

---

---

---

---

---

## WHAT CAN I DO ABOUT ADS?

- **Disclaimer to set expectations:**
  - For your convenience, this site may contain hypertext or other links to external Internet sites that are not provided or maintained by \_\_\_\_\_. Please note that \_\_\_\_\_ cannot guarantee the accuracy, relevance, timeliness, or completeness of these external sites.
  - In addition to material posted by \_\_\_\_\_, this page may include ads and suggestions for other profiles to view selected by [insert social media site] and links to third party sites included in user comments. The inclusion of these ads, profiles, and links is outside of the control of \_\_\_\_\_ and are not an official endorsement of any product, person, or service, and may not be quoted or reproduced for the purpose of stating or implying endorsement or approval of any product, person, or service. \_\_\_\_\_ does not receive any revenue from any of these links or sites.

---

---

---

---

---

---

---

---

---

---

---

---

 **SOCIAL MEDIA BRANDING**

- Try to be consistent with your colors, images, logos and fonts.
- Check and see if you have branding guidelines for other contexts.
- If you need a logo to use in everything your organization distributes, you are welcome to use this one:



---

---

---

---

---

---

---

---

 **CLOSING THOUGHTS: WHAT YOUR SOCIAL MEDIA PLAN IS *NOT***

- Your social media plan is not the employee social media use policy for their private accounts
- You should consider adopting a social media policy for employees' use of their own accounts
  - When they can access
  - Prohibit posting confidential material
  - Criticize work/supervisor?
- Can be included in IT policy, HR policy, or work rules

---

---

---

---

---

---

---

---

 **QUESTIONS???**



---

---

---

---

---

---

---

---



### EXISTING GUIDANCE



- Databases as Public Records
- Digital Document Imaging
- Electronic Publications
- E-mail Management
- File Management
- General Schedule for Electronic Records
- Records and Archival Management of World Wide Web Sites
- Trustworthy Information Systems
- Hybrid Microfilm Guidelines (2009)
- Social Media (2012)
- Coming...
  - Cloud Computing

---

---

---

---

---

---

---

---



### THANK YOU!!

---

---

---

---

---

---

---

---

# Scenario: The Brookmill Facebook Debacle

## The Facts

- The City of Brookmill's City Council had a lengthy, and at times heated, discussion at a recent meeting on the re-zoning of the Brookmill Industrial Park.
- Following the meeting, comments and blog posts ensued on Facebook between several City Council members and the constituents of the City of Brookmill.
- Some of the exchanges between the constituents and members of City Council bordered on vulgar and inappropriate.
- Due to the public outcry, the Brookmill Daily Post began inquiring about the re-zoning case, requesting all records from City Council's Facebook pages related to the re-zoning case.
- Prior to the request, several members of the Council deleted comments and posts pertaining to the re-zoning issue from their respective Facebook pages; with one member deleting their entire Facebook account.
- Other members of City Council have refused to fulfill the requests citing privacy concerns.
- The Brookmill Daily Post has threatened to take the Board to court citing open meetings and public records violations if the requests are not fulfilled.

**Your Charge:** The City Manager, in the meantime, has put together a committee to address these issues and to develop a policy for the entire city to deal with social media usage. As a committee member, your task is to advise the City Manager on how to mediate this dispute and develop a plan to mitigate future incidents from occurring.

## Consider the Following:

- Capture of Content
- Ownership and Control of Data
- Implementation of Retention Policy
- Disposition of Content
- Public Records Requests
- Legal Issues
- Preservation
- Employee Use & Access
- Citizen Conduct



# Scenario: Twitter Time!

## The Facts

- The City of Brookmill's Police Department recently established a Twitter account as a way to provide city residents instant information on severe weather conditions, criminal activity alerts, information on missing persons, and departmental safety bulletins.
- Access to the department's Twitter account was given only to the Department's Command Staff to make sure information was being provided 24 hours a day.
- At the request of the Police Chief, a Twitter application was loaded on the employee's cell phones for quick transmission of the information to the department's Twitter account.
- The program had been highly successful and even receiving high praise from several local officials, until several incidents arose.
- The first incident stemmed from a disgruntled department employee who had managed to get a hold of one the Command Staff's cell phones and post sensitive information related to another department employee who had recently received a promotion.
- To make matters worse, the department was unable to identify who made the posts.
- The second incident was initiated by several posts from residents reporting criminal activity and emergency situations. Department personnel responded to find the posts to be fictitious.
- Lastly, several Command Staff employees were posting the same departmental alerts, sometime multiple times a day.
- Several citizens began to complain and became confused as to what was really going on.
- Dispatchers also reported an increase in call volume in response to these issues.

**Your Charge:** Determined to keep and improve the program, the Police Chief has appointed you to investigate these incidents and identify policy changes needed to improve the program and prevent future issues.

## Consider the Following:

- Ownership and Control of Data
- Duplication of Content
- Management of Non-Record Content
- Disposition of Content
- Employee Use & Access
- Security
- Citizen Conduct



# Security and Citizen Conduct

## **Security:**

- Enact a policy to protect usernames and passwords.
- Prior to using social media, understand the security risks.
- Add controls to monitor website content.

## **Citizen Conduct:**

- Develop a policy concerning citizen conduct on social media and the handling of inappropriate content.
- Determine what information should be retained to document the removal of inappropriate content.
- Provide a disclaimer on the social media tool to inform user of citizen comment policy.
- Determine whether two way communication is appropriate.



# Retention and Disposition

## ***Retention***

- Many times existing retention schedules can be applied to social media content
- An agency should make every effort to map the information value of the content within the social media tools to existing retention schedules or determine it to be a non-record.
- If the content is determined to have record value and cannot be mapped to an existing schedule, a new retention schedule or schedules will need to be created and approved.
- An inventory of data and records created across various social media will be helpful in assessing the strengths and weaknesses of one's current retention schedule in managing social media.
- Records that may be created through the use of social media include user agreements, user input forms, and user identification data.
- Retention of communication sent and received through social media should be managed in accordance with existing communication or e-mail policies.
- Retention policies should work in conjunction with policies governing employee use of social media.

## ***Disposition***

- Once a government agency creates a presence on a social media site, any third party postings can be captured, forwarded, and used by others.
- Be cautious about what type of content is posted.
- Absent an existing records request or litigation hold, public agencies are encouraged to delete social media in accordance with their retention schedule and use policies.
- The removal of obscene content should be treated as transparently and consistently as possible in accordance with internal policy.
- With that being said, it is also important to remember that information posted on social media should be considered available indefinitely, even if not through the government agency's site.



# Preservation and Capture

## Preservation

- Records must be retained in an organized and accessible manner per the O.R.C.
- Maintaining information in a third party provider's environment may not be reliable.
- Consider how request the information needs to be captured.
- Determine how you will find captured information.
- Research tools that will assist with the archiving and searching of social media content.
- Preservation of embedded files, photos, videos, links, etc. must be considered.

## Capture of Content

- Posts may need retained due to their administrative, legal, fiscal or historical value, to fulfill public records requests, or as part of a litigation hold.
- Ensure the agency disposes of the social media records in accordance with its retention and disposition policy.
- Develop in-house or purchase third party tools to assist with the electronic capture of social media records.
- Provide access, search and retrieval training for these records.



# Ownership & Control of Data and Employee Use

## ***Ownership and Control of Data***

- Most social media tools are managed by third-party companies and are free of charge.
- Government agencies are responsible to manage record information available on the agency's account.
- Consider the "Terms of Service" agreements and who has the authority to enter into these agreements.
- Consult legal counsel and information technology professionals to negotiate the agreement to ensure the proper retention and disposition of records.

## ***Employee Use & Access***

- Public sector employees must be trained on understand that social media content may be a record and subject to disclosure.
- Agency's must develop a policy identifying agency uses, restrictions for personal use and consequences for policy violations.
- Consider the use of a disclaimer.
- Control which employees are allowed access to social media sites.
- Request an official business justification for access and use pre-approved social media sites.



# Legal, Non-Record Content and Public Records Requests

## **Legal Issues**

- Agencies need to ensure that all federal, state and local laws and regulations are followed.
- Consider issues related to privacy, freedom of information, accessibility and applicable records management and public records laws, especially as it relates to how your agency handles request for public records, the removal of inappropriate comments or posts, or use of copyrighted materials.
- It is important to consult your agency's legal representative to examine these issues, but a multi-disciplinary approach is valuable. Professionals serving in other areas, such as human resources, accounting, or information technology may have an intimate knowledge of the legal implications of social media within their areas of expertise.

## **Non-Record Content**

- Agencies may determine that a considerable amount of information transmitted via social media is not a record under state and federal law.
- This content, however, still needs to be managed and properly disposed of.
- Otherwise, non-records can cause difficulty in retrieving information, wasted records storage resources, and additional discovery burden in the event of a lawsuit.

## **Public Records Requests**

- When evaluating social media, consideration should be given to features and components such as two-way communication.
- Be aware that public records requests could be made for social media content provided by both the public agency and the public.
- Agencies must determine whether comments and responses posted by the public on the social media meet the definition of "record".
- Also be aware that if two-way communication is enabled it is possible to receive public records requests via social media. Consider who will monitor social media accounts for such requests and how the response will be provided and documented.
- While social media can be used both internally and externally, even social media tool that are not public facing such as internal blogging services, (e.g. Yammer), or internal instant messaging, have the potential to be subject to public records inquiries.



**SAMPLE Plan for Social Media Engagement**  
**[Fill in blanks and adapt to your government entity's needs]**

**1. Agency/Department/Section/Unit [Who is considering using social media?]**

**2. Proposed Timeline: [Include anticipated launch date, project milestones, and if applicable, termination date]**

**3. Contact [Person who will be responsible for account]**

Name:

Title:

E-mail:

Phone:

**4. Identify the social media platform on which you would like to participate [Fill out a new plan for each social media platform. Different platforms present different challenges]:**

**5. Have You Talked With (check all that apply and insert contact person)**

- Communications: \_\_\_\_\_
- Information Technology: \_\_\_\_\_
- Legal: \_\_\_\_\_
- Program(s)/Business Unit(s): \_\_\_\_\_
- Records Management: \_\_\_\_\_
- Other Areas or Offices: \_\_\_\_\_

Add additional areas or offices within as dictated by your specific mission, goals, and objectives.

**6. Description of Strategy**

Social media can provide opportunities for communication and interaction with public (see OERC Social Media Guidelines), but entering this space also requires a commitment of time and resources to maintain relevance and cultivate relationships on these platforms. Consider the following:

Who are you aiming to connect with?

How are other agencies, the public, staff, and your leadership affected by use of this social media?

How will this strategy affect your overall mission, goals, and objectives?

## **7. Content Management**

Which positions will be responsible for content creation and editing? Take steps to ensure that inappropriate material is not posted on your page by limiting who has access to your social media account and providing guidelines or an approval process for posting material.

Will platforms require moderation?

How frequently content will be updated?

What level of participation will be given to followers/visitors/users on social media platforms?

**SAMPLE Plan for Social Media Engagement**  
**[Fill in blanks and adapt to your government entity's needs]**

**1. Agency/Department/Section/Unit [Who is considering using social media?]**

**2. Proposed Timeline: [Include anticipated launch date, project milestones, and if applicable, termination date]**

**3. Contact [Person who will be responsible for account]**

Name:

Title:

E-mail:

Phone:

**4. Identify the social media platform on which you would like to participate [Fill out a new plan for each social media platform. Different platforms present different challenges]:**

**5. Have You Talked With (check all that apply and insert contact person)**

- Communications: \_\_\_\_\_
- Information Technology: \_\_\_\_\_
- Legal: \_\_\_\_\_
- Program(s)/Business Unit(s): \_\_\_\_\_
- Records Management: \_\_\_\_\_
- Other Areas or Offices: \_\_\_\_\_

Add additional areas or offices within as dictated by your specific mission, goals, and objectives.

**6. Description of Strategy**

Social media can provide opportunities for communication and interaction with public (see OERC Social Media Guidelines), but entering this space also requires a commitment of time and resources to maintain relevance and cultivate relationships on these platforms. Consider the following:

Who are you aiming to connect with?

How are other agencies, the public, staff, and your leadership affected by use of this social media?

How will this strategy affect your overall mission, goals, and objectives?

## **7. Content Management**

Which positions will be responsible for content creation and editing? Take steps to ensure that inappropriate material is not posted on your page by limiting who has access to your social media account and providing guidelines or an approval process for posting material.

Will platforms require moderation?

How frequently content will be updated?

What level of participation will be given to followers/visitors/users on social media platforms?

## 8. Public Records and Accessibility

Consider the public records impact of your use of social media and develop a policy and post relevant portions on your page to set expectations. Remember that material posted on social media sites is outside of your control, as the site can delete it at any time. There is no one way to handle these records. Some considerations:

1. When setting up your account, will you allow users to comment?
2. If so, do comments fall under correspondence retention schedules?
3. How do you treat vulgar/offensive/spam comments?
4. Also consider the content of what you plan to post and determine whether it is a public record:
  - a. Does it meet the definition of a public record?
  - b. If you are simply posting content or links to content maintained elsewhere, the social media page may be considered a copy of an existing record.
5. Consider whether there will be a need to prove that you posted the record via social media. For example, if you are using the social media to meet a notice requirement, you want to preserve a record of that posting, even if it isn't otherwise required.
6. If you are posting unique content, how are you going to make sure those records are maintained? One way would be to print out or save a PDF of material posted. However, given the dynamic nature of social media, this may prove to be difficult.
7. Consider establishing a retention schedule for material posted on social media accounts.
8. Assign an individual/group the responsibilities of managing content per the approved retention schedule.
9. If the material on your social media page requires long term retention, remember that the social media site controls the data. It is likely that the social media site will only allow access to material for a limited period of time.

Some sample language:

This site is intended to serve as a mechanism for communication between the public and the \_\_\_\_\_ on the listed topics. Any comments submitted to this page and its list of fans are public records subject to disclosure pursuant to Section 149.43 of the Ohio Revised Code.

The comments expressed on this site by non-state commentators do not necessarily reflect the official views of \_\_\_\_\_. Comments posted to this page will be monitored during regular business hours. \_\_\_\_\_ reserves the right to remove inappropriate comments containing, but not limited to, the following types of content:

- Vulgar, profane or offensive language and sexual content or links to sexual content
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, age, religion, sex, national origin, military status, disability, genetic information or sexual orientation
- Spam or solicitations of commerce
- Content that advocates illegal activity
- Endorsement or advertisement of a vendor's products or services
- Content that supports or opposes political views, campaigns or ballot measures
- Infringement upon copyrights or trademarks
- Information that may tend to compromise the safety or security of the public or public systems

## 8. Public Records and Accessibility

Consider the public records impact of your use of social media and develop a policy and post relevant portions on your page to set expectations. Remember that material posted on social media sites is outside of your control, as the site can delete it at any time. There is no one way to handle these records. Some considerations:

1. When setting up your account, will you allow users to comment?
2. If so, do comments fall under correspondence retention schedules?
3. How do you treat vulgar/offensive/spam comments?
4. Also consider the content of what you plan to post and determine whether it is a public record:
  - a. Does it meet the definition of a public record?
  - b. If you are simply posting content or links to content maintained elsewhere, the social media page may be considered a copy of an existing record.
5. Consider whether there will be a need to prove that you posted the record via social media. For example, if you are using the social media to meet a notice requirement, you want to preserve a record of that posting, even if it isn't otherwise required.
6. If you are posting unique content, how are you going to make sure those records are maintained? One way would be to print out or save a PDF of material posted. However, given the dynamic nature of social media, this may prove to be difficult.
7. Consider establishing a retention schedule for material posted on social media accounts.
8. Assign an individual/group the responsibilities of managing content per the approved retention schedule.
9. If the material on your social media page requires long term retention, remember that the social media site controls the data. It is likely that the social media site will only allow access to material for a limited period of time.

Some sample language:

This site is intended to serve as a mechanism for communication between the public and the \_\_\_\_\_ on the listed topics. Any comments submitted to this page and its list of fans are public records subject to disclosure pursuant to Section 149.43 of the Ohio Revised Code.

The comments expressed on this site by non-state commentators do not necessarily reflect the official views of \_\_\_\_\_. Comments posted to this page will be monitored during regular business hours. \_\_\_\_\_ reserves the right to remove inappropriate comments containing, but not limited to, the following types of content:

- Vulgar, profane or offensive language and sexual content or links to sexual content
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, age, religion, sex, national origin, military status, disability, genetic information or sexual orientation
- Spam or solicitations of commerce
- Content that advocates illegal activity
- Endorsement or advertisement of a vendor's products or services
- Content that supports or opposes political views, campaigns or ballot measures
- Infringement upon copyrights or trademarks
- Information that may tend to compromise the safety or security of the public or public systems

## **9. Links, Endorsement and Advertising**

Your social media page may include links. These links are outside of your control, but by virtue of the fact that you are posting them, an impression may be given that you are responsible for those pages. Furthermore, if you allow comments, third parties can provide links. In addition, Many social media sites have third party ads that are selected by the site and not the user.

Government entities should take care to avoid the appearance that the entity endorses or profits from these third party links or ads. Consider a disclaimer to set users' expectations about links and ads.

Sample Disclaimer: For your convenience, this site may contain hypertext or other links to external Internet sites that are not provided or maintained by \_\_\_\_\_. Please note that \_\_\_\_\_ cannot guarantee the accuracy, relevance, timeliness, or completeness of these external sites.

In addition to material posted by \_\_\_\_\_, this page may include ads and suggestions for other profiles to view selected by [insert social media site] and links to third party sites included in user comments. The inclusion of these ads, profiles, and links is outside of the control of \_\_\_\_\_ and are not an official endorsement of any product, person, or service, and may not be quoted or reproduced for the purpose of stating or implying endorsement or approval of any product, person, or service. \_\_\_\_\_ does not receive any revenue from any of these links or sites.

## **10. Social Media Branding**

To what extent does your agency utilize branding guidelines? Consider backgrounds, colors, images, seals, logos, avatars, and fonts as possible items for branding. Your presence online should complement your Web site as well as your marketing materials to produce a comprehensive brand.