AGENCY SOCIAL MEDIA

1. **Educate Your Agency BEFORE Your Agency Launches Social Media**
   a. Review articles about social media uses by government agencies - the Municipal Research and Services Center has several; see Association of Washington Cities guidelines
   b. Review State Archives guidance on retention requirements for social media postings
   c. Review samples policies (several available on MRSC website)
   d. Review other pertinent materials; possible legal issues (see below)

2. **Be Clear About Your Agency’s Business Purpose for Using Social Media**
   a. Why are you using it?
   b. Which social media options achieve that purpose? (And what are their terms of service? Is your agency authorized to agree to them?)

3. **Consider Legal Issues: Decide How Social Media Records Will Be Retained and Produced**
   a. Retention: RCW 40.14
   b. Production: RCW 42.56 (Public Records Act); Discovery/Subpoenas

4. **Consider Additional Legal Issues: The Open Public Meetings Act; Lobbying/Campaign Restrictions; Public Records Act Requests; Open Forums; Ethical/Risk Management Issues; Others**
   a. **OPMA Issues** – RCW 42.30: Quorum participating on social media site
   b. **Lobbying & Campaign Restrictions Issues** – RCW 42.17A: No grassroots lobbying by public agencies; no campaigning with public resources
   c. **PRA Issues** – 42.56: Will your agency accept PRA requests via social media?
   d. **Legal Notices**: Will your agency accept legal notices (service of process, request for rulemaking, etc.) via social media?
   e. **Public Forum Issues**: Has your agency defined the rules of public engagement? If public comments are permitted, what type of open forum has your agency created? Who will monitor/ review comments, and how often? What if defamatory comments are posted, or sexual content, etc.?
   f. **Ethical/Risk Management Issues**: Possible issues if employees/officials post inappropriate content, confidential information (health care information, privileged information, etc.), non-agency related information, or other information.
   g. **Section 508 of Federal Rehabilitation Act** (electronic information is to be available to persons with disabilities).
   h. **Other** possible issues, depending upon agency, content of postings by agency or public, etc.
   i. **Changes in Laws**: Is your agency keeping up on changes in laws?
5. **Make Sure Your Agency Has the Resources to Support the Social Media Option(s) Selected**
   a. IT support
   b. Communications team support
   c. Legal support
   d. Human resources staff support
   e. PRA/records officers support

6. **Adopt & Monitor Clear Policies**
   a. Governing account management, approval procedures for posting and images and content posted, frequency of posting, accessibility, retention, production, commenting rules, monitoring and responding to comments, acceptable use, security, audit, etc.
   b. Educate staff and officials about the policies; consequences of violating policies
   c. Review policies and procedures regularly. Social media is a fast-moving technology; is your agency keeping up on the changes? Does your policy need to change due to changes in social media, laws, or for other reasons?

**OFFICIALS’/EMPLOYEES’ INDIVIDUAL SOCIAL MEDIA SITES**

1. **Use of Officials’ and Employees’ Own Social Media Sites for Agency Business (Sites Created by the Individual, not Established by the Agency Through Official Channels) – Some Considerations**
   a. Are agency officials or employees using their own social media sites for official agency business?
   b. If so, why?
      i. Is it required by the job duties, directed by the employer/agency, or in furtherance of the employer/agency’s interests?
      ii. If it is necessary to post/receive the information, why is that information not being disseminated through official agency channels (the agency’s website or social media site)?
   c. If so, is that use of the individual social media site consistent with the agency’s policy?
   d. If so, has that practice been reviewed by the agency’s legal counsel, risk management staff, records staff, etc.?
   e. If so, have the officials and employees been informed of the public records, meetings and other potential legal issues?
   f. If so, what procedures does the agency have to address those issues, such as to retain and produce public records from that site?
   g. If so, have the officials and employees made a clear distinction between that social media site and their campaign site, and their personal information site?
   h. If so, are there any other issues or procedures the agency needs to consider, given the site’s use and the agency’s business?