

POLICY– COUNCIL

Elected Member Electronic and Media Communications Protocol Policy

CONTENTS

1. Document control.....	2
2. Preamble.....	2
3. Policy purpose.....	2
4. Scope.....	2
5. Definitions.....	3
6. Use of electronic communication policy.....	3
6.1 Email.....	3
6.2 Social Media.....	4
6.3 Security And Access.....	4
6.4 Unlawful Activities.....	4
6.5 Confidential Messages.....	5
6.6 Access And Disclosure.....	5
6.7 Defamation.....	5
6.8 Copyright.....	5
6.9 Records Management.....	6
7. Media communication protocols.....	6
8. Relevant legislation and references.....	7
9. Further information.....	7

1. Document control

Author – name and position (to whom changes are recommended)	Therese Brunotte, Senior Governance Officer
Stakeholders	Public relations Elected members
Reviewed by – name and position	Karyn Ryan, Team Leader Civic Governance Desma Morris, Manager Corporate Information Alison Hancock, Director Corporate and City Services Mark Dowd, Chief Executive Officer
Approved by (document owner)	Council
Approval date	15 October 2019
Approval ECM number	5017477
Current version number	V 1.0
Review cycle (number of years)	Review once in every Council term
History (previous review dates)	N/A
Document location	Original: ECM 5017477 Published: Website

Electronic version on the intranet or website is the controlled version.

2. Preamble

The contents of and the commitments that Council makes in this Policy are not intended to be and should not be interpreted to be any more than a statement of the City of Onkaparinga's general position in relation to those matters, and to facilitate its aspirations wherever it is reasonable to do so.

3. Policy purpose

The purpose of this Policy is to provide Elected Members with guidance for appropriate use of our internal electronic communication systems in the conduct of Council business.

This Policy outlines the agreed protocols and legal considerations when engaging with the community through social media and traditional forms of media.

4. Scope

This Policy applies to Elected Members when they use council's corporate email system, equipment and services, use of social media and when communicating as an Elected Member with the media.

5. Definitions

Electronic communication	includes but is not limited to: <ul style="list-style-type: none">• Email• Mobile phones• Internet sites and pages• Electronic journals and texts• Social media
Social media	means all current and future social media channels, digital platforms, online forums or messaging apps where people can comment, view, contribute, create, forward, post, upload and share content. Social Networks (e.g Facebook), Microblogs (e.g Twitter), Podcasts and video (e.g YouTube) are all types of Social Media.
Media	means, for the purpose of this policy, the more traditional forms of media such as TV, radio and newspapers.
Council Business	means the provision of services, delivery of programs, development of policies, making of decisions, performance of Council functions and other similar types of transactions.
Official record	means a record made or received by the Council in the conduct of its business. This includes records made or received by an elected member in the conduct of the business of their office, but does not include records that are merely transitory or temporary in nature or that are personal or private in nature.
Transitory record	means a record is transitory in nature if it is of little or no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days.
Defamation	means to publish a statement which is or is likely to cause the ordinary, reasonable member of the community to think less of the targeted person or to injure that person in his or her trade, credit or reputation.
Material	means data, information, text, graphics, animations, speech, videos and music or other sound, accessible electronically, including any combination or selection of any of these.

6. Use of electronic communication policy

6.1 EMAIL

In 2014, the Ombudsman considered the matter of elected member emails and the use of private email addresses to carry out council business. The Ombudsman commented that the practice of using private email addresses for Council business was contrary to good record-keeping practice.

The Independent Commissioner Against Corruption, stated publicly on 22 March 2017 that ‘the use of private email accounts for official business “*might amount to corruption*”, as that term is defined under the *Independent Commissioner Against Corruption Act 2012* (“the ICAC Act”)

Council email addresses are provided to all elected members for the purpose of carrying out Council related business and the Council email addresses must be used by members for all Council related business.

6.2 SOCIAL MEDIA

Council Member engagement through social media is utilised as a resource to enhance communication between the City of Onkaparinga’s elected representatives and its residents and other stakeholders.

If an elected member wishes to manage their own personal or Councillor social media presence, they should include a disclaimer at the top of the site/page that states the views portrayed are their own, and do not necessarily represent the position of the Council. It is recommended that elected members create a separate ‘Councillor’ page to use for council business in an official capacity.

All engagements in social media should ensure that the content of any interaction:

- is accurate e.g. factual information about a particular council matter or service.
- is factually correct and complies with council policies.
- does not breach any confidentiality requirements.
- does not make an official announcement unless you are authorised to do so.
- does not defame any person.
- ensures that personal comment on Council decisions and other matters, clearly indicate that it is a private view
- provides information which generates community trust and confidence in the Council
- deals with information received in their capacity as Council members in a responsible manner

6.3 SECURITY AND ACCESS

Elected members are required to ensure that all passwords, accounts, software and data are adequately protected.

Elected members must not:

- share their council related passwords with another person.
- allow another person to access any council network.
- breach or attempt to breach computer or network security measures
- allow another person to log-in to their social media account.

Forced password changes are built into the Council system and individuals are responsible for the security and ensuring regular changing of their password(s).

6.4 UNLAWFUL ACTIVITIES

Elected members are not to access, like, share or send material that is prohibited or potentially prohibited, provocative, offensive, abusive, sexist, racist or pornographic. This includes not forwarding to others any material/content of this nature that is received.

It is considered unacceptable to create, share, endorse send or forward content material or comments that:

- contains threats of violence or other unwelcome or harassing behaviour.
- contains personal opinions that may be considered defamatory or derogatory about other elected members and/or staff of the City of Onkaparinga and/or members of the community.
- may breach the Code of Conduct for Council Members.
- breaches any legislation or any Council policy.
- promote illegal activities.

Elected members are personally and legally responsible for the content (posts, message and comments) that they publish or allow to be published on any social media platforms that they control or manage.

6.5 CONFIDENTIAL MESSAGES

Care should be taken when sending messages or information electronically as messages may be intercepted, forwarded or otherwise transmitted to someone other than the intended recipient.

Accordingly, elected members are advised to be very cautious about committing totally private, sensitive or confidential messages to electronic communication.

6.6 ACCESS AND DISCLOSURE

Elected members should be aware that email messages, even if expressed to be confidential, may have to be disclosed in court proceedings, Freedom of Information requests, or investigations by the Ombudsman or Independent Commission Against Corruption. It may be necessary for relevant staff to access and/or disclose electronic information and communications in order to comply with a legislative obligation or upon appropriate formal request (e.g. Code of Conduct investigation).

The elected member and the Chief Executive Officer will be notified if records are to be accessed by staff unless there is a duty of confidence (e.g. Independent Commission Against Corruption Investigation).

Official records whether paper or electronic belong to the Council not the elected member.

6.7 DEFAMATION

For the purpose of defamation law, 'publication' is very broad and includes any means whatsoever that we use to communicate with each other, including social media and email. A statement made electronically is, by its very distribution, published. A statement is also published if it is simply received electronically and forwarded electronically. The Council is at risk of being liable for any defamatory material stored, reproduced or transmitted via any of its facilities. Likewise, Elected Members may also be liable in their personal capacity as a consequence of any defamatory material published via email or on their social media channels. Elected Members should be aware that they may be held to have published defamatory material in circumstances where they permit a defamatory publication to be made and remain, on their social media pages.

6.8 COPYRIGHT

Not all information on the Internet is in the public domain or freely available for use without proper regard to rules of copyright. Much of the information is subject to copyright protection under Australian law. Elected members are required to make themselves aware and abide by relevant

provisions of the *Copyright Act* as they apply to sharing of content on social media and ensure that no copyrighted or trademarked material is published on their Council related social media pages without the permission of the creator or copyright owner.

Any material reproduced outside permitted uses or without the permission of the owner on social media pages related to the Council may be unlawful and may result in legal action against the elected member and the Council.

6.9 RECORDS MANAGEMENT

All emails that concern council related matters are regarded as official records and belong to the Council.

Elected members shall ensure that official records in any format outside of transactions occurring in the Council's corporate email system are forwarded to the Information Governance team to be captured into council's records management system in accordance with the *State Records Act 1997*.

7. Media communication protocols

Media is an important source of information for the community and can assist the Council in its leadership and advocacy role. It is the policy of the Council to communicate openly and honestly with the media in order to maintain its commitment as an open and accountable organisation.

The Mayor and the Chief Executive Officer (CEO) are exclusively authorised to speak publicly on behalf of the Council.

Enquiries relating to corporate or operational matters are usually responded to by the CEO or appointed delegate, depending on the issue.

Enquiries relating to a Council decision or policy matter before Council on which a decision is pending, are usually responded to by the Mayor, depending on the issue.

Certain issues may require a response from both the organisation and the Mayor. The CEO, in consultation with the Mayor, will determine if this is necessary.

Elected members may make public comment on their own point of view. If an elected member intends to speak or write to the media or speak publicly it is requested that they:

- advise the Mayor and the CEO of their intention to make comments to the media, or as soon as practical after the media contact (if it was not possible before making comments), to ensure the organisation is informed of the information provided to the media
- ensure they make it very clear that they are expressing their own point of view and not speaking on behalf of the Council
- ensure that their comments are not vexatious or defamatory
- ensure that the comments are reasonable, just, respectful and non-discriminatory to others
- ensures that the information they intend to provide promotes trust and confidence in the Council and its decision making processes
- ensure that the information they are providing is informed and factual
- do not provide confidential information to the media, community or any other unauthorised person.

These provisions do not and are not intended to curtail or restrict in any way the rights of elected members to express their personal views in public, provided that care is taken not to convey the impression that such views are made on behalf of the Council.

The CEO or the Mayor may authorise other persons to speak on behalf of the organisation and Council.

8. Relevant legislation and references

State Records Act 1997

Local Government Act 1999

Elected member allowance and benefits procedure 2018

Code of Conduct for Council Members

Code of Practice – proceedings of meetings

9. Further information

It is also available for inspection, downloading or printing from our website www.onkaparingacity.com.au.