



## Town of West Seneca

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# MEMO

To: The Honorable Town Board

From: Tina M. Hawthorne, Town Attorney

Date: September 30, 2021

Subject: Draft of Social Media Policy

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For discussion purposes, kindly see attached a draft of a proposed Town Social Media Policy. This draft was the result of a collaborative process with the Town Clerk (Amy Kobler), Town Deputy Clerk (Molly Martin), the Chief of Staff to the Supervisor (Amelia Greenan), the Town's Human Resource Director (Lisa Scibetta), and me. Much legal research, review of other municipality's policies, debate and discussion resulted in this proposed draft.



## SOCIAL MEDIA POLICY

Adopted \_\_\_\_\_

### **PURPOSE**

The Town of West Seneca's official website is [www.westseneca.net](http://www.westseneca.net). This is the primary online source for communicating information to the public. The Town sees social media as additional ways to communicate information to its citizens to help promote its programs, events, services, and to represent itself appropriately and consistently on the internet. Social media refers to the creation and exchange of information among individuals through internet-based applications such as Facebook, Twitter, Instagram, LinkedIn, TikTok, Snap Chat, and You Tube. The Town recognizes that social media technology allows news of an event to spread quickly and is a good forum to facilitate public discussion. A social media presence is yet another way to communicate to the broadest possible audience of those it serves and also provide its residents the ability to communicate with their government pursuant to the terms of this policy.

The Town recognizes that that social media is an evolving communications tool and that new resources may become available over time. This policy gives direction to Town elected officials, appointed members of all boards in the Town, members to all Town committees, volunteers, and employees that utilize the Town's electronic/computer resources to access social media websites and engage in social networking for Town purposes. The Town has an overriding interest and expectation in deciding what is published on behalf of the Town through social media and in establishing guidelines for the use of Town social medial by Town officials.

The Town recognizes the potential exposure in online communication, as well as the legal requirements related to all forms of official communication. Pursuant to State law, the Town has a duty to maintain certain public records, including, but not limited to, communications by the Town, and make those records available to the public upon request. This policy intends to protect the Town and its elected officials, appointed members of all boards in the Town, members to all Town committees, volunteers, and employees from the potential of harmful conduct related to online communications and establish a set of guidelines to support an effective method of communication while complying with applicable legal standards.

### **GENERAL PROCEDURES AND APPLICABILITY**

1. This policy is applicable to elected officials, appointed members of all boards in the Town, members to all Town committees, volunteers, and employees.

2. The Town of West Seneca intends to use social media as follows:

- a. To supplement information from the Town communication sources, such as the website and draw more eyes back to those communication sources;
- b. To disseminate information to the public in the most effective ways possible and looks to obtain feedback from the public in the same way;
- c. To facilitate two-way communication, promote transparency and social engagement with members of the public; and
- d. To broadcast the Town's message to the widest possible audience.

3. The Supervisor's Office shall be responsible for the Town's primary social media pages.

4. The Town recognizes that there now exist websites and/or social media specific to Town Department(s). Said media shall be permitted to remain after the adoption of this policy and shall be brought into compliance with this policy, if necessary. After adoption of the policy, any department request to create a website or social media specific to that department shall be permitted upon approval by the Town Board. Any department requiring consistent and frequent social communication may be asked to start its own website or social media. Each Department Head shall act as the Site Administrator for those pages and will be responsible for the content and upkeep of any such media the department may create and may delegate a staff member to maintain it. Any department-specific social media pages should aim to complement the Town's online presence. The social media account credentials, i.e. user names and passwords, and any changes therein shall be provided to the Supervisor's Office.

5. Passwords to all social media accounts must be adequately complicated to prevent cyber-attacks. Passwords should not be sent through email. If a cyber-attack is suspected, the site administrator must immediately contact the Supervisor's Office, try to regain access to the account, and try to change the password, if possible. Facebook is an exception to this. No username and passwords will be required for Facebook since administrators must use personal accounts to manage pages. Rather than providing personal information, administrators of pages are required to add the Supervisor's Office as an administrator to the department's page. The Supervisor's Office must have full access to maintain the site in the absence of the primary site administrator. It is advised that the primary site administrator also add another back-up administrator to the page, if applicable.

6. All Town-designated accounts are considered the property of the Town.

7. All individuals subject to this policy who are representing the Town on the Town's social media sites must conduct themselves professionally and in accordance with this policy at all times as representative of the Town.

## **STANDARDS FOR OPERATING AND MAINTAINING A SOCIAL MEDIA PRESENCE**

The Town's social media accounts and their associated content should focus on significant Town interest areas and be organized in a manner that avoids ambiguities and/or conflicting information across the Town's various communication mediums, including other Town social media websites. Department's administration and use of Town social media websites must comply with applicable laws, regulations and policies, as well as proper business etiquette. The Town's social media sites are subject to the New York State records retention laws and any articles or content posted on such sites are subject to public disclosure.

The Town's social media pages will adhere to the content standards below:

1. Social media websites are to be consistently branded in order to communicate a clear association with the Town and must contain a Disclaimer and Comments Policy as set forth below. Branding should include, but is not limited to, the inclusion of the Town logo, the Town's address (1250 Union Road, West Seneca, New York 14224), and other applicable contact information (phone number and e-mail address) and hours of operation. The Supervisor's Office shall determine the "look and feel" now or in the future.
2. The Town has a "page" in Facebook, not a "group." Facebook pages offer distinct advantages, including greater visibility, customization, and measurability. No Facebook "groups" are permitted.
3. Facebook is more casual than most other communication tools but still represents the Town at all times. Utilize jargon, abbreviations, hashtags and social media tags in an appropriate manner.
4. Social media "profile pictures" should clearly represent the Town, i.e. Town seal.
5. An application shall not be used unless it serves a business purpose, adds to the user experience, comes from a trusted source, and is approved by the Town Board.
6. All Town sponsored social media sites shall prominently post the Disclaimer and Comments Policy found in Appendix A. In situations where a social media site does not allow for prominent posting of the Disclaimer and Comments Policy, a link to a PDF copy shall be posted instead, if the platform allows.
7. The Town's official website shall remain the Town's primary online medium for communicating information to the public. Content posted to social media sites, when applicable, should contain links directing users back to the Town's official website for in depth information on the subject.

## **INTERACTING ON SOCIAL MEDIA**

The Town's social media sites may "like" or "follow" government entities, nonprofit and nonpartisan organizations related to Town functions, Town Departments, and civic organizations in the Town. Posts or comments related to the Town and the community at large may be shared to the extent that they correspond with the Town's social media agenda pursuant to this policy.

## **ACCURACY AND TIMELINESS**

The Town will make every effort to ensure the accuracy of the information provided on its social media pages. However, several factors that are beyond the Town's control can affect the quality of the information displayed on the site such as unauthorized modification of electronic data, transmission errors, browser incompatibilities, information that has been cached on the local computer or storage device, or other aspects of electronic communication in an evolving and time sensitive environment. For that reason, the Town does not guarantee the accuracy of the information provided on its social media page and is not liable for reliance on this information.

The Town's timeliness about posts and responses to comments may also vary based on staff availability. Therefore, a disclaimer shall be posted on any social media site, stating:

The social media page is intended to get information out to a wide number of people quickly, not as an in depth or complete source of information, but as an evolving supplement to the Town website ([www.westseneca.net](http://www.westseneca.net)), press releases, and in person and telephonic communications. Staff will post or respond to comments within office hours and within the varying perimeters of staff availability. For these reasons, staff may not respond to every comment or questions posted on the social media site. For up-to-date information, call (716) 674-5600.

This information is provided "as is" without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability, fitness for a particular purpose, or non-infringement. The Town assumes no responsibility for errors or omissions in this publication or other documents which are referenced by or linked to this website. In no event shall the Town be liable for any special, incidental, indirect or consequential damages of any kind, or any damages whatsoever, including, without limitation, those resulting from loss of use, data or profits, whether or not advised of the possibility of damage, and on any theory of liability, arising out of or in connection with the use of this information. This publication could include technical or other inaccuracies or typographical errors. Changes are periodically added to the information herein. These changes will be incorporated in new editions. The Town may make improvements and/or

changes in the information and/or the document(s) described on this website at any time.

## **RESPONDING TO COMMENTS**

In cases where comments are accepted, the individual responsible for monitoring the page must do so regularly and respond in a timely manner.

Guidance on when/how to respond to comments:

1. If the commentor has a question, respond with information and, when able, point them back to the Town's website or other resources. You may ask them to contact you offline when appropriate (i.e. a private issue or one where there is little or no interest by others)
2. If the commentor has a complaint, thank them for sharing feedback and give any other direction that may be needed. If there are inaccuracies in the complaint, politely correct inaccuracies. If it is regarding a personal matter, reply that you would like to address the issue offline and provide contact information.
3. If the commentor leaves a general comment, like "Wow, this is cool" or "Can't wait" and the like, no response is required.
4. If the commentor wants to start debating, take the conversation offline. Do not debate with the commentor on the site. It is permissible to correct inaccuracies and to provide evidence to support the information, but do not debate.
5. Responding to posts that may be considered passive aggressive, antagonistic, or posts previously answered is discretionary.

When in doubt on how to respond to a comment, please contact the Supervisor's Office or your Department Head, if it is a site specific to the Department.

## **REMOVING COMMENTS**

Comments violating the Town's Disclaimer and Comments Policy shall be removed promptly. When a person's comment is removed, the Town should try to post a reason for removing post, i.e. "A comment to this post was removed because it endorsed a political candidate, which is in violation of the Town's comment policy" and include a link to the policy. Removed comments should be archived for the Town's records by completing the tracking form found in Appendix B and submitting it to the Clerk's Office. The Town reserves the right to restrict or remove any content deemed in violation of this social media policy or any applicable law. Repeat violators may be removed or blocked from commenting on Town social media.

## **CORRECTING MISTAKES**

If anyone subject to this policy makes a factual mistake on Town social media, he/she should correct the mistake as soon as it is known to the person. Corrections should be upfront. Do not try to “hide” corrections, as someone may have seen the incorrect information and may be acting upon it. If modifying an earlier post, make it clear that the post has been corrected. Designate corrections with “Fixed Link” or “Fact Correction” prior to the correction.

## **REVIEW PROCEDURES**

The Supervisor’s Office will have access to all Town sponsored social media sites, including rights to edit a site. Each site will be monitored regularly to ensure the site is meeting its intended purpose, that it is being updated regularly, that the content is appropriate, and to look for any possible problem that would reflect negatively on the Town.

## **EMPLOYEE CONDUCT**

All Town elected officials, appointed members of all boards in the Town, members to all Town committees, volunteers, and employees have a responsibility to help communicate accurate and timely information to the public in a professional manner. When using social media, these individuals must follow all policies outlined here:

1. Postings shall be related to that Department’s specific function and subject matter expertise.
2. Postings shall be factual, respectful, and on-point. They should not be off topic, or offensive.
3. Any media contact received related to a post must be reported to the Supervisor’s Office. Under no circumstances shall non-department head personnel comment to reporters regarding matters of Town policy, opinion, or interpretation.
4. Town social media sites or equipment may not be used as a platform to share personal opinions or for political purposes, private business or charitable activities, commercial or personal transactions, or for any other purposes prohibited by law.
5. Sponsorships, partnerships, or thank you comments to organizations, businesses or residents are permitted.
6. Replies to individual constituent inquiries received via social media sites must be retained per the Town’s record retention schedule.

## **EMPLOYEES' PERSONAL SOCIAL MEDIA PAGES**

The line between personal and professional, public and private can be easily blurred in social media. The following guidelines must be followed when elected officials, appointed members of all boards in the Town, members to all Town committees, volunteers, and employees are using a personal social media account:

1. Personal social media account names by should not be tied to the Town. Additionally, personal social media accounts shall not speak on behalf of the Town.

2. Personal social media accounts never have the right to post non-public and confidential information of the Town such as information related to co-workers, personnel data, medical information, and any legal matters.

3. When responding to a post on the Town's page or any other page, it is suggested that you ask yourself if you or your department would be embarrassed to see the comment appear in the news. If so, do not post it.

Elected officials, appointed members of all boards in the Town, members to all Town committees, volunteers, and employees must take great care to make it clear that their personal opinions are their own and do not represent the official policy position of the Town. It is important that personal communications may reflect on the Town, especially if they are commenting on Town business, supervisors, or policies. The following guidelines apply to personal communications, including various forms of social media, letters to the editor of newspapers, personal endorsements, email, Town correspondence, newsletters, and cable television:

1. When using a persona social media account to post or respond to a comment in his/her capacity as a Town employee, the employee should do so in the name of the Town Department and disclose his/her name and title.

2. Using personal accounts to comment on or post information to Town social media sites from and from posting information regarding official Town business on other social media sites is strongly discouraged. This includes any usage of or participation in Town social media sites from outside the workplace.

3. There is an expectation that all information considered private or protected under any privacy laws will be actively protected.

4. All comments on social media postings shall be positive.

5. It is permissible to like and share events and postings to promote the Town.

6. It is expected that one shall be truthful, courteous, and respectful toward supervisors, coworkers, citizens, customers, and other persons associated with the Town. There shall be no name-calling or personal attacks.



7. No posting anything with content that violates the Town's Disclaimer and Comment Policy.

**ELECTED OFFICIALS AND OFFICIALS APPOINTED TO TOWN BOARDS, COMMISSIONS, AND COMMITTEES**

Any elected officials choosing to establish and maintain social media profiles should do so using this policy as guidelines for management. The Town does not take ownership of those accounts in any capacity, nor does the Town manage or monitor pages owned by elected officials.

The Town recognizes that elected and appointed officials may choose to express themselves by posting personal information on social media or by making comments on sites hosted by other persons, groups, or organizations, this right of express should not interfere with the operation of the Town.

If an elected or appointed official conducts any Town business or communication as an official from a personal account, professional account, or account created for a board, committee, or commission representation, the officials should assume the Town-related communications will be considered a public record and will be subject to the New York State Freedom of Information Laws (FOIL), as well as applicable sections of the records retention schedule. If using FaceBook Messenger, it is suggested that when receiving any messages related to Town business or communication that the elected or appointed official redirect the person to e-mail them at their Town e-mail address so as to ensure compliance with record retention laws.

When using social media, the following guidance is outline here:

1. Elected officials shall not use official Town social media sites for campaigning.
2. Officials shall not post comments or links to any content that endorses or opposes political candidates or ballot propositions, including links to an elected official's campaign site.
3. Remove all comments posted during an election season by anyone who has filed for office and complete Appendix B form.
4. Officials should be mindful of the risks of electronic communication in relation to the Open Meeting Law; two-way communications between elected officials should be strictly avoided. Adding to a post or comment that would create a quorum of the group you represent should also be strictly avoided. If the comment or posting requires official review, it should be handled before the group during a public meeting.
5. Officials should not use social media as a mechanism for conducting official Town business.

6. Elected officials should reveal that they are elected officials for the Town if/when making a post and be honest, straightforward, and respectful.

7. Officials should be sure that efforts to be honest do not result in sharing non-public information related to coworkers, personnel data, medical information, claims or lawsuits, or other non-public or confidential information.

8. Officials should add value to any social media discussion by staying focused on the issue.

9. To help prevent errors or liability issues, officials are encouraged to ask the appropriate person to post official Town documents, i.e. an ordinance recently passed by the Town, rather than summarizing them from memory.

10. If an official makes a mistake, it should be corrected as soon as the official is made aware of the error. Corrections should be upfront and as timely as possible. If you modify an earlier post, make it clear the posting has been corrected. Label the correct with "Fixed link" or "Fact correction" prior to the correction.

11. Officials who are contacted by the media on a topic of official Town business should contact the Supervisor's Office for direction.

12. Officials shall not post anything with content that violates the Town's Disclaimer and Comment Policy.

### **FAILURE TO COMPLY WITH THIS POLICY**

Elected officials, appointed members of all boards in the Town, members to all Town committees, volunteers, and employees who do not comply with this policy will be determined to have violated the policy. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment in compliance with the Town's personnel policy, employment contracts, or collective bargaining agreements, as deemed necessary and appropriate.

## APPENDIX A

### **DISCLAIMER & COMMENT POLICY**

The purpose of this and other Town sponsored social media sites is to communicate between the Town and members of the public. The Town reserves the right, in its sole discretion, to change, modify, add or delete comments or posts, photos and videos in accordance with this policy.

The Town will remove comments that:

1. Contain obscenities;
2. Demean specific individuals or groups of people;
3. Potential libelous comments;
4. Promotes, fosters, or perpetuates discrimination of protected classes;
5. Promotes, fosters, or perpetuates harassment of any kind;
6. Contain content intended to defame any person, group, or organization;
7. Contain factual inaccuracies;
8. Qualify as SPAM;
9. Comments and hyperlinks to materials unrelated to the topic of discussion;
10. Express support for or opposition to political campaigns or ballot measures;
11. Contain sexual content or links to sexual content;
12. Solicit commerce or advertisements including promotions or endorsements;
13. Conduct or encourage illegal activity;
14. Contain violent or threatening language;
15. Material known to be plagiarized;
16. Commercial promotions, including for-profit advertisements or products for sale;
17. Disclose confidential, sensitive, or proprietary information;
18. Compromise safety or security of the public or public systems;
19. Violate a legal ownership interest of any other party, such as trademarks or copyright infringement; or
20. Are posted during an election season by anyone how has filed for office;
21. Any content that the Town believes does not foster the intent of its social media policy.

Town social media sties are intended to be informational. Users should not use these forums for making any official communications to the Town; for example, reporting crimes or misconduct, reporting dangerous conditions, requesting an inspection, giving notice required by any statute, regulation, or ordinance, such as, but not limited to, notice of claims.

The Town has the right to remove a comment from and/or block a user who is not using their legal name or otherwise appropriately identifying themselves.

The Town has the right to reproduce any pictures or videos posted to this site in any of its publications and websites or any other media outlets. The Town has the right to quote any comments or suggestions left by users.

The views, postings, positions, and opinions expressed on this site do not reflect those of the Town; nor does the Town endorse any product, service, company, or organization advertising on its social media pages. The ads that appear on social media are sold, posted, and maintained by those social media sites.

The Town does not share information gathered through its social media sites with third parties for promotional purposes. However, all content posted on this site is subject to disclosure under the Freedom of Information Law.

**APPENDIX B**

**REMOVED COMMENTS TRACKING FORM**

All comments removed from a Town sponsored social media site should be documented with this form and include a screen shot of the posting to the Clerk's Office. Please deliver or email to Amy Kobler, Town Clerk at [akobler@twsny.org](mailto:akobler@twsny.org).

1. Town of West Seneca social media site affected: \_\_\_\_\_

2. Date of original post: \_\_\_\_\_

3. Screen name of poster: \_\_\_\_\_

4. Entire comment that was removed (attach separate page if more room is needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Reason for removal of comment:

\_\_\_\_\_

6. Date comment was removed and explanation for removal was posted to social media site:

\_\_\_\_\_

7. Comment removed from the Town of West Seneca social media site by:

\_\_\_\_\_

8. Other pertinent information (if applicable):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date this report was received by the Town Clerk:

\_\_\_\_\_

This form will be retained by the West Seneca Town Clerk for a period of 1 year.