



ONCHAN DISTRICT COMMISSIONERS

GUIDANCE FOR MEMBER BLOGS

Version 1.0

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Introduction

The following guidance is put together for members who have chosen to set up and run their own personal blogs. There is clear distinction between member information published by Onchan District Commissioners, such as the member pages on the Authority's website, and member blogs which are the sole responsibility of the individual member.

There are important reasons for this distinction. Material published by the Authority is, for obvious reasons, restricted in terms of content. It must not contain party political material and, in relation to other material, should not persuade the public to a particular view, promote the personal image of a particular Board Member, promote an individual Member's proposals, decisions or recommendations, or personalise issues. Nor should the Authority assist in the publication of any material that does any of the above.

Nonetheless Onchan District Commissioners takes the view that member blogs can make a positive contribution to improving community engagement and leadership.

The following is a brief guide to some of the legal pitfalls for members in establishing their own personal blogs. Almost all of these can be avoided if the content of your blog is objective, balanced, informative and accurate.

Who can use Social Media?

All Board Members are able to set up their own social media accounts, for which they will be responsible. It is recommended that in the case of Facebook, Members wishing to keep their personal life and official capacities separate create a Facebook 'Page' which members of the public can 'like' rather than using their personal profiles.

Use of social media by Members should make use of stringent privacy settings if they do not wish them to be accessed by press and public.

In any biography, the account should state the views are those of the individual Member in question and may not represent the views of Onchan District Commissioners. Use of the Authority's logo or crest on a personal account or website should only occur with the written permission of the Chief Executive.

Remember, you are personally responsible for the content you publish on any form of social media. Publishing – or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action.

Safety

Users must be aware of their own safety when placing information on the Internet and not publish information which could give details which could leave them vulnerable.

Anyone receiving threats, abuse or harassment via their use of social media should report it to the Chief Executive and/or the police.

Use a secure password (generally more than eight characters long and using a mixture of letters and numbers) and never share your password with anyone.

Information Protection

Do not disclose information, make commitments or engage in activity on behalf of Onchan District Commissioners unless you are authorised to do so by the Chief Executive or the Board.

Do not cite or reference customers, partners or suppliers without their prior written consent.

Handle any personal or sensitive information in line with the Authority's data protection policies.

Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Comments posted online are permanently available and can be used by media such as newspapers.

Do not publish or report on meetings which are private or are covered by Standing Order 12 regarding disclosure of information.

Copyright laws still apply online. Do not use images to which you do not hold the copyright. Information shared should be attributed to the source (ie via web link). Respect fair-use and financial disclosure laws.

Elections

Political blogs cannot be linked from the Authority's website and the Authority will not promote Members Twitter accounts during the election purdah period.

Corporate social media must not be used for political purposes or specific campaigning purposes as the Authority is not permitted to publish material which 'in whole or part appears to affect public support for a political party' (Local Government Act 1985). The Authority's corporate social media account must not be used for such purposes by a Member who may have been given authorised access by the Authority's Chief Executive for a particular purpose.

Members' Code of Conduct

Aspects of the Social Media Policy will apply to blogs. Members should comply with the general principles of the Code in what they publish (and what they allow others to publish).

Blogging members need to be particularly aware of the following provisions:

- treat others with respect. Avoid personal attacks and disrespectful or rude or offensive comments
- comply with equality laws. Avoid publishing anything that might be considered sexist, racist, ageist, homophobic or anti-faith
- refrain from publishing anything you have received in confidence
- ensure you don't bring Onchan District Commissioners, or your Commissioner's role, into disrepute.

Members of the public (or other members or officers) may make a complaint about you if you breach the law or these guidelines, and that complaint, and the sanctions that may be imposed, will be considered by the Board of Onchan District Commissioners.

Do not use the Authority's social media account to promote personal financial interests, commercial ventures or personal campaigns, whether or not related to the function of Onchan District Commissioners.

Breaches

1. Failure to comply with this policy could result in action being taken in accordance with the Authority's Standing Orders or any relevant legislation.
2. Any breaches may lead to the publishing rights of the person responsible being suspended, and appropriate action being taken to deal with such breach.
3. Serious breaches of this policy may amount to a breach of the Standing Orders or prevailing legislation.
4. A formal complaint may be made to the Chief Executive, who will review the complaint and may decide to refer it for a formal investigation by an investigating officer or external person, who may refer the case to the Board of Commissioners for an alleged failure to comply with the Standing Orders or these guidelines.
5. Various actions are available to the Board of Commissioners when considering the alleged breach, and possible actions include censure of the Member, removal of the Member from Lead Member responsibilities, or removal of the Member from all outside appointments or other actions contained in the Authority's Standing Orders.
6. Other violations of this policy, such as breaching the Data Protection Act 2002, could lead to fines being imposed and possible criminal or civil action being taken against the individual(s) involved.

7. Any reports of inappropriate online activity, linking a user to Onchan District Commissioners, will be investigated and may result in the action detailed in paragraph 2 above.
8. Onchan District Commissioners reserves the right to request the closure of any applications or removal of any content published by Members deemed inappropriate or which may adversely affect the reputation of the Authority, or put it at risk of legal action.

Libel

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you. Legal costs in defending the action will not be covered by Onchan District Commissioners.

Copyright

Placing images or text on your site from a copyrighted source (e.g. extracts from publications, photos etc) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you.

Data Protection

Avoid publishing the personal data of individuals unless you have their express written permission.

The Authority holds and processes personal data and has responsibilities under the Data Protection Act 2002 ("the Act"). All employees have an obligation to assist the Authority comply with its responsibilities under the Act and you should exercise due care when holding, processing or disclosing any personal data.

Individual Commissioners are required to be personally registered with the Office of the Data Protection Supervisor, and further guidance of responsibilities under the Data Protection Act 2002 can be obtained from his office.

Bias and Pre-determination

If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being challenged.

Obscene material

It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

This guidance is aimed at giving a general overview of the legal issues to be aware of in publishing your own blog. Further explanation can be obtained from the Chief Executive, but Members should be aware that the content of their blogs is their own responsibility. If the content is objective, balanced, informative and accurate, and you maintain and demonstrate an open mind on any matters on which you may be called upon as a member to make a decision, you substantially reduce the possibility of a successful legal challenge to the content being made.