

# TOWN OF MONTGOMERY INDUSTRIAL DEVELOPMENT AGENCY

## SOCIAL MEDIA POLICY

Adopted: August 13, 2024

1. Purpose. The purpose of this policy is to set forth the position of the Town of Montgomery Industrial Development Agency (the “Agency”) on the utility and management of social media and to establish the framework for social media usage and the Agency’s management, administration and oversight of its social media accounts. This policy gives direction to Agency employees, Board Members and officers regarding the creation, maintenance, and posting of content through official Agency social media accounts (“Official Accounts”), as well as direction with respect to social media use through accounts other than official Agency accounts.

This policy is intended to ensure a cohesive online presence for the Agency; enable and encourage efficient and civil communication and positive engagement with members of the public; and protect the Agency and its employees, Board Members and officers from the potential harm and legal exposure related to online communications.

This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge. For purposes of this policy, social media generally refers to Internet-based resources and applications that allow for the creation and exchange of user-generated content and enable users to disseminate or receive information, communicate or otherwise interact.

2. Applicability. This policy applies to all Agency Board Members, officers, employees and other persons so authorized in accordance with this policy .
3. Policy Statement: The Agency endorses the secure use of social media to enhance communication, collaboration, and information exchange; improve government transparency; and foster operational efficiency. The Agency also recognizes the role that social media tools play in the personal lives of Agency employees, officers and Board Members. The personal use of social media can have bearing on Agency personnel in their official capacity. As such, this policy establishes guidelines regarding the appropriate content with respect to the use of the Agency’s name, images, materials, logos or any reference to those images. The Agency recognizes that its Board Members, officers and employees are constitutionally entitled to express themselves as private citizens on social media sites. However, this constitutional right is not without its limitations. One of those permissible limitations is that employees, officers and Board Members are hereby prohibited from engaging in communication which would compromise the integrity of – and thus undercut – the public confidence of the Agency.

4. Official Agency Social Media Accounts:

- A. The Agency Board of Directors shall oversee and have access to all Official Accounts and the Agency's overall online presence. Official Accounts will be used strictly for conveying information about the Agency to the public. The Agency official website will be the Agency's primary and predominant Internet presence.
- B. Official Accounts may only be created through the following social media sites: Facebook, Instagram and LinkedIn.
- C. All Official Accounts shall be approved by the Executive Director. No Agency Board Member, officer or employee may create an Official Account without authorization from the Executive Director or, for pages created by the Executive Director, from the Board Chair.
- D. All Official Accounts are considered the property of the Agency and, as such, do not transfer if the Executive Director separates from employment with the Agency or no longer serves as Executive Director of the Agency.
- E. The Executive Director shall be the sole administrator for all Official Accounts. The Executive Director shall monitor, approve and post content on Official Accounts, and shall ensure adherence to both this policy and the interest and goals of the Agency. Only users authorized by the Executive Director shall post content on any Official Account on behalf of the Agency.
- F. Vendors or contractors hired by the Agency to assist in developing the Agency's social media presence must comply with all elements outlined in this policy and any other additional internal policy that the Agency may develop. In contracting out social media related tasks, it is critical that the Agency retains permanent ownership of the created webpages.
- G. Where possible, each Official Account shall contain the following:
  - i. an introductory statement notifying users and visitors that its intended purpose is to serve as a mechanism for communication between Agency government and members of the public;
  - ii. links directing users back to the Agency's official website; and
  - iii. a statement that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Agency.
- H. All Official Accounts and content posted thereon shall adhere to applicable laws, regulations and policies, including information technology policies and records management and retention requirements.
  - i. Content posted on any Official Account must comply with all applicable Federal and State laws, regulations, and policies and well as any terms of use or terms of service applicable to the social media site being used.

- ii. Content is considered a public record and subject to the New York State Freedom of Information Law. Relevant records retention schedules apply to social media content.
- iii. Content must be managed, stored and retrieved to comply with open records laws and e-discovery laws and policies.

I. Guidelines:

- i. Postings and comments on Official Accounts containing any of the following forms of content shall be prohibited and subject to removal and/or restriction by the Executive Director as the sole administrator:
  - a. Comments/postings not typically related to the particular topic of the original social medium posting being commented upon, including random or unintelligible comment/postings;
  - b. Comments/postings in support of or in opposition to political campaigns or ballot measures;
  - c. Profane, obscene, violent or pornographic content and/or language;
  - d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
  - e. Defamatory or personal attacks;
  - f. Threats to any person or organization;
  - g. Sexual content or links to sexual content;
  - h. Solicitations of commerce, including but not limited to advertising of any business or product/service for sale;
  - i. Conduct in violation of any federal, state or local law;
  - j. Conduct or encouragement of illegal activity;
  - k. Confidential or Agency personnel matters;
  - l. Information that may tend to compromise the safety or security of the public or public systems; or
  - m. Content that violates a legal ownership interest, such as a copyright, of any other party.
- ii. Official Accounts shall clearly state that posted comments will be monitored and that the Agency reserves the right to remove obscenities, off-topic comments, personal attacks, etc. in accordance with these guidelines. These guidelines shall be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available, and shall be subject to the Agency's record retention guidelines.

- J. The Agency reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

## 5. Personal Social Media Usage

- A. Agency employees are prohibited from using personal social media during working hours. This prohibition applies whether or not such usage occurs on Agency-owned computers or communication equipment or a device personally owned by the employee.
- B. Agency employees, officers and Board Members are cautioned that, as public employees or officers, speech on- or off-duty made pursuant to their official duties – that is, that owes its existence to the individual’s professional duties and responsibilities – may not be protected under the First Amendment.
- C. The following rules and guidelines apply to personal usage of social media by Agency employees, officers and Board Members:
  - i. Agency employees, officers and Board Members shall observe and follow: (a) existing Agency policies and agreements; (b) applicable laws and regulations; and (c) the policies and terms of use of the particular social media forum or service being used. Specifically:
    - a. Agency employees, officers and Board Members’ personal use of social media must comply with the rules in the Agency’s existing policies, including but not limited to, its Code of Ethics.
    - b. Agency employees, officers and Board Members should not post or repost any information or conduct any online activity that violates applicable local, state or federal laws or regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through social media.
    - c. Most social media websites/services have rules concerning the use of and activity conducted on their sites. These are sometimes referred to as “Terms of Use.” Agency employees, officers and Board Members must follow the terms and conditions of use that have been established by each venue and not do anything that would violate those rules.
  - ii. Agency employees, officers and Board Members shall not post or repost content on social media that would tend to promote or cause disruption in the workplace or to the services provided by the Agency.
  - iii. Agency employees, officers and Board Members shall not knowingly or recklessly post or repost false, misleading or derogatory information which would disparage, defame or discredit the Agency or its employees, officers and Board Members.
  - iv. Agency employees, officers and Board Members shall not use the name of the Agency or an Agency e-mail address in conjunction with a personal social media account.
  - v. Agency employees, officers and Board Members shall not post, repost, upload, or share images that have been taken while performing duties as a Board Member, officer, employee or agent of the Agency, or while wearing Agency logos, except when it is directly pertinent to Agency business and such posting,

reposting, uploading or sharing of images is authorized in advance by the Executive Director or the Board Chair.

- vi. Agency employees, officers and Board Members should not refer to their Agency position in a manner that suggests or implies they are speaking on behalf of the Agency or that the Agency sanctions or endorses their viewpoints or activities. If, from a Board Member, officer, or employee's social media post, it is clear the individual is an Agency employee, officer or Board Member, or if the individual mentions the Agency, or it is reasonably clear the individual is referring to the Agency or a position taken by the Agency, and the individual expresses a political opinion or an opinion regarding the Agency's positions or actions, the post must specifically note that the opinion expressed is the individual's personal opinion and not the Agency's position.
- vii. Agency employees, officers and Board Members should not use or disclose confidential personal information about another individual (Social Security number, financial account numbers, driver's license number or personal medical information) or confidential or proprietary information pertaining to matters of the Agency that is not otherwise deemed accessible to the general public under the Freedom of Information Law (NY Public Officers Law § 84 *et seq.*).

D. Board Members should assume that if any Agency business or communication is conducted on a non-official social media account, the account will be considered a public record and will be subject to the New York State Freedom of Information Law (FOIL), as well as applicable sections of the records retention schedule. Board Members should be mindful of the risks of electronic communication in relation to the Open Meetings Law. Two-way communications between Board Members and/or adding to a post or comment that would create a quorum of the Board should be strictly avoided.

6. Violations: Anyone with information as to a violation of this policy shall report such information to the Executive Director or Board Chair for follow-up action.