



OFFICES OF THE COUNTY EXECUTIVE  
MEMORANDUM

Isiah Leggett  
County Executive

Timothy L. Firestine  
Chief Administrative Officer

August 10, 2012

TO: Executive Branch Department and Office Directors  
ASCs and Functional Equivalents

FROM:  Fariba Kassiri, Assistant Chief Administrative Officer

SUBJECT: Administrative Procedure 6-8, Social Media – Final

This Administrative Procedure (AP) provides guidance to Department Directors and employees on the use of Social Media. The sole purpose of the use of Social Media in the work place is to enhance communication, collaboration, and information exchange about the County, its programs, services, and activities with the public. By definition, Social Media is an umbrella term that encompasses the various programs the County uses to make content (video, audio, text, or images) publicly available on the internet and allow viewers to publicly post their own content in response. Among the technologies that are used for Social Media are blogs, message boards, wikis, podcasts, photo and video sharing, mashups, and virtual worlds.

As established by this AP, each department head is responsible for the content of Social Media sites established on behalf of their department. In addition, a department head must establish and maintain written rules about who may administer the department's Social Media sites and post comments/information on the department's behalf.

It is further established in this AP that the Public Information Office develops and/or modifies standards for naming and for visual consistency for County Social Media sites and also retains an updated list of Social Media sites in use by County departments. For the responsibilities of the Department of Technology Services and the Office of the County Attorney established by this AP, please refer to page 9 of the AP.

This AP was published on an interim basis on April 25, 2011. The procedure is now being published in final form. Please insert this administrative procedure in place of the interim procedure and amend the table of contents of your administrative procedure manual. Please also share this final AP with all of the employees in your department who are involved with developing, administering, monitoring, or using Social Media as part of their work activities.

The subject procedure can be found on OMB's home page on the intranet at [http://portal.mcgov.org/dptmpl.asp?url=/content/departments\\_intranet/omb/forms/APs/AP.asp](http://portal.mcgov.org/dptmpl.asp?url=/content/departments_intranet/omb/forms/APs/AP.asp).

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Attachment

cc: Department IT Contacts



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**SOCIAL MEDIA**

CAO APPROVAL

## PURPOSE

- 1.0 The purpose of this Administrative Procedure is to establish acceptable and appropriate use of Social Media (as defined below) on behalf of the County.
- 1.1 This policy applies to all County employees using Social Media on behalf of the County as part of their duties or when otherwise acting as a representative of the County.

## DEFINITIONS

- 2.0 Site Administrator – (1) A County employee appointed by the department head to administer a department's presence on a Social Media site; or (2) for a County Board, Commission, or Committee, the County employee assigned as staff support and designated by the department head to administer the Board, Commission, or Committee's presence on a Social Media site.
- 2.1 ALT tag – The Hyper Text Markup Language (“HTML”) attribute or field that provides alternative text when non-textual elements, typically pictures, cannot be displayed if, for example, the user uses a screen reader.
- 2.2 Department – A department or office in the Executive Branch of County government.
- 2.3 Link – An element such as text, a graphic, an icon, or a logo in an electronic document, Web site, or Social Media site that, when selected by the viewer, accesses another document, Web site, or Social Media site.
- 2.4 Social Media – An umbrella term that encompasses the various programs the County uses to make content (video, audio, text, or images) publicly available on the internet and allow viewers to publicly post their own content in response. Among the technologies that make up Social Media are blogs, message boards, wikis, podcasts, photo and video sharing, mashups, and virtual worlds. A few prominent examples of Social Media applications as of the date of publication of this Administrative Procedure are Wikipedia (reference), Facebook (social networking), Gather.com (social networking), Twitter (micro-blogging), YouTube (video sharing), Second Life (virtual reality), Digg (news sharing), and Flickr (photo sharing).
- 2.5 Web site – A site or location on the World Wide Web. Each Web site contains a home page, which is the first Web page users see when they enter the site. A Web page may display text, images, sound, and video. A Web site usually contains a home page and a collection of Web pages. The term “Web site,” for purposes of this Administrative Procedure, includes a Web page. A Web site is owned and managed by an individual, company, or organization.



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## POLICY

- 3.0 The purpose of Social Media use by the County is to enhance communication, collaboration, and information exchange about the County and its programs, services, and activities with the public.

## GENERAL

### Official Use of Social Media

- 4.0 A Department head determines a Department's official participation and representation on Social Media sites.
- 4.1 A County Board, Committee, or Commission may determine to have an official participation and representation on Social Media sites if the participation or representation is consistent with the Board, Committee, or Commission's official mission. If a Board, Committee, or Commission establishes a Social Media site, it must comply with this Administrative Procedure.
- 4.2 A Department head must notify the Public Information Office of a decision to have a departmental presence on a Social Media site. The Public Information Office will retain a list of Social Media sites in use by County Departments.
- 4.3 A Department head is responsible for the content of Social Media sites established on behalf of a Department.
- 4.4 A Department head must establish and maintain written rules about who may administer any departmental Social Media site and post on behalf of the Department. At a minimum, these rules must designate a Site Administrator who will be responsible for posting content to the Social Media site and monitoring the site for compliance with this policy. The Department's rules for Social Media use must require a Site Administrator to:
- A. Identify himself or herself uniquely on each posting on behalf of the Department;
  - B. Provide the Site Administrator's County e-mail address or a County e-mail address monitored by the Site Administrator to the Social Media site as the e-mail address to which the Social Media host may contact the County or to which County residents may send inquiries regarding the Department's Social Media site;
  - C. Advise the Department head of any user identifications or login information necessary to access the Social Media site; and
  - D. Be trained on the terms of this Administrative Procedure.



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- 4.5 To retain the public's trust in the County's presence in Social Media:
- A. Naming conventions used on Social Media for official County sites must be approved by the Public Information Office to ensure the name is sufficient for an official County site and is consistent with other naming conventions used by the County in the applicable Social Media;
  - B. Visual elements of Social Media sites should be designed, as much as possible, to reflect they are the official presence of the County in that particular Social Media; and
  - C. The Public Information Office reserves the right to modify and develop new standards for naming conventions and visual consistency and credibility as Social Media sites evolve.
- 4.6 Use of Social Media as part of County duties must comport with all applicable Federal, State, and County laws, regulations, and policies.
- A. Do not reproduce material subject to a trademark or copyright (including text, video, audio, photographs, or other images) without consulting with the Office of the County Attorney first to determine if the material will fall under the fair use exception.
  - B. Do not disclose information that by law is prohibited from public disclosure. For example, the Maryland Public Information Act prohibits disclosure of personnel records, medical records, trade secrets, confidential commercial information, and confidential financial information, and HIPAA prohibits disclosure of protected health information. The County's Ethics Law also prohibits the disclosure of confidential information. This is not an exhaustive or comprehensive list of information that by law must not be disclosed. By virtue of posting on behalf of the County, you represent that you are familiar with and will abide by all laws applicable to the information you are handling. If you have any questions, you must consult with the Office of the County Attorney.
  - C. Do not publish or report on conversations that are meant to be pre-decisional or internal to the County unless given permission by your Department head. These conversations may be protected as executive privilege under Maryland law and publishing pre-decisional conversations removes that protection.
  - D. Do not publish or report on anything related to legal matters, conversations with County attorneys, litigation, or any parties with whom the County may be in litigation without prior approval from the Office of the County Attorney.



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- E. Do not post content that:
1. Endorses commercial products, services or entities;
  2. Endorses a candidate for office;
  3. Uses the County's title or seal in connection with any private enterprise;
  4. Uses the prestige of a position in the County for private gain or the gain of another;
  5. Violates Administrative Procedure 6-1, "Use of County-Provided Internet, Intranet, and Electronic Mail Services";
  6. Violates Administrative Procedure 6-7, "Information Resources Security"; or
  7. Violates the County's policies concerning "Equal Employment Opportunity" and "Sexual Harassment and Other Unlawful Harassment."
- F. Postings to Social Media must comply with accessibility requirements of the Americans with Disabilities Act ("ADA"). Please see the County's Web Accessibility Policy, found at the "Accessibility" Link on the County's Web site, for further guidance on compliance with the ADA.
- G. A request expressing a desire to inspect or copy County records submitted via Social Media may be sufficient to trigger the County's legal obligations under the Maryland Public Information Act ("MPIA"), even if the request does not expressly mention the MPIA.
1. If a request for public records appears on a County Social Media site, and the Site Administrator's Department is not the records custodian for the requested records, the Site Administrator must respond, within 10 days of the request, to identify the proper records custodian, if known, or the location or possible location of the records.
  2. If the Site Administrator is in fact the records custodian for the requested records, then the Site Administrator should respond to the request within the time frames set forth in the MPIA.
  3. Any questions as to whether a post from a member of the public is a request for public records or how to comply with the MPIA should be directed to the Office of the County Attorney.



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- 4.7 Content posted to Social Media on behalf of the County must be professional and observe proper business decorum, with posts providing constructive, accurate, factual information, in coordination with other Departments as appropriate. All posts must be consistent with the mission of County government and the mission of the Department on whose behalf the post is made.
- A. Do not post content to a Social Media site on behalf of your Department unless authorized in writing by the Department head or the Site Administrator.
  - B. Do not represent your personal opinions to be those of the County.
  - C. Do not post your personal opinions or beliefs on County Social Media unless authorized by the Department head to do so.
- 4.8 Where possible, Links should direct users back to the County's official Web site for more information and services.
- 4.9 Any Links to non-County Web sites or Links to non-County Social Media sites must comply with Section 4.20 through 4.27 of the administrative procedure.
- 4.10 Publicly accessible Social Media sites are not the appropriate medium to communicate County policies to County employees.
- 4.11 If the Social Media site host sells advertising on any page on which County-uploaded content appears, the following disclaimer must appear either via a Link or on the home page of the Social Media site:

**Montgomery County, Maryland, is not responsible for advertisements that may appear on this page. The space in which advertisements appear is sold by the site host, and the appearance of any advertisement does not reflect an endorsement by the Montgomery County government.**

- 4.12 All Social Media sites that permit video displays (such as YouTube) and suggest or promote Links to videos not created by the County must contain the following disclaimer or a Link to the disclaimer on the home page and on each video:

**Montgomery County is not responsible for the content provided on "related" and "promoted" videos that are accessible from this County's channel. All viewers should note that these "related" and "promoted" videos and comments expressed on them do not reflect the opinions and position of the Montgomery County government.**



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- 4.13 A photograph of showing any individuals posted by the County may appear in Social Media sites provided the photograph depicts a County program or service and the photograph was taken at a public facility or a place open to the public at the time the photograph was taken. Otherwise, a release must be obtained from persons appearing in the photograph. Please contact the Office of the County Attorney to obtain a release if your Department does not have one. Further, the County must own the photograph and the right to reproduce it. If the photograph includes a minor, the photograph must not include any personally identifiable information about the minors in the photograph absent written parental consent.
- 4.14 If the Social Media site used by a Department permits a user to set security or privacy parameters, the Department head, and the Social Media Site Administrator for the Department, must ensure that the security or privacy parameters are set to the appropriate level of security or privacy as desired by the Department.
- 4.15 County Departments are encouraged to create as narrow a focus as possible for any Social Media site if public comments are permitted to be posted to the site.
- 4.16 All sections of County Social Media that allow public comments must include either a Link to the following forum rules published on the County Web site or the complete text published on the Social Media site:

**This site is a limited public forum, limited to the discussion of matters related to [INSERT TOPIC AND / OR DEPARTMENT NAME]. We encourage you to submit your questions, comments, and concerns.**

**The County reserves the right to delete comments, without notice, that: (i) are off topic; (ii) are solicitations or advertisements for commercial products or services; (iii) infringe on copyrights or trademarks; (iv) are obscene under legal standards; or (v) speech that is otherwise unprotected by the First Amendment that the County deems inappropriate for the site. The County reserves the right to delete comments that are more than thirty (30) days old.**

**By virtue of providing content to this site, you agree that you have no expectation of privacy in the information provided.**

**The County is not responsible for and does not endorse any links embedded in comments posted to this site by third parties.**

**This site does not circumvent or supersede the County's normal business practices or processes. For example, responses to requests for proposals, invitations for bid, or other competitive procurements are not properly submitted via this site. Content submitted to this site is not legal notice to the County. For example, notice may NOT be given to the County under the Local Government Tort Claims Act through this site.**



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## Monitoring of Social Media Sites

- 4.17 Sections of official County Social Media sites that permit public comments must be monitored periodically, at reasonable intervals to be set by the Department head and by the designated Department Site Administrator during working hours to ensure the public comments are in compliance with the forum rules.
- 4.18 To the extent permitted by the Social Media site host, County Departments may establish how long public comments will be permitted to remain posted (for example, posts may be removed 30 days after they are posted), and must uniformly enforce the posting removal timeframe.
- 4.19 If a public comment is not in compliance with the forum rules (as outlined in Section 4.16 above), the County Attorney's Office may be consulted to confirm that the public comment can be deleted legally. Site Administrators must retain all comments removed as not in compliance with the forum rules set forth in Section 4.16 for one year. Site Administrators do not have to retain those posts deleted because they are solicitations or advertisements for commercial products or services, otherwise known as "spam."

## Non-County Web Site Links or Links to Non-County Social Media Sites

- 4.20 The Department head must determine whether Links to non-County Web sites or non-County Social Media sites (collectively hereafter "Non-County Sites") are appropriate.
- 4.21 The County may link to Non-County Sites that support the government's message, such as the following:
  - A. Other federal, state, and local governmental units;
  - B. Public educational institutions, including K-12 school districts, community colleges, and universities; or
  - C. A private or non-profit organization, if: a) the organization has a contractual arrangement with the County to provide services on behalf of the County to residents (hereafter a "Services Contractor"), the organization is at least partially funded by the County to provide services on behalf of the County to residents, or the organization is currently the sponsor or cosponsor of a County event, program or service; and b) the Link is offered in connection with the County event, program, or service.



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1. If a Department elects to have a Link with a Services Contractor, the Link must be removed once the contract expires.
  2. If a Department elects to have a Link to any private or non-profit organization as authorized under this Section 4.21(C), the Department must do so in a manner that is not preferential to one particular organization or to the exclusion of others.
- 4.22 Links to Non-County Sites containing the following types of content are not considered appropriate and are not to be linked to:
- A. Content that is associated with, sponsored by, or serving:
    - (1) a candidate for elected office, or
    - (2) any political party or organization supporting or seeking to defeat any candidate for elective office;
  - B. Content that violates the County's policies concerning "Equal Employment Opportunity" and "Sexual Harassment and Other Unlawful Harassment";
  - C. Content that is clearly unrelated to the topic of the Social Media site;
  - D. Content that advocates or constitutes illegal activity;
  - E. Content that constitutes a commercial solicitation or advertisement, which includes promotion of a particular service, product, or any commercial or non-governmental entity; or
  - F. Content that infringes on a copyright or trademark.
- 4.23 Departments must use caution when linking to Non-County Sites that contain real time components such as chat rooms, bulletin boards, and blogs. These sites may not be appropriately moderated or edited by the host and participation criteria may not be posted on the site.
- 4.24 Departments must not knowingly post a Link to Non-County Sites that contain false or misleading information.
- 4.25 Departments may choose to use an organization's logo as a Link rather than a text Link. If an organization's logo is used as the Link, the Department must get prior written permission from the organization. If a logo is used as a Link, an ALT tag must be used to identify the logo for purposes of complying with accessibility standards.



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- 4.26 All Links to any Non-County Site found to contain a computer virus or worm or to otherwise threaten the integrity and security of County systems or those of County residents must be immediately removed.
- 4.27 The following disclaimer or a Link to the disclaimer must appear on any County Web site or Social Media site that provides users with Links to a Non-County Site:

As a service to the visitors to [INSERT NAME OF SITE], Montgomery County, Maryland (“the County”) has provided hyperlinks to informational resources developed by other agencies or organizations that provide services or programs for the County. The County cannot guarantee the relevance, completeness, accuracy, or timeliness of the information provided on these non-County links. The County does not endorse any non-County organizations’ products, services, or viewpoints. The County is not responsible for any materials stored on other non-County Web sites or Social Media sites (such as Facebook, Twitter, or any other service that permits real-time posting of content), nor is it liable for any inaccurate, defamatory, offensive or illegal materials found on other Web sites or Social Media sites, and that the risk of injury or damage from viewing, hearing, downloading or storing such materials rests entirely with the user.

## RESPONSIBILITIES

- 5.0 Department Head
  - A. Develop or modify standards for naming and visual consistency for County Social Media sites.
  - B. Maintain a list of Social Media sites in use by County Departments.
  - C. Appoint a Site Administrator to administer a Department’s presence on a Social Media site; or for a County Board, Commission, or Committee, designate a Site Administrator to administer the Board, Commission, or Committee’s presence on a Social Media site.
  - D. Determine a Department’s official participation and representation on Social Media sites.
  - E. Notify the Public Information Office of a decision to have a departmental presence on a Social Media site. The Public Information Office will retain a list of Social Media sites in use by County Departments.
  - F. Be responsible for the content of Social Media sites established on behalf of a Department.



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G. Establish and maintain written rules about who may administer any departmental Social Media site and post on behalf of the Department. At a minimum, these rules must designate a Site Administrator who will be responsible for posting content to the Social Media site and monitoring the site for compliance with this policy. The Department's rules for Social Media use must require a Social Media site Site Administrator to have the responsibilities stated under this administrative procedure.

5.1 Public Information Office

- A. Develop or modify standards for naming and visual consistency for County Social Media sites.
- B. Retain a list of Social Media sites in use by County Departments.

5.2 Department of Technology Services

Provide guidance on the appropriate privacy and security settings in Social Media sites.

5.3 Office of the County Attorney

Provide guidance on the ethically and legally appropriate use of Social Media.

5.4 Departments

- A. Use Social Media and create Links to Non-County Sites in accordance with this Administrative Procedure.
- B. Notify the Office of Public Information of any departmental presence on Social Media sites.
- C. Establish written rules about departmental use of Social Media sites.
- D. Identify a Site Administrator for any Social Media authorized by the Department head.
- E. Train Site Administrators on this Administrative Procedure and Department-specific Social Media rules.
- F. Monitor Social Media sites that permit public postings pursuant to Paragraph 4.17 to 4.19 of this Administrative Procedure.
- G. Incorporate this Administrative Procedure by reference into any contract in which the County asks a contractor or its agents or employees to utilize Social Media or create Links to Non-County Sites on behalf of the County and bind the contractor to this Administrative Procedure's terms.



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## DEPARTMENTS AFFECTED

6.0 All County Departments

## REFERENCES

Administrative Procedure 6-1, Use of County-Provided Internet, Intranet, and Electronic Mail Services

Administrative Procedure 6-7, Information Resources Security

County Policies on Equal Employment Opportunity and Sexual Harassment and Other Unlawful Harassment