

#### 4.08(A) SOCIAL MEDIA

##### **Purpose**

Authorized social media accounts administered by Auditor's Office staff are a mechanism for communicating with the public in support of its mission. The mission of the Auditor's Office is to promote open and accountable government by providing independent and impartial reviews, access to public information, and services for City government and the public.

This rule applies to the use of social media on behalf of the Auditor's Office. It does not apply to employees' personal use of social media.

##### **Terms of Use, Prohibited Content, and Disclaimers for Social Media users**

~~Social Media accounts administered by the Auditor's Office are intended to serve as a mechanism for communication to the public in support of its mission. The mission of the Auditor's Office is to promote open and accountable government by providing independent and impartial reviews, access to public information, and services for City government and the public.~~

Posts on Social Media are Public Records of the City of Portland (City) and may be subject to disclosure under the Oregon Public Records Law.

Auditor's Office Social Media accounts are not monitored for emergency response purposes.

The Auditor's Office City does not endorse nor sponsor any advertising posted by Social Media providers or any posts by Social Media users on the Auditor's Office's Social Media accounts.

The City does not guarantee reliability and accuracy of any third-party links. Social Media websites or applications hosted by a third-party are privately operated and their privacy terms apply.

The Auditor's Office shall not discriminate against public speech based on content or viewpoint. The Auditor's Office monitors all of its Social Media accounts and reserves the right to remove comments, conversations, replies, updates, posts, direct messages, or blog entries from its Social Media accounts that violate any applicable laws or this rule, when possible. If it's not technically feasible to remove the content, the Auditor's Office shall monitor and shall take other appropriate action.

The Auditor's Office will remove the following eExamples of inappropriate comments that the Auditor's Office will remove from any of its Social Media include:

A. Comments not topically related to the subject matter particular article being commented upon;

B. Comments in support of or opposition to political campaigns or ballot

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measures;

C. Profane language or content;

D. Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law;

E. Inappropriate sexual content or links to inappropriate sexual content;

F. Solicitations of commerce;

G. Conduct or encouragement of illegal activity;

H. Private and/or confidential information;

I. Information that may tend to compromise the safety or security of the public or public systems; or

J. Content that violates a legal ownership interest of any other party.

Any content removed that violates any applicable laws or this rule must be retained, including the time, date, and the Social Media account from which it was removed information when available.

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### **Procedures and Procurement**

~~A Bureau may enter into an agreement with a Social Media provider to create a forum for interactions with the public. The Bureau must follow procurement rules in entering into a Social Media account. The Director of each Bureau must in writing authorize opening of a Social Media account with a value less than \$5,000. (City Code 5.33.055)~~

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### **Record Retention Requirements for Social Media Content**

~~Each Bureau~~The Auditor's Office must maintain and preserve records in compliance with the Oregon Public Records laws, ORS 192.410. et seq. Under public records law, the City is required to maintain records for the period provided in the retention schedule for that type of record. ~~— Bureaus have~~The Auditor's Office has records retention schedules for ~~its~~their records. Those engaged in ~~Ssocial Mmedia~~ activities must be familiar with ~~their Bureau's~~the City's General and City Auditor record retention schedules and preserve records in accordance with those schedules. ~~— (See Retention Schedules).~~— The public records law applies whether the website or application is hosted by the City or a third party.

While some public records are not required to be kept longer than needed for current purposes, many records must be preserved. ~~— Bureaus~~The Auditor's Office shall treat those records that must be preserved as follows:

A. Any posted original content that constitutes ~~an Auditor's Office~~City record and that is not preserved and retained elsewhere in compliance with the appropriate City retention schedule must be captured by the

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~~Bureau~~ Auditor's Office and retained according to the appropriate schedule and media preservation requirements.

- B. Any posted content that is a copy of an Auditor's Office ~~City~~ record that exists in another location does not need to be separately preserved, provided that the original content is being retained in compliance with the appropriate City retention schedule and media preservation requirements. ~~— (Bureaus~~ The Auditor's Office should consider whether the fact that a document is posted and the dates of posting may need to be preserved.)
- C. Any posted content that is required to be retained only ~~as long~~ as needed or superseded may be deleted ~~when not longer needed at the discretion of the content owner~~. (See General and City Auditor records retention schedules.)

All records created or received by ~~City Bureaus and Offices~~ the Auditor's Office, except for those excluded by law, are available for inspection and copying by the public and must be accessible for the period established by the applicable City Auditor record retention schedule. ~~Those Bureaus utilizing Social Media activities must be familiar with their Bureau's record retention schedules and preserve records in accordance with those schedules.~~

~~A public record is defined by Oregon Revised Statutes (ORS) 192.005(5) as, ... "a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."~~

~~Bureaus~~ The Auditor's Office must assume that content posted or received using any ~~S~~social ~~M~~media technology is a public record and manage it accordingly.

#### 1. Managing Social Media Content that is Officially Maintained Elsewhere

Under the Oregon Revised Statutes definition, a public record does *not* include:— “Extra copies of a document, preserved only for convenience of reference” (ORS 192.005(5)(b)(D)).

~~A Bureau~~ The Auditor's Office can greatly simplify its retention responsibilities if it uses its ~~S~~social ~~M~~media applications exclusively as a mechanism for providing ~~its constituents~~ community members with links or references to content that is maintained as an official City or Auditor's Office record elsewhere. ~~— Using this approach, the links or references posted on a blog, Facebook or Twitter~~ ~~Social Mmedia~~ ~~account~~ would be considered convenience copies ~~that~~ which need to be retained only “as needed” or “until superseded.” ~~— For example, an Auditor's Office's~~ ~~bureau~~ “tweet” providing a link to one of its annual reports would not need to be retained as a separate

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record.

## 2. Managing “Original” Social Media Content

It is possible that ~~Bureaus~~ the Auditor’s Office will publish Ssocial Mmedia content ~~via Social Media~~ that does not exist elsewhere among City records.— Also, ~~Bureaus~~ the Auditor’s Office Ssocial Mmedia accounts that allow public interaction ~~via Social Media~~ will receive content from outside resources that will fit the definition of a public record.— Greater care must be applied to maintain this content in accordance with retention requirements.

Almost all ~~of this~~ “original” content will fall into one of the categories below and should be managed as such.

- Speeches/Statements/News Releases/Program Activity Records

For retention purposes, a blog posting by the a City Auditor official’s blog posting (for example) is the equivalent of a public speech.— An on-the-spot written or photographed account of an Auditor’s Office bureau event, or summary of its activities, ~~pushed out~~ published via ~~any Ssocial Mmedia~~ should be considered a “report.”— If any of these statements or reports contains policy or historically significant content, they must be retained permanently.— ~~(Contact the Archives & Records Management Division of the Auditor’s Office for assistance on the long term preservation of electronically stored information and for more information about identifying historical content.)~~— Otherwise, they have a two-year retention from the time they are “published.”

- Correspondence

Incoming Ssocial Mmedia messages from community members of the public ~~received by the Auditor’s Office that arrive via a bureau’s Social Media account~~ should be treated as correspondence.— ~~If a message is completely unrelated to the bureau’s mission, activities or functions it can be removed and discarded immediately if the bureau so chooses.~~— Correspondence that relates to thean bureau’s Auditor’s Office mission, activities or functions must be captured and retained per the retention category that most closely corresponds to the content of the message.— ~~For example, a complaint about a pothole would be considered an “information Request or Complaint” which has a retention period of “2 years after last action” (Schedule 1000 13). Bureau retention schedules are found here:~~ <http://www.portlandonline.com/auditor/index.cfm?c=51813>

For correspondence from community members of the public that originates on a Auditor’s Office Bureau’s Ssocial Mmedia site and that merits a response to an individual (as opposed to a public posting), ~~the Bureau would be it is~~ advisable to take that correspondence “offline” and, if possible, communicate directly with the individual and maintain that correspondence using established bureau Auditor’s Office procedures for correspondence management.

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Note:— ~~m~~Much of the correspondence between ~~elected officials~~the City Auditor and Auditor's Office division managers ~~bureau directors~~ and the public is considered "policy and historical" and warrants permanent retention (~~Schedule 1000-01~~City General Retention Schedule Excerpt 1000-01).

- Content Associated with a Specific Function or Activity

If a ~~Bureau~~the Auditor's Office uses ~~S~~Social ~~M~~Media as a public entry point to ~~solicit specific information (e.g. conducting a poll) or launch a process (e.g. placing an order)~~, the information received should then be retained along with other records associated with that function or activity using the appropriate retention schedule.

### 3. Managing Social Media Content - Technology

Although the concept of which ~~S~~Social ~~M~~Media content should be captured and preserved can be fairly simply described, the technology and process for doing so are not easily implemented.— The methodology and responsibilities for capturing and preserving appropriate content must be a documented component of the Auditor's Office Bureau's division-specific Ssocial Mmedia plans.— Methods range from capturing screen shots, to converting web-pages into Adobe Portable Document Format (PDF) documents, to acquiring software specifically designed to capture Ssocial Mmedia content. Inappropriate content that may be considered for removal from the Auditor's Office's Ssocial Mmedia accounts because it that violates any applicable laws or this rule must be retained, including the time, date, and the Ssocial Mmedia user account information when available.

~~The City does not currently endorse a single, preferred method of capturing and preserving Social Media content. Before activating a Social Media account, Bureaus should consult with the Bureau of Technology Services and the Auditor's Office Archives & Records Management Division to create a plan for managing any content that constitutes an official City record.~~

### Auditor's Office Social Media Guidelines Using Social Media (Bureaus)

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1. ~~Bureaus that open a~~The Auditor's Office may enter into an agreement with a Ssocial Mmedia provider to create a forum for interactions with the public. The Auditor's Office must follow its procurement rules in entering into a sSocial Mmedia account as the Auditor's Office is agreeing to and must comply with a third party's Terms of Use, or similarly named rules. The City Auditor must authorize in writing the opening of a Social Media account with a value less than \$5,000 in accordance with City Code Chapter 5.33.

1. ~~Auditor's Office~~ ~~S~~Social ~~m~~Media accounts ~~are responsible for maintaining the account and responsible to ensure~~must be compliance in compliance with the City's ~~Code, Charter, Code, this rule, and policies and~~

2. all Terms of Use of the Social Media provider. Social Media may not

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~~be used when their Terms of Use conflict with City, State, or Federal law; or give the appearance of partiality.~~

~~2. Bureaus shall notify users and visitors to Social Media Sites via hyperlink to the City's official website that the purpose of the Site is to facilitate communication between City Bureaus and the public.~~

~~3. Where possible, all Social Media sites will display the Auditor's Office logo and the City of Portland Seal for organizational consistency and authenticity. The City has ownership of the City seal, which can only be used by the City for City business.~~

~~3. Bureaus that choose to display their own Bureau logo instead of the City seal shall register their trademark (logo) with the State of Oregon. Contact the City Attorney's Office for assistance.~~

~~Bureaus shall not discriminate against public speech based on content or viewpoint. However, Bureaus shall remove the following prohibited content when possible\*:~~

~~Comments not topically related to the particular article being commented upon;~~

~~Comments in support of or opposition to political campaigns or ballot measures;~~

~~Profane language or content;~~

~~Content that promotes, fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income or other protected status under applicable law;~~

~~Inappropriate sexual content or links to inappropriate sexual content;~~

~~Solicitations of commerce;~~

~~Conduct or encouragement of illegal activity;~~

~~Private and confidential information;~~

~~Information that may tend to compromise the safety or security of the public or public systems; or~~

~~Content that violates a legal ownership interest of any other party.~~

~~Bureaus shall display these guidelines to users or make them available by hyperlink. CAUTION: Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available.~~

~~*\*If it's not technically feasible to remove the content, Bureaus shall monitor and shall take appropriate action.*~~

~~5.4. Bureaus The Auditor's Office shall use a City email address to join open an account with the a Social Media account opened by the Bureau provider, preferably an Auditor's Office global email address (e.g. ombudsman@portlandoregon.gov or ipr@portlandoregon.gov) in which employees authorized to use Social Media ("Authorized~~

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~~Users<sup>2</sup>) have access to its email account. Examples of a City email address is Jon.Doe@portlandoregon.gov or waterbureauPIO@portlandoregon.gov.\* Using thea City's email address will ensure:~~

- a. ~~p~~Personal and professional communications are separated;
- b. ~~T~~he City can back up public conversations because of ~~the~~ City's ownership and control of the City's email address;
- c. ~~T~~he ~~City Auditor's Office~~ can access the Social Media Site account when the employee is ~~out on vacation or otherwise~~ away from the office or leaves employment with the Auditor's Office or the City; and
- d. ~~T~~he City can determine that the ~~s~~Site or account is legitimately the City's (and not a rogue site generated from a private email address).

~~d.~~

~~\* Use of a non City email address will require consent of the Bureau Director. Directors will need to ensure that information contained on social media accounts which use non City/personal email addresses will still maintain compliance with City legal requirements for record retention, archiving, public records requests, discovery and litigation holds.~~

~~5. Bureaus~~The Auditor's Office shall identify ~~those employees authorized to use Social Media ("Authorized Users") and shall train them in appropriate and effective use of Social Media in order to~~ attain the ~~Bureau's Auditor's Office's~~ objectives. ~~Only those employees who are authorized and trained shall engage in Social Media activities on the City's Auditor's Office's behalf.~~

~~6.~~

6. Authorized Users shall retain a copy of Terms of Use of the Social Media websites or applications and be alert to any modification to those policies.

7. Content posted to ~~City~~ Social Media ~~Sites~~ should also be available on ~~the City's~~ official Auditor's Office websites.

8. Auditor's Office Social Media accounts should be made available on the City's Social Media Directory.

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**Using Use of Social Media by Authorized Users (City Employees)**

Authorized Uusers shall comply with this and related administrative rules; ~~the City's administrative rules;~~ including but not limited to, HRAR 4.08 Information Technologies; HRAR 4.09 Use of City Resources; ~~HRAR~~ 4.06 Political Activity; ~~HRAR~~ 2.02 Prohibition Against Workplace Harassment, Discrimination and Retaliation; and ~~HRARs~~ 11.01, 11.02 and 11.03.

1. Authorized Uusers shall not divulge confidential information.
  2. Authorized Uusers shall not post information that would invade the privacy of others.
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~~3. Authorized Users shall not post information or opinions related to legal matters, litigation, or parties involved in legal and litigation matters. For the purpose of this provision, "matter" means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties.~~

~~3.~~

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## Terms of Use & Disclaimers

~~Bureaus and employees must comply with all Terms of Use of the Social Media Host.~~

~~2. Each Bureau shall adopt and post Terms of Use for its Site reflecting the Bureau's mission and objectives as well as the rules for conversing on the Bureau's Site including, but not limited to, the content prohibited in Section III.4 of this Policy.\*~~

~~3. Bureaus must provide a hyperlink to the City of Portland Social Media Terms of Use, Prohibited Content and Disclaimer located at \_\_\_\_\_ indicating that it reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law.\*~~

~~4. Bureaus must provide a hyperlink to the City of Portland Social Media Terms of Use, Prohibited Content and Disclaimer located at \_\_\_\_\_ that contains a disclaimer indicating that the City does not endorse nor sponsor any advertising posted by the Social Media host on the Bureau's Site, that the Social Media is a private Site and the privacy terms of that Site apply, that the City does not guarantee reliability and accuracy of any third party links, and that the Bureau reserves the right to remove any conversation which is prohibited by the Terms of Use.\*~~

~~5. Each user shall retain a copy of Terms of Use of the Social Media hosts and be alert to any modification to those policies.~~

~~*\*If hyperlinking is not feasible, Bureaus must get Director approval*~~

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Auditor's Office City of Portland - Social Media Terms of Use,  
Prohibited Content and Disclaimer

This site is created by the Portland Auditor's Office, ~~a Bureau of the City of Portland~~ *[insert Bureau Site]*

~~[Bureau's] mission is to...~~ *[insert mission statement.]*

This Site is intended to serve as a mechanism for communication between the public and the Auditor's Office ~~[Bureau] on the [list of Bureau approved topics i.e. water, conservation, sustainability]~~.

The City Auditor's Office reserves the right to remove comments or postings that violate any applicable laws or Auditor's Office administrative rules for social media, the City of Portland – Social Media Terms of Use, Prohibited Content and Disclaimer located at *[insert hyperlink]*. Postings on this site are Public Records ~~of the City of Portland~~ and may be subject to disclosure under the Oregon Public Records Law.

The Auditor's Office ~~City~~ does not endorse nor sponsor any advertising posted by the Ssocial Mmedia host on this ~~Bureau's S~~site, ~~that the Social M~~media is a private Ssite and the privacy terms of that Ssite apply. ~~The City Auditor's Office~~ does not guarantee reliability and accuracy of any third-party links, and ~~the Bureau~~ reserves the right to remove any conversation ~~which is prohibited by the Auditor's Office administrative rules. City of Portland – Social Media Terms of Use, Prohibited Content and Disclaimer.~~

~~For the purpose of the City of Portland Social Media Policy, the following terms are defined as provided below:~~

- ~~1. "Advertising" is any announcement that endorses or sponsors a product, service, viewpoint, or content.~~
- ~~2. "Authorized User" is a City employee who has been given written permission by their Bureau director to set up, monitor and update the Bureau's Social Media.~~
- ~~3. "Blog" means a City of Portland website with regular entries of commentary, descriptions of events, or other material such as graphics or video.~~
- ~~4. "Bureau" means a department, bureau, office, commission, board, public corporation or other organizational unit created by the Council of the City of Portland or the City Charter.~~
- ~~5. "Blog article" means an original posting of content to a City blog site by a City of Portland blog author.~~
- ~~6. "Blog commenter" means a City official or member of the public~~

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who submits a comment for posting in response to the content of a particular City blog article.

7. ~~“Blog comment” means a response to a City blog article submitted by a blog commenter.~~

8. ~~“City blog author” means an authorized City of Portland official that creates and is responsible for posted blog articles.~~

9. ~~“City blog moderator” means an authorized City of Portland official who reviews, authorizes and allows content submitted by City of Portland blog authors and public commenters to be posted to a City of Portland blog site.~~

10. ~~“Confidential information” includes, but is not limited to, anything that is exempted from public disclosure under ORS § 192.501, 192.502, ORS 646.461 or otherwise applicable Oregon or federal law.~~

11. ~~“Public record” includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. (ORS § 192.005)~~

12. ~~“Site” means a social media account maintained by a City’s Bureau.~~

13. ~~“Social Media” means interactive tools that allow integrating technology and social interaction for content sharing, often in a collaborative manner. Interactive tools come in many forms including, but not limited to, RSS, blogs, wikis, photo sharing, video sharing, podcasts, social networking, virtual worlds and micro blogs.~~

## **Definitions**

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For the purpose of this rule, the following terms are defined as:

1. “Advertising” is any announcement that endorses or sponsors a product, service, viewpoint, or content.
2. “Blog” means a City or third-party website with regular entries of commentary, descriptions of events, or other material such as graphics or video.
3. “Confidential information” includes, but is not limited to, anything that is exempted from public disclosure under ORS 192.501, 192.502, ORS 646.461 or otherwise applicable Oregon or federal law.
4. Legal and litigation “matters” means any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties.
5. “Public record” includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable

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electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. (ORS 192.005)

6. “Report” is documentation of daily, weekly, monthly, or other periodic City employee activities not covered in a more specific retention schedule (City General Administrative Records Schedule ADM-0630).

7. “Social Media” means interactive tools that allow integrating technology and social interaction for content sharing, often in a collaborative manner. Interactive tools come in many forms including, but not limited to RSS, blogs, wikis, photo-sharing, video-sharing, podcasts, social networking, virtual worlds and micro-blogs.

8. “Tweet” is a published comment on the Social Media application Twitter which may contain photos, videos, links, and up to 140 characters of text.

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#### **Administrative Rule History**

~~Adopted by the Chief Administrative Officer November 4, 2011~~

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