 <p style="text-align: center;">City of Cupertino Social Media Policy</p>	<p>Attachments:</p>
<p>Effective Date: 5/12/2020</p>	<p>Responsible Department: City Manager's Office</p>
<p>Related Policies & Notes: Prior versions: 2012</p>	

1. Purpose

This Social Media Policy establishes guidelines for the creation and operation of Social Media Accounts by the City of Cupertino (“City”) to ensure that the public has access to timely, useful, and important information. The intended purpose of these City Social Media Accounts is to disseminate information regarding the City’s mission, meetings, current issues, programs, projects, services, and events.

2. Definitions

“City Social Media Account” means an account on Social Media authorized by the City as described in this policy.

“Elected/Appointed City Officials” means City Councilmembers and people appointed by the Council to serve on an advisory body (e.g., commission, committee, task force).

“Post” means the addition of information of any kind (e.g., text, links, photos, videos) to Social Media.

“Public Comment” means a Post made in connection with a City Social Media Account by anyone other than an authorized member of City Staff.

“Social Media” means publicly accessible technologies used to publish and/or share information using the Internet. Examples of Social Media include: Facebook, blogs, OpenGov, YouTube, Twitter, LinkedIn, Instagram, and Nextdoor.

“Staff” means the City Manager and all subordinate employees of the City under his or her jurisdiction, whether directly or through department directors.

3. Staff Authority

City Staff shall operate City Social Media Accounts and Post items on behalf of the City to Social Media only as authorized by the City Manager or his/her designee(s), including the

Communications Officer. The City Manager or his/her designee(s) will maintain a list of all authorized City Social Media Accounts, including the log-in information and the staff/department(s) authorized to Post to those accounts.

4. Elected/Appointed City Officials

Elected/Appointed City officials will not Post items on behalf of the City to Social Media. If Elected/Appointed City officials have their own Social Media accounts, the City recognizes that they may elect, in their individual capacity, to Post items relevant to City business. In such situations, the City's existing rules and practices provide that Elected/Appointed City Officials shall make clear that they are speaking for themselves, not for the City or for their elected/appointed body. Elected/Appointed City Officials shall individually ensure they comply with all applicable laws (e.g., free speech laws, the Brown Act, public records laws, Municipal Code, etc.). For example, Elected/Appointed City Officials should be careful not to use Social Media (e.g., "post" "like" "share" "retweet") in a manner that could constitute an improper serial meeting or otherwise violate the Brown Act.

5. General Guidelines

City Staff shall follow these general guidelines when Posting items to Social Media and/or operating the City's Social Media Accounts:

- 5.1 The City's official website (cupertino.org) will remain the City's primary means of digital communication. Whenever possible, Posts on City Social Media Accounts should contain hyperlinks directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct business with the City.
- 5.2 Limit Posts to dissemination of information about the City (e.g., City-sponsored or City-endorsed programs, services, and events). Content may include information, photographs, videos, and hyperlinks.
- 5.3 Make clear when a Social Media Account is operated by the City. City Social Media Accounts should include the name of the City and/or its official logo.
- 5.4 Ensure this Social Media Policy is displayed on all City Social Media Accounts or made available by hyperlink.
- 5.5 Posts will supplement, not replace, legally required notices and standard methods of communication.
- 5.6 Posts must contain information that is freely available to the public and cannot be confidential as defined by any City policy or state or federal law.
- 5.7 Posts may not contain any personal information, except for the names of employees whose job duties include being available for contact by the public.
- 5.8 Posts must be professional, respectful, and factual.
- 5.9 Ensure all necessary permissions have been obtained for Post (e.g., photos).
- 5.10 Ensure Posts reflect the views of the City. All content is subject to oversight by the City's Communications Office.
- 5.11 Regularly visit and maintain all authorized City Social Media Accounts.
- 5.12 Promptly close any City Social Media Accounts that are no longer needed/active.
- 5.13 Comply with usage rules and regulations required by third party providers of City Social

Media Accounts, including privacy policies.

- 5.14 Post during normal business hours. After-hours or weekend Posts shall only be made with approval of the City's Communications Officer or his/her designee.
- 5.15 Comply with all applicable City policies pertaining to communications and the use of the internet by employees, including email content.

6. Content Guidelines for Public Comments

The City's Social Media Accounts are considered limited public forums moderated by City Staff. Public Comments containing any of the following inappropriate forms of content shall not be permitted in connection with a City Social Media Account and are subject to removal and/or restriction by the City:

- 6.1 Content unrelated to the City
- 6.2 Violent and/or pornographic content
- 6.3 Content promoting discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, or national origin
- 6.4 Profane language or content
- 6.5 Solicitations of commerce, including but not limited to advertising of any business or product for sale
- 6.6 Violations of any law and/or promotion of illegal activity
- 6.7 Content compromising public safety or security
- 6.8 Content supporting or opposing any political candidate or campaign, including ballot measures
- 6.9 Content that violates a legal ownership interest of any other party.

City Staff shall obtain authorization from the City's Communications Officer, who will consult with the City Manager and City Attorney as appropriate, before removing and/or restricting Public Comment based on these guidelines. Any Public Comment removed based on these guidelines shall be retained in a manner consistent with the City's document retention policy.

Any Public Comment posted to a City Social Media Account is the opinion of the commenter. The presence of that content in connection with a City Social Media Account shall in no way imply City endorsement of, or agreement with, the content.

7. No Liability/Guarantee


The City operates its Social Media Accounts as a public service to provide information about the City. The City assumes no liability for any inaccuracies its Social Media Accounts may contain and does not guarantee its Social Media Accounts will be uninterrupted, permanent, or error-free. All users of Social Media should review and understand all applicable privacy and other policies, including those established by third parties. City Social Media Accounts may contain content, including but not limited to advertisements or hyperlinks, over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City Social Media Accounts by anyone other than the City.

8. Records

City Social Media Accounts are subject to the California Public Records Act. Any content maintained on a City Social Media Account that is related to City business, including Posts, Public Comment, and information about subscribers/followers, may be considered a public record and subject to public disclosure.

9. Policy Revisions & Reserved Rights

This policy may be revised by the City Manager at any time. The City reserves the right to terminate any City Social Media Account at any time without notice. The City also reserves the right to implement or remove any functionality of its City Social Media Accounts.

City Manager's signature:  _____ Date: <u>5/12/2020</u>
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