

Government Social Networking

Social Networking

- *My Face?*
- Facebook
- Twitter
- MySpace
- LinkedIn
- Blogs



Has Grown Rapidly

32PX ICONS



16PX ICONS



LARGE BUTTONS



Usage Increasing

- January 2010 – January 2011: Number of Facebook users in the U.S. grew 44 % to 146 million, and 71% of the U.S. web audience currently uses Facebook
- Twitter saw a 280 % increase during that same time, averaging 140 million tweets per day



In Mainstream America

- Over 50% of the world's population is under 30 and 96% of them joined a social network
- 1 out of 8 couples married in the U.S. in 2009 met via social media
- Years to reach 50 million users: Radio (38 yrs.), TV (13 yrs.), Internet (4 yrs.), iPod (3 yrs.)
- We no longer search for news because the news finds us



Alan's Intro to Facebook

“You do not have any friends.”

“Once you find some friends, they will appear here.”



Linkedin

- Friend? Colleague? Baby Momma??
- Option: “I don’t know this *user*”
- Fact: Harvard Business School graduates average **58** connections. You have **4**.



Social Media

- Create online using highly accessible publishing technology
- Shift in how people discover, read & share information
- Fusion of sociology & technology, transforming monologues into dialogues
- Democratization of information – transforming people from content readers into publishers
- Allows people to connect in online world to form relationships for personal, political & business use

Share Content

- Photos
- Videos
- Notes
- Blogs
- Web links
- News stories
- Diaries



City Use of Sites



- Blogs
- Official City Website
- Departmental Websites
- Individual Employee Profiles on Facebook
- Department Profiles on MySpace

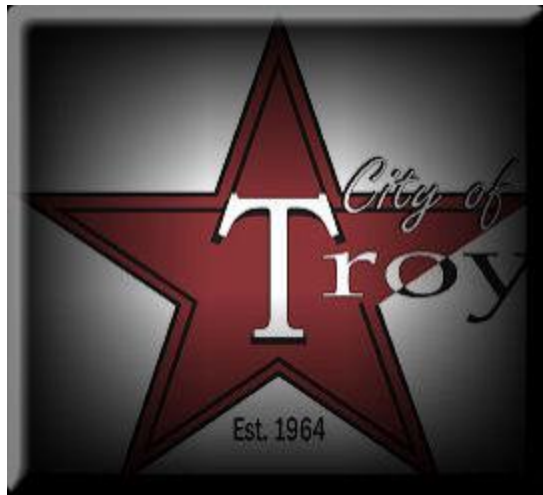


artfully yours



Troy P.D.

- 07/29 - 3 accidents on the northbound side of IH 35
- 07/30 - Graffiti - 205 College Street
- 08/02 - Warrant arrest on IH 35 northbound at the 310 mile marker
- 08/02 - Accident on IH 35
- 08/05 - Accident on Church Ave.
- 08/09 - Accident on IH 35 southbound
- 08/10 - Accident at 5 N. Central
- 08/11 - Construction theft on W. Main
- 08/13 - Drug Paraphernalia on N. Central



Duty to Provide Data

- Give any existing data ever posted on websites
- Can't simply refer to website



Attorney General

- No opinion on Social Media, yet
- E-mail is clearly subject to disclosure under the Public Information Act (PIA)
- Duty to Provide copies of online data



Right to Privacy?

- Password \neq Private
- Social Media is only “Semi-Private”
- Personal v. Official:
 - Who has access?
 - What is content?
 - How is it used?
- Anonymous
 - Delaware Case of Mayor “Proud Citizen”

Personal or Private?

- City of Dallas case
- Former Mayor Laura Miller
- Blackberry:
 - Device & service paid for with personal funds
 - Utilized personal e-mail address
 - Used to conduct City business
- Trial Court ruled: Public
- Appellate Court overturned



Think Before You Post

- What happens in Vegas stays on YouTube, Flickr, Twitter, Facebook...
- Does this reveal any potentially embarrassing private information?
- Am I discussing official city business?
- Is this information subject to Open Meetings?
- Is this information subject to Open Records?
- How long must this information be kept?
- What will current or future employers think?
- Who will be able to view the information I post?

Records Retention

Texas State Library and Archives Commission

Electronic Records

- The retention period for a record applies to the record regardless of the medium in which it is maintained. This includes electronic mail (e-mail), websites, and electronic publications.
- The use of social media applications may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media application may be considered records and should be managed appropriately.

Records Retention

Texas State Library and Archives Commission Electronic Records

- The retention of social media records is based on content and function. Local governments will need to consult the relevant records retention schedule for the minimum retention periods.
- General e-mail sent or received in the normal conduct of business – 2 years
- Photographs, images, recordings, and other non-textual media – AV (as long as administratively valuable)
- Internet Cookies – AV
- Website history files – AV
- *Bulletin B, Electronic Records Standards and Procedures*

Public Information Act

- All data collected, assembled, or maintained by the City in connection with transaction of official business
- All data collected, assembled, or maintained for the City – the City owns the data or has a right of access
- Regardless of format
- Includes paper, film, and digital media

Open Meetings

- Public business should be conducted in public
- A “Meeting” is:
 1. Deliberations (talking and/or voting)
 2. Quorum (majority)
 3. Governing body (city council, P&Z)
 4. City business
- Action without meetings
- Washington: E-mail Exchange = Meeting

Freedom of Speech?

- City of Alpine
- E-mail exchanges by quorum of City Council
- *Rangra v. Brown* (5th Cir. 2009)
- *Asgeirsson v. Abbott* (Fed Dist. Ct. – Pecos)
 - Vague
 - Overbroad
 - Suppresses speech
 - Discriminates
- March 25th
 - TOMA does not censor or prevent speech, it mandates disclosure



EU adds to debate on Internet privacy

Google, Facebook say data rules would hurt economy

By Byron Acohido
USA TODAY

They may be battling each other tooth-and-nail to win over online advertisers. But Google and Facebook are on the same side in opposing new data-handling privacy laws fast-gelling in the Europe and the U.S.

The European Union has formally proposed strict rules that could restrict much of the systematic tracking and profiling Google and Facebook routinely do of Internet users, as part of delivering targeted ads to them. If Europe's new rules are implemented as expected in 2013, the tech rivals could face hefty fines for any violations.

On Tuesday, Facebook COO Sheryl Sandberg delivered a speech in Munich outlining how Europe's propos-

als could stymie the global economy.

Google spokesman Chris Gaither echoed Sandberg's argument. He says the search giant "supports simplifying privacy rules in Europe to both protect consumers online and stimulate economic growth."

Meanwhile, refinements announced this week by Google and Facebook on how each tracks and profiles Internet users added heat to the domestic debate over the need for new data-privacy rules in the U.S.

Google signaled that it will begin cross-referencing user data compiled from its most popular services, including search, Google Apps, Gmail and YouTube.

Users won't be permitted to "opt out" of having their Google activities correlated.

Facebook is making its Timeline mandatory for members. Timeline chronologically displays a member's online activities.

Non-profit SafeGov, which monitors security issues for federal, state

and local government agencies, is alarmed by Google's new policy and says it could put workers who use Google Apps for Government, a paid service, at heightened risk.

"Google should not be data-mining information in e-mails, text messages, searches and documents that workers are putting into Google services," says Jeff Gould, SafeGov security analyst.

"It's a matter of not making government workers unnecessarily exposed to hackers and to inadvertent disclosures of information."

Google Vice President Amit Singh says the new privacy policy for consumer data is superseded by data-privacy provisions in contracts with government agencies and others that use the paid version of Google Apps.

Rep. Ed Markey, D-Mass., asked the Federal Trade Commission to review Google's no-opt-out policy. "We still don't have a law that sets the rules of the road for fair information practices," says Sen. John Kerry, D-Mass.

Agency Policy

1. Restriction of personal use on City resources
2. Agency business performed on agency resources
3. Apply to computers & phones
4. Clarify Role & Opinions
5. Protect privacy, confidentiality & privileges
6. Remember respect & safety
7. Work comes first



Agency Policy (cont.)

8. Reflection on Agency's image
9. Caution with trade secrets, competitive info
10. Plagiarism will not be tolerated
11. Honor logos or trademarks
12. Online activities can have job consequences

Agency Policy

- Mandatory staff meeting
- Distribute agenda to all officials & employees with discussion of the policy as action item
- Have all officials & employees sign attendance roster & hand out copies of the policy
- Discuss it & hold a question & answer session
- Pass out copies of policy receipt acknowledgment forms for everyone to sign
- Collect signed forms before adjourning

Alan's Desk?





BOJORQUEZ
LAW FIRM, PLLC

TexasMunicipalLawyers.com