

Personal use of social media

Social media is a powerful communication and networking tool that has become part of our everyday life.

This information sheet is designed to assist local government council members to understand the best practice approach when using social media for personal and professional purposes.

Freedom of speech

The *Australian Constitution* provides for what the High Court of Australia calls the “implied freedom of political communication”. This gives everybody, including council members, the right to criticise governments, political processes and individual politicians. This freedom is considered essential for our system of representative democracy and cannot be overridden by any law of the Northern Territory or council policy. However council members should always focus on working together as a strong team to deliver positive outcomes to the community, including through appropriate communications.

Quick tips – think before you post and ask yourself these questions

- Could my post cause the council, the community, residents, ratepayers or other stakeholders to lose confidence in my ability to perform my role in an impartial and professional manner?
- Are my posts consistent with how the community expects a council member to operate and behave?
- Can I share this information? You cannot share information that is confidential, false or misleading, or share a council decision that has not been publicly released by council administration.
- Is my post mixing work with my personal life? It is best to keep your work profile and posts related to your role as a council member, separate to your personal profile, to avoid any misunderstanding of whether you are communicating as a councillor or as a private citizen. Consider whether it may be useful to restrict your personal profile or keep it private.
- Does my post reflect my responsibilities to act as a member of the council and a person elected to represent the public interest, and is it respectful and appropriate?
- Could my post damage or undermine the reputation of the council?
- Could my post break the law? For example, do they comply with anti-discrimination legislation and laws relating to defamation (especially if you are naming a particular person)?
- Would I be comfortable if the person I am commenting about read my comments?
- Is it appropriate to name individuals, for example other elected members or staff? It is recommended that councillors follow council policies or other options such as the Code of Conduct complaint process, rather than publicly criticising individuals such as other elected members or staff.
- Would I change my post if it was printed in a newspaper or news page on social media?

- Think and rethink before you post. Sometimes you can unintentionally post something hurtful or upsetting when you do not mean to. Consider how someone else may interpret your post and the impact this may have on public confidence in you and/or the council.

What is social media

Social media consists of tools such as websites and applications that allow users to create and share content and to participate in social networking. Social media may include:

- Social networks such as Yammer, Facebook, Twitter and LinkedIn.
- Media sharing networks such as YouTube, Snapchat, TikTok, Instagram, Pinterest, Vimeo and Soundcloud.
- Bookmarking and content curation networks such as Pinterest.
- Corporate networks such as SharePoint and Skype.
- Blogging networks such as WordPress and Newshub.
- Micro-blogging networks such as Twitter, Mastodon and Tumblr.
- Discussion forums such as Reddit and Whirlpool.
- Wikis such as Wikipedia.
- Online gaming networks such as World of Warcraft, Call of Duty and Fortnite.
- Sharing economy websites, such as Gumtree and Uber.

The term “post” in this guide refers to any shared or created content put on social media.

Purpose of personal and professional accounts

You may already have a number of personal social media accounts that allow you to connect with family and friends across the world. Social media can be an excellent way to stay in touch with people you may have lost contact with over the years and share your personal experiences, hobbies, and passions outside of work. Your personal account might use your real name or a nickname, have a personal photo or image for your profile picture and have either a private profile or strict privacy settings.

A professional profile, on the other hand, is like an online resume. It can help give the public an idea of your role, provide a platform to build professional connections, and allow you to engage with the community, raise awareness about what's happening in your area, and share your professional interests or views. Your professional accounts should include your real name, position title, council / ward name, and location.

It is recommended to keep your personal and professional accounts separate, while treating both spaces as opportunities to present yourself in a positive light and maintain respectful and appropriate behaviour at all times. Remember that the Code of Conduct applies to both accounts and any posts, likes, shares, or interactions.

What is public and what is private

You might mistakenly assume that your social media interactions and comments are private and anonymous, especially if you have set the highest level of privacy or security settings for your accounts. However, there is no guarantee of privacy.

It is important to note that the content you create on some third-party sites is the property of the site where it is posted and may be reused in ways that you did not intend. Therefore, before posting anything on a social media site, it is crucial to understand the platform you are using, read the terms of service and user guides, and familiarize yourself with posting etiquette and cultural and behavioural norms associated with the site.

It is also important to remember that what you post online can stay there for a long time and can be shared beyond the intended audience, potentially causing damage to your reputation, another person's reputation, or your council's reputation. As a council member, it is crucial to maintain a clear distinction between your private online identity and your councillor identity.

If inappropriate comments or content become public, you may be accountable under the Code of Conduct and the *Local Government Act 2019*. Additionally, there are risks to your personal well-being, such as harassment and trolling, that you may face as a council member associated with a council or other organisations or issues.

This guide aims to provide you with information that will help you understand your behavioural obligations as a council member and support you in protecting yourself from avoidable risks.

Council members expressing personal opinion

Council members have the right to express their personal opinions in public comments. However, they should not make any statements that could be interpreted as representing the official stance of their council, as council decisions are group decisions made in the best interests of the whole community. To avoid any confusion, it is suggested that council members preface any personal comments regarding matters or activities related to their council with a statement similar to the following: "As a [name of council] Councillor, the views expressed here are solely my own."

It is also worth checking your council media and social media policy to make sure your posts are compliant.

Receiving works requests or community feedback

When council members use social media as part of their role, they may receive posts or comments from community members, such as requests for services, administrative inquiries, complaints, or compliments. It's important to remember that the community sees these communications as equivalent to letters or emails, and they expect a response.

However, council members are not responsible for finding answers or resolving community members' requests. That is the role of the council's administration. Council members should only receive the community member's communication and ensure that it is directed to the council's administration for action.

If council members are using social media to connect with their community, they should discuss and agree with the CEO on how to forward community requests to the council's administration for action. They should regularly review their social media and promptly forward community requests to the administration and provide information of council channels available to ensure requests or complaints are dealt with efficiently.

Council members should inform community members how their communication has been received and actioned. For example, they could say: "Thank you for contacting us. Your request has been forwarded to the [name of council] for response, and you can expect to hear back from us soon. For more information, please contact our Customer Service Team at [phone number] or [email address]."

Recommended Dos and Don'ts for using photos, videos, images and infographics

Do:

- Use relevant, appropriate, engaging and high quality images or videos to draw more attention to your post.
- Ask permission from each person before taking their photo and explain the intended use of the photo.
- Ask permission to use an image or video that someone else created, even if you are pictured.
- Consider obtaining written consent to use a photo or video on your social media.
- Credit the person that took the photo or acknowledge the original source.
- Remove an image or video immediately on request.
- Request for photos of yourself to be removed from accounts if you did not give permission or feel it is no longer appropriate. Report the person if your image or video has not been removed after 48 hours.

Don't:

- Use the image or video if you don't know the creator.
- Post stock photos without a caption or giving credit to the owner.
- Use the photo or video if you did not obtain permission from every person pictured.
- Use images from the internet without double checking the terms of use.
- Take or use photos or videos where the site, event or venue explicitly prohibits photo and video.
- Use inappropriate images or videos that may upset, offend or embarrass yourself, another person or your council.
- Use images that go against the platform's terms and conditions, council's policies or governing legislation.

What to do if you become a victim of online bullying

- Keep evidence of the offensive or harmful content (screenshots). This may be needed for an investigation.
- Contact the social media service provider and ask them to block the offensive content.
- You could contact the person who posted the offensive content and ask them to remove it.
- Seek advice and support from someone you trust. A family member, friend, fellow council member, Chief Executive Officer (CEO) of the council or a counselling service may help you to cope with particularly difficult or ongoing concerns.
- Take a stand. If someone is being disrespectful or offensive, let them know that you find their comment / content offensive. Remember, regardless of the severity of the content to which you are responding, an offensive response by you may still constitute a breach of the law.
- If the post is from a council member then you may want to lodge a Code of Conduct complaint. Always be respectful and model behaviours that align with the Code of Conduct for council members yourself.

- Posts which are threatening or imply unlawful activity should be reported to police.

What happens if I have breached the requirements?

If you believe that you have previously posted comments or content that may breach your obligations, it is recommended that you remove (delete) the offending material as soon as possible after you become aware that the material may constitute a breach.

Legislation

Council member behaviour and activity, including when using social media for professional or personal purposes is governed by:

- *Local Government Act 2019*
 - Code of Conduct at Schedule 1
- *Local Government (General) Regulations 2021*
- *Local Government (Electoral) Regulations 2021*
- *Information Act 2002*
- *Anti-Discrimination Act 1992 (NT)*
- *Defamation Act 2006.*

Check your council's policies too as there may be specific policies which apply to communications and social media which you should consider. For example:

- Public Relations / Media
- Election Caretaker Period.

For more information

You will find answers to the most commonly asked questions on the page below. For further queries, please contact your council staff or alternatively you can contact the Local Government Unit, Department of the Chief Minister and Cabinet via LGQuestions.CMC@nt.gov.au.

Frequently asked questions

Why can't I say what I want if I post anonymously?

Are you sure you are anonymous? You may not have identified yourself as a council member but many of us now have a digital footprint that makes it easy to find out who we are. Posting material anonymously or using a pseudonym does not guarantee your identity will stay hidden. Even if you do not identify yourself you can still be identified by someone else.

It is simply common sense to assume that anything you write or post can be linked to you and your council - whether you intend it or not.

What if I have posted after hours?

Your capacity to affect your own reputation or that of your council does not stop when you leave the council chamber. The comments you make at any time can make people question your ability to be impartial, respectful and professional when you are acting as a council member.

The community expects council members to uphold the Code of Conduct behaviours at all times.

What if I posted material from my private computer/tablet/phone?

Posting material from your private equipment means that you do not have to worry about whether or not you've properly used the council information and communication technology (ICT) resources provided to council members. It does not; however, affect whether what you've said is acceptable or not. In the same way that posting material after hours will not always protect you, neither will using your own equipment.

Having said that, remember that any material posted or sent from ICT devices provided by your council may be accessed by the council. This right to access any material received or created by you when performing your duties as a council member is established in law through the council's obligations under the following legislation:

- *Local Government Act 2019*
- *Information Act 2002*
- *Anti-Discrimination Act 1992 (NT)*
- *Defamation Act 2006.*

Use of your council's ICT equipment must be in line with your council's policies and procedures.

Why can't I rely on privacy settings on my social media platforms?

It is prudent to restrict the publication of your comments to those people who you actually want to see the comments.

You can set the privacy settings as high as you like. But it is not a complete protection, and it is a bad idea to rely on it. It will not stop another person deciding that something you wrote is particularly funny or insightful, taking a screenshot, and making it available for everyone to see.

What about 'liking', sharing and reposting?

If you 'like' something on a social media platform, it will generally be taken to be an endorsement of that material as though you had created that material yourself.

'Sharing' a post has much the same effect. If, however, you are sharing something because you disagree with it and want to draw it to someone else's attention, make sure that you make that clear at the time in a way

that does not breach the Code of Conduct. It may not be enough to select the 'angry face' icon, especially if you are one of thousands that have done so.

If my social media pages are locked to friends only but one of my friends reposts one of my posts, could this be a breach?

Yes. The breach occurs at the time you made your post. The fact that one of your friends chose to repost it does not create the breach, it just makes it easier to identify.

Public comment includes anything that you say in public or which ends up in public. This can include something you have said or written to one person. If your comment has an audience, or a recipient, it is a public comment.

Will I breach the Code of Conduct if I send content in a private email to a friend?

Potentially, yes. There is nothing to stop your friend forwarding the email or taking a screenshot of it, including your personal details, and sending it to other people or posting it all over the internet. Again, the breach of the Code of Conduct is not in their subsequent publication of your material, but in your emailing that material in the first place.

Am I responsible for nasty comments made by someone else on my social media pages?

Doing nothing about objectionable material that someone else has posted on your page can be seen in some circumstances as your endorsement of that material. If someone does post material of this kind, it may be sensible to delete it or make it plain that you do not agree with it or support it.

Any breach of the Code of Conduct would not come from the person making the post. It would come from how you reacted to it.

Is it okay to share a petition about a political topic?

It depends. The factors affecting this judgment might include the subject of the petition, or the terms in which it is expressed. The principles set out elsewhere in this guide and in your council's policies may help you come to a view in each case.

In any case, if a council member has been actively involved in a petition or has been a signatory to the petition, the council member will have a conflict of interest to disclose when the petition is presented to the council for consideration.

Is posting to a closed mailing list making a public comment?

Yes. The same principles apply in this case as posting to locked social media pages or sending private emails.

What about just joining a Facebook group (or similar)?

People will draw conclusions about you from a range of factors. This can include the nature of any online communities that you join.

Can I post comments about politics, issues and events in other council areas?

Usually, yes, but the same concerns still apply. For example, council members may be seen to be commenting on behalf of their council and should exercise sensible care in their comments.

You should think carefully before making comments about politics, issues and events in other council areas that might lead others to thinking less of your council.

What about posts or comments I have made in the past prior to becoming a council member?

These principles do not apply to posts made prior to you becoming a council member. However past posts could still affect the council's or your reputation, therefore it would be best to consider the appropriateness of your past posts on any social media accounts and remove any posts that are not appropriate.

If I resign from being a council member, am I free to post anything I want?

Former council members continue to remain bound by a duty of confidentiality in respect of information obtained in confidence during their time as a council member and cannot use the information to gain a benefit or cause harm to another. You should think about whether something you wish to post after leaving your council role might breach this duty.