ADVICE ON THE USE OF SOCIAL MEDIA FOR MEMBERS OF DEVOLVED PUBLIC BODIES

1. Introduction

1.1 Section 3 of the Model Code of Conduct for Members of Devolved Public Bodies (the Code) concerns the general conduct expected in situations where an individual is acting as a member of a public body, have referred to themselves as a member, or could objectively be considered to be acting as a member.

1.2 In particular, paragraph 3.1 of the Code (emphasis added) states:

I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, ***when I am online and when I am using social media.***

1.3 This Advice Note is intended to assist members in complying with the provisions of the Code when using social media. Several of the provisions within Section 3 of the Code can apply when a member is using social media. These include ones concerning respect, bullying and harassment, confidentiality and the use of the public body's facilities.

1.4 Social media continues to evolve and, as such, this Advice Note is not intended to be exhaustive or definitive. It is intended to be a guide to help members understand how issues relating to the use of social media can have an impact in terms of compliance with the Code.

2. General Advice

2.1 It is very important to note that the rules of good conduct set out in Section 3 of the Code must be observed in all situations where you are acting as a member or have identified yourself as acting as such. This includes when attending meetings of your public body and when representing it on official business. The Code also applies when you could objectively be considered to be acting as a member. You should be mindful that *your* perception of when you are carrying out official business and when you are acting privately may be different to that of a member of the public.

2.2 In considering whether you are acting as a member of your public body, or could objectively be considered to be acting as a member, factors to consider include whether:

- you are representing or speaking on behalf of your body;

- you are readily identifiable as a member of your body in the situation / circumstances (for example, if your social media page contains a biography that refers to your membership);
- you mention your public body or its work or functions on any social media page or social media posting;
- you are engaged in activity or commenting on matters that are within the scope of your public body's functions;
- you are using IT equipment and / or an email account supplied by your public body; and / or
- your conduct could reasonably be regarded as bringing your position as a member, or your public body, into disrepute.

2.3   You should always try to think ahead. If you have any concerns about a potential problem or conflict of interest, you should speak to your public body's Chair, Standards Officer or Chief Executive so that advice can be sought and / or action can be taken before a situation becomes a serious problem or before a complaint is made about you.

3.   Conduct on Social Media

3.1   The rules of good conduct may apply when you are engaging in media activity including the use of social media. As you will be aware, social media is a term used to describe online technologies, applications and practices that are used to share information, knowledge and opinions. The most well-known platforms include Facebook, Twitter, Instagram, YouTube, TikTok and LinkedIn. The term social media can include, but is not limited to, social networking sites, blogs, wikis, content sharing sites, photo sharing sites, video sharing sites and customer feedback sites.

3.2   The conduct expected of you in a digital medium is no different to the conduct you should employ in other methods of communication, such as face to face meetings and letters. Before commenting or posting, you should consider very carefully whether:
- you understand the immediate and permanent nature of any comment or post you are about to make, and that you will have no control over the extent to which it is shared, and by whom;
- you would make that comment or post in-person, face to face;
- you have such conviction in what you are about to share that you would be prepared to justify it if challenged at a later date; and
- you fully understand that even if you delete your post, it may have been captured by way of a screenshot or otherwise retained in some way (including being automatically cached online), and that fully deleting content once it has been shared online is almost impossible to achieve.

3.3   Other important factors to consider when using social media include whether:
- you are identifiable as a member by directly referring to yourself as such or indirectly as such by referring to your public body or its functions, or through information or images posted;
- the account you are using is "private" and whether you have set your privacy controls accordingly. You should bear in mind that anyone who is able to view your social media content will be able to screenshot and publicly share it, if they choose to do so;
- the number of 'followers' you have any and whether these individuals are following your account because you are a member of the public body;
- you have complied with any Social Media, General Media, IT or Communications policy your public body has produced;

- the information you are posting is confidential and you only have access to it because you are a member;
- you are demonstrating bias or pre-determination – you should avoid expressing an opinion on a matter your public body is yet to determine;
- you are using your public body's equipment or your own when accessing or posting on social media platforms; and
- you have complied with the law including defamation, copyright, data protection, employment and equalities or harassment provisions.

3.4   Even if you consider that you are using social media in a private capacity, you should be aware that anything you post or put on your profile is a representation of you. Therefore, you should not put anything online that you do not want to represent you. You should be mindful that the separation of public and private comments may be unclear to someone reading them, and where information about your status as a member of the public body may be readily available online or from different sources (including your council's website).

3.5   You may also wish to think about:
- whether you are treating others with respect and consideration;
- whether 'liking', re-posting and re-tweeting comments or posts, or publishing links to other sites could be reasonably regarded in the circumstances as endorsing the original opinion, comment or information, including information on other sites;
- you have read fully and understood properly any content that you are commenting on, 'liking', re-posting or re-tweeting;
- whether to allow disagreement on your social media pages;
- the fact that tone can be harder to convey online so consideration should be given to whether humour, irony and sarcasm will be perceived as such;
- whether anything you post could be considered obscene.

3.6   You should always consider whether you have to respond to a comment made about you or posted on your page and / or if it is appropriate or helpful to do so. Sometimes people will say nasty things and people in public life can be singled out for abuse. If people criticising you have the wrong information, by all means talk to them. But if they are being sarcastic or downright abusive you should consider whether there is any value in engaging.

3.7   It is almost impossible to entirely delete anything posted online. Even if you decided to delete something you have posted straightaway, there is always the possibility that someone has viewed or has taken a screenshot of the post in the meantime. What you post online will stay there and may potentially be shared with lots of other people, for both good and bad reasons.

4.   Other Resources

4.1   Other guidance that may be of interest or assistance includes:
- The Scottish Government's Policy on social media:
  www.gov.scot/About/Information/Social-Media-Policies;
- The UK Government's Guidance for civil servants:
  www.gov.uk/government/publications/social-media-guidance-for-civil-servants/social-media-guidance-for-civil-servants;
- The Scottish Government's 'On Board' Guidance for Board Members of Public Bodies in Scotland: https://www.gov.scot/publications/board-guide-members-statutory-boards/