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## **AUHR 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.

### **Procurement**

The Auditor's Office may enter into an agreement with a social media provider to create a forum for interactions with the public. The Auditor's Office must follow Auditor's Office Procurement Rules in entering into a social media account. The Auditor's Office must authorize in writing the opening of a social media with a value of less than \$5,000. (City Code 5.33.055).

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

Posts on social media are public records 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 does not endorse or sponsor any advertising posted by social media providers or any posts by social media users on the Auditor's Office's 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 its social media accounts and reserves the right to remove comments, conversations, replies, updates, posts, direct messages, or blog entries 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.

Examples of inappropriate comments that the Auditor's Office will remove from its social media include:

- A. Comments not topically related to the subject matter;
- B. Comments in support of or opposition to political campaigns or ballot 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 when available.

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

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. The Auditor's Office has records retention schedules for its records. Those engaged in social media activities must be familiar with record retention schedules and preserve records in accordance with those schedules. (See [Retention Schedules](#)). 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. 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 record and that is not preserved and retained elsewhere in compliance with the appropriate City retention schedule must be captured by the 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 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. (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 needed or superseded may be deleted at the discretion of the content owner. (See General and City Auditor records retention schedules.)

All records created or received by 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.

The Auditor’s Office must assume that content posted or received using any social 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\(5\)\(b\)\(D\)](#)).

The Auditor’s Office can greatly simplify its retention responsibilities if it uses its social media exclusively as a mechanism for providing 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 social media would be considered convenience copies that need to be retained only as needed or until superseded. For example, an Auditor’s Office’s tweet providing a link to one of its annual reports would not need to be retained as a separate record.

**2. Managing Original Social Media Content**

It is possible that the Auditor’s Office will publish social media content that does not exist elsewhere among City records. Also, the Auditor’s Office social media accounts that allow public interaction 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 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 City Auditor is the equivalent of a public speech. An on-the-spot written or photographed account of an Auditor's Office event or summary of its activities published via social media should be considered a report. If any of these statements or reports contains policy or historically significant content, they must be retained permanently. Otherwise, they have a two-year retention from the time they are published.

- Correspondence

Incoming social media messages from community members received by the Auditor's Office should be treated as correspondence. If the message is completely unrelated to the Auditor's Office's mission, activities or functions it can be removed and discarded immediately at the discretion of the Auditor's Office. Correspondence that relates to the 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 correspondence from community members that originates on Auditor's Office social media and that merits a response to an individual (as opposed to a public posting), it is advisable to take that correspondence offline and, if possible, communicate directly with the individual and maintain that correspondence using established Auditor's Office procedures for correspondence management. Note: Much of the correspondence between the City Auditor and Auditor's Office division managers and the public is considered "policy and historical" and warrants permanent retention ([City General Retention Schedule Excerpt 1000-01](#)).

- Content Associated with a Specific Function or Activity

If the Auditor's Office uses social media as a public entry point to solicit specific information (e.g. conducting a poll), 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 social 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 Auditor’s Office division-specific social media plans. Methods range from capturing screen shots, to converting webpages into Adobe Portable Document Format (PDF) documents, to acquiring software specifically designed to capture social media content. Inappropriate content removed from the Auditor’s Office’s social media accounts because it violates any applicable laws or this rule must be retained, including the time, date, and the social media user account information when available.

#### Social Media Guidelines

1. The Auditor’s Office may enter into an agreement with a social media provider to create a forum for interactions with the public. The Auditor’s Office must follow its procurement rules in entering into a social media account as the Auditor’s Office is agreeing to and must comply with a third party’s Terms of Use or similarly named rules.
2. Auditor’s Office social media accounts must be in compliance with the City’s Charter, Code, this rule, and all Terms of Use of the Social Media provider. Social Media may not be used when their Terms of Use conflict with City, State, or Federal law or give the appearance of partiality.
3. Where possible, all Social Media will display the Auditor’s Office logo and the City Seal for organizational consistency. The City owns the City seal, which can only be used by the City for City business.
4. The Auditor’s Office shall use a City email address to open an account with a Social Media provider, preferably an Auditor’s Office global email address (e.g. [ombudsman@portlandoregon.gov](mailto:ombudsman@portlandoregon.gov) or [jpr@portlandoregon.gov](mailto:jpr@portlandoregon.gov)) in which employees authorized to use Social Media (Authorized Users) have access to its email account. Using a City email address will ensure:
  - a. Personal and professional communications are separated;
  - b. The City can back up public conversations because of the City’s ownership and control of the City’s email address;
  - c. The Auditor’s Office can access the Social Media account when the employee is away from the office or leaves employment with the Auditor’s Office or the City; and

- d. The City can determine that the site or account is legitimately the City's (and not a rogue site generated from a private email address).
5. The Auditor's Office shall identify Authorized Users and train them in appropriate and effective use of Social Media to attain the Auditor's Office's objectives. Only those employees who are authorized and trained shall engage in Social Media activities on the Auditor's Office's behalf.
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 Social Media should also be available on official Auditor's Office websites.
8. Auditor's Office Social Media accounts should be made available on the [City's Social Media Directory](#).

### **Use of Social Media by Authorized Users**

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

1. Authorized users shall not divulge confidential information.
2. Authorized users shall not post information that would invade the privacy of others.
3. Authorized users shall not post information or opinions related to legal matters, litigation, or parties involved in legal and litigation matters.

### **Definitions**

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 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 a limited number of characters.

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### **Human Resources Rule Information and History**

Questions about this administrative rule may be directed to the [Management Services Division](#) of the Auditor’s Office.

Adopted by the City Auditor December 11, 2017.

Adapted from City of Portland Human Resources Administrative Rule 4.08(A) Social Media.

Adopted by the Chief Administrative Officer November 4, 2011.