

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

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CITY SOCIAL MEDIA ACCOUNTS AND CONTENT	Effective Date 2/9/2023		

1. PURPOSE

- 1.1 The City communicates with the public using social media to disseminate information about the City’s mission, meetings, activities, current issues, news, and services.
- 1.2 The City also uses some forms of social media to solicit public feedback or facilitate discussion on certain issues.
- 1.3 This Administrative Regulation (A.R. 90.61) defines the standards for establishing, maintaining, using, administering, managing, monitoring, and retaining the City’s *Social Media Accounts* and *Social Media Content*.

2. SCOPE

- 2.1 This A.R. applies to all *Employees* and any *Authorized Users* who use *Social Media Accounts* on behalf of the City in the course and scope of their official duties.

3. DEFINITIONS

- 3.1 *Authorized User*: Any *Employee*, contractor, consultant, vendor, or any other City agent responsible for establishing, maintaining, using, administering, managing, monitoring, or retaining *Social Media Accounts* or *Social Media Content*, in the name of or on behalf of the City or any City department.
- 3.2 *Confidential Information*: Any *Sensitive Information* as defined by A.R. 90.64 section 3.7, but not including a person’s name, unless the particular use of the name is otherwise *Sensitive Information*.
- 3.3 *Departmental Social Media Accounts*: Any *Social Media Account* except those established and maintained by elected City officials, the City Clerk, Fire-Rescue, Police, and their staff members.
- 3.4 *Emergency*: Actual or threatened existence of a state of emergency, local emergency, or state of war as defined by California Government Code section 8558, as may be amended, in accordance with the Public Emergency Procedures set forth in San Diego Municipal Code (SDMC) sections 51.0101 through 51.010.

New Administrative Regulation 90.61, Issue 1, effective 2/9/2023

Authorized

[Signature on File]

CHIEF OPERATING OFFICER

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- 3.5 Employee(s): Full-time and part-time City appointed and elected officers, employees, provisional employees, interns, and volunteers engaged in business on behalf of the City.
- 3.6 Social Media Accounts: User accounts established and maintained by an *Authorized User* to conduct City business on a third-party website, technology, or tool, and governed by the third-party's terms of service, that may facilitate and promote interactive communication with the public, participation, collaboration, or exchange of information in virtual communities and networks. Examples of *Social Media Accounts* include accounts on Facebook, Instagram, LinkedIn, NextDoor, Snapchat, TikTok, Twitter, and YouTube.
- 3.7 Social Media Content: Any materials, documents, photographs, graphics or other information that is created, posted, distributed, or transmitted by *Authorized Users* using *Social Media Accounts*. *Social Media Content* does not include material created, posted, distributed, or transmitted on *Social Media Accounts* by the public or by *Employees* acting outside of the course and scope of their official duties.

4. POLICY

4.1 General Policy

- 4.1.1 The City's official website (www.sandiego.gov) is the primary source for City information.
- 4.1.2 *Departmental Social Media Accounts* are used to share information with the public about City news and services. *Social Media Content* on *Departmental Social Media Accounts* must be reasonably associated with City business.
- 4.1.3 The City's *Departmental Social Media Accounts* are managed by the Communications Department. Departments that seek to establish their own *Departmental Social Media Accounts* must obtain approval from Communications Department personnel.
- 4.1.4 The Communications Department and Mayor's Office are the primary source for *Social Media Content* regarding any new citywide policy or change to existing policy that impacts community members. If a department wishes to post such *Social Media Content* on its own *Departmental Social Media Account*, it shall be first offered to the Communications Department for review.
- 4.1.5 Posting *Social Media Content* on *Social Media Accounts* may open the content to public discourse and implicate First Amendment protections. *Employees* must determine whether a *Social Media Account* is an appropriate venue for the communication and whether public comment is invited or if the comment features

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of the *Social Media Account* should be disabled. Guidelines for creating a limited public forum for discourse may be achieved by following the guidelines in section 4.5, *Moderating Public Comments on Social Media Accounts*.

- 4.1.6 There should be at least two (2) *Authorized Users* per City department that manage *Departmental Social Media Accounts*.
- 4.1.7 *Employees* who violate this A.R. are subject to discipline, up to and including termination.
- 4.1.8 The City prohibits taking negative action against any *Employee* for reporting a possible violation of this A.R. Any *Employee* who retaliates against another *Employee* for reporting a possible violation is subject to disciplinary action, up to and including termination.
- 4.1.9 Use of *Social Media Accounts* as a form of communication must comply with the Ralph M. Brown Act.
- 4.1.10 This A.R. does not replace, amend, or supersede any terms or conditions of employment stated in the City’s Memoranda of Understanding with recognized employee organizations.
- 4.1.11 This A.R. does not restrict communications or actions protected or required by state or federal law.
- 4.1.12 The Director of the Communications Department, or his or her designee, may remove inappropriate *Social Media Content* from *Departmental Social Media Accounts* and retain the removed content in accordance with the City’s Record Disposition Schedule.
- 4.2 Social Media During a Public *Emergency*
 - 4.2.1 During an *Emergency* or when the City has activated its emergency organization (as described in (SDMC) section 51.0106), *Authorized Users* of *Departmental Social Media Accounts* shall submit any proposed emergency-related *Social Media Content* to Communications Department personnel for the emergency organization to coordinate.
 - 4.2.2 When the City is responding to a multi-agency *Emergency*, the Emergency Operations Center or Joint Information Center, as established under the multi-agency response protocol, will coordinate disseminating any *Social Media Content*.

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4.2.3 *Authorized Users* shall timely provide basic facts and updates as requested by the emergency organization, Emergency Operations Center, or Joint Information Center.

4.3 *Social Media Accounts without Comment Features*

4.3.1 The following disclaimer, or a link to this A.R. titled “Public Announcement Social Media Policy,” must be displayed on *Social Media Accounts* that have all commenting features disabled:

“The City of San Diego (City) provides external social media as a public service. The City’s use of this social media site is intended to be informational only. It is not intended to be used as a public or limited public forum. The City does not endorse, and disclaims liability for any product, service, company, or organization advertising on external social media pages. See San Diego Admin. Reg. 90.61 CITY Social Media Accounts and Content.”

4.4 *Social Media Accounts with Unmoderated Comment Features*

4.4.1 The following disclaimer, or a link to this A.R. titled “Unmonitored Social Media Policy,” must be displayed on *Social Media Accounts* with commenting features that are not monitored and moderated:

“The City of San Diego (City) provides external social media as a public service. The City’s use of external social media sites is intended to be informational only. The City does not endorse, and disclaims liability for any product, service, company, or organization advertising or commenting on external social media pages. The responsibility for external content or comments rests with the organizations or individuals providing them. See San Diego Admin. Reg. 90.61 CITY Social Media Accounts and Content.”

4.4.2 *Authorized Users* may remove or report any user-generated content or comments on *Social Media Accounts* that:

- a. Contains or obscene language or content;
- b. Would be threatening, abusive, or harassing to a reasonable person;
- c. Incites or promotes violence or illegal activities;
- d. Contains information that reasonably could compromise individual or public safety;

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- e. Contains or links to malicious or harmful software;
- f. Violates the copyright, trademark or other intellectual property rights of any person or entity; or
- g. Violates a local, state, or federal regulation or law, including privacy laws.

4.5 Moderating Public Comments on *Social Media Accounts*

- 4.5.1 Departments may wish to use *Social Media Accounts* to solicit public feedback or facilitate discussion on certain issues. Disruptive user-generated content or comments may disturb or impede that function. Regularly monitoring and reviewing user-generated content with the potential for removing comments or blocking commenters (also known as “moderating” comments) should be performed without consideration of the viewpoint expressed by the user to avoid infringing on a user’s rights.
- 4.5.2 Some types of *Social Media Accounts* may be inappropriate for moderating user comment due to how the content is shared.
- 4.5.3 The following disclaimer, or a link to this A.R. titled “Limited Public Forum Social Media Policy,” must be prominently displayed on all generally publicly accessible *Social Media Accounts* that will have moderated comments:

“The City of San Diego (City) provides external social media as a public service. The City does not endorse and disclaims liability for any product, service, company, or organization advertising or commenting on external social media pages. The responsibility for external content or comments rests with the organizations or individuals providing them. The City reserves the right to remove any content that it determines is in violation of the City’s policies or any applicable law. If your account is restricted or blocked from commenting, you may contest this determination by contacting communications@sandiego.gov. See San Diego Admin. Reg. 90.61 CITY Social Media Accounts and Content.”
- 4.5.4 If a department uses a *Social Media Account* to facilitate public feedback or discussion on certain issues and chooses to moderate comments, the *Authorized User* may remove user-generated content, or temporarily block users who on multiple occasions post a comment, that:
 - a. Is listed in section 4.4.2 of this A.R.

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- b. Contains sexually explicit content or profane insults;
- c. Contains *Confidential Information*;
- d. Advertises or promotes a commercial product or service that has not been vetted through the Corporate Partnerships and Development Program.

4.5.5 An *Authorized User* must consult with the Office of the City Attorney before removing any user-generated content or temporarily blocking users who post comments that disturb, impede, or interfere with the public forum as articulated in *White v. City of Norwalk*, 900 F.2d 1421, 1425-26 (9th Cir.1990). Examples include user-generated content or comments that are:

- a. unduly repetitious; or
- b. clearly unrelated and irrelevant to any recent previously posted *Social Media Content* on the associated *Social Media Account*.

4.5.6 Users who violate these requirements shall be issued a warning with a link referring them to this A.R. before they may be temporarily blocked from commenting.

4.5.7 In no circumstance may users or their comments be removed, blocked, or modified simply because they: criticize the City, its officials, or employees; express an unpopular or offensive opinion; or state a different viewpoint than the original *Social Media Content*.

4.5.8 Any decision to block a user from commenting and the duration of the block shall be reasonable and based on the seriousness of the violation. The details of the decision shall be retained as a City record.

4.5.9 Elected officials with *Social Media Accounts* may adopt and implement their own comment moderation policies.

4.6 Content Guidelines

Authorized Users are prohibited from doing any of the following on *Departmental Social Media Accounts*:

4.6.1 Posting content that tends to compromise or damage the mission, function, reputation, or professionalism of any City department or its *Employees*.

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- 4.6.2 Posting content that promotes or endorses a political campaign, candidate, political view, or proposition.
- 4.6.3 Posting content that promotes, fosters, or perpetuates discrimination on the basis of age, ancestry, color, disability, genetic information, gender, gender expression, gender identity, marital status, medical conditions, military or veteran status, national origin, race, religious creed, sex, or sexual orientation.
- 4.6.4 Posting content that could reasonably be foreseen as creating a negative impact on the credibility of an *Employee* as a witness in any City-related hearing or litigation.
- 4.6.5 Posting content that could reasonably be foreseen as creating a negative impact on the safety of City *Employees*. For example, a statement that provides specific details regarding Police Department shift change assignments or staffing of special events.
- 4.6.6 Disclosure, through whatever means, of any *Confidential Information* without the express authorization of the Chief Operating Officer or the Chief Operating Officer's designee.
- 4.6.7 Posting statements that are false or misleading.
- 4.6.8 Posting any personal grievance about the internal operations of any City department or the specific conduct of supervisors or peers that disrupts the workforce or interferes with important working relationships or efficient workflow.
- 4.6.9 Failing to take reasonable and prompt action to remove any *Social Media Content* that is in violation of this A.R. from any *Departmental Social Media Account*.

4.7 Records Retention and Requests

- 4.7.1 *Social Media Content* may be a public record. Departments maintaining or updating *Social Media Accounts* shall ensure compliance with:
 - a. Best practices for storing electronic public records as specified in (SDMC) section 22.2606(d);
 - b. Record retention and disposition laws, policies, regulations, and other applicable directives, including A.R. 85.10, Records Retention and Destruction.

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4.7.2 Each department is responsible for responding to California Public Records Act requests involving their respective department in accordance with:

- a. A.R. 95.20, Public Records Act Requests and Civil Subpoenas: Procedures for Furnishing Documents and Recovering Costs;
- b. A.R. 95.2, Responding to California Public Records Act Requests.

5. ROLES AND RESPONSIBILITIES

5.1 Communications Department

- 5.1.1 The Communications Department supervises all *Departmental Social Media Accounts*. However, Department Directors with *Departmental Social Media Accounts* are responsible for creating, posting, distributing, and transmitting *Social Media Content*, as well as administering individual *Departmental Social Media Accounts*, as permitted by this A.R.
- 5.1.2 The Communications Department coordinates and approves new *Departmental Social Media Accounts* and maintains a master list of websites, account logins, passwords, and account administrators. The list will be referenced when new *Departmental Social Media Accounts* are requested to avoid duplication and confusion, and to support Citywide communications.
- 5.1.3 The Communications Department will confer with the Department of Information Technology when selecting third-party providers for *Departmental Social Media Accounts*.
- 5.1.4 The Communications Department will immediately change passwords if a *Departmental Social Media Account* is compromised. Passwords for *Social Media Accounts* will follow the City’s password guidelines as stated in the Department of Information Technology’s Cybersecurity Etiquette for Email and Internet Use Form. Credentials for *Social Media Accounts* should be protected and limited to *Authorized Users*.
- 5.1.5 The Communications Department will provide Citywide support for *Departmental Social Media Accounts* by:
 - a. Assisting with use of the City logo, website photos, official templates, and other graphics;
 - b. Developing and maintaining City social media guidelines;

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- c. Coordinating Citywide communications across *Departmental Social Media Accounts*;
- d. Providing *Social Media Content* support as appropriate; and
- e. Training and certifying *Authorized Users* on *Social Media Content* best practices.

5.1.6 The Communications Department will monitor *Departmental Social Media Accounts* to ensure each is updated and will alert the department if a *Departmental Social Media Account* becomes dormant. Dormant *Departmental Social Media Accounts* may be de-activated by the Communications Department. Accounts will be considered dormant after 60 days of inactivity or if followers or engagement has remained low for a period of 60 days.

5.2 Department Directors

5.2.1 Department Directors are responsible for *Social Media Content* involving their departments. Department Directors must:

- a. Coordinate *Emergency* coverage with the Communications Department.
- b. Ensure that inappropriate *Social Media Content* is not placed on a department's *Social Media Account*.
- c. Create an active list, annually or upon request, of the *Authorized Users* for any *Departmental Social Media Accounts*.

5.3 Authorized Users

5.3.1 *Authorized Users* are required to attend mandatory trainings conducted by the Communications Department prior to using *Departmental Social Media Accounts*, and annual trainings thereafter, and must familiarize themselves with applicable terms, policies, and conditions of use.

5.3.2 *Authorized Users* are responsible for monitoring their *Departmental Social Media Accounts* to ensure appropriate administration as stated in sections 4.3 through 4.5 and must adhere to the City's *Social Media Account* guidelines.

5.3.3 *Authorized Users* must report unauthorized use of *Social Media Accounts* to their department Director or designee.

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APPENDIX

Legal References

California Public Records Act (Cal. Gov't Code §§ 6250 to 6276.48.)
California Emergency Services Act (Cal. Gov't Code §§ 8550 to 8668)

City Att'y MS-2021-8 (April 9, 2021) (Case Law Update on Elected Officials' Use of Social Media: *Garnier v. O'Connor-Ratcliff*) City Att'y MS 2020-30 (December 14, 2020) (Assembly Bill 992—the Ralph M. Brown Act and Social Media)

San Diego Municipal Code §§ 22.2606 (Retention of Records)
San Diego Municipal Code §§ 51.0101 to 51.010 (Public Emergency Procedures)

Administrative Regulation and Policy References

San Diego Admin. Reg. 85.10 Records Retention and Destruction
San Diego Admin. Reg. 90.64 Protection of Sensitive Information and Data
San Diego Admin. Reg. 95.20 Public Records Act Requests and Civil Subpoenas; Procedures for
Furnishing Documents and Recovering Costs
San Diego Admin. Reg. 95.21 Responding to California Public Records Act Requests

Forms

City of San Diego Social Media Account Guidelines, as may be drafted and amended
City of San Diego Department of Information Technology Cybersecurity Etiquette for Email and Internet Use, as may be drafted and amended

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