



HHS Circular C-042 HHS Social Media Policy

Purpose

The purpose of this policy is to establish clear standards and responsibilities for the use of social media tools to increase awareness of state programs and services according to state law, codes, and HHS policies and procedures.

HHS recognizes the appropriate use of social media can enhance communication, collaboration, and information exchange that supports the missions of HHS agencies in their service to the people of Texas.

The decision to use a social media tool must consider the extent to which the tool will contribute to the agency mission, and the commitment of resources necessary to manage and maintain it effectively.

Definitions

Social Media: A term used to describe an increasing array of online communication tools that allow users to interact by posting and sharing information, conversations, photos, videos and other content electronically. Examples of social media tools include but are not limited to:

- Blogs (Huffington Post)
- Micro-blogs (Twitter)
- Social networking sites (Facebook)
- Video and photo-sharing sites (YouTube, Vimeo, Instagram, Flickr)
- Podcasting forums (forum.webcontent.gov)

Communications Manager: Refers to the individual responsible for directing an agency's external communications, sometimes known as a communications director.

Office of Communications: Refers to the office or entity responsible for an agency's external communications or press relations.



Scope

This superseding policy applies to employees using state computer resources in performing their jobs to establish and maintain social media profiles or pages to increase awareness of an HHS agency or program. This policy does not apply to employee personal use of social media or to the use of social media for specific business purposes such as investigations of fraud or abuse.

Objectives and Standards

Establishing an agency or program social media profile or page is only allowed for business purposes approved by each agency's Office of Communications. (See restrictions in HHS Enterprise Information Security Standards and Guidelines.)

Employees who use social media on behalf of an HHS agency or program are responsible for complying with applicable state, federal, and local laws, regulations, and policies. This includes laws and policies on copyright, records retention, public information, accessibility, privacy, and the HHS Human Resources Manual. Those who use social media on behalf of HHS agencies are bound by HHS Ethics Policy and all employee standards of conduct and work rules, and any applicable professional code of ethics.

The Office of Communications of each HHS agency is responsible for developing agency-specific social media policies and procedures that fit under the scope of the larger HHS policy.

Each agency may enact special policies to govern the use of social media in the event of a disaster or emergency, including limiting or suspending the use of social media.

Approval and Acceptance of User Agreements

HHS employees must receive approval from their agency's Office of Communications or an employee designated by the agency's Commissioner to authorize social media use before establishing each new social media presence on the agency's behalf. This does not apply to monitoring social media websites for legitimate agency business or use of social media for investigation purposes.

The Offices of Communications in each agency:

- Determines which individuals may establish a social media profile or page on the agency's behalf.



- Provides guidance on achieving goals, defining strategies and processes, maintaining credibility, tracking results, and monitoring the use of the agency's social media.
- Provides editorial oversight and control of all agency social media pages or profiles.

HHS employees may not make commitments to use social media on behalf of an HHS agency or agency partner (including marketing campaigns and grant applications) without authorization from the individual agency's Office of Communications.

Each agency's Office of Communications, or designee, has the authority to accept the terms of use of social media websites, once those terms have been reviewed and approved by the Chief Counsel with review by the Privacy Office, as appropriate.

Monitoring

Employees authorized to maintain social media content on behalf of an HHS agency are responsible for:

- Monitoring their social media sites regularly and according to agency policy
- Editing content.
- Reviewing public comments.
- Responding to comments and inquiries as appropriate and according to each agency's standards.
- Forwarding complaints and inquiries as appropriate according to agency procedures.

An agency's Office of Communications may monitor content and alter agency-sponsored social media profiles and pages to ensure adherence to this policy and its agency's own social media policies.

Public Comments and Commenting

HHS agency social media pages are intended to make communication easier, but they are not the appropriate venue for complaints involving a specific individual, including reports of fraud or abuse and neglect. These types of complaints may include protected or sensitive personal information. Agency sponsored social media sites that allow public comments must include a written monitoring plan approved by the agency's Office of Communications after review by the HHS Privacy Office to ensure that non-permissible comments are promptly removed from the site and forwarded for action as appropriate. Additionally, the agency is responsible for posting information regarding the policy for removal of non-permissible content.



Non-permissible content includes, but is not limited to, comments, hyperlinks and URLs that:

- Share confidential or sensitive personal information.
- Violate copyright.
- Contain pornographic, profane, obscene, racist, sexist, or derogatory content or comments.
- Are threatening, harassing, defamatory or discriminatory.
- Contain information that could compromise public safety.
- Incite or promote violence or illegal activities.
- Promote political views or candidates.
- Are commercial endorsements or SPAM.
- Are off-subject or out of context.
- Are otherwise illegal or violate HHS agency policy.

When possible HHS social media pages or profiles must limit the ability of the public to add photos, tags, videos, or links to agency social media pages or profiles unless an agency's Office of Communications approves an exception for a demonstrated business purpose.

In addition to deleting non-permissible content, HHS agencies reserve the right to permanently ban those who post non-permissible content. Users may be banned immediately or warned before banning, depending upon the content and/or number of violations.

The decision to ban a user is at the discretion of the agency's communications manager or designee.

Employees administering an HHS social media page or profile must identify their agency affiliation when commenting in their official capacity on any social media website. HHS employees participating in their official capacity on any social media websites follow the same rules of behavior they would in a public meeting. Agency staff should be courteous, respectful, and factual when responding to posted comments.

Employees responsible for agency social media profiles must keep records of all comments made, consistent with the records retention policy and where the record is the subject of legal claims or actions.

Branding

HHS agency social media sites and content must clearly identify agency ownership or sponsorship through the use of agency logos and branding.



Third-Party Websites

Many social media providers are third-party websites that are not defined as state websites by 1 TAC 206 but are treated as state websites to the extent that they help agencies communicate with the public, stakeholders, and clients.

However, each agency needs to inform users in a public social media policy that the social media page is hosted by an independent third party, not by the state. As a result, the use of the site is governed by the social media provider's own website policies, such as its privacy policy, terms of service, and advertisement references. For more information refer to the HHSC Social Media Guidelines (see Attachment 1).

Accessibility

Social Media pages must comply with accessibility requirements mentioned in 1TAC 213 and the HHS EIR Accessibility Policy Manual, when possible. If an agency's social media content cannot be made accessible because of the limitations of a particular third-party website, that content must be provided in an accessible format elsewhere, such as on the agency's public website. If the Office of Communications learns that a social media provider offers an interface created especially for use by people with disabilities, such as m.facebook.com, the Office of Communications will identify that alternate version on the HHS agency website and inform users that an accessible interface is available.

Considerations of the languages of the intended audiences should be made, and Spanish language versions or content should be made available when feasible when the intended audience is likely to speak a different language than English.

Linking

Links from websites or social media channels affiliated with HHS agencies to any other websites do not constitute or imply endorsement of those sites, their content, or products and services associated with those sites. A disclaimer should be included in each agency's publicly posted social media use policy on the agency web site.



Records Retention

Content created by either the agency or the public on an agency's social media page or profile is considered a public record and is subject to approved agency records retention requirements. There are two exceptions:

- **Duplicate Content:** Content that is copied from another source. For example, if the agency places a press release on its official website and uses Twitter to promote the press release, the press release on the agency website is subject to approved agency records retention requirements, not the Twitter update. The tweet is considered duplicate content.
- **Transitory Content:** Content that is meant to be temporary and not an integral part of a records series. For example, if someone posts "Hi, how are you?" as a comment on a Facebook status, the agency does not need to retain this type of content.

There is no statewide classification for social media content. HHS agencies are responsible for classifying the social media content into an existing record series on their approved agency retention schedule or adding a new record series category to their retention schedule that accurately describes the record by contacting their agency Record Management Officer. These records must be maintained and disposed of in compliance with their state approved agency records retention schedules.

Legal Holds – (Texas Government Code, Sec.441.187): Aside from any retention schedule, a state record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record begins before the expiration of a retention period set by the Texas State Library and Archives Commission or the individual agency until the action is complete and all related issues are resolved. Also, state and federal courts require agencies to preserve relevant records if a judicial or administrative action is reasonably foreseeable, even if it has not occurred.



Intellectual Property Rights and Ownership

State Agency Content Posted to Third-Party Social Media Websites

HHS agencies must ensure that they have the legal right to any social media content posted by the agency or public users on agency social media sites and that they are not infringing on the intellectual property rights of others. 1TAC 206.53(I) provides rules on Copying and Use of Information by Website Owners Linking to State Agency Sites. Although social media sites are technically not state websites, following this rule will help ensure agencies comply with all requirements related to intellectual property rights and ownership.

Public Posted Content to Third-Party Social Media Websites

The social media provider's terms of services govern the protection of copyrights and intellectual property rights for content posted by the public on HHS social media profiles.

State Websites Using Social Media Features

State websites that use social media features to allow users to post content must provide a way for copyright holders to report copyright infringement as required by the Online Copyright Infringement Liability Limitation Act of the Digital Millennium Copyright Act.

General Conduct

HHS Employees representing their agency through social media must maintain a high level of ethical conduct and professional decorum. They must recognize that the content and messages they post on social media websites are public statements and may be cited as official HHS publications.

Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and must avoid jargon and obscure terminology or acronyms. Commonly accepted social media terms and abbreviations are permitted. Social media may not be used to circumvent other HHS or individual agency communication policies, including policies for communicating with the news media. Employees may not publish information on agency social media sites that:

- Shares Confidential or Restricted Information as specified in the HHS Enterprise Information Security Standards and Guidelines.
- Violates copyright.
- Contains pornographic, profane, obscene, racist, sexist, or derogatory content or comments.
- Is threatening, harassing, defamatory or discriminatory.
- Contains information that could compromise public safety.



- Incites or promotes violence or illegal activities.
- Promotes political views or candidates.
- Is a commercial endorsement or SPAM.
- Is off-subject or out of context.
- Is otherwise illegal or violates HHS agency policy.
- Links to personal social media page

Oversight

Each HHS agency's Office of Communications has oversight of the editorial content and presentation of the information communicated through social media on behalf of its agency. An agency's Office of Communications may revoke an employee's privilege to use social media on behalf of its agency and remove accounts or pages from social media sites for violations of this policy.

The ability to access social media tools or to utilize some functions of social media tools may require permissions within information security control systems that must be approved by each agency's Information Security Office.

Each HHS agency's Information Security Office must approve any custom software application developed for a social media site as well as commercial software obtained for use with social media tools.

Responsibilities

Each HHS employee is responsible for complying with the provisions of this policy. All HHS agency supervisors should ensure their employees are aware of and comply with the provisions of this policy.

Inquiries

Inquiries regarding the content of this circular should be directed to Enrique Marquez, Director of Communications, Texas Health and Human Services Commission, by telephone at (512) 424-6951 or by email at Enrique.Marquez@hhsc.state.tx.us.