

# Social Media Users Group

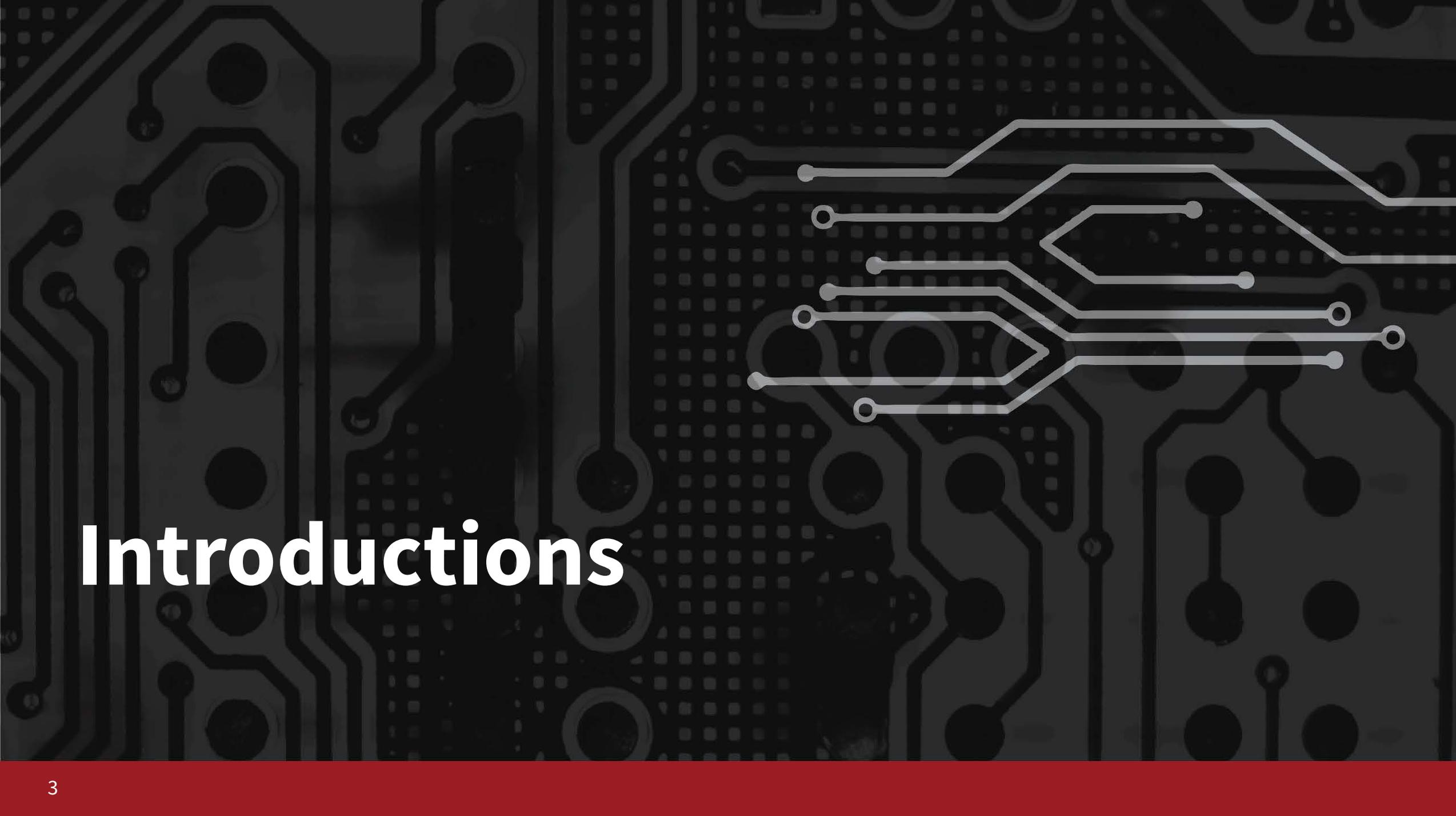
04-21-16 | WSI Board Room | 9:30 – 11:00



**NORTH DAKOTA**  
INFORMATION  
TECHNOLOGY  
DEPARTMENT

# Agenda

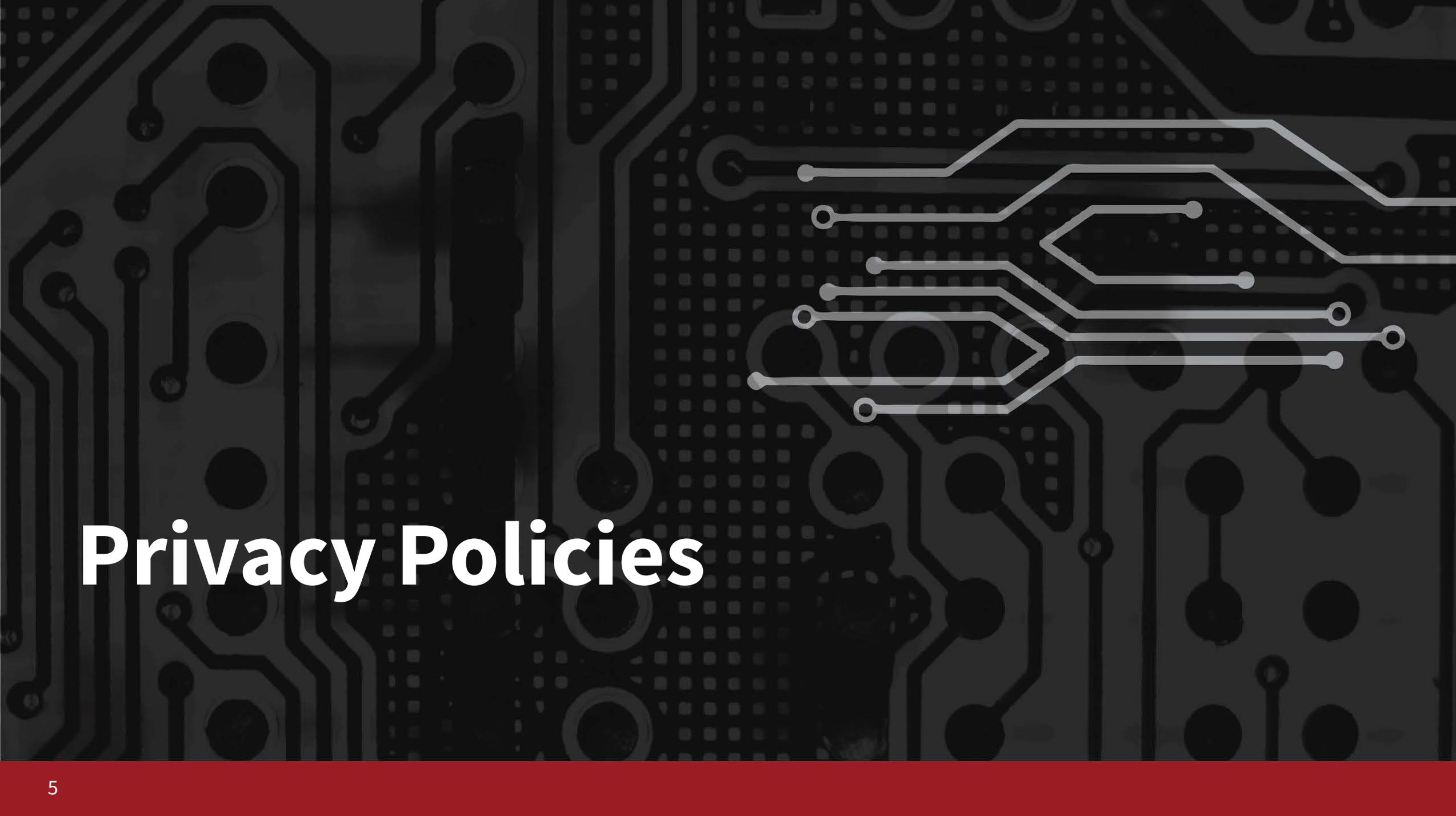
- Introductions (9:30 - 9:40) Cliff Heyne
- Quick Updates (9:40 – 9:50) Cliff Heyne
- Privacy Policies (9:50 – 10:00) Cliff Heyne
- Public [comment policy](#)/moderation (10:00 – 10:15) Claire Ness
- [Records management](#) (10:15 - 10:30) Becky Lingle
- [Terms of service agreements](#) (10:30 - 10:45) Claire Ness
- Q&A and open discussion (10:45 - 11:00)



# Introductions

# Quick Updates

- Microsoft Sway, PowerPoint Move, and Snip
- PIO and JIC/JIS Training
  - [www.nd.gov/des/events](http://www.nd.gov/des/events)
- NVDA Screen Reader
- July SMUG Meeting Ideas
- Website Health Workshop



# Privacy Policies

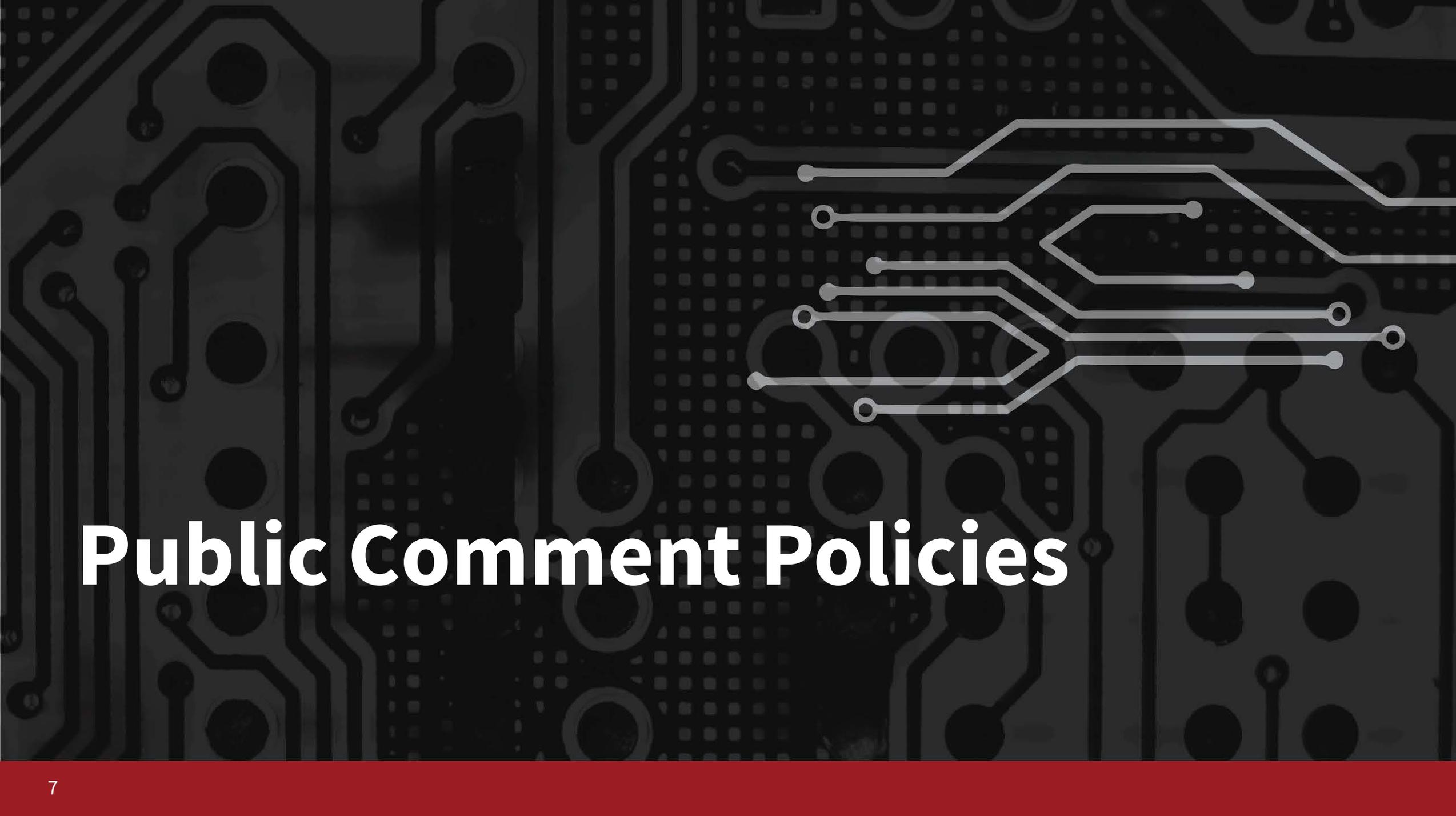
# Privacy Policies

## Google Analytics (GA) Requirements

- GA ToS states, “You must post a Privacy Policy that... disclose[s] the use of Google Analytics, and how it collects and processes data.”
- [www.google.com/policies/privacy/partners/](http://www.google.com/policies/privacy/partners/)

## Encryption

- Some websites claim to use encryption when, in fact, data in transit is not encrypted
- E.g. “In order to protect personal information gathered this website has security measures in place including firewalls, encryption...”
- `https://www.nd.gov` vs `http://www.nd.gov`



# Public Comment Policies

# Public Comment Policies

- Agency social media pages can be considered a limited public forum
- Policy template available on ITD's website
  - <https://www.nd.gov/itd/services/social-media>

# Public Comment Policies

Remember:

- Social media content (govt content AND public comments) is an open record unless there is an exception that applies
  - Think about logistics of production
- Social media content should follow records retention policies

# Public Comment Policies

Comments on govt sites have some First Amendment protections

- Can have “viewpoint neutral” restrictions that are “reasonable in light of the purpose served by the forum”

Have a policy and consistently enforce it

- Ensure at least one employee is well trained on the policy and responsible for enforcement / deleting comments that fall outside the policy

Retain deleted comments as evidence in case of litigation

The background is a dark grey circuit board pattern. A series of glowing white lines, resembling a data path or a stylized 'E' shape, runs horizontally across the upper right portion of the image. The lines are composed of several parallel paths that converge and diverge, creating a sense of flow and connectivity.

# Records Management

# Overview

## Record

- Any document, book, paper, photograph, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business
- Evidence of the organization, functions, policies, decisions, procedures, and activities of the agency

## Responsibilities

- Establish and maintain a records management program
- Create and maintain adequate and proper documentation
- Identify who is responsible for content and managing it

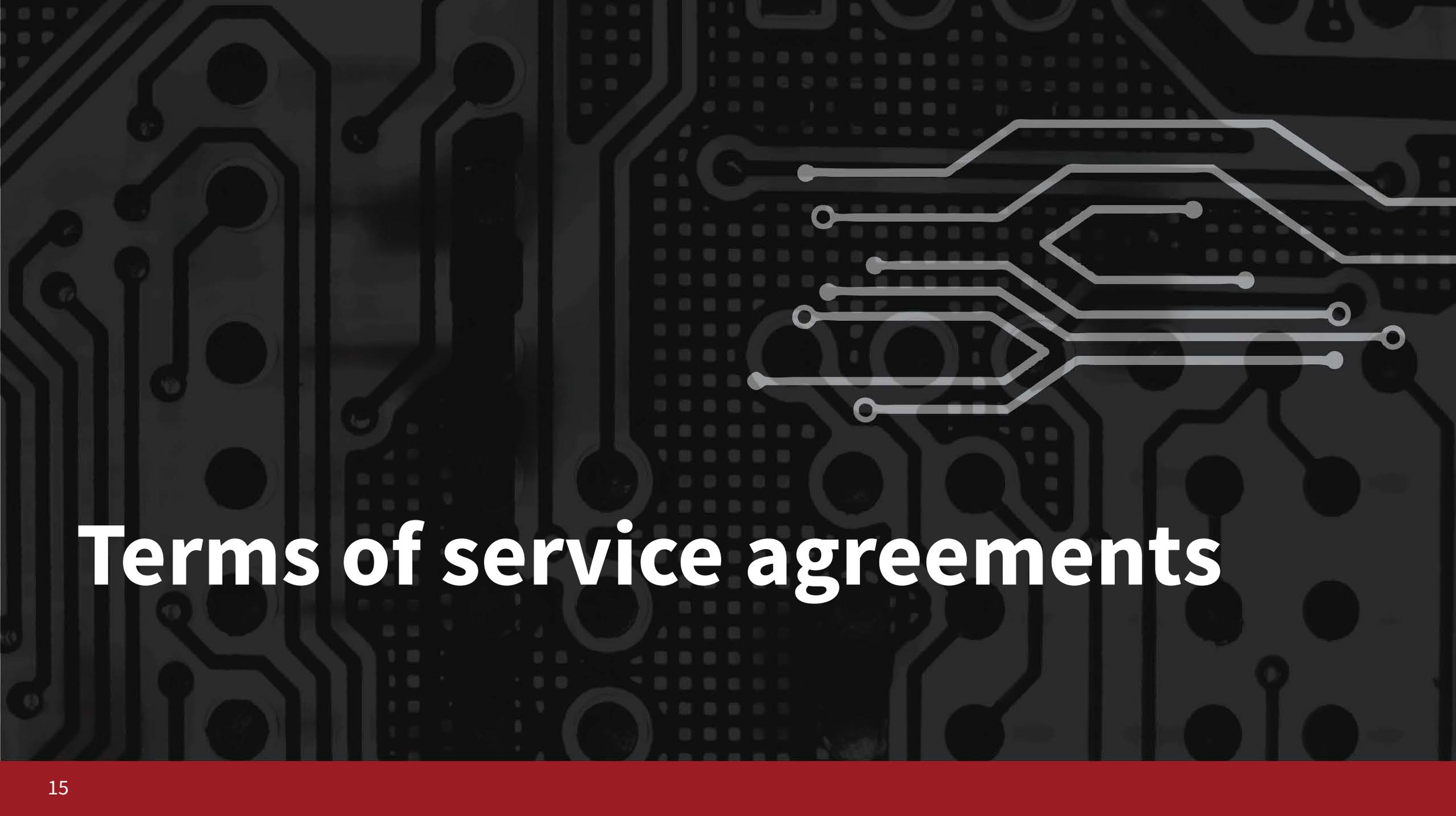
# Social Media

## Highlights

- The majority of social media content is considered a record and will need to be retained for the length of time identified on a records retention schedule
- Content could often fall under record series 260101 Newsletters/Publications or 450101 General Correspondence on the ND General Records Retention Schedule
- Retention is based on content and intent or purpose of the record, not the format
- Deleted comments may fall under new record series

# Social Media

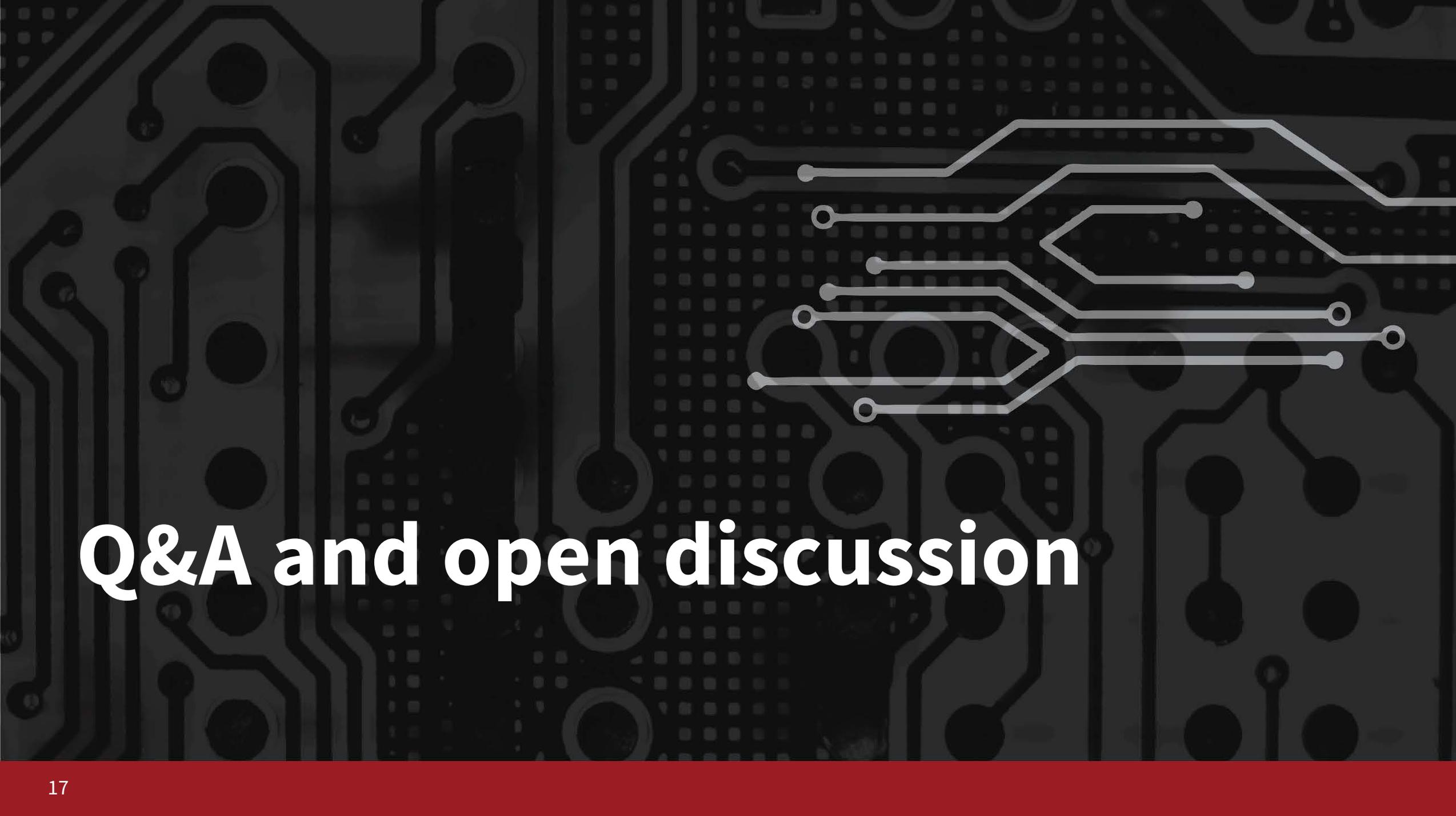
- New record series for social media is an option
- Copy vs original
  - Copies are covered by record series 720101 Reference Material on ND General Records Retention Schedule
- Identify records by developing a matrix of where content is stored, purpose of the site, and type of content created



# Terms of service agreements

# Terms of Service & EULAs

- Caselaw is split, but TOS and EULAs should be reviewed as contracts
- State cannot agree to:
  - limit direct damages (and, often, indirect damages)
  - indemnify other parties
  - Non-ND jurisdiction/choice of law provisions
  - Others
- Not all employees have authority to agree
  - May lead to individual liability
- Links to government ToS available at:  
<https://www.nd.gov/itd/services/social-media>

The background of the slide is a dark grey circuit board pattern. In the upper right quadrant, there are several glowing white lines that resemble circuit traces, some ending in small circles. The overall aesthetic is technical and digital.

# Q&A and open discussion



**THANK YOU**

Visit us at [www.ND.gov/ITD](http://www.ND.gov/ITD)