

# GUIDANCE FOR THE USE OF SOCIAL MEDIA IN THE VICTORIAN PUBLIC SECTOR



**This guidance is under review following the High Court of Australia's decision in *Comcare v Banerji*. If necessary, we will update this guidance following a thorough review of the implications of the decision.**

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## Purpose

The purpose of this guidance for Victorian public sector bodies and employees is to clarify their existing obligations under the [Code of Conduct for Victorian Public Sector Employees](#)<sup>[1]</sup> in the context of using social media. It is high level principles based, and addresses both official and private use.

Given the broad and diverse nature of public sector organisations, this guidance addresses standards of behaviour rather than detailed policies and procedures. It is not possible to provide detailed guidance for every conceivable situation; therefore emphasis is placed on guiding principles of behaviour that are applicable under the Code of Conduct.

It is recognised that this guidance will need to be supported by additional information and guidelines at the local level. Departments and public entities will need to review and possibly amend their policies having regard to this guidance and in the light of their Gov 2.0 activities and initiatives.

## Scope

The guidance:

- Provides clarification for the Victorian public sector on existing obligations under the Code of Conduct;
- Helps strengthen links between the Code of Conduct and local policies by providing a reference for Victorian public sector bodies when issuing policies and procedures on social media;
- Reflects the provisions of the Code of Conduct that hold employees accountable for the consequences of their private actions where they may have a bearing on their standing as a public official;
- Makes it clear that participating in social media is subject to the same standards of behaviour, set out in the Code of Conduct, that apply when participating in any other media or public forum; and

- Is a reminder that ramifications of breaching the Code of Conduct when using social media may result in disciplinary action.

This guidance does NOT:

- Modify the Code of Conduct or existing policies of any individual organisation;
- Seek to regulate how social media are used as a work tool/communications medium. It is up to each organisation to develop their own policies and protocols in relation to social media and enforce them.

## Official and Private Use

Whether using social media for official or private purposes, employees are reminded that comments will often be permanently available and able to be reproduced in other media. For the purposes of this guidance, the definition of official and private use is as follows:

Official use: Using social media tools when acting as an official representative of the Victorian public sector.

Private use: Using social media tools in a private capacity

## Social Media- Defined

Social media is the term used for internet based tools for sharing and discussing information among people. It refers to user-generated information, opinion and other content shared and discussed over open digital networks.

Social media may include (although is not limited to):

- Social networking sites (e.g. Facebook, LinkedIn, Myspace)
- Video and photo sharing websites (e.g. Flickr, Youtube)
- Blogs, including corporate blogs and personal blogs
- Micro-blogging (e.g. Twitter)
- Forums, discussion boards and groups (e.g. Google groups, Whirlpool)
- Wikis (e.g. Wikipedia)
- Vod and podcasting
- Email and instant messaging.

Social media also includes all other emerging electronic/digital communication applications.

## Responsibilities

The Code of Conduct for Victorian Public Sector Employees (No 1) 2007 sets out the standards of behaviour expected of Victorian public sector employees based around a framework of values from the Public Administration Act 2004.

Victorian public sector bodies have responsibility to develop and implement policies and procedures, to support the application of the Code of Conduct. These may provide further detail, including specific requirements regarding the use of social media by their employees, contractors and consultants.

## Social Media and the Code of Conduct

The Code of Conduct applies when participating in social media in the same way as when participating in any other media, public forum or engagement with the community. The Code of Conduct applies to Victorian public sector employees when participating in social media for official and private use.

In addition to the sections of the Code of Conduct referred to below, other sections may also be applicable in specific circumstances.

The sections of the Code of Conduct that are of particular relevance to this guidance have been identified:

- 2.2 Remaining apolitical
- 3.5 Making public comment
- 3.9 Public trust
- 5.3 Work resources
- 5.4 Open to scrutiny
- 6.1 Fair and objective treatment
- 6.2 Privacy and confidentiality
- 6.4 Equity and diversity.

### Remaining Apolitical

- Where staff are authorised to use social media relating to the administration of policies and programs of the elected government, they should avoid making statements or engaging in activities of a party political nature.

### Making Public Comment

- Use of social media for making public comment in relation to duties must follow the appropriate internal communications process and authorisation.
- When using social media for official purposes it should not be used to express personal opinions.
- When using social media for private purposes, staff must ensure that they make it clear that any comments relating to Victorian government activities are not official, and that they are speaking only on behalf of themselves.
- Staff must ensure that any personal comments don't compromise their capacity to perform their public role in an unbiased manner.

### Public Trust

- Whether using social media for official use, or in a private capacity, staff must not do anything that may adversely affect their standing as a public official or which could bring themselves or the public sector into disrepute. The nature of social media increases the risk of reputational damage through private activities such as:
  - posting images, information or links to images or information;
  - disclosing one's own and others' personal information;
  - engaging in a heated debate or argument.

### Work Resources

- Staff must comply with employer policies regarding private use of work resources, including their use in engaging in social media. Those policies will have regard to not only the efficient and effective use of public resources, but also the risks associated with

their use for private purposes (e.g. 'electronic footprints' which could identify the user as working for the public sector).

## Open to Scrutiny

- Staff must maintain accurate and reliable records of their official use of social media as required by relevant legislation, policies and procedures.

## Fair and Objective Treatment

- All communication of an official nature should be objective and courteous in dealings with the government, community and other public sector employees.

## Privacy and Confidentiality

- Staff must ensure the privacy and confidentiality of information acquired at work is protected at all times and treated in accordance with relevant laws and policies. The potential scope and ramifications of a breach of privacy or confidentiality when using social media are severe.

## Equity and Diversity

- Obligations on public sector employees to support an environment free of discrimination, harassment and bullying also apply to their use of social media.

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## Footnote

1. Employees of 'special bodies' should refer to the [Code of Conduct for Victorian Public Sector Employees of Special Bodies](#). Your employer will have informed you, if this Code applies to you. If in doubt, check with your manager or Human Resources area. ↩