

# PUBLIC SOCIAL MEDIA POLICY

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## Purpose:

This document establishes standards and responsibilities for the use of social media sites to conduct official state business in accordance with applicable state and federal laws, the Texas Administrative Code (TAC), and the Texas Water Development Board (TWDB) policies and procedures. TWDB's social media sites are created to enhance communication, collaboration, and information exchange between the TWDB and members of the public in support of TWDB's mission. TWDB recognizes that social media sites and other online communication platforms increasingly serve as channels for direct interaction with the public and other TWDB stakeholders.

## Definitions:

*Accessibility* – Usability by people of a product, service, environment, or facility with the widest range of capabilities.

*Comments* – Remarks on social media sites that are in reply to postings or other comments.

*Personally Identifiable Information* – Personally Identifiable Information is defined in Texas Business and Commerce Code (TBCC) Chapter 521 as "information that alone or in conjunction with other information identifies an individual." This includes an individual's

- a) name, social security number, date of birth, or government-issued identification number;
- b) mother's maiden name;
- c) unique biometric data including the individual's fingerprint, voice print, or retina or iris image;
- d) unique electronic identification number, address, or routing code; and
- e) telecommunication access device as defined by Section 32.51, Penal Code.

*Postings* – Content placed on TWDB's social media sites.

*Sensitive Personal Information* – There are two categories of Sensitive Personal Information defined in Texas Business and Commerce Code (TBCC) Chapter 521:

- a) an individual's first name or first initial and last name in combination with any one or more of the following items:
  - 1. social security number;
  - 2. driver's license number or government-issued identification number; or
  - 3. account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; or
- b) information that identifies an individual and relates to:

1. the physical or mental health or condition of the individual;
2. the provision of health care to the individual; or
3. payment for the provision of health care to the individual.

*Copyright Agent* –The TWDB Director of Communications serves as liaison on copyright policies and inquiries.

*Social Media* – A wide spectrum of user-driven content, technologies, or services provided via the Internet used to communicate and share information between people, especially affinity groups of people such as customers, constituents, or the general public; this includes TWDB-related and non-TWDB-related social media sites.

*TWDB's Social Media Sites* – TWDB's branded participation in various third-party social media sites built, owned, funded, or operated by a commercial enterprise or nonprofit consortium that is intended for widespread use in a variety of contexts by public users. Examples include, but are not limited to, Facebook, Twitter, YouTube, and blogs.

## Policy

TWDB's social media sites may include, but are not limited to, Facebook, Twitter, YouTube, Instagram, LinkedIn and blogs. These platforms are not intended to replace traditional communication channels, but enhance them, taking into account TWDB's mission and goals, communications capabilities, audiences, and technical capabilities.

## Scope

This policy applies to all public users of TWDB Social Media Sites. In 1 TAC Chapter 206, a state website is defined as a “website that is connected to the Internet and is owned, funded, or operated by or for a state agency or institution of higher education, including key public entry points.” A social media site developed and hosted by a third party is not within the scope of 1 TAC Chapter 206; however, external social media sites should adhere to the requirements of 1TAC Chapter 206 to the extent possible.

## Privacy

Only public information is permitted to be posted on TWDB's Social Media Sites. If communication that takes place on TWDB's social media sites involves or requires private information, communication will be redirected through other appropriate channels. Comments or information posted by the public on TWDB's social media sites become public record and are subject to public information requests.

TWDB is not responsible for content others post to TWDB's Social Media Sites. TWDB social media users who enter personally identifiable information do so at their own risk. TWDB may remove postings to TWDB social media sites that contain personally identifiable information as soon as practical upon discovery but is not responsible for the public display of such private information. TWDB and its employees are not liable for any damage caused by delays or failures in such removal.

## Linking

TWDB may make available social media applications and may publish social media content to TWDB's Social Media Sites. Links from TWDB-related websites or TWDB's social media sites to any other website do not constitute or imply TWDB endorsement of those sites, their content, or products and services associated with those sites.

Although third-party social media sites are not clearly defined as state websites, individuals linking to or from TWDB's social media sites are strongly encouraged to adhere to 1 TAC § 206.73 and Standards Review and Recommendation Publication 11 from the Department of Information Resources when constructing those links. TWDB complies with the state website linking and privacy policy. The TWDB encourages organizations that link to TWDB-related websites or TWDB's social media sites to also comply with that policy, especially regarding privacy rights of individuals, and to make reasonable efforts to provide accessible sites.

## Third-Party Website Policies and Terms of Service

Third-party social media sites have terms of service and policies that are not governed by TWDB or the State of Texas. The use of these social media sites are governed by the social media provider's own terms of service and policies and by any additional policies as set forth by TWDB. When in conflict, TWDB's policies will be the controlling policies. The terms of service for those third-party social media sites TWDB currently uses can be found here:

- [Facebook](#) and [Government Terms](#)
- [Twitter](#)
- [YouTube](#)
- [Instagram](#)
- [LinkedIn](#)

## Moderation of Third Party Content

All TWDB-hosted social media sites serve as limited public forums, and all content published will be monitored and moderated regularly during regular business hours (Monday–Friday, other than state holidays, from 8 a.m. to 5 p.m.). Comments that are posted after hours and on weekends or holidays will be reviewed as early as possible or the next business day. User-generated posts may be rejected or removed from TWDB's social media sites for any of the following reasons:

- If comments or posts are off-subject or out of context;
- If comments or posts are threatening, harassing, defamatory, or discriminatory;
- If comments or posts may be perceived as obscene;
- If comments or posts contain personally identifiable information or sensitive personal information;
- If comments or posts contain information that could be construed to compromise public safety;

- If comments or posts incite or promote violence or illegal activities;
- If comments or posts advertise or promote a commercial product, service, entity or individual;
- If comments or posts contain copyright infringing material;
- If comments or posts promote or endorse political campaigns, candidates, or issues; or
- If comments or posts are otherwise illegal or violate TWDB policies.

TWDB will monitor and moderate content on TWDB's social media sites within TWDB's sole discretion and will not be required to provide an explanation for removing content.

## **Intellectual Property Rights and Ownership**

TWDB respects the rights of all copyright holders, and therefore it has implemented this policy to provide for the removal of material that infringes on the rights of copyright holders. If you believe that your work has been presented in a way that constitutes copyright infringement, please provide the TWDB's Copyright Agent the following information required by the Online Copyright Infringement Liability Limitation Act of the Digital Millennium Copyright Act, 17 U.S.C. 512:

- A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
- Identification of the copyright work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;
- Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit TWDB to locate the material;
- Information reasonably sufficient to permit TWDB to contact the complaining party;
- A statement that the complaining party has a good-faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
- A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

TWDB assumes no responsibility for ensuring compliance with any copyright laws.

For copyright inquiries please contact the TWDB's Copyright Agent at [TWDBCommunications@twdb.texas.gov](mailto:TWDBCommunications@twdb.texas.gov).

## Accessibility

Third-party social media sites will be chosen and used in a manner that complies with 1 TAC Chapter 206 and 1 TAC Chapter 213. The following TWDB third-party social media providers offer accessible tools:

- Facebook – To accommodate TWDB users with disabilities, the Facebook mobile site is a suggested accessible alternative to the original TWDB Facebook page. Facebook provides accessibility information on its website at <http://www.facebook.com/help/accessibility>.
- Twitter – To accommodate TWDB users with disabilities, [www.accessibletwitter.com](http://www.accessibletwitter.com) is the suggested alternative access to the TWDB Twitter profile.
- YouTube – TWDB videos will be closed captioned.

Additional information about accessibility programs in Texas is available from the Governor's Committee on People with Disabilities at <http://www.governor.state.tx.us/disabilities>.

## References

- Texas Administrative Code, Title 1, Chapter 206
- Texas Administrative Code, Title 1, Chapter 213
- Texas Business and Commerce Code, Chapter 521
- Texas Government Code, Chapter 441, Subchapter L, 441.180–205
- Texas Government Code, 441.180 (11)
- Texas Government Code, 441.187
- Public Information Act, Government Code Chapter 552
- Copyright Act of 1976 (including the Digital Millennium Copyright Act)