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Understanding the Importance of Managing Social Media Records

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Understanding the Importance of Managing Social Media Records

Many local governments and state agencies are using social media to communicate with citizens and gather feedback. Agencies and governments must be aware that social media is also a records creation platform, and those records must be managed throughout their lifecycle, just like any other record.

For the purposes of this advisory, Social media is defined as any internet site or resource where the user helps determine content. A social media site allows its users to interact with the site's creator and with each other as contributors to the website's content, and social media tools are intended to facilitate interactive information sharing, interoperability, user-centered design, and collaboration. They include blogs, microblogs (Twitter), video sites (YouTube, Vimeo, TikTok), image sharing services (Flickr, Instagram, Snapchat), networking sites (Facebook, LinkedIn), and other interactive sites.

Knowing the Risks

It is important for governments to understand what is involved in using social media as a means of communicating and distributing information to their constituents. Using social media requires thoughtful consideration of access, resources, technology, records management, and security. Before signing up for social media, verify that using it will meet the government's business needs, evaluate the available options, and be aware of the challenges associated with the use of these tools, which include:

- Ownership and control of the information being distributed via a third-party service – who owns it and who has access to it
- Potential challenges complying with records management legal requirements, especially regarding the creation, retention, and disposition of records
- Increased system vulnerability to cyber attacks and viruses due to misuse of social media
- Segregating appropriate and inappropriate use by content creators (including internal staff and external contributors)

These guidelines are intended to help local governments and state agencies mitigate these and other risks associated with the use of social media.

Creating Content

When a government has identified the social media tools that will meet its business needs, the first step is to establish policies and procedures that define who is responsible within the government for developing and publishing content. Several models for managing the content and use of social media have emerged.

Model 1: Limited, controlled access. This model utilizes strict internal controls such as well-documented policies and procedures for developing, approving, and posting content. It also restricts the number of users who have the ability to post to or interact with the government's social media. Under this model governments typically only have one official account per social media platform. By implementing this model, the government sets up checks and balances that allows them to better manage their message, reduce the risk of the social media being used inappropriately, and allows them to have greater control over the records that are being created.

There are a number of third-party tools available (such as Hootsuite, Loomly, or SproutSocial) that enable multiple users to develop social media content while assigning one individual to review and approve it before it is posted. These tools provide solid internal controls that when deployed correctly can help to facilitate this model by centralizing all content development, restricting access to designated users only, allowing users to post to multiple social media sites from one application, and managing interactions with the public.

A disadvantage to these tools is that they may lack the ability to access a social media site being used, particularly if it is very new. There are often recurring financial costs associated with these tools in terms of monthly fees for continued access and technical support and users are reliant on the software developer to continue supporting the tool to ensure that it remains viable.

Model 2: Distributed control. Under this model, some of the strictures are removed allowing for more independence for individual government units. While still following established policies and procedures for creating, approving, and posting content as well as interacting with users, different departments or offices would have the ability to create and maintain content dedicated to their role. For example, in a school district each school would have the ability to run their own set of social media accounts highlighting their own news and events. In a limited, controlled model all information would be funneled through centralized district social media, instead. Much like the limited, controlled model, it is a well-defined set of policies and procedures and limited individual access that allow for its success.

Model 3: No internal controls. This model assumes that social media technologies are not meant to be controlled at all. Instead, organizations should "embrace the unexpected" and allow staff and users to have unmoderated use of social media sites, to enjoy the full benefits of the technology, and to ensure that social media deployment is a spontaneous, grassroots activity. This option can result in situations where organizations have little or incomplete knowledge on what is being said and shared on their behalf, where social media records are being created and who is creating them, and how they can be accessed so that they may be managed.

All of the above models are valid, depending on the needs and culture of the organization, although governments and agencies are especially reluctant to relinquish control and as a result tend to favor Models 1 and 2. A more centralized, controlled approach can help ensure appropriate use and facilitate compliance with records and legal requirements. Conversely, the model with the least amount of oversight has a higher level of risk of inappropriate use, lack of compliance, and accountability which are typically incompatible with the functions of government.

Appropriate Use by Internal Users

Governments should have written policies and procedures for use of social media that includes an appropriate use policy for staff. An appropriate use policy should:

- Specify who is responsible for posting content to social media sites where government information is shared, especially when responding to inquiries on the government's social media posts
- Emphasize that all staff, regardless of whether they contribute to official content, should be professional, civil, and in compliance with records, privacy and other applicable laws
- Mandate that staff indicate when they are speaking in an official capacity and when they are offering a personal opinion
- Require elected officials to separate content they post on behalf of their governments from content reflecting the interests of political campaigns or parties
- Establish guidelines for employee personal use of social media

It may be possible to expand or adapt existing policies for the appropriate use of the internet and email to cover the use of social media sites. A sample social media participation policy from Massachusetts can be found in the National Association of State Chief Information Officers' report Examining State Social Media Policies: Closing the Gaps [external link].

https://www.nascio.org/resource-center/resources/examining-state-social-media-policies-closing-the-gaps/

Public Comments

Social media sites provide the opportunity to provide public comments. However, there is the potential for a government or agency to be held liable for inappropriate public comments posted to its site. To minimize the risks associated with public comments, governments should post an appropriate use policy for comments as well as a disclaimer stating that the government or agency is not liable for the content of comments posted to the site by outside individuals or entities. However, the government owns this content and must manage it appropriately.

Before developing an appropriate use policy for public comments, governments should be aware that many social media tools have use policies that can be incorporated into their policies and consult with their legal counsel for guidance on how to keep conversations civil without violating free speech. It is imperative that the government actively enforces the policy, monitoring comments from the public daily—or more frequently, if necessary—and deleting comments that violate the stated terms for appropriate use.

The underlying tenets of an appropriate use policy for comments are like the principles that inform policies for the internal use of the internet (including social media sites) and email, and may include prohibitions against:

- Violent, obscene, profane, hateful, or racist comments
- Comments that threaten or defame any person or organization
- Solicitations, advertisements, or endorsements of any financial, commercial or non-governmental agency
- Comments that suggest or encourage illegal activity
- Multiple off-topic posts by a single user
- Repetitive posts copied and pasted by multiple users

Social Media, by definition, invites interaction. Taking these steps will enable a government to actively inform citizens, manage records appropriately, and help protect the government from risks and liability.

System Security

It is important that governments take care to protect their computer systems and that the use of social media doesn't undermine established policies and procedures for internet use and system security. One way to do this is to ensure that the use of social media is consistent with the policies established by the state Office of Information Technology Services.
https://its.ny.gov/policies?keyword=social%20media

Service Providers

Social media technologies are typically provided by third party companies that enable the use of their platforms through a generic "terms of service" agreement for all customers. It is important to know what terms are being offered and accepted—and the implications those terms have on managing government records—when establishing a relationship with a social media service provider. Some questions to ask include:

- Who owns and has access to the information posted?
- Where is the information stored?
- How can a government's data be withdrawn from the system, and in what format will it be received?

Some social media services offer special memberships with more options for customization than what the general public would use or need. For example, YouTube offers a membership option for government that allows customers to use their own banner, link back to their website, and post videos

longer than the standard ten-minute length. Service providers generally don't promote these alternatives prominently, so governments may have to be persistent when exploring your options.

Records Retention

Identifying and applying the appropriate retention periods to social media records is a critical step in managing them. In New York State, the New York State Archives establishes the retention periods for government records. Local governments utilize the Local Government Retention Schedule (LGS-1) and state agencies use a combination of the State General Schedule and Records Disposition Authorizations that are tailored to their unique responsibilities to determine how long records must be kept.

The records governments create on social media are not covered by any single retention schedule because records retention is determined by the content of the record and not the format. As a result, there are a variety of retention schedule items that can potentially be used for social media records.

Some examples include:

- A school district announced on their social media that they had hired a new superintendent. That information was not available anywhere else, so that post could be considered a press release. Press releases are covered by LGS-1 item #68 and the post could potentially have a permanent retention period associated with it.
- A town posted recordings of its monthly board meetings to their social media. These recordings are covered by LGS-1 item #51 and only need to be retained for four months after they're created once they've been transcribed or meeting minutes have been created.
- A state agency posted a copy of its Annual Report to their social media. The official copy of the Annual Report had been transferred to the State Archives. Because the copy of the website is a duplicate and is covered by State General Schedule item #90388, it can be destroyed when it is no longer needed.
- And as a final example, suppose a state agency posted a picture on their social media and a user commented with a request for more information. This could be considered an information request and is covered under State General Schedule item #90329. These requests have a retention period of six months after a response has been made.

Because social media utilizes a variety of formats and platforms, traditional records retention and disposition practices will need to be adapted when applied to social media content. Some basic guidelines for managing retention include:

- Determine if the social media contains a record. Records are any information-bearing document created in the course of government business, regardless of format. For the specific laws surrounding the definitions of records in New York State, please see sections 57.05 and 57.17 of the New York State Arts and Cultural Affairs Law.

- If it is a record, determine if it is the official copy of the record or if the information is duplicative of other records being created by the government. For the purposes of records management, only the official copy of a record is subject to the retention periods established in state agency and local government retention schedules and must be retained for the length of time established within them. Duplicate copies of the official record may be disposed of when no longer needed.
- Treat a site that functions as a form of content management (as in a blog that unites related information from diverse sources) as one discrete record, because extracting information based on the creator will destroy the integrity of the record.
- Examine the content of the record and determine whether it would be covered by an existing retention schedule.
- Manage emails and other communications sent or received via social media sites according to existing policies (if any) on email management. Governments may possibly equate email with correspondence for scheduling purposes.
- Create content that will not pose a risk if it is available on the internet indefinitely. Even if governments work to ensure that they are appropriately managing the retention of their social media records, there are times where they may not have absolute control over those records. For example: Information posted to social media may be captured and manipulated in ways not originally intended by external users.
- Because social media is ever-evolving, new types of records may be created and may not be in the State Archives' retention schedules. Please contact the State Archives with suggestions for new or revised retention schedules or schedule items as needed.

To download copies of the New York State Archives' records retention schedules, please visit our website: https://www.archives.nysed.gov/records/retention-schedules

Meeting Retention Requirements for Social Media Records

By law, governments must ensure that records are accessible and are retained for the duration of their retention periods. There are a few different ways this can be accomplished.

The retention of some social media content may prove relatively easy. For example, if a government is uploading videos to YouTube and has turned off the comments, it's possible to maintain the original file as the official copy and consider the copy on YouTube a duplicate. The retention period is applied to the original file. Likewise, if the government is simply reposting a press release to its social media, it may be possible to treat the social media posting as a duplicate and retain the original press release as the official copy. Realistically, however, most social media records will be more complicated to manage.

One way to manage the records is to periodically download a copy of the social media account to the governments servers and retain the file or files until they have passed their retention period. Many

social media services have built-in tools for extracting data from user accounts, and there are third party applications that can be acquired to assist in the download. This strategy is not without challenges as it requires governments to understand what tools are available to them and have the technical capability to download, maintain, and access the records for the duration of their retention period. Governments also need to ensure that they are capturing the information that they actually need to manage. For example, Twitter has a built-in tool to download user accounts, but only the user account information and tweets are captured. The interaction with other users is lost. Other tools such as social media scrapers (Octoparse, Dexi.io) primarily capture what's publicly visible on the internet, which may miss important metadata or restricted information. Other tools, (Archive-It, PageFreezer) and can also capture web pages associated with your social media.

Another option may be to utilize a cloud-based social media archiving tool that will capture your social media records and store them on their own servers. (ArchiveSocial, PageFreezer, Smarsh.) They provide their own suite of management tools to allow users to organize, view, and store their social media records, and typically can be used on a wide range of social media platforms.

All of these capture methods have advantages and disadvantages that can include cost, which social media tools and services they are designed for, system compatibility, format compatibility, the level of data that they are able to capture, and whether or not they support the retention and disposition of the records. When selecting one of these tools, remember to evaluate it like you would any other:

- Does the tool extract records from the social media platform your government is using and is it capable of capturing the information required?
- What format are the records extracted to and will it be possible to maintain them for the duration of their retention period? Does the tool have a means of managing the retention of the records built into it?
- How accessible are the records? Once extracted, can users find the records they need? Are they organized and formatted in a way that is manageable and searchable?
- If the government is purchasing a tool to use, is it compatible with their technical environment? Do they have the technical expertise to use and maintain it?
- If a cloud service is being engaged, what does the contract say about records ownership and access? How much are the fees to use the service and are there any additional storage or support costs? If the service is discontinued, how will the stored records be returned to the government and in what format?

Governments also need to examine how frequently governments will need to extract or capture their social media records. There are a number of variables to consider including:

- How frequently the content being posted and added to changes
- The quantity of the content being posted
- The stability of the networking site
- The strategy being employed to manage the records; and
- The functionality of the tools available for extracting the information from the site

For example, if a government chooses to use a scraper to capture content that's visible on the screen but the social media site "archives" posts after a certain period of time, the government may need to make sure that they are coordinating their captures within that window to ensure that they will be able to capture all of the records.

Finally, it's also critical to consider the need to document when information was posted to and removed from social media and whether or not the management strategy and chosen tools are adequate to do so. This information can be important in some instance for legal reasons. One example would be if governments chose to post legal notices on social media instead of publishing them in newspapers. Often there's a specific amount of time that they need to be accessible to the pub and the social media record needs to demonstrate that.

For More Information

There is a growing body of literature relating to the use of social media in government:

- For a particularly valuable resource on the effective implementation of social media, best models, and sample policies for government agencies at all levels, see the site Digital.gov.
- The Center for Technology in Government has published Designing Social Media Policy for Government: Eight Essential Elements
  https://www.ctg.albany.edu/publications/social_media_policy/
- The New York State Office of Information Technology has published policies related to the use of social media in governments.
  https://its.ny.gov/policies?keyword=social%20media
- The National Archives and Records Administration has published a whitepaper on Best Practices for Social Media Capture
  https://www.archives.gov/files/records-mgmt/resources/socialmediacapture.pdf

Social media is by its nature ever-changing, and it is incumbent on archivists and records managers to address the records management implications of these tools and technologies. Likewise, as it continues to evolve, the State Archives will continue to expand and enlarge these guidelines to address those developments.

Questions?

Contact the State Archives at:

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