



# Social Media Policy and guidance for making public comment online

<b>Policy No:</b>	DSSCorp-031
<b>Purpose:</b>	The Department of Social Services (the department) Social Media Policy outlines protocols for using social media to undertake official departmental business, and provides guidance for employees in their personal use of social media.
<b>Category:</b>	<b>Communications</b>
<b>Applicable to:</b>	This policy applies to all employees across all offices in the department.
<b>Relevant Authority:</b>	<a href="#">Australian Public Service Commission (APSC)</a> <a href="#">Public Service Act 1999</a> <a href="#">Work Health and Safety Act 2011</a>
<b>Related Documents:</b>	<a href="#">APS Code of Conduct</a> <a href="#">APS Values</a> <a href="#">Making public comment on social media: A guide for employees - APSC</a> <a href="#">Secretary's Procedures</a> <a href="#">Social Media Terms of Use</a> <a href="#">ICT Acceptable Use Policy</a> <a href="#">Bullying and Harassment Policy</a> <a href="#">Records Management Policy</a> <a href="#">Risk Management Framework</a> <a href="#">Web Accessibility</a>
<b>Policy Statement:</b>	The department is committed to ensuring employees understand the Social Media Policy and expectations of them when making public comment both in their professional and personal lives. This guide complements the official publication by the APSC. In instances where there is conflict or lack of clarity, the <a href="#">APSC guide</a> takes precedence.
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	January 2020: minor edits made following Workplace Consultative Forum consultation.
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# 1 Policy

The Social Media Policy outlines protocols for using social media to undertake official departmental business, and provides guidance for employees in their personal use of social media or making public comment online.

The policy provides advice to departmental employees on how to use social media, both in the course of their official duties, and as a private citizen. It has been developed to assist employees to be mindful of their obligations and responsibilities under relevant legislation, and within the department's and Australian Public Service guidelines.

The Social Media Policy applies to all departmental employees, including employees on secondment to the department, employees on leave, non-ongoing employees and contractors. Managers should ensure their employees are aware of and understand this policy.

This policy should be read in conjunction with the Australian Public Service Commission (APSC) publication [Making public comment on social media: A guide for APS employees](#) and the department's [Social Media Terms of Use](#).

## 2 Official use of social media

The same high standards of conduct and behaviour generally expected of public servants also apply when participating online through social media. Online participation should reflect and uphold the values, integrity and reputation of the department and the Australian Public Service.

Departmental employees are not authorised to speak on behalf of the department unless specifically authorised to do so in their role which is generally limited to staff in Communication Services Branch who manage the department's official social media accounts.

## 3 Personal use of social media and making public comment online

Departmental employees have the same right to freedom of expression as other members of the community, subject to a legitimate public interest in maintaining an impartial and effective public service. Public confidence in the integrity of public administration is protected by the APS Values and Code of Conduct.

The High Court has unanimously affirmed, in [Comcare v Banerji \[2019\] HCA 23](#) that the requirements of the Code of Conduct that APS employees must **at all times** behave in a way that upholds the APS Values and Employment Principles and the integrity and good reputation of the APS are constitutionally valid.

The Court affirmed that the APS Values are designed to maintain and protect an apolitical public service that is skilled and efficient in serving the national interest. While the Code contains provisions that effectively place a restriction on APS employees' implied freedom of political communication, this is for a legitimate purpose consistent with the system of representative and responsible government in the Constitution. The Court observed that there was no reason why anonymous online comments could not result in a breach of the Code of Conduct or damage the reputation of the APS.

The department respects the right of employees to participate in political, advocacy, and community activities. In doing so, however, employees must behave in a way that does not seriously call into question their capacity to act apolitically and impartially in their work. It is also important that the reputation of the department is not placed at risk by comments that our employees make.

Employees should be aware that content published online and on social media is, or may become publicly available, even from personal social media accounts. We expect you to take reasonable steps to ensure that any social media use or public comment you make, including online, falls within the following parameters.

Employees must ensure they:

- don't use a work email address to register personal social media accounts
- don't make comments that are unlawful, obscene, defamatory, threatening, harassing, discriminatory or hateful to, or about work, colleagues, peers or the APS
- don't make comments that are, or could be perceived to be:
  - made on behalf of the department or the government, rather than an expression of a personal view
  - compromising their capacity to fulfil duties as an APS employee in an impartial and unbiased manner. This applies particularly where comment is made about the department's policies, programs and services
  - so harsh or extreme in its criticism of the government, a Member of Parliament from any political party, or their respective policies, that the employee is no longer able to work professionally, efficiently or impartially
  - critical of departmental officers or figures in the department
  - critical of the department's clients or other stakeholders
  - a gratuitous personal attack that is connected with their employment
  - prejudicial to the integrity or good reputation of the department or the APS
  - compromising public confidence in the department or the APS
- are mindful that their behaviour is bound by the APS Values and Code of Conduct and the department's ICT Code of Conduct at all times, even outside work hours and when material is posted anonymously or using an alias or pseudonym
- make clear that any views expressed are their own, and not those of the department. However, this will not necessarily protect them from breaching the code. If an employee can be identified as working for the department and they criticise the government, a Minister or a departmental policy, it's reasonable for people to question their impartiality and ability to do their job effectively.

When considering making personal comments, employees should reflect on the following questions:

- could your comments cause the department's clients or other stakeholders to lose confidence in your ability to work in an impartial and professional manner?
- are your comments consistent with how the community expects the public service to operate and behave?
- could your comments lower or undermine the reputation of the department or the APS?
- are your comments lawful? For example, do they comply with anti-discrimination legislation and laws relating to defamation?
- would you be comfortable if your manager read your comments?
- what if someone takes a screenshot of your comments and then circulates these around?

### 3.1 Staying safe

The APSC has published some [general Do's and Don'ts](#) when making public comment and engaging online. Employees should always exercise discretion and judgment when making public comment or participating online. Generally, if in doubt employees should seek advice from their supervisor or email [communications@dss.gov.au](mailto:communications@dss.gov.au) before taking any action.

### 3.2 The Internet is forever

Content published on the internet can remain public indefinitely. Content can also be replicated and shared beyond the original intended audience who may view it out of context or use it for an unintended purpose. For example, private messages or posts can be saved, screenshot, and made public – with little potential for recourse. It is important to be aware that according to the terms and conditions of some third-party sites, the content published is the property of the site where it is posted and may be re-used in ways that were not intended.

Before posting to a social media site it is important for users to understand the tool/platform, read the terms of service and user guides, and look through existing content to get an idea of the posting etiquette and any cultural and behavioural rules or protocols associated with that social media platform.

Do not rely on a social media site's default or adjustable security settings as any guarantee of privacy. Even if employees do not identify themselves online as a departmental or APS employee, they could be identified as one by other people. Posts can be traced back to individual employees and they can be identified as an employee of the department even if they were posted anonymously or using a pseudonym.

## 4 Access to social media at work

### 4.1 Responsibilities

Access to social media sites (e.g. Facebook and Twitter) on the department's ICT resources is provided to employees on the condition that they abide by the department's ICT Code of Conduct. Personal use is permitted, however use of the department's ICT resources for private purposes must be undertaken in accordance with the ICT Code of Conduct.

## 4.2 Accessibility

The department is committed to social inclusion and provides support for people with disability. In 2011, [Media Access Australia](#) undertook research to determine how the accessibility issues found in each of the most popular social media tools can be overcome. Users with disabilities contributed advice on how to overcome inaccessible features. Full report: [Sociability: social media for people with a disability](#).

Where possible, content on official departmental social media accounts should also be made available in an alternative accessible format. This alternative may be represented on the department's internet sites, however given the online interaction inherent in social media, it may also be appropriate to refer individuals to telephone or face-to-face channels.

## 4.3 Recordkeeping

Information that provides evidence of business activity or decision is a public record. All departmental employees have an obligation to ensure that key decisions and events are recorded in a way that captures the important features of a discussion or decision, presents a faithful and accurate account and can be easily retrieved when needed.

Social media platforms are often provided by third-party providers and are not official recordkeeping systems. In managing content in departmental social media accounts, you must keep records in accordance with the [Recordkeeping Policy](#), ensuring appropriate records are created and captured for all the business functions, activities and transactions.

Employees are required to appropriately classify and store information as set out in the department's [Records Management Policy](#).

## 4.4 Privacy

Personal information about individuals cannot be provided to third-parties without their consent. The email address of your colleagues or stakeholders and other identifiable information must be treated with discretion and care. Employees must not upload contact details from departmental (Outlook) contacts when using, or prompted by external social networking sites.

# 5 Sanctions for non-compliance

As a member of the Australian Public Service your behaviour, both in and out of the workplace, must be consistent with the [APS Values](#) and the [APS Code of Conduct](#) and the department's [ICT Acceptable Use policy](#).

A failure to comply with this Policy may constitute a breach of the APS Code of Conduct. Examples of failure to adhere to the Code of Conduct in a social media setting include, but are not limited to:

- making derogatory or obscene posts about a manager or colleague on a social networking site
- criticising the department, its policies or individuals in a way that brings the department or the APS into disrepute
- posting derogatory comments or images about welfare recipients from a personal account
- disclosing non-publicly available information about income payments in a blog post.

A suspected breach of the Code may be investigated under the [Secretary's Procedures](#) for Determining Breaches of the Code of Conduct and for Determining Sanction (the Secretary's Procedures) to determine whether an employee has breached the Code and for determining sanction. These procedures are established under subsection 15(3) of the *Public Service Act 1999* (the Act). If an employee is found to have breached the APS Code of Conduct, the Secretary (or delegate) may determine that it is appropriate to impose sanctions. Section 15(1) of the Act provides for the following sanctions:

- termination of employment
- reduction in classification
- reassignment of duties
- reduction in salary
- deductions from salary, by way of fine
- reprimand.

## 6 Frequently asked questions

Please also refer to the Frequently Asked Questions published in the [Making public comment on social media: A guide for employees – APSC document](#).

## 7 More information

If you require assistance in interpreting any part of this policy, or would like to investigate the use of social media for your business area, please contact your [Communication Account Manager](#) or email [communications@dss.gov.au](mailto:communications@dss.gov.au).