

**BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL**

<b>From: Joint Monitoring Officer</b>	<b>Report Number: L151</b>
<b>To: Babergh &amp; Mid Suffolk Joint Standards Committee</b>	<b>Date of meeting: 17 February 2012</b>

**GUIDANCE TO COUNCILLORS ON BLOGGING**

**1. Purpose of Report**

- 1.1 To consider the issue of guidance to councillors on the use of online media from a member conduct perspective.

**2. Recommendations**

- 2.1 That the guidance note at Appendix 1 on the use of online media be adopted and circulated to all members of the Councils.

The Joint Committee is able to resolve this matter

**3. Financial Implications**

- 3.1 None directly arising from this report.

**4. Risk Management**

- 4.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Councillors breach the Code of Conduct &/or incur legal liability for contravention of the law	Low	Critical	Provision of advice to deter problems arising

**5. Consultations**

- 5.1 None.

**6. Equality Analysis**

- 6.1 Not relevant to this report

**7. Shared Service / Partnership Implications**

- 7.1 It is recommended that the guidance be issued across both Councils.

## **8. Key Information**

- 8.1 'Blogs' and social networking sites are increasingly being used by councillors and the draft guidance note at Appendix 1 seeks to highlight some of the risks that councillors may be exposed to in using such media and provide some tips to avoid pitfalls.
- 8.2 Particular risks arise from libel claims if a councillor publishes an untrue statement about a person which is damaging to their reputation. This could also arise by allowing someone else to publish something libellous on the councillor's website and knowing it is there, the councillor fails to take prompt action to remove it. It can also be easy to breach copyright by publishing material without ensuring that permission has been obtained in advance. A successful libel claim or breach of copyright may result in an award of damages against a councillor.
- 8.3 Other risks arise from breaching the Data Protection Act 1998 by publishing personal data without consent. This could give rise to criminal liability and payment of damages. Criminal liability can also arise from publishing obscene material.
- 8.4 Care is also needed to ensure that photographs, especially those with children, have consent of the parents and anyone else featured.
- 8.5 Aside from potential legal liability, the Code of Conduct may apply under the new regime dependant upon the nature of the blog and whether the councillor is deemed to be acting as a member of the Council.

## **9. Appendices**

- 9.1 Draft Guide to Blogging & Social Network Sites.

## **10. Background Documents**

Standards For England Blogging Quick Guide.

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## **Joint Standards Committee Advice Note** **'Blogging' & Social Network Sites**

This note is issued as general guidance to Councillors on the use of blogging and social network sites.

Blogging and social networking are effective methods for Councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally access local Councillors and politics.

The Council's Code of Conduct will apply when you are acting in your capacity as a member of the Council and this sets down the general standards of conduct expected of you.

You should also bear in mind and observe the Seven Principles of Public Life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

To ensure that your use of online media is appropriate, the Joint Standards Committee suggests the following general tips:-

- set appropriate privacy settings for your blog or networking site, especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them promptly
- correct misleading or misplaced views as soon as possible to avoid the perception that you condone such views
- use the option to pre-moderate comments to provide some control over abusive or defamatory remarks
- make political points, but be careful not to be too specific or personal if referring to individuals
- general comments about another political party or genuine political expression are less likely to be disrespectful than comments directed towards or about an individual
- ensure that you have consent to use any photographs including those of the subject
- do not use images or text from a copyrighted source without permission – if you are unsure do not use them
- do not publish personal data about individuals unless you have their express written permission
- ensure you use council facilities appropriately and in accordance with the Council's ICT Policy
- be aware that if you publish information that you have received as a Councillor, it is more likely that you will be viewed as acting as a member of the Council
- do not make statements that you would not make in a Council meeting that is open to the public
- if you are involved in determining applications, avoid publishing anything that suggests you do not have an open mind.

If you need a further information or advice on any of issues mentioned above then please contact either of the following officers:-

Kathryn Saward, Monitoring Officer - (01473) 825729 or (01449) 724679  
Jonathan Reed, Deputy Monitoring Officer – (01449) 724677

*Adopted by the Standards Committee [date]*