



**GOVERNMENT**  
**ETHICS AND**  
**THE USE OF**  
**SOCIAL**  
**MEDIA\***

**Office of Government Ethics Conference**  
**Orlando, Florida**  
**September 2011**

*\* DISCLAIMER: Reference to any commercial products or services in this presentation is not an endorsement or Government sanction of those non-Federal entities, its services or products.*

# **AGENCY ETHICS CONSIDERATIONS FOR ENGAGING WITH SOCIAL MEDIA**

**PART I**

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# **WHAT IS SOCIAL MEDIA?**

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- ❖ **Anything online other than static content where the provider posts and the viewer absorbs.**

# WHY?

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- ❖ **Mission, mission, mission**
  - ❖ So keep using older tools, too
- ❖ **It's where the people are**
  - ❖ 200,000,000 daily Tweets.
  - ❖ 750,000,000 active Facebook users
- ❖ **It's where people are talking about us**
- ❖ **It's what the President wants:  
collaborative, transparent, participatory  
government**

# WHAT (TOOLS)?

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## Examples of Social Media

- ❖ Mobile web/Mobile Apps
- ❖ Blogs
- ❖ Social networking
- ❖ Widgets
- ❖ Wikis
- ❖ Video/photo sharing
- ❖ Podcasting
- ❖ RSS
- ❖ Mashups
- ❖ Webinars



# BLOG



## Question of the Week: How do you protect children from mercury?

Posted on October 5th, 2009 - 10:30 AM

Exposure to mercury can result from misuse or overuse of mercury-containing products. Even something that seems as small as a broken thermometer needs to be [cleaned up and disposed of properly](#). [October is Children's Health Month](#).



### How do you protect children from mercury?

*Each week we ask a question related to the environment. Please let us know your thoughts as comments. Feel free to respond to earlier comments or post new ideas. [Previous questions](#).*

Join Greenversations. Read the [comment policy](#), [leave a comment](#).  
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Comments submitted after hours or on weekends will be posted as early as possible the next business day.

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 [Question of the Week](#)

# TWITTER

FEMA (fema) on Twitter - Windows Internet Explorer


http://twitter.com/FEMA

File Edit View Favorites Tools Help

Facebook | Federal Emergen... FEMA (fema) on Twitter

twitter

Have an account? [Sign in](#)

 **FEMA**

FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards.


[www.fema.gov](http://www.fema.gov)

**Get short, timely messages from FEMA.**

Twitter is a rich source of instantly updated information. It's easy to stay updated on an incredibly wide variety of topics. **Join today** and **follow @fema**.

[Sign Up >](#)

Get updates via SMS by texting **follow fema** to **40404** in the United States  
Codes for other countries

 **fema**  
FEMA

**Verified Account**

Name FEMA  
Location Washington, DC  
Web <http://www.fema.gov>  
Bio This channel provides FEMA mission-related information. For emergencies, call your local fire/EMS/police or 9-1-1.

278 following 21,019 followers 1,658 listed

Tweets 3,993

Favorites

Lists  
[@fema/state-em-offices](#)  
View all

Following

See what it's like to work for FEMA and watch stories from current employees at our careers page: <http://go.usa.gov/abE>  
about 2 hours ago via HootSuite

Prepared yet? [www.ready.gov](http://www.ready.gov) // RT @okem More than 12 counties felt a 4.3 magnitude earthquake that occurred near Norman, OK  
about 2 hours ago via HootSuite

Después de un desastre, ayudamos a sobrevivientes respondiendo a sus preguntas antes de que las hagan  
<http://bit.ly/aEEC9K>  
3 minutes ago via HootSuite

After a disaster, we're putting survivors at ease by answering their questions even before they are asked: <http://bit.ly/aEEC9K>  
8 minutes ago via HootSuite

View all..

# FACEBOOK (FAN)

Department of Defense (DoD) | Facebook - Windows Internet Explorer

http://www.facebook.com/DeptofDefense?ref=mf

File Edit View Favorites Tools Help

Department of Defense (DoD) | Facebook

facebook

Keep me logged in Forgot your password?

peperino@aol.com Password Login

**Sign Up** Department of Defense (DoD) is on Facebook  
Sign up for Facebook to connect with Department of Defense (DoD).

**Department of Defense (DoD)**

Wall Info Live RSS/Blog Discussions Notes

Filters

RECENT ACTIVITY

- Department of Defense (DoD) discussed WHAT ABOUT on the Department of Defense (DoD) discussion board.
- Department of Defense (DoD) discussed ROMANIAN LANGUAGE AGAIN on the Department of Defense (DoD) discussion board.
- 4 more similar stories

**Department of Defense (DoD)** <http://www.defense.gov/releases/release.aspx?releaseid=13354>

 **Defense.gov News Release: Pentagon Statement on Metro Entrance Shooting**  
www.defense.gov  
A shooting incident has occurred at the Pentagon Metro Entrance this evening at approximately 6:40 p.m. EST. Two Pentagon Force Protection Agency (PFPA) officers were injured when an unknown ...

March 5 at 5:45am · Comment · Like

Giorgio, Satya, Ivan and 19 others like this.

View all 40 comments

**Department of Defense (DoD)** <http://socialmedia.defense.gov/index.php>

UNITED STATES DEPARTMENT OF DEFENSE  
www.defense.gov

If you're looking for the official source of information about the Department of Defense, please visit our homepage at <http://www.defense.gov>

User Agreement:  
[http://www.ourmilitary.mil/user\\_agreement.shtml](http://www.ourmilitary.mil/user_agreement.shtml)

Fan page only

No advertising



# LINKEDIN

The screenshot shows a Windows Internet Explorer browser window displaying the LinkedIn group page for the White House. The browser's address bar shows the URL: [http://www.linkedin.com/groups/White-House-2199632?gid=2199632&trk=hb\\_side\\_g](http://www.linkedin.com/groups/White-House-2199632?gid=2199632&trk=hb_side_g). The page header includes the LinkedIn logo, the user's name 'Jodi Cramer', and navigation links for Home, Profile, Contacts, Groups, Jobs, Inbox, Companies, News, and More. The group name 'White House' is prominently displayed, along with tabs for Discussions, Members, Search, and More... A search bar is also present.

The main content area features a discussion prompt: 'Start a discussion or share something with the group...'. Below this, there is a 'What's Happening' section with a 'NEW' badge. A recent update from 'whitehouse.gov' is highlighted, titled 'President Obama to Travel to the Midwest on a Three-Day Economic Bus...'. The update includes a description: 'WhiteHouse.gov is the official web site for the White House and...' and interaction buttons for Like, Comment, and Flag.

Below the update, the 'Most Popular Discussions' section is visible. A discussion titled 'Economy Grows at Sluggish 1.3%; Consumers Pull Back' by Debra is featured, with a snippet of the text: 'The U.S. economy grew less than expected in the second quarter as consumer spending barely rose, and growth braked sharply in the prior...'. Another discussion by David Bisenius is also shown, with a snippet: 'An average of 43.3 million people, more than an eighth of the population, will get food stamps each month in the year that began last...'. A 'See all 667 comments' link is provided for the Debra discussion.

On the right side of the page, there are several sidebars. The 'Manager's Choice' section features a post by Kori Schulman titled 'Myths and Facts About the Debt-Ceiling Compromise'. The 'Updates: Last 7 Days' section lists several updates, including one by Kris Ramabadran and 5 more on 'What are Your Questions for the President's Council on Jobs and Competitiveness?' and another by David Bisenius and 4 more on 'Economy Grows at Sluggish 1.3%; Consumers Pull Back'. A notification states '8 people have joined the group, including Ward Strosser, Yael Lehmann and John Stappers'. A 'See all updates' link is provided.

The 'Top Influencers This Week' section lists Debra Jones as the top influencer.

# YOUTUBE

The screenshot shows a Windows Internet Explorer browser window displaying the FEMA YouTube channel. The address bar shows the URL <http://www.youtube.com/fema>. The browser's menu bar includes File, Edit, View, Favorites, Tools, and Help. The toolbar contains various icons for navigation and utility, including a search bar with the Google logo, a bookmarks dropdown, and a settings dropdown. The channel header features the FEMA logo (U.S. Department of Homeland Security) and the text "FEMA Prepared Responsive Committed". Below the header are navigation links for Videos, Playlists, Groups, and Friends. The channel description includes the text "The Federal Emergency Management Agency" and "Edit Channel". A small image of a FEMA director is shown with the following statistics: "FEMA", "Joined: March 04, 2006", "Last Sign In: 1 day ago", "Subscribers: 28", and "Channel Views: 2,440". The main content area displays a video titled "Robertson Stadium Houston, TX" showing a large crowd of people gathered outside the stadium.

YouTube - FEMA's Channel - Windows Internet Explorer

<http://www.youtube.com/fema>

File Edit View Favorites Tools Help

Google G Go Bookmarks 17 blocked Check AutoLink AutoFill Send to Settings

YouTube - FEMA's Channel

**FEMA** Prepared Responsive Committed

[Videos](#) | [Playlists](#) | [Groups](#) | [Friends](#)

**The Federal Emergency Management Agency** [Edit Channel](#)

**FEMA**  
Joined: **March 04, 2006**  
Last Sign In: **1 day ago**  
Subscribers: **28**  
Channel Views: **2,440**

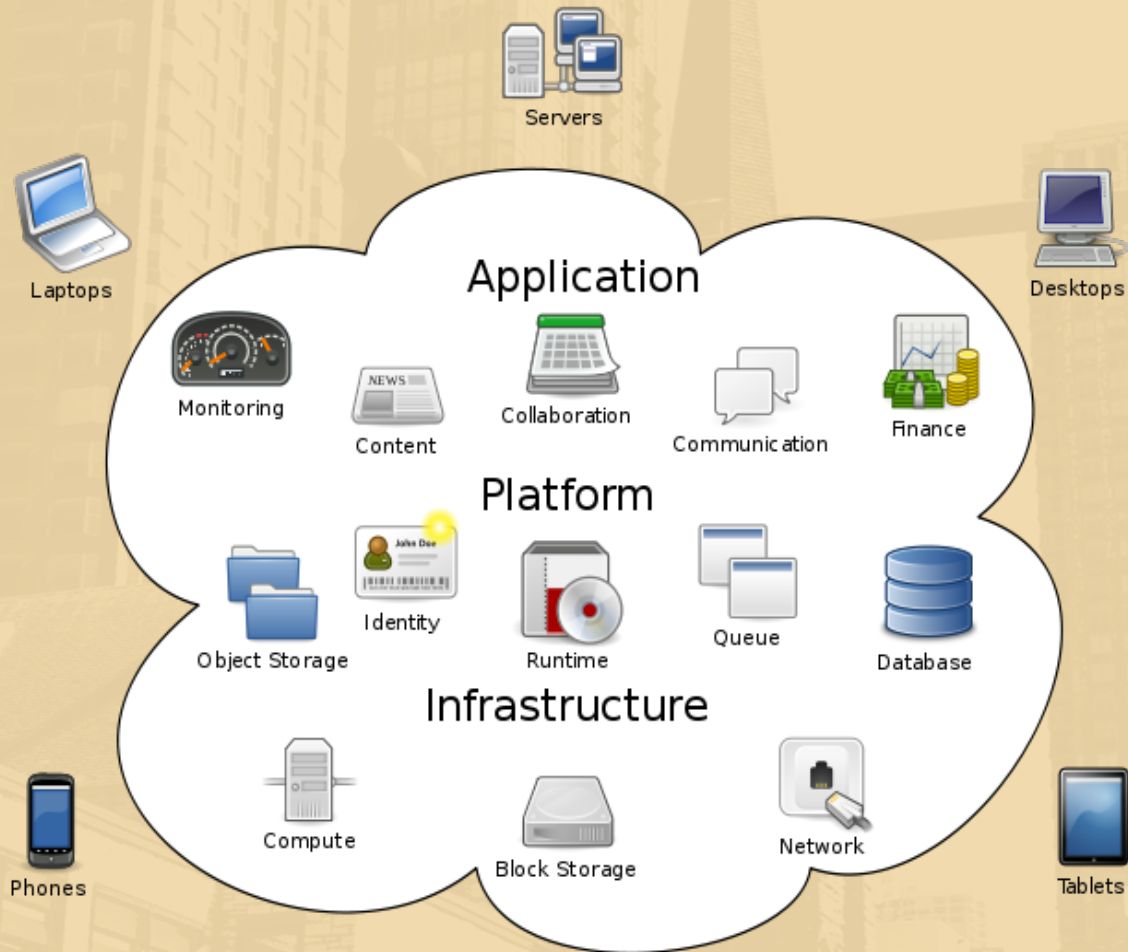
**DIRECTOR**

DISASTER. It strikes anytime, anywhere. It takes many forms -- a hurricane, an earthquake, a tornado, a flood, a fire or a hazardous spill, an act of nature or an act of terrorism. It builds over days or weeks, or hits suddenly, without warning. Every year, millions of Americans face disaster, and its terrifying consequences.

On March 1, 2003, the Federal Emergency Management Agency (FEMA) became part of the U.S. Department of Homeland Security (DHS). The primary mission of the Federal Emergency

Robertson Stadium  
Houston, TX

# CLOUD



## Cloud Computing

Image created by Sam Johnston

# MOBILE

FEMA: Mobile - Windows Internet Explorer

http://m.fema.gov/

File Edit View Favorites Tools Help

Facebook | Federal Emergen... FEMA: Mobile

**FEMA** [Español](#)

We're monitoring Hurricane Paula - tropical storm watch for parts of southern Florida. Know what to do [before, during and after a hurricane](#).

Be prepared, check your local weather forecast at [mobile.weather.gov](#) or [hurricanes.gov/mobile](#).

**How can I find assistance after a disaster?**

- [Apply Online for FEMA Assistance](#) or Apply/Check your status by phone [1-800-621-3362](#)
- [What do I need to file a claim for federal assistance?](#)
- [Where can I get assistance?](#)
- [How do I keep my family safe?](#)
- [How can I help others?](#)

**What should I do in a disaster?**

- [Hurricanes](#)
- [Floods](#)
- [Tornadoes](#)
- [Earthquakes](#)
- [Terrorism](#)
- [Thunderstorm](#)
- [Tsunami](#)
- [Wildfires](#)
- [Winter Storms](#)

**[How do I return home safely?](#)**

U.S. Department of Homeland Security |  
Federal Emergency Management Agency

[www.fema.gov \(full site\)](#)



# **ETHICS ISSUES IN IMPLEMENTATION**

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## **How do you meet the spirit of the law?**

- ✘ Decision-maker's personal conflicts of interest (18 USC 208; 5 CFR 2635.502)
- ✘ Impartiality in selecting social media tool
- ✘ Terms of Service raise Misuse of Govt Equipment/Resources concerns
- ✘ Preferential Treatment – Improper endorsement or sanction(?)

# ETHICS ISSUES IN IMPLEMENTATION

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## Considerations for .gov or .mil websites:

- ✘ Only include external links that are necessary!
- ✘ Create a dedicated agency social media page.
- ✘ Agency Branding?
- ✘ Include a goodbye page when linking to a non-Federal website.
- ✘ Provide as many share tools as possible.

# **OTHER TIPS/PITFALLS**

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- ❖ **Terms of Service Agreement**
  - ❖ Indemnification
  - ❖ Confidentiality
  - ❖ Choice of Laws
  - ❖ Persistent Cookies
- ❖ **Beware of use of Agency name/seals**
- ❖ **Use disclaimers/bumpers**



# **OTHER TIPS/PITFALLS**

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## **❖ Coordinate early and often**

- ❖ Get all impacted parties together to coordinate
- ❖ Identify concerns
- ❖ Determine plan for implementation/deployment

## **❖ Create clear policies**

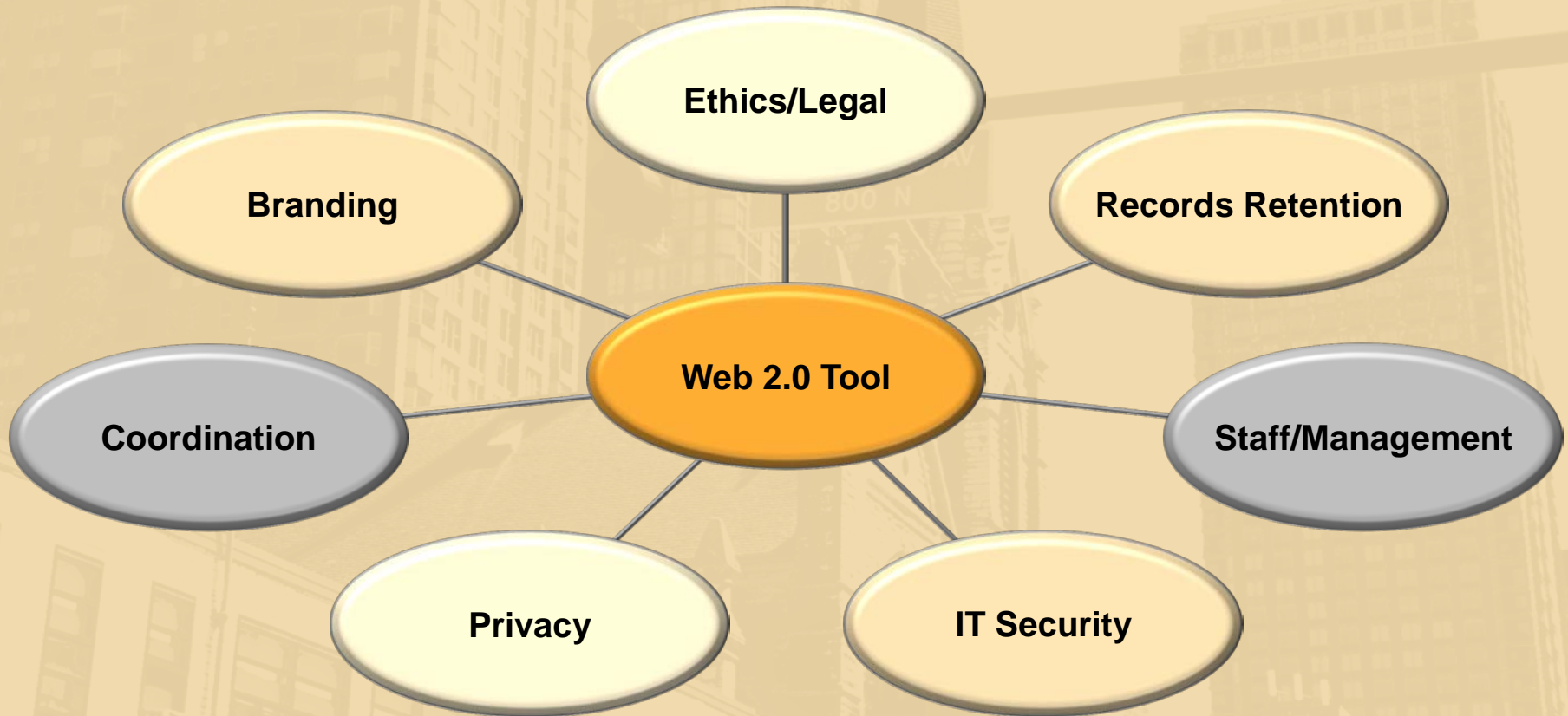
- ❖ Who speaks for the agency
- ❖ What comments will be removed

## **❖ Consider developing employee training**



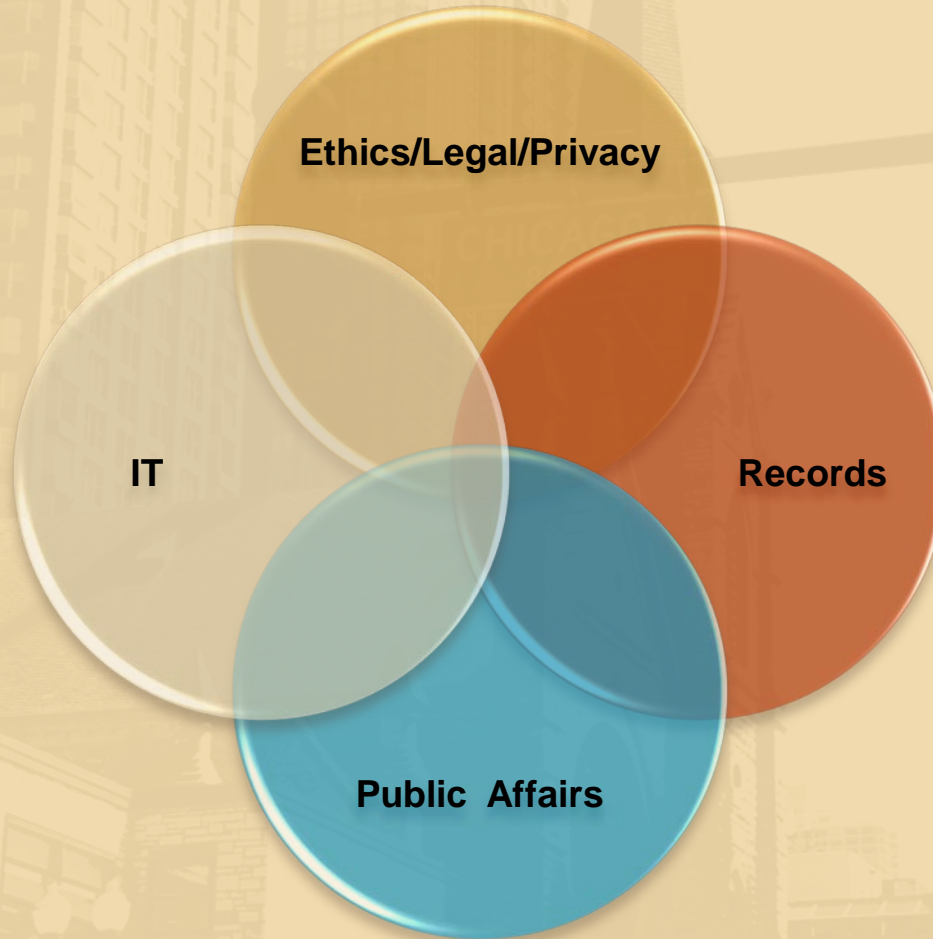
# OTHER TIPS/PITFALLS

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# COORDINATION IS KEY

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## **DEALING WITH WEB 2.0 ISSUES:**

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- 1. Identify the areas where you need a point of contact.**
- 2. Establish a working group that includes those POCs.**
- 3. Make sure the POCs use the technology before signing off on any web 2.0 technology**
  - ❖ Set up a personal account and play with the applications.
- 4. Identify the issues and develop solutions**
  - ❖ The law does not address this type of technology; agencies should act in the “spirit” of the law.
  - ❖ Be creative in your solutions – think outside of the



## **DEALING WITH WEB 2.0 ISSUES: (CONT'D)**

- 5. Make sure the POCs use the technology before signing off on any web 2.0 technology**
  - ❖ Set up a personal account and play with the applications.
- 6. Identify the issues and develop solutions**
  - ❖ The law does not address this type of technology; agencies should act in the “spirit” of the law.
  - ❖ Be creative in your solutions – think outside of the box.



# ETHICS CONSIDERATIONS FOR SOCIAL MEDIA USERS:

## *Personal vs. Official*

### PART II

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# **ETHICS ISSUES**

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## **OFFICIAL USE**

- ❖ **Must be Acting in an Official Capacity:**
  - ❖ Authorized to speak for the Agency.
  - ❖ Identified as an Agency Official & Representative.
  - ❖ Releasing only Authorized Information.

# **ETHICS ISSUES**

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## **OFFICIAL USE**

- × Conflict of Interest (18 USC 208)**
- × Impartiality (5 CFR 2635.502)**
- × No fundraising (5 CFR 2635.808)**
- × Acceptance of gifts only with Agency specific authority.**
- × No solicitation of gifts.**

# **ETHICS ISSUES**

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## **OFFICIAL USE**

- × Misuse of Position (5 CFR 2635.702-705)**
  - + No use of public office for private gain
  - + No improper endorsements or implied Govt sanction
  - + Misuse of Government resources – property/time
  - + No unauthorized disclosure of non-public information



# **ETHICS ISSUES**

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## **OFFICIAL USE**

- ❖ **No fundraising (5 CFR 2635.808)**
- ❖ **No solicitation of gifts**
- ❖ **Acceptance of gifts only with Agency specific authority.**

# **ETHICS ISSUES**

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## **PERSONAL CAPACITY**

- ❖ **Acting in A Personal Capacity:**
  - ❖ Using a personal account.
    - ❖ Beware of mixed official/personal accounts.
  - ❖ Not on Government time/equipment.
    - ❖ Limited personal use exception.
    - ❖ Agency Policy(?)
  - ❖ Expressing a personal opinion or speaking as a private citizen.
  - ❖ Not discussing non-public government

# **ETHICS ISSUES**

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## **PERSONAL CAPACITY**

### **❖ Examples:**

- ❖ Personal Blogs
- ❖ Social Network postings
- ❖ Profession Network postings
- ❖ Comments on other social media postings
  
- ❖ Beware of activities that relate to official duties

# **ETHICS ISSUES**

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## **PERSONAL USE**

- ❖ **Prohibition against assisting in the prosecution of claims against the Government or acting as an agent or attorney before the Government (18 U.S.C. §§ 203 and 205)**



# **ETHICS ISSUES**

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## **PERSONAL USE**

- ❖ **Outside employment or activity cannot conflict with employee's official duties (5 C.F.R. §2635.802) .**
- ❖ **Prior approval to engage in outside employment or activities (5 C.F.R. § 2635.803) Check for agency supplemental rules requiring prior approval. E.g., 5 C.F.R. 6401.103 (EPA); 5 C.F.R. 3601.107 (DoD)**

# **ETHICS ISSUES**

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## **PERSONAL USE**

- ❖ **Compensation for teaching, speaking, or writing – With certain exceptions, employees generally shall not receive compensation from any source other than Government for teaching, speaking, or writing that relates to the employees' official duties. (5 C.F.R. 2635.807(a))**

# **ETHICS ISSUES**

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## **PERSONAL USE**

- ❖ **Reference to official position (5 C.F.R. 2635.807(b)(1)).**
  - ❖ Applies to outside employment and outside activities (5 C.F.R. 2635.807(b)). *See also OGE Advisory Opinion 10 x 1.*
  - ❖ Check for Agency supplemental rules
- ❖ **Fundraising in a personal capacity (5 C.F.R. 2635.808(c)).**



# **ETHICS ISSUES**

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## **PERSONAL USE**

- ❖ **Release of non-public information (5 C.F.R. 2635.703) - Pickering v. Board of Education of Township High School District 205, Will County, 391 U.S. 563 (1968).**
- ❖ **Misuse of Government time/equipment (5 C.F.R. 2635.704-705).**



# OTHER TIPS/PITFALLS

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## LEGAL CONSIDERATIONS

- ❖ **1<sup>st</sup> Amendment – Right to Free Speech**
- ❖ **Anti-Lobbying Act**
- ❖ **Hatch Act – Partisan Political Activities Restrictions**

# OTHER TIPS/PITFALLS

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## ❖ **Cyber Security:**

- ❖ Social Engineering
- ❖ Hacking of personal accounts

## ❖ **Responding to Comments:**

- ❖ Avoid identifying Agency where they work (esp. to bolster position)
- ❖ Do not discuss non-public information
- ❖ May link to public information

## **CONSIDERATIONS FOR POLICY DEVELOPMENT:**

- ❖ **Require official users to identify themselves as official users.**
  - ❖ Use the Agency name on the account.
- ❖ **Require users in their personal capacity to identify themselves as Agency employees when discussing Agency public information and to link to official Agency material.**



## **CONSIDERATIONS FOR POLICY DEVELOPMENT:**

- ❖ **Prohibit employees from using their government e-mail to sign up for social media sites.**
  - ❖ Including sending invitations to social media sites to government e-mail addresses.
- ❖ **Limited use of government time/equipment for social media sites.**
  - ❖ Investigation of abuse of government time/equipment.



# HOW SHOULD AGENCIES DEAL WITH WEB 2.0

## GUIDANCE:

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- ❖ **Develop policy**
- ❖ **Provide guidance to employees on how to use social media safely.**
  - ❖ Cyber security issues
  - ❖ How to respond to comments made about the Agency.

# OTHER TIPS/PITFALLS

## LEGAL CONSIDERATIONS

- ❖ **Anti-Lobbying Act**
- ❖ **Hatch Act**
- ❖ **Privacy Act/FOIA**
- ❖ **FACA**
- ❖ **Records Management**  
... etc.

# **CONTACT INFORMATION**

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(415) 972-3876 [jawgiel.steven@epa.gov]**