

Kentucky Department for Libraries and Archives

Guidelines for Managing Social Media Records in Kentucky Government

These guidelines provide general recommendations and best practices for records management of social media records created by state and local government agencies in Kentucky. Government agencies using social media are creating public records that must be managed in compliance with the Kentucky Public Records Law and applicable records retention schedules. Agencies should follow the [CIO-061-Social Media Policy](#) for guidelines on acceptable use of social media, and these guidelines for records management of social media records.

Definition and Understandings

Social media refers to the various activities integrating web technology, social interaction, and user-generated content. Social media includes blogs, wikis, microblogs (Twitter), social networks (Facebook), photo libraries (Flickr, Instagram), location-based services (Foursquare), and video sharing sites (YouTube, Vimeo).¹ Agencies use social media both internally and externally to share information, support business processes and connect people to government. Social media allows individuals to collaborate, create, organize, edit, comment on, and share content, resulting in the creation of public records.

Social Media as Public Records

The Public Records Act (KRS 171.420-171.740) defines public records as, "...documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency." Social media content meets this definition and must be managed in accordance with all applicable laws and regulations.

KRS 171.640 and 171.680 and Kentucky Administrative Regulations, Title 725, Chapter 1, Archives, place responsibility with each agency to manage public records created or received by that agency. Agencies should consult the General Schedule for State Agencies or the Local Government General Records Schedule along with their agency specific records retention schedule, to determine the appropriate retention period for records on social media sites.

¹ See definitions section at end of document

Addressing Records Management Challenges

Due to the dynamic and collaborative nature of social media, agencies face the following challenges:

- Recordkeeping in a collaborative environment;
- Content located in multiple places;
- Ownership and control of data that resides with a third party;
- Identification of record series;
- Implementation of records schedules, including the ability to transfer and permanently delete records or perform other records management functions;
- Capture of frequently updated records;
- Capture of records in a manner that ensures their authenticity;
- Public expectations that all web content is both permanently valuable and accessible; and
- Handling of records containing personally identifiable information.

To address these challenges, agencies should articulate clear processes, policies, and recordkeeping roles and responsibilities to ensure social media records are identified, managed, and captured. A good practice for government agencies is to establish an internal social media working group with records management staff, web managers, communications staff, social media managers, information technology staff, privacy and information security staff, and other relevant stakeholders.

This group should review records retention schedules to determine if social media records are addressed in existing record series. The social media working group should discuss records management issues before beginning new social media initiatives or changing the use of current platforms. Agencies should take the following actions when establishing policies and procedures and to facilitate the scheduling and capture of social media records:

- Define ownership of content and responsibility for managing the records;
- Incorporate recordkeeping practices and requirements into terms of service (as much as possible);
- Monitor the ongoing use of social media platforms to determine if that use changes the value of the records;
- Monitor any changes to third-party terms of service on social media platforms that may affect the management of records; and
- Communicate records policies so employees and the public understand how records will be managed.

Note: Agencies are encouraged to inform the general public that comments made on an agency's social media site can become part of the public record. An example of such a statement is: *"Communication through agency-related social media is considered a public record under KRS 171.410(1) and will be managed under the terms of KRS 171.410 through 171.740 and 725 KAR Chapter 1"*

Considerations for Scheduling Social Media Content

Based on the law, agencies must analyze their social media sites, identify public records, and determine how they will be managed. Social media records, like all records, may have short-term, long-term, or permanent retentions. If records found on social media sites duplicate records found elsewhere in the agency, such as on the agency website, then duplicative records can be disposed of at any time.

Agencies must determine whether existing records retention schedules apply to their social media content, including the General Schedule for State Agencies, the Local Records General Schedule, or agency-specific records retention schedules. In the absence of an applicable record series, records must be treated as permanent until they are scheduled. Agencies should consider regularly reviewing their social media usage and associated records retention schedules; if agencies change the way they use social media, it may affect retention of the information.

When conducting analysis of social media content, the following non-exhaustive list of questions can assist agencies:

- Does it contain evidence of an agency's policies, business, or mission?
- Is the information only available on the social media site?
- Is this tool being used in relation to the agency's work?
- Does the agency use the tool to convey official agency information?
- Is the agency directly communicating with the public through the use of social media?

If the answers to any of the above questions are yes, it is likely that the records should be captured and preserved. The record should have content, context, and structure along with associated metadata (e.g., author, date of creation). The record and its metadata must be maintained to ensure reliability and authenticity.

Social media may include comments or other postings which are inconsistent with an agency's policies and may require removal from the site. Agencies should draft policies for moderating content consistent with their First Amendment obligations.

Preserving Social Media Records

Once social media content is identified as a public record and associated with an approved records retention schedule, agencies must decide how to preserve the information.

Records with short-term retention may be maintained in the social media platform. Agencies should, however, assess their business needs and evaluate risks associated with leaving these records in social media. Records with long-term or permanent retentions should be exported from the social media platform into an agency recordkeeping system.

Methods to capture social media records include:

- Using web crawling or other software to create local versions of sites;
- Using web capture tools to capture social media content and migrate to other formats;
- Using platform specific application programming interfaces (APIs) to pull content;
- Using RSS Feeds, aggregators, or manual methods to capture content; and
- Using tools built into some social media platforms to export content.

The options for successful social media capture will depend on the technical configuration of a social media platform. Once the agency determines the best method, it should provide training on how and when to use capture and preservation tools for social media. Agencies may need to work with the Kentucky Department for Libraries and Archives (KDLA) records management staff, the Commonwealth Office of Technology (COT), and/or third-party providers to facilitate preservation of social media records.

Working with Social Media Service Providers and Third Parties

Each agency is responsible for managing its records. At a minimum, these responsibilities include the ability to identify and retrieve public records that are being created and maintained through social media. Agencies should be aware that the service provider could discontinue their service or delete content from an agency's account. Additionally, agencies may stop using a social media platform at any time. In either situation, the agency is not relieved of its records management obligations.

The agency should determine if its provider can export the record to the agency. If the provider cannot export a record, the agency is responsible for implementing capture procedures.

If the provider can export a record, the agency should include a clause in the Terms of Service agreement that stipulates how and when this will occur. This clause should state that export shall occur before the provider deletes or otherwise destroys the public records that reside on their systems. It should include instructions for notification and export requirements if the provider goes out of business or is purchased by another company. Agencies may have other business and legal needs regarding capture and should work with providers to ensure these needs are met.

Agencies should work with their general counsels, in-house fiscal authorities, and the Finance and Administration Cabinet to negotiate Terms of Service (TOS) agreements.

- The National Association of State Chief Information Officers (NASCIO) worked with Facebook to modify the provisions of its terms and conditions to make the following changes in terms for governmental Facebook pages:
 - Strike the indemnity clause except to the extent indemnity is allowed by a state's constitution or law;
 - Strike language requiring that legal disputes be heard in California courts and adjudicated under California law;
 - Require that a public agency include language directing consumers to its official Web site prominently on any Facebook page; and,
 - Encourage amicable resolution between public entities and Facebook over any disputes.
 - <http://www.nascio.org/newsroom/pressrelease.cfm?id=93>
- The following general clause is recommended for use in the standard Terms of Service agreement with social media:
 - *The agency is responsible for ensuring that the contractor is compliant with applicable records management laws and regulations through the life and termination of the contract.*

While this clause does not include stipulations about capture, agencies should determine capture-related issues to include in agreements with providers. Agencies with contracts for cloud computing services should refer to [Cloud Computing Guidelines: Implications and Guidelines for Records Management in Kentucky State Government, Version 1.0 \(August 2012\)](#).

KDLA recognizes that the use of social media continues to evolve, and will work with agencies to provide further resources in managing and preserving records when appropriate.

Additional Guidance

Agency social media managers, content creators, and other staff should contact their agency records officer and general counsel to discuss social media records management issues. Agency records officers may contact KDLA records management staff for additional assistance and support.

For more information on managing electronic records see the [Understanding Records Management: Electronic Records](#) section of the KDLA website.

The Commonwealth Office of Technology has related policies available on their web site:

- [CIO-061 - Social Media Policy](#)
- [CIO-060 - Internet and Electronic Mail Acceptable Use Policy](#)

Social Media Definitions

Social media are web-sites or applications for social interaction using highly accessible and scalable publishing techniques. Web 2.0 and social media are terms used to define the various activities integrating web technology, social interaction and content creation. These internet based applications allow for the creation and exchange of user generated content. Through social media, individuals or collaborators create, organize, edit, comment and/or share content online. Social media is designed to support rapid interactive communications. Examples include, but are not limited to the following:

1. Web-Publishing – creating a web site and placing it on a web server. A web site is a collection of HTML pages accessed via the Internet.

a. **Blogs** – web sites generally used to post online diaries or serve as a platform to express ones ideas and opinions, a particular topic or set of topics. These sites often allow for interactive commenting and feedback. The term “blog” derives from “web log.”

b. **Microblogging** –services that enable users to send/post content similar to traditional blogs, albeit much smaller in size that is typically character limited. Examples of microblogging include Twitter, Tumblr and Yammer.

c. **Wikis** – web sites that allow multiple users to collaboratively create and edit its content. Levels of access and control over editing rights such as adding and removing material can be controlled.

d. **Mashups** – web sites that combine data and functionality from multiple sources to create a new service or a “mashup”. Example: data from Google Maps can be utilized to add location maps in a real estate listings website.

2. Social Networking – communicating informally with other members of a site by posting messages, status updates, photographs, videos, and other materials. Allows multiple users to share content and interact.

a. **Social** – online services for individuals or groups to connect and interact with other people or organizations. Examples include Facebook, Myspace and Google+.

b. **Business/Professional** – site that enables companies and industry professionals to communicate with colleagues and build business relationships. Typically a base service is provided free of charge with enhanced capabilities for a fee. Examples include LinkedIn, Plaxo and Yammer.

3. File Sharing and Storage – A public or private sharing of computer data or space in an online network with various levels of access privilege. Users download or upload digital information such as music and movies in a network that allows a number of

people to view, write to, copy or print.

a. **Photo Library** – online service that allows users to post and view their photos and share them with specified individuals or freely with anyone. The service provider may also supply various ecommerce options for repurposing of the images. Examples of photo libraries include Flickr, Picasa and Snapfish.

b. **Video Sharing** – online service that users can upload, share and view videos. Examples include YouTube and Vimeo.

c. **Document Sharing** – An online service that allows users to store, share and potentially collaborate on documents. Examples range from Dropbox that is free and allows for storage and sharing, to GoogleDocs, which is also free and allows storage sharing and rudimentary online collaboration; and to Microsoft SharePoint, which must be purchased by an organization, but can provide enterprise level online collaboration.