Guidelines for Managing Social Media Records in Kentucky Government

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These guidelines provide recommendations and best practices for managing 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.

Definition of Social Media

Social media includes blogs, wikis, microblogs, social networks, shared photo libraries, location-based services, and video sharing sites. Agencies may use social media to share information, support business processes, and connect people to government.

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 that meets this definition 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 retention schedule, to determine the appropriate retention for social media records.

Addressing Records Management Challenges

Due to the dynamic and collaborative nature of social media, agencies face 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 permanently valuable and accessible;
- 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. The social media working group should write internal policies and 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.

Public Records Notice for Social Media Communications

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. Agencies should consider including a pinned statement such as:

"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"

When is a Comment a Record? What about Inappropriate Comments?

The most common type of record created in social media comments is routine correspondence from the public to the agency. If this agency responds to a comment, that is also routine correspondence.

✅ **Examples of Routine Correspondence:**

1. **Service Request or Inquiry**
    1. "How do I apply for a state ID? Can someone from your office help me?"
    2. "Is the library open on Memorial Day?"

2. **Reporting an Issue**
    1. "There's a broken link on your unemployment benefits page — can you fix it?"
    2. "There's a pothole on Main Street that's gotten really bad — can you send someone to check it out?"

3. **Confirmation or Thank-You Comments**
    1. "Thanks for the update on road closures. That was really helpful!"

❌ **Examples that would NOT be considered routine correspondence:**

1. **Personal opinions not related to agency operations**
    1. "I hate Mondays." or "This politician is the worst!"

2. **Spam or promotions**
    1. "Earn $500 a day from home — click here!"

3. **Duplicate comments already captured elsewhere**
    1. If the same comment is submitted via email or phone and logged in a ticketing system.

Social media accounts may receive comments, messages, or other interactions which are inappropriate, offensive, or threatening. Agencies should draft internal policies for moderating content consistent with their First Amendment obligations. When interactions are inconsistent with an agency's policies the comments must be documented (by the agency for open records requests), then may be removed from the site.

Example of a comment an agency may wish to remove from public view:

1. **Offensive or inappropriate language**

    1. "You're all [expletive] useless."

Records Retention for Social Media Content

Social media records, like all records, may have short-term, long-term, or permanent retentions. 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 are permanent until they are scheduled.

Please Note: If records on social media sites duplicate records found elsewhere in the agency, such as on the agency website or in the central records storage, then the duplicate records can be disposed of at any time.

When determining the record status of online content, think through this list of questions:

- 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 using 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).

Preserving Social Media Records

Records with short-term retention may be kept on the social media platform. However, agencies should evaluate their operational needs and assess the risks associated with relying solely on online storage. For records with long-term or permanent retention requirements, it is essential to export them from the social media platform into the agency's official recordkeeping system. Permanent records, such as photos or official

policies, can be deleted if they are **duplicates** of originals stored elsewhere. Long-term or permanent records only need to be exported for preservation if they are the sole copy.

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 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.

Working with Social Media Service Providers and Third Parties

Each agency is responsible for managing its records including 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. Agencies should determine if their provider can export records to the agency. If the provider cannot export a record, the agency is responsible for implementing capture procedures.

Additional Guidance

Agency social media managers 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 site:

- [CIO-061 - Social Media Policy](#)

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