



# ALASKA STATE LEGISLATURE

## LEGISLATIVE COUNCIL – IT SUBCOMMITTEE

### MEMORANDUM

**TO:** Legislative Council Members

**FROM:** Juli Lucky, Chair  
IT Subcommittee

**DATE:** March 18, 2013

**RE:** IT Subcommittee Recommendations: Social Media Policy and Facebook Access

---

Earlier this session, Representative Hawker received requests from the Ombudsman, the Select Committee on Legislative Ethics, the Division of Legislative Audit, and legislative staff members to expand access to Facebook. In order to address these requests, I reviewed previous Legislative Council action, contacted those who requested Facebook access to understand the demand for expanding access, researched policies by other legislative bodies and subdivisions, and requested feedback from IT Subcommittee members on the issue. With input from Information Services, Legislative Ethics, Legal Services, and the IT Subcommittee, the attached draft Alaska Legislature Social Media Policy and Facebook Access Request and Policy Receipt Form were created and are attached for your review.

#### History:

On February 3, 2011, Legislative Council approved a one year trial period allowing each Legislator, legislative press offices, webmasters, and the Information Services Help Desk access to Facebook for legislative business only. Concerns about allowing access to Facebook included that there was no way to discern whether a legislator would be accessing his or her personal account; whether the Facebook page could be used as a forum to collect information that could then be used for campaign purposes; potential ethical violations; and loss of staff productivity.

On September 29, 2011, Legislative Council adopted the current Alaska State Legislature Social Media Guidelines, which provided best practices and advice, but did not set formal policy about acceptable use or content.

During the February 9, 2012 Legislative Council meeting, Information Services Manager Curtis Clothier reported that no security or bandwidth issues occurred during the trial period and recommended that Facebook access continue as is. It was also reported that the Legislative Ethics Office, the Ombudsman and Legislative Audit had requested access. A motion was made to continue Facebook access as is and also to grant the Chair of Legislative Council the authority to grant access to Facebook to legislative employees who would use it as part of their job duties.

The proposal was to use a form similar to the Non-Standard Equipment Request that would be submitted to Legislative Council for approval. Concern about that method included understanding

under what circumstances an application would be denied, what would cause a person's access to be revoked, and whether having an application process for a program that resulted in no problems would be a waste of time and resources.

No vote was taken on the motion at that time and the issue was not brought up at a subsequent Legislative Council meeting.

At this time, Legislators, the press offices, webmasters, and the Information Services Help Desk staff continue to have access to Facebook.

#### **Current Action:**

After consideration of the reasons for and concerns about expanded access and review of policies of other legislative bodies, a draft policy was produced and presented to the IT subcommittee.

The following reasons were given when requesting access:

- Many people rely on Facebook for their news and refer to the pages many times through the day. Therefore, Facebook pages provide a method for instantaneous updates on issues in front of the legislature, are a free way to provide details on upcoming events or opportunities for testimony, and are an avenue to get younger constituents engaged in the process.
- Legislative staff that update their boss's Facebook page as part of their assigned duties currently need to use personal devices, login to their boss's account, or use their boss's computer to do so.
- Legislators without a page are still on Facebook – through news pages, etc. – and staff currently can't see the information that is posted about their boss.
- Breaking news is often posted on Facebook quickly – this allows staff to stay on top of current issues that often serve as the impetus for legislation or constituent contacts.
- Research – many agencies currently have Facebook pages, such as the Governor's Office and state departments, and post pertinent information there. This information can serve useful for constituent casework and auditing.
- Facebook is an important investigative tool for the Ombudsman, the Office of Victims' Rights, and the Ethics office. Agency staff currently has to take work home, bring/use private devices at work, or have complainants or other state workers print Facebook pages and e-mail them.
- For distribution of information and outreach – other Ombudsman's offices have Facebook pages that explain what they do and have links to public documents and reports; Audit has also indicated that audit results could be communicated to the public via Facebook.
- For hiring purposes - Audit wants to use a Facebook page for recruitment. For offices like the Ombudsman's office, where there are many confidential matters, a manager may want to look at a prospective employees Facebook page to see if the job applicant is discreet.

Concerns regarding expanded access:

- Use of Facebook data for campaign purposes. Data posted on a Legislator's Facebook wall that is maintained by legislative staff from a state computer could be mined and used for campaign purposes. Using information entered into/stored in a constituent database maintained by a legislative employee on a state computer for campaign purposes is not an ethics violation and this practice was perceived as very similar. Therefore, this was not addressed in the draft policy.
- Unethical behavior on Facebook. Due to the nature of Facebook, it is not possible to discern whether an individual is accessing a page for legislative business and engaging in appropriate behavior or accessing a personal, campaign, or other page and engaging in unethical behavior. While Facebook is a public medium – wall posts are visible to the public and time/date stamped – activities other than public posting or posting under another alias could occur. Adopting a policy will provide guidelines for those that strive to be ethical.
- Use of Facebook messaging to conduct state business. The concern is that Facebook would allow legislators and legislative employees to conduct state business using a confidential messaging system, thus hiding these communications from the public. Discussions with Legal Services revealed that most legislative discourse is confidential and would not be subject to public disclosure. Also, legislators can currently access many personal e-mail services using state computers, so Facebook would be one of a number of options. However, in order to provide clarity on this issue, the draft policy contains a statement that messaging services should not be used to conduct state business.
- Personal use of Facebook leading to loss of productivity. Limited personal use of the internet is allowed by the existing Computer Systems Acceptable Use Policy, as long as it does not interfere with the performance of public duties and the cost or value is nominal. During discussion, the IT subcommittee felt that this was a supervisory issue and was best addressed by each individual legislator or agency director controlling which, if any, of their staff was allowed to access Facebook and setting policy for whether incidental personal use would be allowed. A statement to this effect is contained in the draft policy.

After review and discussion the IT subcommittee had the following recommendations for consideration by Legislative Council:

1. Adopt a Social Media policy to clearly define acceptable use and also clearly state that it is the legislator's or agency director's prerogative to allow use of social media and set limits for personal use. The policy only applies when using state resources to access or maintain social media accounts. This policy is not specifically for Facebook, but would apply to any social media. The attached draft policy also includes updated Social Media Guidelines.
2. Allow Legislators and Legislative Agency Directors access to Facebook and give them the ability to grant access to their staff using a form (draft attached) similar to the policy receipt form that each legislative employee signs upon hiring/rehiring. This form puts the power and responsibility with the legislator or agency director, whose signature must appear on the form, unless Information Services has a memo granting signature authority to a staff member, and would not require approval by Legislative Council. An approved

employee would be granted access based on his/her login. A legislator could revoke access by simply contacting Information Services; no revocation form was created.

3. Develop a process to allow legislative agencies to have Facebook pages. Both Legislative Audit and the Ombudsman have requested permission to have active Facebook pages. Many legislators and members of the IT Subcommittee did not understand the need for the nonpartisan legislative agencies to have Facebook pages. While the content of a legislator's page ultimately reflects on the individual legislator, it is perceived that agency postings would be attributed to the legislature as a whole. Due to these issues, the IT Subcommittee recommends that agency directors should request to be sanctioned by Legislative Council on an individual basis and outline the purpose, content, and messaging policy for their pages.