



BOARD OF COUNTY COMMISSIONERS
CLERMONT COUNTY, OHIO

EDWIN H. HUMPHREY DAVID H. UIBLE ROBERT L. PROUD

Clermont County Board of County Commissioners
Electronic Communication & Records Retention Guidelines

I. Purpose

The Clermont County Board of Commissioners and departments under their jurisdiction utilize a variety of electronic communication tools to improve the quality of government services, enhance communications, enable citizen interaction and increase transparency. Understanding how to apply these communication tools in the context of government can be complex. Electronic communication is considered an extension of the county's information networks and is governed by county policies. In efforts to effectively manage the use, conduct, content, account management, security and legal issues concerning all types of electronic communication, the Clermont County Board of Commissioners has adopted a policy to ensure proper use and engagement of electronic communication tools.

II. Introduction

Electronic communication is a powerful tool that benefits the public. This communication tool provides quick access to information and it supports the ability to form relationships within social networks. The tremendous growth in electronic communication is due to the increasing importance of networks. Individuals can communicate more effectively with people in their own networks and can find opportunities to become part of new networks. Organized human networks can generate faster and more accurate information and can serve as valuable tools for professional development. Another powerful aspect of electronic communication is that it provides interactive communication. Citizens want more control and access to information they need. In order to expand public outreach and engagement, government agencies may encourage public discussion and feedback as well as use electronic communication for recruitment. The content of electronic communication sites must be taken into consideration regarding the retention and disposition of public records created through them. Measures need to be taken to promote proper use, retention management and to ensure compliance with the public records law.

III. Electronic Communication Defined

Electronic communication is an ever-growing and evolving collection of online tools, platforms and applications that enable us to more effectively interact and share information with the public. This type of communication includes email, text messaging, government access programming and social media activity. Electronic communication technologies provide the environment for individuals, organizations and communities to create, exchange and share information.

Examples of electronic communication are:

Social Networking Venues

Communicating electronically with others on a Web site by posting messages, photographs, etc., which allows multiple users to easily access and share information.

1. Facebook – A free-access social networking site individuals/agencies can join to connect and interact with other people or organizations. Allows organizations a more relational way to interact with customers and provides the individual user privacy settings to control the amount of access to their profiles.



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2. Micro-blogging/Twitter – A free social networking and micro-blogging service that enables users to send and read other user’s updates known as “tweets”. Tweets are text postings which are displayed on the user’s profile page and delivered to other users who have subscribed to them (known as followers).
3. LinkedIn – A professional networking site that enables companies and industry professionals to communicate with colleagues and build business relationships. Provides the resource to create a group for an association or industry.
4. Virtual Worlds – A type of online community that takes the form of a computer-based simulated environment through which users can interact with one another and create objects. Enables the user to perform operations on a simulated system in such a way that it appears and feels like a real environment.
5. Web Conferencing/Webinars - A service that allows conferencing events to be shared with remote locations. It offers information of text-based messages, voice and video chat to be shared simultaneously. Applications for web conferencing include meetings, training events, lectures, and/or short presentations.

Web-Publishing

Creating a Web site and placing on the Web server. A Web site is a collection of HTML pages accessed via the Internet.

1. Blogs – Web sites generally used to post online diaries to include discussion forums. Allows bloggers to express their opinions and ideas on any topic.
2. Wikis – Web sites that allow multiple users to collaboratively create and edit content. Levels of access and control over editing rights such as adding and removing material can be controlled.
3. Mashup/Google Maps – Web sites that combine data and functionality from multiple sources to create a new service. Data from Google Maps can be utilized to add location maps in a real estate listing Web site.

File Sharing and Storage

A public or private sharing of computer data or space in an online network with various levels of access privileges. Users download or upload digital information such as music or movies in a network which allows a number of people to view, write to, copy or print.

1. Photo Library – Searchable online databases provide stock images that can be purchased and delivered online instead of hiring a photographer. Using the internet as the primary distribution method, photographers and companies can offer quality libraries for very low prices.
2. Video Sharing/YouTube – A free video-sharing Web site on which users can upload, share and view videos. Any user can view the videos without registration.
3. Central Manager/SharePoint – An application platform that is designed to support enterprise Web site requirements. Microsoft developed SharePoint to be a highly scalable, multi-purpose platform that is most generally associated with web content management and document management systems.
4. Constant Contact - Online marketing program to distribute electronic newsletters, invitations, memos, social media campaigning and a variety of other electronic communication tools.



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Government Access Television

Government access television provides news, information and access opportunities for programs, activities and legislation of local government. It offers programs that provide balanced discussion of the challenges and issues that face the community. The programming makes local government more accessible to area residents and provides an important communication link between the local jurisdictions and the community. Government access television also includes covering other important public affairs shows that go in-depth on local issues, candidate forums, coverage of special meetings and a listing of county-related announcements and events.

IV. Official County Electronic Communication Sites

Existing Sites

The Office of Public Information (OPI) and Webmaster maintain countywide electronic communication sites. Departments are encouraged to contribute content to existing electronic communication sites in lieu of their own presence; all requests will be prioritized by OPI. If a department's communication plan includes social media, first consider using the existing county social media accounts, which have established fan bases.

Requesting New Sites

New electronic communication sites shall be requested through OPI. If approved, OPI and the Webmaster will create pages with proper settings, look and feel to ensure consistency; transfer administrative rights to the agency; and retain an administrative role. Departments may not create their own virtual communication sites.

Publishing

1. The Communications Director will serve as the lead staff person for official county electronic communication sites. Duties include serving as the lead contact for an account, developing the engagement framework for posting information and responding to comments, adhering to policies, and ensuring the electronic communication site(s) is regularly updated. The Communications Director may remove postings but only upon approval from the Civil Division of the County Prosecutor's office. Department staff may manage day-to-day operations of a virtual communication site, but in close consultation with the Communications Director.
2. The Office of Public Information will monitor content on all official electronic communication sites to ensure a consistent county-wide message and for adherence to this policy. OPI reserves the right to:
 - a. Request electronic communication sites publish the same message about a topic;
 - b. Coordinate and/or publish information to any electronic communication site during an emergency; and/or
 - c. Direct agencies to modify electronic communication content based on best practices and industry norms.
3. Official county electronic communication needs to be clear, precise and follow industry best practices for posting updates. The content must be relevant (information that helps residents and pertains to their daily lives), timely (information about deadlines, upcoming events, news, or related to current events), and actionable (information to register, attend, go or do). Nonprofit and/or non-BCC supported events may be displayed in the BCC calendar of events. OPI may choose to post a brief summary of the event but specific details should be provided via links to direct the user to additional information regarding the event. On social media sites, a post advertising or promoting nonprofit and/or non-BCC supported events shall be tagged as such.

Posting should not include the following:

- a. Information about items in litigation or about claims that could be brought against the county;
- b. Nonpublic information of any kind; always check with the Communications Director if unsure;
- c. Personnel, sensitive or confidential information of any kind;



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- d. Medical information that violates a person's Health Insurance Portability and Accountability Act (HIPAA) protections;
- e. Information that may compromise the safety, security or proceedings of public systems or any criminal or civil investigations; or
- f. Threats of any nature.

Legal requirements and county guidelines towards protection of confidential, sensitive, and internal use information still apply.

Links

As an extension of the county's communications platform, electronic communication sites should include links that direct users back to the county's Web site for more information, forms, documents or online services as necessary. External links to media articles or other relevant content are permitted on official county electronic communication sites to encourage conversation and to share information. The county provides an electronic calendar, which will display all county-related events and include a hotlink to the event Web site for further information.

Comments

Comments from the public are welcome on electronic communication sites but comments must be monitored daily during working hours. County-created electronic communication forums must be structured narrowly to focus discussions on a particular interest of Clermont County. The Communications Director may only remove postings based on the guidelines below, not because a comment disagrees with county policy. The Communications Director shall remove postings only after receiving approval from the Civil Division of the County Prosecutor's office.

All sections of electronic communication sites that allow comments must publish the following text on the electronic communication site:

The purpose of this site is to present matters of public interest in Clermont County, including its many residents, businesses and visitors. We encourage you to submit your questions, comments and concerns, but please note this is a moderated online discussion site. Once posted, the county reserves the right to delete the following kinds of submissions:

1. *Vulgar language;*
2. *Personal attacks of any kind;*
3. *Comments or content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, genetics, status with regard to public assistance, national origin, physical or intellectual disability or sexual orientation;*
4. *Spam or links to other sites;*
5. *Clearly off topic;*
6. *Advocating illegal activity;*
7. *Promoting particular services, products, or political organizations;*
8. *Infringing on copyrights or trademarks;*
9. *Identifying personal medical information;*
10. *Information that may compromise the safety, security or proceedings of public systems or any criminal or civil investigations; or*
11. *Threats of any nature.*

Please note that the comments expressed on this site do not reflect the opinions and position of the Clermont County Government or its officers and employees. If you have any questions concerning this electronic communication platform, please contact the Office of Public Information at 513-732-7597 or through the county's Web site at www.clermontcountyohio.gov.



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Comments that do not meet the appropriate criteria should be retained for record purposes then deleted. The Communications Director shall take screenshots of the original county post and the comment that will be deleted. A description detailing why content was removed or deemed not suitable shall be maintained. The Communications Director may choose to reply to comments and engage residents in the same way as phone and email inquiries, but business decorum must prevail and factual responses – not opinions – must be shared. Coordination of responses with other departments or agencies is best practice to ensure the best and most accurate response can be provided.

Emergencies

During emergencies, all electronic communication content and postings must be coordinated with the Office of Public Information as part of its emergency support function. Depending upon the incidents, publishers may be directed to point to specific electronic communication sites that will serve as the main source(s) of information. OPI in consultation with the Webmaster reserves the right to publish content directly to any official county electronic communication site during an emergency. OPI will notify publishers in advance when possible, but if time is of the essence, OPI has access to all accounts and information may be published. If department staff is unavailable to maintain its electronic communication content during an emergency and OPI deems it absolutely critical to update a certain account, then information will be published.

OPI, in consultation with the Webmaster, also reserves the right to establish new electronic communication sites during emergencies as needed that will support an incident.

Embedding Icons/Content

Electronic communication icons and content players may be embedded on county web pages. Electronic communication content from select partners such as state or federal governments may be embedded. OPI reserves the right to use agency electronic communication content on countywide web pages, social media sites and other platforms.

V. Employee Participation

Employee Access & Conduct

When an employee has been granted access to post information in the name of Clermont County, it is expected they will maintain a high level of professional and courteous communication. Clermont County respects the legal rights of employees to express themselves on their own time and equipment. Employees are personally responsible for the content they publish on blogs, social media networks, or any other form of user-generated content in conformance with the Clermont County personnel policies.

Employee use of social media, email, text messages or other forms of electronic communication may adversely affect the work environment. Therefore, employees need to be aware of their responsibility and limitations in conformance with the Clermont County personnel policies. Any employee purporting to speak on behalf of Clermont County must be approved by the Office of Public Information. Employees must not knowingly communicate inaccurate or false information. All reasonable efforts should be made by county organizations to provide only verifiable facts and not unverifiable opinions.

If an employee identifies themselves as a county employee on social media platforms, then they must indicate their views are not the official view of Clermont County Government. If they publish content on any Web site that relates to their work or subjects associated with the county, then they must use the disclaimer, "The views expressed on this site (or in this post) are my own and do not necessarily represent Clermont County's positions, strategies or opinions."

What Not to Post:

- ◆ Information about litigation or about claims that could be brought against the county;
- ◆ Nonpublic information of any kind; always check with your Communications Director if unsure;



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- ◆ Personnel, sensitive or confidential information of any kind;
- ◆ Medical information that violates a person's HIPAA protections;
- ◆ Information that may compromise the safety, security or proceedings of public systems or any criminal or civil investigations; or
- ◆ Threats of any nature.

These items must not be posted on personal or public electronic communication sites; employees will be held responsible for any violations. The decision about what employees publish is theirs and so is the responsibility.

Employees utilizing electronic communication for personal use shall not use the Clermont County Government seal or other official county marks nor use the county government's name to promote or endorse any product, cause, or political candidate.

Security

In efforts to ensure the security of data and the County's network infrastructure, controls have been placed to monitor Web site content as posted or viewed. The removal of inadvertent posts will be the authority of the Office of Public Information in consultation with the Civil Division of the County Prosecutor's office. Username and password protection management will be the responsibility of the Office of Public Information/Web Master and the Information Systems Department.

Violation of Policy

Employees who do not comply with these policies are subject to disciplinary action consistent with the Clermont County personnel policies. Agencies can treat acts or omissions occurring in the context of electronic communication in the same manner as any other employee act or omission. Failure to abide by policies established for use of county electronic communication may result in the loss of any social networking privileges an employee may have. The Communications Director should request investigations into electronic communication policy violations, misuse, suspected compromises of official county electronic communication sites with the Information Technology, Personnel or other related departments.

V. Electronic Communication as Records

Consideration needs to be taken regarding electronic communication as records. As defined in the Ohio Revised Code (O.R.C.) 149.011 (G), the term, "records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in O.R.C. 304.01 (D) and O.R.C. 1306.01 (G), created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. If content meets the public records definition, determination must be made if it is an official record or a secondary copy. Official records must be retained in accordance with the agencies records retention and disposition policy. Content such as minutes, news releases, etc. are most generally duplicated elsewhere and should be considered secondary copies. Electronic communication tools need to be evaluated to determine how they will impact agency records management policies.

Management of Non-Record Content

Information transmitted via electronic communication may not qualify as a record under state and federal law. Content still requires management and needs to be disposed of properly. Non-records can consume unnecessary storage resources and will cause difficulty in retrieving information.



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Disposition of Content

Third party postings can be captured, forwarded and used by others so it is extremely important to use caution when posting content. Agencies need to remember that information posted on electronic communication platforms should be considered available indefinitely. With the exception of open public records requests or a litigation hold, agencies will delete electronic communication in accordance with their departmental schedule of records retention and disposition.

Public Records Requests

Requests for information from electronic communication sites are realistic, especially when two-way communication is enabled. It is possible to receive public records requests via social media. Agencies must delegate who will monitor the social media accounts for public records requests and who will document the response.

Duplication of Content

In efforts to maintain compliance to schedules of records retention and disposition and to ensure records are not maintained longer than necessary, it is important to purge the duplicate content when the official record becomes eligible for disposal.

Ownership and Control of Data

With the majority of electronic communication tools being owned by third-party companies, terms of service agreements are provided for customers free of charge. To ensure responsibility for the management of record information and availability, we must consider the event of possible termination of services and the loss of information. The Communications Director and the Webmaster will retain the authority to negotiate and seek legal counsel and enter into the terms of service agreements with the electronic communication providers. Retention and disposition of records in accordance with retention policy should be incorporated into the language of the terms of service agreements where applicable.

Implementation of Retention Policy

Apply existing schedules of records retention and disposition to electronic communication content. If content cannot be mapped to an existing retention schedule, a new rule will need to be created and approved through the local Records Commission. Retention of communication sent and received via electronic communication will be managed in accordance with existing e-mail retention policies.

Employee Use and Access

Electronic communication content created as a public employee may be a record and subject to disclosure as a public record. A disclaimer will be utilized specifying that comments posted by employees are personal in nature and do not represent the views of the agency. The Office of Public Information/Web Master will review all requests to access and use pre-approved electronic communication sites and an official business justification may be required.

Legal Issues

To ensure all federal, state and local laws are followed, it is important to consult the Civil Division of the County Prosecutor's office concerning all legal implications that may arise from the handling of public records requests received through electronic communication sites.

Capture of Content

Agencies may need to retain posted records due to their administrative, legal, fiscal or historical value, to produce public records requests and to ensure proper disposal per their schedule of records retention and disposition. In-house applications to electronically capture electronic communication records or the utilization of third-party tools will assist with the access and search of the captured information.



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Security

Records placed on electronic communication sites must be managed. The removal of inadvertent posts will be the responsibility of the Office of Public Information/Web Master in consultation with the Civil Division of the County Prosecutor's office. Password security and monitoring controls of Web site content posted or viewed will ensure the security of data.

Preservation

Agencies are required to retain records in an organized and accessible manner for the duration of their life cycle per O.R.C. 149.351 and O.R.C. 149.43(B)(2). Electronic communication tools consist of embedded files, photos, videos, links, etc. that must be addressed in the preservation strategy. Record information may need captured if third party environments cannot be relied upon.