

Chapter 3

Records Management, Privacy, and Social Media: An Overview

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ABSTRACT

This chapter provides an overview of United States federal policies guiding citizen/government interaction on social media tools. Such an overview begins to fill the gap regarding how federal agencies make policies regarding records retention and privacy on these platforms. Records management, inherently linked with privacy concerns, also will be explored to further ground the argument and future recommendations based on a qualitative content analysis of social media policies from three U.S. government agencies. From analyzing these policies, along with bringing in relevant literature, a workable framework and recommendations emerge to guide future social media use within government.

INTRODUCTION

Many United States (U.S.) federal government agencies including the Department of State, Environmental Protection Agency (EPA) and Department of Defense (DoD) appear on social media websites. All three, for example, have presences on Facebook, an online social networking

hub that allows users to be friends with or fans of people, products, places and more. Posts on State's Facebook page feature videos of Secretary of State Hillary Clinton's travels throughout the globe. A department-run weblog, akin to a digital journal, appears as a link on the Facebook page. "Friends" from anywhere in the world post replies on the State Department's Facebook page. The Environmental Protection Agency's Facebook page lists everything from organization position

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openings to news updates to tips for improving personal and global environments. On the Department of Defense's Facebook page, there is a regular series called Warfighter Wednesday that highlights exemplary service members, along with pictures and news of latest DoD happenings. Each of these pages represents official communications from a government agency, similar to memoranda, meeting notes and electronic mail. The challenge facing government agencies using social media platforms is maintaining and archiving digital records produced on social media platforms, as well as maintaining personal privacy of social media followers. This chapter, then, explores the questions: How are federal agencies codifying records retention in social media policies? How are federal agencies codifying privacy requirements in social media policies?

The genesis for this chapter and research questions came from one Florida city, Coral Springs, that asked the state attorney general for legal counsel regarding records maintenance and retention before using social media platforms. To do so, the city sent a query to the state attorney general. In the letter, city legal counsel asked for guidance concerning public records, records retention and open meetings laws (McCollum, 2009). In answering the question, then-State Attorney Bill McCollum advised that, yes, content placed on the page is likely in accordance with state statutes regarding public records and official business. Therefore, records must be maintained according to the regular retention schedule. Further, if elected officials communicate on the page, such communication could represent a violation of the state's laws governing open meetings (McCollum, 2009). "Thus, to the extent that the information on the city's Facebook page constitutes a public record, the city is under an obligation to follow the public records retention schedules established by law" (McCollum, 2009, p. 2). After receiving this opinion, the city then became the state's benchmark for launching social media presences.

Though a city government spurred the idea for the chapter, exploring state public records laws and schedules such as in Florida would prove unwieldy and, ultimately, unhelpful, as each state in the U.S. has differing requirements and legislation. Therefore, attention turned toward the U.S. federal government where the playing field is more level, with federal agencies subscribing to the same set of (complicated yet related) laws. The purpose of this chapter, then, is to answer the research questions posed above by exploring social media guidance from three government agencies: Department of State, Department of Defense, and Environmental Protection Agency. Qualitative Media Analysis (Altheide, 1996) was used to find overarching themes and trends regarding records retention and privacy within department social media policies, Terms of Service agreements, and social sites themselves. Coupled with records management and privacy scholarship, the content analysis led to a workable framework for public administrators exploring social media technologies and how to manage records and privacy associated with such ventures. Moreover, unexpected patterns emerged, including directing people to other sources and proper branding of social media sites, so these trends also were included in final recommendations.

I should be clear at the outset that I am not a certified records manager, nor am I an attorney. What is presented here is not meant to be construed as legal advice in any way. Administrators venturing into social media technologies are strongly encouraged to consult legal counsel for clearer, case-specific advice. That acknowledged, the chapter proceeds with a brief overview of social media and the link to citizen participation. Next comes an overview of records management and privacy regulations at the federal level before detailing the three U.S. federal agencies listed above and their social media policies. The final section offers the results of the content analysis and a workable framework for practitioners exploring or even currently using social media.

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