Social Media Recommendations for Local Governments

Third-party social media sites, e.g., Facebook, Instagram, X, LinkedIn, YouTube, can be used by government agencies to enhance transparency, communication, customer service, collaboration, and information exchange with the public.

When using social media, government agencies can potentially create public records. These records should be retained in compliance with agency retention and disposal schedules. While there are no specific state laws or regulations at this time that dictate appropriate use of social media for government agencies in Michigan, this document provides tips for determining when content may become a public record and shares recommendations for managing social media content under existing retention and disposal schedules.

Prior to using social media, it is recommended that government agencies have a social media policy that meets their needs and conforms to their government unit's current policies and procedures. Policies could include cases for use, provide guidance on account creation, identify a process for who is authorized to post on behalf of the organization, include a content strategy and comment policy, and address user generated content moderation, among other items.

Social media best practices

- Decide who is the official recordkeeper for social media content and work with them to establish best practices for your agency's social media to ensure practices follow the agencies retention and disposal schedules.
- Use social media posts to drive traffic to existing records and other sources of information online. Avoid posting information that solely exists on a particular platform not owned by you.
- Add a statement in the agency's social media or comment policy indicating the following rules of engagement. Please note: It is recommended that organizations consult their legal teams when using content moderation criteria.
    - Users are subject to the terms of service of the host site.
    - Interactions with the agency on social media will not replace statutory, administrative, or other requirements intended for users to provide required information via other means.
    - A statement or criteria around reserving the right to moderate and remove content in the agency's social media or comment policy.
- When a direct message is received on a non-owned social media platform, ask the person to send the information/question in an email to an owned domain. Delete the direct message after the email is received and archive the email according to retention and disposal schedules once the conversation is completed.
- Avoid keeping records beyond retention period (see below for further guidance).

- There is no easy way to manage or remove content in bulk across social media platforms. Removal is almost always a manual effort, therefore, only post content that supports business practices, decisions, etc., or points to other official sources to avoid that cleanup.

When is social media content considered a public record?
The Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended) defines public records as recorded information "prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created."

The following non exhaustive list of questions will help agencies determine if social media content is an official record.

- Does it contain evidence of an agency's policies, business, or mission?
- Is the information only available on the social media site?
- Does the agency use the tool to convey official agency information?
- Is there a business need for the information?

If the answer to any of the above questions is yes, then the content is likely an official record that needs to be managed.

Examples of records that *do not* need to be kept:

- Trash service delay notifications that were also published on your agency's website or in a newsletter.
- A copy of an annual report that is also available on your agency's website.
- Copying content from another agency's website or sharing a post from their social media platform.
- Posting a link to content on your agency's website.

Examples of records that *do* need to be kept:

- A school district announced on their X account that they had hired a new superintendent. That information was not available anywhere else, so that post could be considered a public record.
- A town posted recordings of its monthly board meetings on YouTube. The recordings were not available anywhere else, so the recordings could be considered a public record.
- A public library posted a flyer for a local event they hosted on Facebook and created an event page. Event information was not available anywhere else, so that post could be considered a public record.
- An office shared several images of their staff on Instagram. The images were not available anywhere else, so that post could be considered a public record.
- An agency posted a 30-minute podcast and hosted it on a third-party site. The information was not available anywhere else, so that podcast could be considered a public record.

- A government social media account comments on a user's post clarifying misinformation in the user's post. The information was not available anywhere else, so that post could be considered a public record.

Managing public records in social media

If you must save social media posts as records because they cannot be found elsewhere, there are several options for saving public records created on a social media platform.

1. Use a third-party social media archiving/capture tool or website-capture software.
2. Use the social media platform's built in export/archiving tools, e.g., Facebook's "Download your information" option and save that as a record.
3. Print to pdf or screenshot content and save that as a record.
4. Copy content into a different application, such as Word, and save that as a record.

Once the content is saved, retention schedules should be applied. Consult your agency's appropriate Retention and Disposal Schedule to determine the amount of time the record should be kept. After the records are saved, the content may be deleted from social media. Non-record content may also be deleted from social media when the retention period has passed.

Records Management Services

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