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NATIONAL GOVERNMENT ETHICS

SUMMIT

MARCH 8-10 2016

Government Use of Social Media: Opportunities & Challenges

Chris Swartz, OGE/ Justin Herman, GSA

Social Media (*noun*):

An umbrella term referring to internet-based services that permit users to create, share, re-purpose and publish informational content.

Social media websites require users to affirmatively join, and typically require users to create a uniquely identifiable profile.

Examples include, but are not limited to, Facebook, Twitter, LinkedIn, Wikis, and Google+.

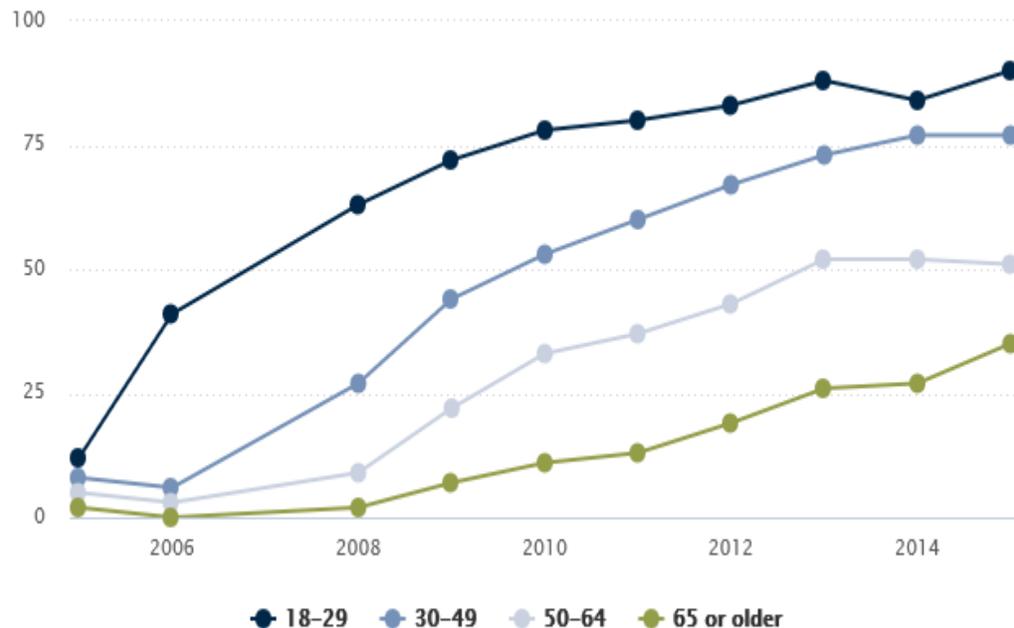
Jodi Cramer, Erica Dornburg & Nancy Eyl, *Government Ethics and the Use of Social Media*, 2014 Office of Government Ethics Conference, available at <http://www.oge.gov/Education/National-Government-Ethics-Conference/National-Government-Ethics-Summit/Sessions/Forum-1/Government-Ethics-and-the-Use-of-Social-Media/>

“A new technology does not add or subtract from something. It changes everything.”

-Neil Postman, *Technopoly* (1992)

Social Media Use is Rising

Among all American adults, % who use social networking sites, by age



Social Media usage 2015:

- 90% of adults 18-29 yrs.
- 77% of adults 30-49 yrs.
- 51% of adults 50-64 yrs.

52% of online adults use multiple Social Media sites

70% of Facebook users engage daily

45% of Facebook users engage multiple times per day

Andrew Perrin. "Social Networking Usage: 2005-2015." Pew Research Center. October 2015. Available at: <http://www.pewinternet.org/2015/10/08/2015/Social-Networking-Usage-2005-2015/>

Duggan, M., Ellison, et. al. "Social Media Update 2014," Pew Research Center, January 2015. Available at: <http://www.pewinternet.org/2015/01/09/social-media-update-2014>

Important Characteristics of Social Media Technology

Communicative in Nature

Easy to Generate Content

Easy to Share & Re-share Information

High Speed

Widely Accessible

Low Resource/Cost Investment

Multimedia (photographic, text, video)

Long Data-Retention

Informal/Conversational



gg58270812 www.gograph.com

Communication Style & Characteristics

Traditional Written

- Permanent or Semi-permanent
- Formal
- Lacks responsiveness
- Less emotional
- Costly in time and resources to create
- Rigid
- Unlikely to be distorted

Social Media

- Permanent or Semi-permanent
- Informal
- Responsive
- Can include emotional appeal
- Low cost in time and resources
- Somewhat flexible
- Potential for distortion

Traditional Verbal

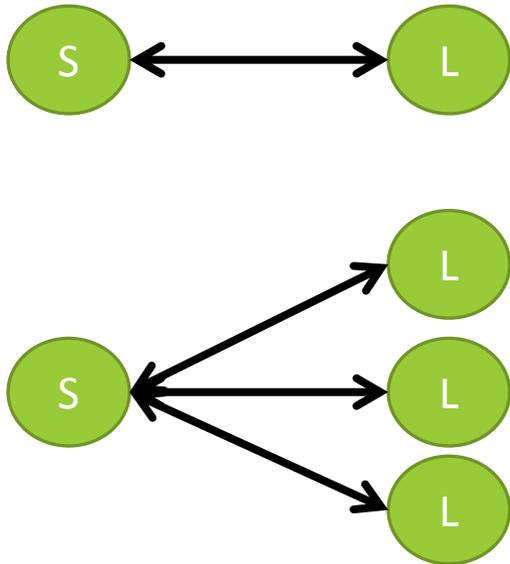
- Not Permanent
- Informal
- Highly Responsive
- Can Include emotional appeal
- Low cost in time and resources
- Flexible
- Potential for distortion

Based on <http://thebusinesscommunication.com/difference-between-oral-and-written-communication/>

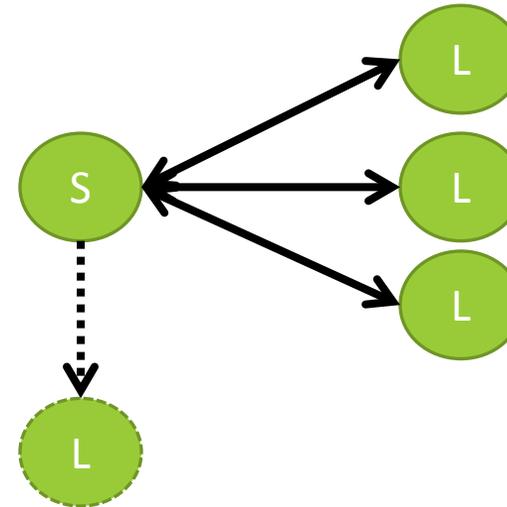
Communication Expectations: In- Person Communication

In Person Communication:

We focus our communications on a specific audience.



If done in public, expectation of being “overheard” by bystanders.

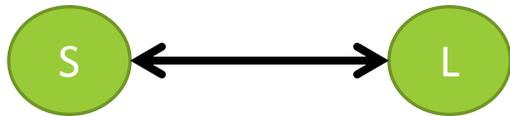


See e.g., Erving Goffman, *Forms of Talk* (1981)

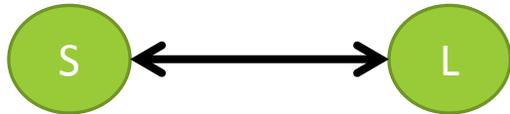
Communication Expectations: Technology-Based Communication

Isolated Two-way Communication

Telephone:



Email:

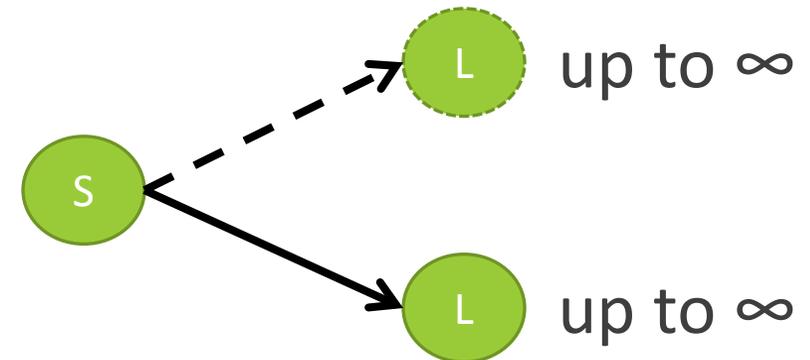


Text (SMS) Message



Dispersed One-Way Communication

Books/Publications-Television- Radio-
Static Website

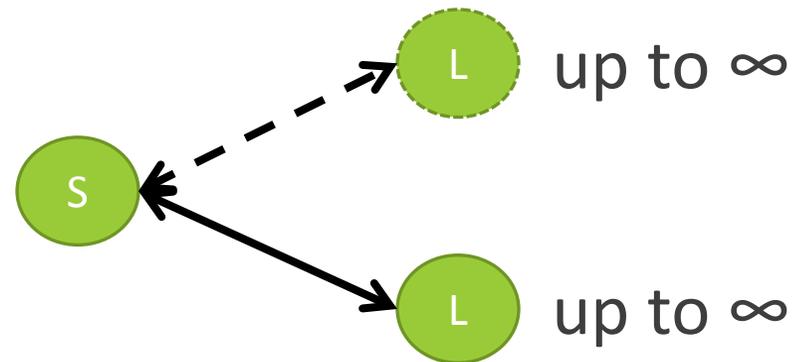


Communication Expectations: Social Media Communications

Dispersed Two-way Communications

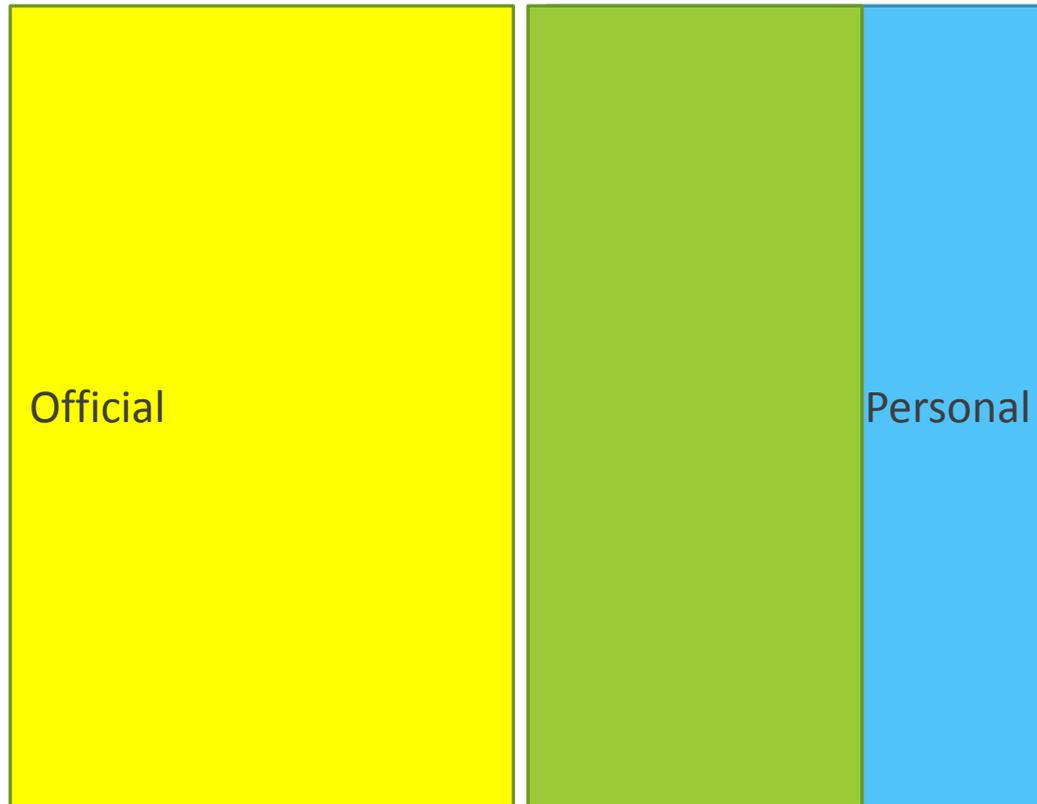
While we often focus on an limited audience, communications are dispersed and generally accessible by a large number of people.

Unlike other dispersed communications (e.g. television), our audience, intended and inadvertent can respond.



Often we expect that communications will be somewhat private although they are not.

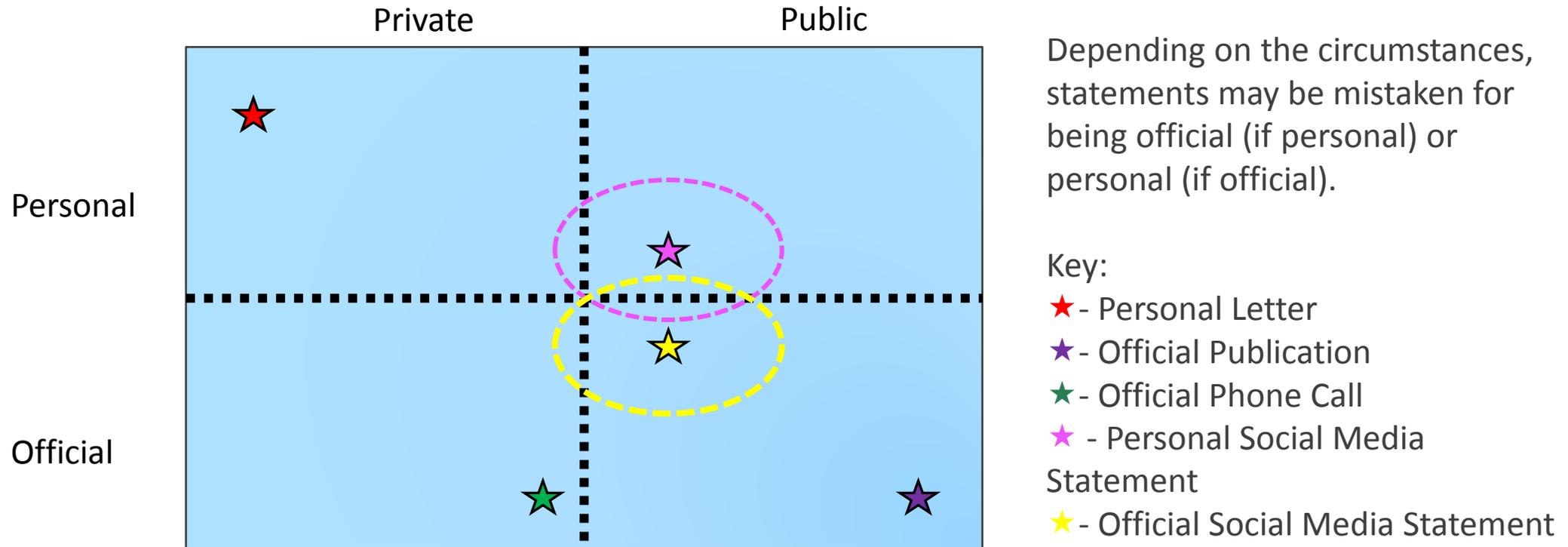
Social Media Identity: Blurring of Personal & Official



- Separation of identities becomes increasingly hard in the digital-age
- Social media allows users to present integrated identities, blurring the distinction between official & personal
- Communications on social media, whether in personal capacity or official, can effect public's view of individual in professional capacity
- Attribution issues may arise

See, e.g., Matthew DeCamp, et. al., *Social Media and Physicians' Online Identity Crisis*, 310 J. Am. Med. Assoc. 581 (2013).

Social Media Identity: Blurring of Personal & Official



Opportunities





... and a Robot.



American Battle Monuments Commission



U.S. Aid and Development Agency



National Oceanic and Atmospheric Administration



National Institute of Child Health and Human Development



FDA... and a Telework Pug



Department of Agriculture



... and more Department of Agriculture FTW



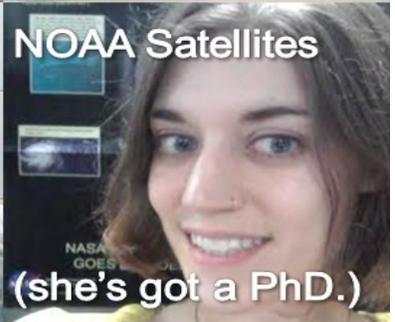
USA.gov and GobiernoUSA.gov



Federal Aviation Administration, Environmental Protection Agency



HHS Office of Minority Health



NOAA Satellites

(she's got a PhD.)



Veterans Benefits Administration



U.S. Trade and Development Agency



... for National



Smithsonian National



NASA



Defense Commissary Agency



FDA Women's Health

Recommendations from SocialGov answer:

- **How do we make it more Effective?**

Performance measurement, data analysis

- **How do we make it more Transparent?**

Records keeping, archiving, strategy

- **How do we make it more Accessible?**

Plain language, transcription, multi-lingual, multi-platform

Directives SocialGov Commonly Adheres to :

- OMB Guidance for Agency Use of Third-Party Websites/ Applications
- Federal Records Act
- Freedom of Information Act
- Americans with Disabilities Act

Through inter-agency training, resource and toolkit development, guidance and consulting, the SocialGov program helps agencies in their individual efforts to comply with existing rules and regulations.



WEDNESDAY
JANUARY
30TH
5PM ET

FEDERAL STUDENT AID'S

#ASKFAFSA TWITTER OFFICE HOURS

QUESTIONS ABOUT THE FAFSA?

Office Hours begin @ 5pm ET
Questions about THE FAFSA?

Submit your questions & join
the conversation on Twitter
using #AskFAFSA

StudentAid.gov

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION

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CyberCaliphate

i love you isis



you isis

TWEETS
3,675

FOLLOWING
1,268

FOLLOWERS
109K

FAVORITES
30



Following

U.S. Central Command

@CENTCOM

Official Twitter for U.S. Central Command (CENTCOM). *Follow/RT does not equal endorsement.

MacDill AFB, Tampa, FL

centcom.mil

Joined March 2009

Tweets

Tweets & replies

Photos & videos



U.S. Central Command @CENTCOM · 1m

AMERICAN SOLDIERS, WE ARE COMING, WATCH YOUR BACK!

Retired Army General Officer Roster

Retired Army General Officer Roster

Current information does not represent release of historical information or have passed through an review of historical information. Contact OIG at 1-800-343-7384 for a complete copy of the current information data.

Retired Army General Officer Roster is provided for public use. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose. It is not to be used for any other purpose.

Serial Number	First Name	Last Name	Grade	Branch	Service Number	Retirement Date	Remarks
1	John	Smith	Major General	Army	10000000	1990-01-01	
2	Jane	Smith	Major General	Army	10000001	1990-01-01	

Serial Number	First Name	Last Name	Grade	Branch	Service Number	Retirement Date	Remarks
1	John	Smith	Major General	Army	10000000	1990-01-01	
2	Jane	Smith	Major General	Army	10000001	1990-01-01	



All

Add a Social Media Account

Export Results to CSV

Eventbrite 2

Facebook 3078

Flickr 277

Github 81

Google+ 74

IdeaScale 7

Instagram 84

LinkedIn 58

Medium 1

Pinterest 70

Scribd 6

Slideshare 6

Show 10 entries

Search:

Showing 1 to 10 of 7,018 entries

Previous

1

2

3

4

5

...

702

Next

Agency	Account Type	Account Name	User Name	Last Updated	Status
Department of Commerce, National Institute of Standards and Technology (NIST)	facebook	National Institute of Standards and Technology	4nist	01/29/2016 21:59 UTC	Published
Department of Health and Human Services (HHS)	facebook	AIDS.gov	AIDS.gov	12/14/2015 21:29 UTC	Published
Department of Health and Human Services (HHS)	facebook	Administration on Aging	aoa.gov	12/14/2015 21:29 UTC	Published
Department of the Interior (DOI)	facebook	Bureau of Land Management	BLMNational	12/14/2015 21:29 UTC	Published
Department of the Interior (DOI)	facebook	Bureau of Reclamation	bureau.of.reclamation	12/14/2015 21:29 UTC	Published
Department of Health and Human Services (HHS)	facebook	Centers for Disease Control	CDC	12/14/2015 21:29 UTC	Published
Consumer Financial Protection	facebook	Consumer Financial	cfpb	12/14/2015	Published



TRIO
ZIMNE OGNIE
10 szt.



**“the most important social media advancement in
the U.S. government in four years...”**

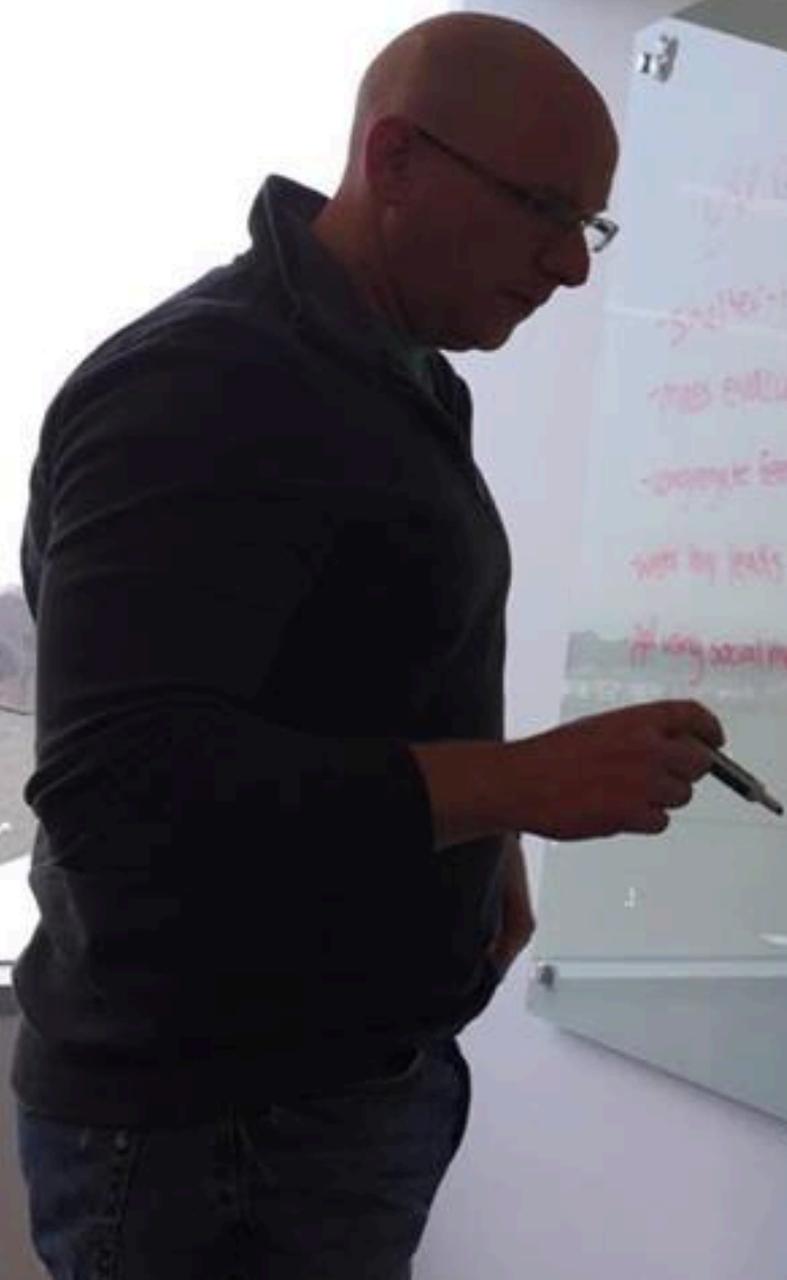
- ProgrammableWeb

“the biggest social media initiative ever”

- TechCrunch reporter

“evolutionary step forward in open government”

- Harvard National Security Fellow



analysis
shelter-in-place
mass evacuation
emergency feeding programs
with my leads
if using social media to ask for help

- 1) communications + outreach
- 2) site location
- 3) after storm hits



Addresses impacted community
get ppl the type of help they need, where need it
Addresses impacted community

API OBSERVATIONS AND RECOMMENDATIONS

Explanation of Data Fields in the Registry

An explanation of each field in the Registry would allow us to represent, increasing the type of analysis that can be conducted. We distinguish which fields are directly imported from social media platforms versus those that are internally assigned.

Data Fields Addition

There are some data fields from social media platforms that are not currently in the Registry that would aid external users in further analysis. For example, in the case of Facebook and Twitter, data fields below would be valuable for future analysis. These fields should be added to the Registry in order to enable user analysis in more granular level.



'**affiliation**', '**business**', '**category**', '**is_verified**', and '**current_location**'



'**description**', '**lang**', '**location**', and '**verified**'

Inconsistency in Stored Data

Some data were often found in the Registry during the initial analysis: **language** field by accident. This may cause confusion with information either in the language field or with information either in the language field.

U.S. Digital Registry API uses in discussion:

- Shared **Records and Archiving** of all engagement across the federal government
- Shared **Analytics** of all engagement across the federal government
- Integrated management platforms for niche services, like **Emergency Management**

Challenges

Challenges: Official Use of Social Media

Standards of Ethical Conduct (including):

- Impartial Treatment of Vendors & Users
- Endorsement
- Unauthorized Use
- Records-Keeping
- Appropriations
- Contracts & Terms of Service
- Paperwork Reduction Act
- Federal Advisory Committee Act
- Rehabilitation Act, 508 Accessibility Standards
- Information Quality Act

Security

- Information Protection (confidential/nonpublic)
- Constitutional Issues (First Amendment)
- Privacy & Privacy Act
- Hatch Act
- Anti-Lobbying Act
- Agency Non-Endorsement
- Branding & Public Relations
- Intellectual Property
- Lifecycle & Decommissioning Accounts

Challenges: Personal Use of Social Media

Standards of Ethical Conduct (including):

-Attribution

-Fundraising

-Endorsement

-On-duty Use (Limited & Acceptable Use)

Brand-Protection/Dilution

Security

Occupational Rules (Bar, Medical, etc...)

Constitutional Issues (First Amendment)

Information Protection
(confidential/nonpublic)

Discipline based on evidence of misconduct
related to the efficiency of the service:

- *Shannon v. VA*, 2014 MSPB Lexis 3593 (2014)
- *Special Counsel v. Lewis*, 2014 MSPB Lexis 3134 (2014)
- *Hunter v. Navy*, 2011 MSPB Lexis 3159 (2011)
- *Vidal v. Army*, 2011 MSPB Lexis 4788 (2011)

Addressing the Challenges

- Establish Social Media Policies & Best Practices
- Focus on Social Media in Ethics Training
- Understand Application of the Standards of Conduct to Typical Social Media Use

Establish Social Media Policies & Best Practices

- Establish comprehensive social media policies for official accounts: Ethics, Compliance, Pub. Rel., etc.
- Consider whether to update “limited use” policies to address personal social media on Gov. time/property
- Consider adding a social media “disclaimer” to official sites:

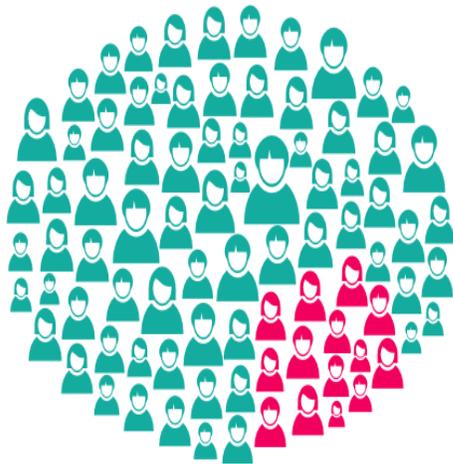
“This is an Official U.S. Government Account”

- Contact OGE to determine whether a policy needs to be incorporated into a Supplemental Regulation. See OGE LA-11-07.



Retrieved from <https://www.mcnc.org/policies>

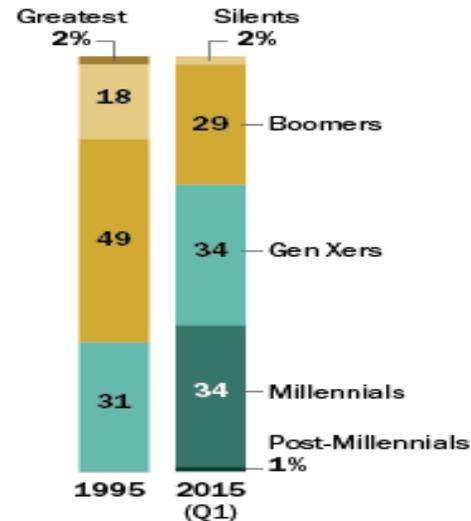
Focus on Social Media in Ethics Training



Millennials represent **16%**
of the total Federal workforce

Labor Force Composition by Generation

% of the labor force



- 2014: 300,000+ employees in the Federal workforce were millennials
 - Largest growing sector of workforce
- Social media ethics questions likely to become more prevalent
- Set expectations during IEO
- Focus on distinction between official and private identities and responsibilities
- Easy to head off: “ounce of prevention worth a pound of cure”

OPM, *Millennials: Finding Opportunity in Federal Service*, available at
http://www.fedview.opm.gov/2014FILES/FEVS_MillennialsReport.pdf

<http://www.pewresearch.org/fact-tank/2015/05/11/millennials-surpass-gen-xers-as-the-largest-generation-in-u-s-labor-force/>

Understand How the Standards of Conduct Apply to Social Media Use

LA-15-03: Standards of Ethical Conduct as Applied to Social Media

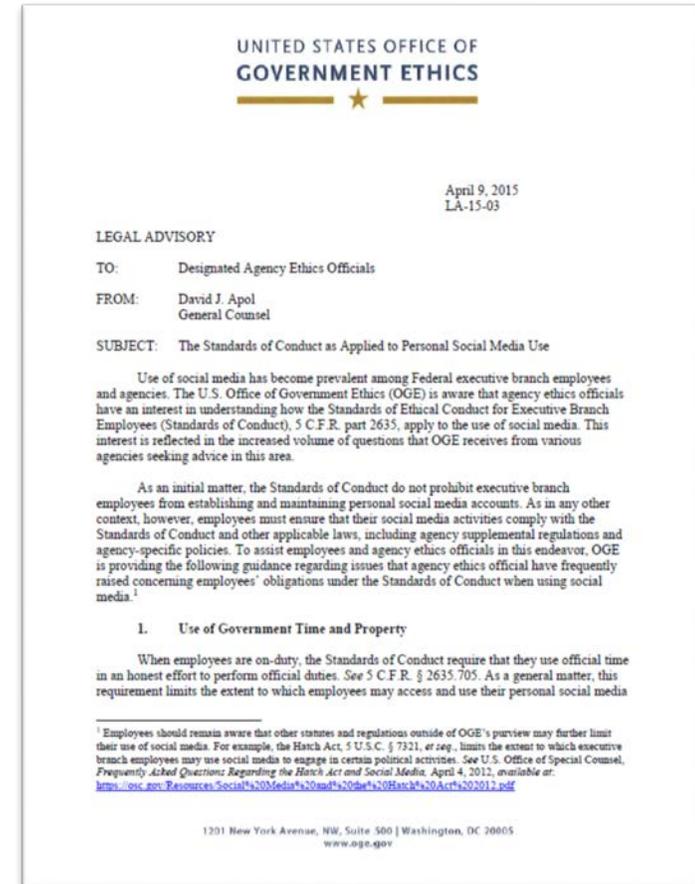
➤ New Tools, Same Rules

Reinforces that SOC apply to Personal SM Conduct (not exempt; not held to different standards)

➤ Establishes SOC/SM Framework

Addresses important code sections and sets out guidance, factors for analysis, and presumptions.

➤ Focus on Attribution, Authorization & Accountability



Official Government Social Media Accounts & Personal Use on Gov. Time

- Official accounts are for official purposes
- Employees have a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.
- Employees shall use official time in an honest effort to perform official duties.
- Employees may use computers and agency time for unofficial but authorized purposes if permitted under agency policy.

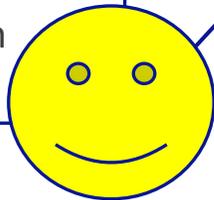
5 C.F.R. §§ 2635.704–705



Reference to Government Title or Position on Personal Account

5 C.F.R. §§ 2635.702(a)-(c)

Job: Attorney at Federal Energy Regulatory Commission
School: MT Law School, MT Undergrad
Location: Lives in Arlington, VA
From: Helena, MT
Relationship: Married to John Smith



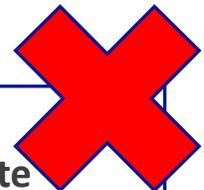
An employee does not . . . create the appearance of government sanction merely by identifying his or her official title or position in an area of the personal social media account designated for biographical information. OGE LA-15-03.



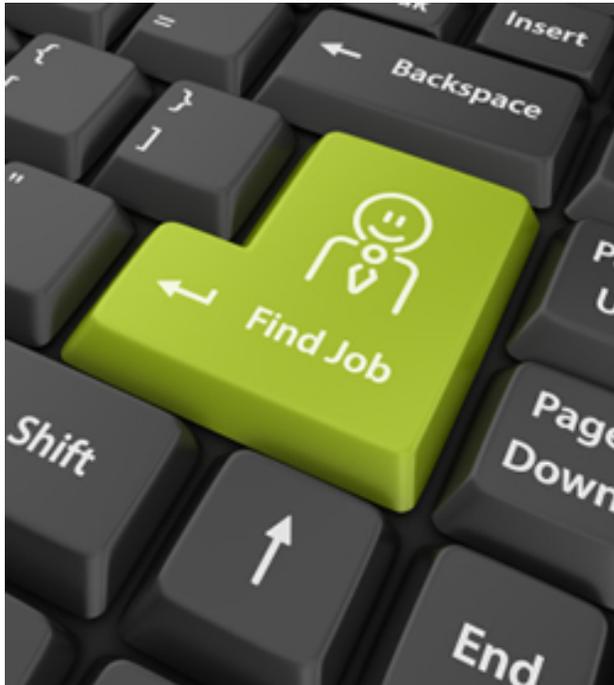
In evaluating whether a reference to an employee's official title or position on social media violates the Standards of Conduct, the agency ethics official must consider the totality of the circumstances to determine whether a reasonable person with knowledge of the relevant facts would conclude that the government sanctions or endorses the communication. OGE LA-13-05



Just read the newest case on Electricity Rate Regulation. As a Lead Attorney at FERC, I know that this isn't going to change our policy on X.



Seeking Outside Employment



Retrieved from
http://www.introprogramme.com/pages/index.asp?title=Graduate_Programmes_Belfast_Northern_Ireland_-_Intro_Programme_-_Graduates_-_Seeking_Employment

Employees who are seeking or negotiating for employment through social media must comply with the Standards of Conduct & Criminal Law

An employee is not considered to be seeking employment with any person or organization merely because

- the employee has posted a resume to the employee's personal social media account.
- a person or organization has viewed the employee's resume on that social media account
- a person or organization has sent an unsolicited message, including one containing a job offer, to the employee.

OGE LA-15-03; 5 C.F.R. 2635 Subpart F; 18 U.S.C. § 208

Personal Capacity Fundraising

Employees may use personal social media accounts to fundraise for nonprofit charitable organizations in a personal capacity, but:

- May not personally solicit subordinates or known prohibited sources
- May not use official title, position, or authority associated with position to advance fundraising effort.

5 C.F.R. § 2635.808(c)

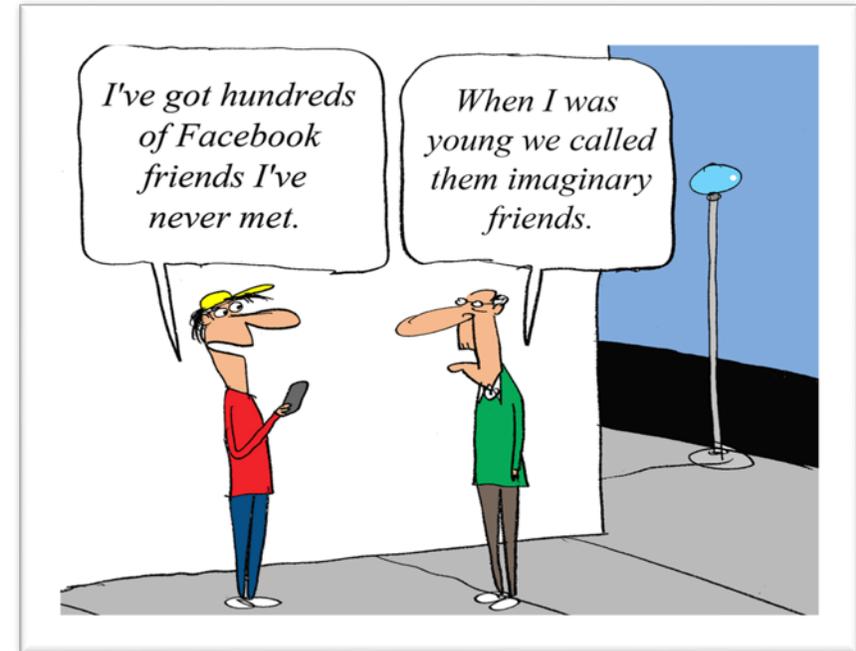


Personal Relationships with Social Media Contacts

5 C.F.R. 2635.204(b)- Personal Relationship Exception to the Gift Prohibition:

An employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift

When is a “Friend” a “Friend”?



Retrieved from <http://www.facebook-friends.com/why-to-differentiate-facebook-friends-from-acquaintances/>

THANK YOU

Questions?