



**INTEGRITY
COMMISSIONER REPORT
ACTION REQUIRED**

**Report to Council on Social Media Policy during an
Election Year**

Date:	February 11, 2014
To:	City Council
From:	Integrity Commissioner
Wards:	All
Reference Number:	

SUMMARY

City Council adopted CC45.3 on December 16, 17 and 18, 2013 requesting that the Integrity Commissioner report back to Council on February 19, 2014 with a policy on the use of personal social media accounts during municipal election campaigns.

Council asked that consideration be given to:

- 1) Amending the *Code of Conduct* to exempt personal social media communications related to seeking election to municipal office;
- 2) Requiring Councillors who are running for Toronto City Council during an election campaign to not link their personal social media pages with their Councillor websites; and/or
- 3) Permitting City Councillors to alert Ward residents about urgent issues which have a clear impact on them, such as development applications, via the Councillor's e-newsletters until Election Day.

This report proposes:

- a policy for social media use by Members during the 2014 election;
- a review of that policy after the 2014 election;
- that Council request the Integrity Commissioner to consult and report back on a general social media policy for Members of Council, Members of Local Boards (restricted definition) and Members of Adjudicative Boards;
- an amendment to the Constituency Services and Office Budget Policy ("Office Budget Policy") to permit notice of urgent matters up to nomination day and to remove the reference to the use of social media links after August 1.

RECOMMENDATIONS

The Integrity Commissioner recommends:

1. That City Council adopt a policy on the Use of Social Media during the 2014 Election Campaign:
 - A. If an elected Member of City Council uses a social media account for campaign purposes, such account may not be used for City purposes, must not be created or supported by City resources, and must not use the elected Member's title, or the City of Toronto logo. Existing accounts used by Council Members for their work as a councillor should not be re-designated as campaign sites or provide a link to a campaign site.
 - B. To avoid confusion with social media accounts used for Council Member work, it is recommended that Council Members who choose to create or use social media accounts for campaign communications include, for the duration of the campaign, a clear statement on each campaign account's home page indicating that the account is being used for campaign purposes.
2. That once City Council has adopted the recommended social media policy above, City Council amend the Office Budget Policy to remove the bullet under section 4.7 b which reads *"Link from the City's website or the Councillor's personal website to social media pages where campaign or election-related information is posted."*
3. That City Council request the Integrity Commissioner to consult with Members of Council and report back to City Council after the election on any recommended amendments to the social media policy for future elections.
4. That City Council request the Integrity Commissioner to report back on a general Social Media policy for elected Members of Council, Members of Local Boards (restricted definition) and Members of Adjudicative Boards.
5. That City Council amend the Office Budget Policy to permit print or electronic communications to constituents until the nomination day deadline to provide information about urgent matters arising from the final Council meeting in August before the election.

FINANCIAL IMPACT

This report will have no financial impact.

DECISION HISTORY

On December 16, 2013 the Integrity Commissioner and the Lobbyist Registrar provided a pre-election briefing to City Council (Agenda Item CC45.3). At this meeting, Members of Council asked questions about the use of social media and e-newsletters during the upcoming election.

City Council asked the Integrity Commissioner to consult with Members of Council in January of 2014 and report back to Council at its February meeting about the issues raised in December by Council.

This report responds to Council's request.

ISSUE BACKGROUND

The Consultation

Members of Council were consulted on two policy questions:

1. An election social media policy for Members of Council, and
2. Member use of electronic means to send information to constituents on urgent development applications after August 1 of an election year.

The policy questions involved the *Code of Conduct* as well as the Office Budget Policy and whether there is a need to amend either of these, and/or to create a separate stand-alone policy on social media communications during an election.

The consultation process included a research component which was ably conducted by Winnie Li and Lesley Ruscica of the City Clerk's Office and by Wendy Wilson from the office of the Integrity Commissioner. Valuable input was received from the Director of the Elections and Registry Services, Office of the City Clerk and from Wendy E. Walberg from the Office of the City Solicitor. Integrity Commissioners from around the province responded with information, where available, about social media policies in other municipalities.

The consultation and research included the following:

- Consultation with Toronto Members of Council
- Review and consultation with other Ontario Integrity Commissioners and municipalities regarding existing social media policies

- Consultation with City officials in Calgary, Regina, London, Hamilton, and Halifax
- Consultation with officials from Seattle, San Diego, and Philadelphia
- Review of policies, regulations and advisory opinions on social media, political activity and elected officials: Los Angeles, Seattle, San Diego and Philadelphia
- Review of discussion papers on social media and municipalities
- Review of statistical reports on use of social media by municipalities
- Review of presentation on the risks that accompany online activity during municipal elections
- Consultation with the offices of the federal Conflict of Interest Commissioner and provincial Integrity Commissioner
- Consultation with Finance Services, House of Commons, Ottawa
- Consultation with Twitter Canada and Twitter USA
- Consultation with Facebook Canada and Facebook USA
- Outreach and consultation with the offices of the City Solicitor, City Clerk, Director of Communications and City Planner of the City of Toronto
- Review of listing of Member use of social media
- Sample search of Member use of social media
- Review of sample social media of the US Senate and US House of Representatives
- Review of National Conference of State Legislature website
- Review of papers on use of social media for the US Congress and use of social media during the 2012 U.S. Presidential Election

ISSUE 1: SOCIAL MEDIA POLICY DURING ELECTIONS

Social Media Use and Policy: A Growing Trend in Ontario Municipalities

The City of Toronto and other Ontario municipalities encourage social media use for increased public engagement, providing time-sensitive important information and to better understand their communities. This is in the context of increasing use of social media elsewhere.¹ Between April 2010 and April 2013, the use of social media by

¹ For example, PEW Research Centre reports that 73% of online adults in the U.S. use social networking sites as of December 30, 2013: <http://www.pewinternet.org/Reports/2013/Social-Media-Update.aspx> : "Social networking has spread around the world with remarkable speed"

municipalities in Ontario increased by 860%, with 54% of all municipalities on social media.² The City of Toronto Twitter account is one of the most followed municipal accounts in Ontario. A number of observers have referred to the "exponential growth" in municipal use of social media, with its use going up during times of emergency. Yet, in spite of this growth, the development of policies governing its use has been somewhat slower.³

The use of social media by municipalities is often described as a way for townships, towns and cities to be "authentic" and "humanized." A number of Ontario municipalities have guidelines about how to be effective with social media, including speaking respectfully, honestly and clearly. All of these policies include direction content that may be posted on municipal social media sites. The majority of these policies specifically prohibit organized political activity or the posting of political content using municipal social media.⁴

The City of Toronto has social media guidelines for its employees that include being clear, respectful and transparent on social media. The Toronto guidelines also require employees to keep work and personal use separate.⁵ A copy of the Toronto policy is attached to this report as Appendix 1.

Although some municipalities do not mention elected officials in City policy, others refer to their codes of conduct or advise that use of social media must be in keeping with their codes of conduct.⁶ The Town of Parry Sound has incorporated a social media policy into its Code of Conduct for Council. This policy addresses a number of features such as the protection of confidential information, a prohibition against the use of social media during council meetings and a requirement that Members abide by the provisions of the Code of Conduct when commenting on either personal or corporate sites – if it is in an official capacity or while discussing town business.

This upward trend in the use of social media and the adoption of policies at the employee level to guide municipalities is a starting point. It also informs the recommendation that the City of Toronto consider a broader social media policy for Members of Council.

PEW Research, December 12, 2012, Social Networking Popular Across Globe":

<http://www.pewglobal.org/2012/12/12/social-networking-popular-across-globe/> Used with permission provided January 27, 2014

² Ontario Municipalities: Who's on Social Media? Infographic, Redbrick Social Media Survey, Spring 2013 Edition (Facebook and Twitter use studied) Quoted with permission obtained January 21, 2014.

³ As of April 2013, 20% of municipalities had policies on social media use with 10% in development.

Redbrick Social Media Survey, Spring 2013 Edition, quoted with permission obtained January 21, 2014.

⁴ For example see: City of Vaughan, Social Media Policy, January 23, 2012; Corporation of the Township of Tiny, Social Media Use, Policy COM-003, February 12, 2011; Town of Collingwood, Use of Social Media Policy, Policy A-2012-01, July 30, 2012; Official City of Markham Social Media Accounts: Comments Policy [http://www.markham.ca/wps/portal/Markham/About Markham/News/](http://www.markham.ca/wps/portal/Markham/About%20Markham/News/) accessed January 20, 2014 at 11:14 a.m.

⁵ City of Toronto, Guidelines for Social Media Use by Employees, November 2012, city employees are required to "only use social media accounts set up specifically for work purposes."

⁶ For example, City of Brampton Corporate Polices: Social Media at 5.2; Town of Oakville, Social Media Guidelines; City of Guelph Social Media Principles and Guidelines for Elected Officials.

Municipal Social Media Policies during Elections

Some municipalities in Canada have created election policies which either refer to or include social media guidance for Members of council. The City of Calgary election policy permits Members to use non-City funded social media and internet resources such as Twitter and Facebook in their personal names during a campaign period.⁷ These accounts must include a disclaimer, stating that the accounts are not City-funded, nor do they express City policy during a campaign period. Members are advised not to use their position title as part of these methods of communication.

The City of Ottawa has provided a preliminary position from the Integrity Commissioner and the offices of the City Clerk and City Solicitor. Members must distinguish between an elected official social media account and a campaign account. Members may not use accounts branded as "Councillor" or "Ward" for election purposes. Ottawa city resources must not be used to access or update campaign social media accounts. This advice is consistent with Ottawa's Election-related Resources Policy.⁸

The Halifax Regional Municipality advises elected officials who are candidates to keep the roles of candidate and elected official "absolutely separate." This is in keeping with the spending guidelines put in place as of March 6, 2012.⁹

Federal Social Media Policy for Members of Parliament

The House of Commons does not have a policy on the use of social media during an election. However, the Members' Allowances and Services Manual makes it clear that no "House resources" can be used for election purposes. House resources include telecommunications, wireless equipment and services and web site and network services. Members or House Officers who use resources for election purposes must reimburse the House of Commons accordingly. The nature of a federal election is different, as it involves dissolution of the House. This is reflected in policies that are different from those at the municipal level, for example the requirement to switch from House of Commons servers for websites for Members and to use private providers once Parliament is dissolved.¹⁰

The federal Office of the Conflict of Interest and Ethics Commissioner confirmed that its jurisdiction on conflict of interest legislation does not include the use of social media by Members of Parliament. However, the lack of such enforcement or policy at the federal level does not suggest that the phenomenon of social media use is confined to the local level. Recently, it was reported that federal

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<http://agendaminutes/calgary.ca/sirepub/cache/2/sh59c0nk3wirupc3aw45evc/165672012420140350439.pdf>

⁸ <http://ottawa.ca/en/city-hall/your-city-government/elections/election-related-resources-policy>

⁹ Guidelines-HRM Spending During Municipal, Provincial or Federal Elections
<http://www.halifax.ca/council/agendasc/documents/120306cai01.pdf>

¹⁰ Members' Allowances and Services Manual: "Dissolution of Parliament" November 13, 2013:
www.parl.gc.ca/mas

politicians received education sessions from at least one social media provider on the effective use of social media.¹¹

Provincial Social Media Policies for Members of Provincial Parliament

The Province of Ontario does not have social media policies that address campaigning and the use of social media for MPPs. However, the Office of the Integrity Commissioner for the Province of Ontario has provided advice on the question of linking a personal social media account to a constituency website:¹²

Q. Can an MPP link to social media accounts from the constituency office's website?

A. The Commissioner advises that this is acceptable as long as the link is not to a website containing partisan or commercial information. Some examples:

- 1. An MPP's website should not link to a social media page (or any other website) that has pictures of the MPP together with signage or flags, etc., that show the political party affiliation.*
- 2. An MPP's constituency website should not link to a social media account that has been used for campaign purposes only.*
- 3. An MPP's constituency website should not contain a link to a website that contains links to other websites that are partisan in nature and demonstrate the MPP's party affiliation. A link to a link to a link, and so on, is also unacceptable as long as it is reasonable to believe that a visitor to the MPP's constituency website might follow that series of links.*
- 4. An MPP's constituency website should never contain information about political fundraisers or how to make donations to political parties.*

The American Experience

A number of American cities and governments have addressed the election/social media issue. Laws and policy guidelines have been identified in San Diego, Los Angeles and Seattle. There are some differences in the details, but like the Canadian experience these policies share common objectives: the need to distinguish between the role of elected official and candidate, and to ensure that public funds are not used for election campaigns.

¹¹ "Twitter feeding leaders' desire for influence: Delacourt"
http://www.thestar.com/news/insight/2014/01/17/twitter_feeding_leaders_desire_for_influence_delacourt.html Accessed January 20, , 2014 1:11 EST

¹² Annual Report of the Integrity Commissioner of Ontario 2012-2013, p 12

City of Los Angeles

The City of Los Angeles Municipal Code requires that elected officials not use social media accounts which have been used or are being used for City purposes. Where those officials use social media accounts for campaign purposes a prominent notice must appear on the home page of each account stating, "This account is being used for campaign purposes for [name of candidate]." This law establishes a definite line between social media for governing and social media for campaigning.

City of Seattle

The use of social media in the City of Seattle draws a clear line by providing direct links from the City website to individual Councillor websites and social media sites. An image of how this has been accomplished is attached to this report (Appendix 2). It is entirely clear that these resources are City maintained and linked. A search on the Twitter pages for these councillors reveal a blend of the personal (with comments on food and sports, for example) as well as for their work as Members of Council (such as notices and reminders of local meetings).

The City of Seattle Ethics Commission issued an advisory opinion about the use of social media by elected officials which notes the need for balance to avoid being "overzealous" in enforcing restrictions on the use of social media because of the value to the people of Seattle in having their public officials engage with them via social media.¹³ The opinion recognizes that in an ever evolving area of communications any advice will require ongoing review. The primary features of this policy are that elected officials may not provide visitors to City websites with links to sites that "contain campaign advocacy or with information about how to contact or learn about campaigns."¹⁴

City of San Diego

In April of 2013, the Ethics Commission in San Diego issued a memorandum to strike a "reasonable balance" between elected officials communicating with constituents via social media and the City's interest in prohibiting use of City resources for campaign purposes. These guidelines do not allow candidates who are city officials to campaign using social media accounts that are linked from a City website or maintained by City staff. Elected officials may "re-designate" their social media accounts and change the focus from City business to campaign advocacy. Any converted accounts may not be linked to City websites nor may they be maintained using City resources.

U.S. Federal Government

U.S. federal law requires that there be no election posts or content on official senator websites or social media pages sponsored by the Senate. Similarly, the House of

¹³ Advisory Opinion 11-02E: "Elected Officials' Use of Social Media" May 4, 2011

¹⁴ Ibid at p. 3

Representatives rules require that campaign pages be kept separate from Members' personal pages.

Social Media Providers

I spoke with representatives from Twitter and Twitter Canada on their experiences with social media policies. The head of government and non-profits for Twitter confirmed that in the United States social media policies emphasize avoiding links between government and campaign Twitter accounts. We discussed how to address campaign questions sent to an official site with a response to the user that is similar to that which would be used to a telephone caller: *"This is an official Member social media site. Your question is best directed to my campaign site at _____."*

Twitter officials noted that social media provides additional access to incumbents and to challengers in being able to effectively reach potential supporters. This shifting dynamic was seen in the last U.S. election. As with many other policies, the observation from Twitter officials is that this type of social media is "sensitive to authenticity." The question was raised as to whether the public is confused by one person having multiple profiles on social media.

A Facebook representative from Washington, D.C. also responded to the request for observations about social media use and government policy. The American experience is that most officials choose to have two Facebook pages: one for campaigning and one official page. Others choose to have only a campaign page and not create any official page. Facebook is creating a pages guide that may be used by candidates once it is available. In the American experience, the biggest issue is "making sure that candidates know what they can post from official resources or while on official time vs. campaigning."¹⁵

I asked about the potential unintended consequences of social media policy. The Facebook representative noted that in light of the speed of change in social media, any policy should avoid too much specificity to avoid use of new tools. For example, in the case of Facebook, a person may have more than one "page" but only one "profile" which is used behind the scenes to administer the pages. As a result, if a policy specifically required separate profiles, this would eliminate dual use. As a result, many governments permit an "admin" for two pages so long as staff follow the other policies around when and where they may update the various pages.

Political Engagement and Social Media Use

The use of social media across multiple orders of government is a phenomenon that has begun to be studied. In her review of the 2012 Presidential Campaign, Dr. Pamela Rutledge observed a link between use of social media and engagement in political

¹⁵ Email exchange of February 3, 2014 –Facebook Global Politics and Government Outreach representative, Washington, D.C.

activism.¹⁶ Social media provides opportunities for people to feel they can make a difference, individually and collectively. Dr. Rutledge compares social media to "ripples in a pond" which can travel across networks, be amplified and allow people to be part of the production and distribution of ideas rather than passive receivers of information.¹⁷ This type of impact on democratic engagement should be encouraged by policy. In light of its potential impact, policy must speak clearly to lawful and ethical use and be in line with established principles.

Social Media Use by Toronto Members of Council

Members of Council for the City of Toronto have embraced the use of social media. 88% of the Members of Toronto City Council use three or more social media platforms. Only 2 out of 45 Members use no social media. A range of social media sites are used by City of Toronto Members to reach out in their personal and professional capacities. The attached list and charts of Member use reveal the type and use of social media accounts as of January 2014. Some Members include their social media presence to their work as Councillor by including links to these sites under their electronic signatures, providing social media links on their City websites or having their social media site addresses printed on their City-issued business cards. Other Members have begun to include other Member communications on social media, for example, by putting links to e-newsletters on social media sites and websites.

A random sampling of Member Facebook pages reveals an array of City of Toronto information such as copies of City documents, City logos, and use of the title "Councillor" often mingled with personalized glimpses into the lives of the Councillors. In the month of January some Members provided information on how to deal with frozen pipes, notices of planning applications, and electronic copies of notices for town hall meetings. Other Members are more sparing in their use of social media by occupying their named page with photographs of themselves in the council chamber but without substantive content or obvious City "branding." Some Members have begun to establish separate election social media sites using site names such as "Re-elect '*Name of Candidate*.'"

The City of Toronto provides access to official social media sites via its own website. When a citizen chooses a link from the City of Toronto Councillor and Mayor web page he or she will arrive at a site for the individual Member which includes office locations, telephone numbers and website. An additional "click" takes the user to the website of the Member and from there to the social media sites used by the Member and linked to his or her website. Corporate City resources are not used to support Members' use of social media, although Strategic Communications follow Members of Council on Twitter. If staff members note an error, they will contact the Member directly to provide up to date information.

¹⁶ "How Obama Won the Social Media Battle in the 2012 Presidential Campaign", Dr. Pamela Rutledge, Media Psychology Research Centre: <http://mprcenter.org/blog/2013/01/25/how-obama-won-the-social-media-battle-in-the-2012-presidential-campaign/>: source originally printed in the National Psychologist January 2013 issue. Cited with permission from the author, received January 27, 2014.

¹⁷ Ibid, at page 2.

Councillor Input

A number of Members of Council participated in the consultation. All acknowledged the need to maintain a separation between candidate and Member. A number of Members noted the rise in use of social media with comments such as:

- "[social media availability] is expected by the public"
- "I have been asked by members of the public to have other Members join [certain social media sites]"
- "Without social media we could not have answered [all of the] questions during the ice storm"
- "I can access it anywhere, anytime"

A number of Members described their accounts as a blend of personal and business. Others compared it to a personal telephone number because it is unique to the individual. Those Members do not view these types of accounts as a City resource because they are created at no cost to the City. Some Members noted that because social media accounts like Twitter and Facebook are free of charge, existing social media accounts should be permitted for campaign use. Others acknowledged that they use public resources to maintain official social media, for example, by having staff post "tweets" or photographs on behalf of the Member.

Not every Member agreed that social media is expected by the public: some said that citizens still request services more frequently by telephone, letter and by e mail. There are plenty of people in the community without access to computers and for those residents delivery of flyers by Canada Post is essential. These Members see social media as an adjunct rather than a core communications tool for their constituents.

One Member suggested that there should be no use of social media for campaigning, given that access to audiences on social media is created by Members as a result of their public work, an advantage which is not available to other candidates. This Member also recommended that Members not use Council Member social media for communication with residents after September 1 of an election year. This was the strictest policy proposed.

Another Member described the ease of ensuring separate social media use as a candidate. This Member has not required an additional policy to ensure that only official social media is supported by City resources. This Member said that it is "obvious" that the correct response is to create separate social media accounts for campaigning and expressed satisfaction with a policy that explicitly requires separate accounts.

Overall, Members expressed a desire for clarity, fairness and balancing of interests in creating this policy. Members raised a number of practical questions during our

discussions which speak to the need for some level of review after this election cycle. This underscores the need for a policy that is specific enough to be clear, but flexible enough to be applied in a practical way.

ISSUE 2: ELECTION YEAR COMMUNICATIONS: URGENT DEVELOPMENT APPLICATIONS

Notice of Urgent Development Applications after August 1 in an Election Year

A number of Members provided views on a proposal to permit additional e-newsletter information on urgent development applications after August 1 of an Election Year. Some Members pointed out that there is one further Council meeting after August 1 and before Nomination Day in September. This means there may be urgent matters requiring communication after August 1.

Nine Members agreed that the Office Budget Policy should allow electronic communications about urgent development applications after August 1 of the election year. Another Member mentioned the utility of continuing to inform citizens in the event of storms and extraordinary incidents. Two Members suggested that notices should not be sent out directly, but could be done through the City Clerk's office with material forwarded from the Member. Some Members observed that there is time after an election to address applications made in the final months of the campaign and that normal practice is to delay any meetings until after the election period. A number of Members described this as a service to the community which should continue in light of the fact that Members continue to work for the public during the election campaign. At least one experienced Member noted that these types of applications tend to be rare at election time. Presently, the use of other technologies such as free social media and RSS feeds mean that such information can already be provided legitimately using new media.

Other Members of Council suggested that any changes:

- ensure that these communications are not motivated by self-promotion or election-related purposes
- carefully define what is urgent
- set out clearly when and how this can be done; what can and cannot be said;
- ensure that there is an identifiable and objectively urgent need for a community meeting, an outcome or update of a file; and
- encourage staff to avoid urgent development applications in the final stretch of an election campaign.

The Office Budget Policy (section 4.7) limits communications by Councillors after August 1 of an election year:

Councillors will not be allowed to use the Constituency Services and Office Budget for advertising, newsletters, flyers, community expenses and community events after August 1 of an election year until the day after Election Day, **except for emergency situations.** (Emphasis added)

...

No Councillor will be permitted to distribute electronic newsletters including mass-emails, or print and distribute any newsletter to constituents

...

No Councillor will be permitted to print and distribute any flyers to constituents, **except in the case of emergencies.** (Emphasis added)

There is presently no electronic newsletter or mass e-mail exception after August 1 for emergencies. The Office Budget Policy appears to contemplate emergency contacts being made by flyers. It is implicit in the motion and the discussion that urgent development applications are considered to be in a different class from "emergencies" (events that could reasonably be expected to affect public safety: weather events, floods, explosions, fires, earthquakes for example).

There are also statutory notice obligations that require the City to provide notice of local planning matters. *The Planning Act* and its registration include notice provisions of minor variance applications, Official Plan amendments, Plans of Subdivision and Zoning, By-law amendments.

ANALYSIS AND DISCUSSION

Social Media Election Policy

Existing Policies are a Foundation for Social Media Election Policy

As can be seen in Canada and the United States, social media policies developed from other election policies and principle. Like other municipalities, the City of Toronto has a number of laws, Codes and policies in place to govern the conduct of Members during election campaigns. Some are already applicable to social media: other policies mention social media communications. The *Code of Conduct* operates side by side with the *Municipal Elections Act* ("MEA"). Article VII of the *Code of Conduct* begins by requiring that Members follow the provisions of the MEA and requires that Members refrain from using the "facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for an election campaign or campaign-related activities. The Office Budget Policy does not permit Members of Council to use external resources paid by City funds to update personal Councillor websites, perform website maintenance, create and post YouTube

videos or create, monitor or manage Facebook accounts or use other social media tools after August 1 in an election year.

The Evolving Use of Social Media

Early reports on social media use and the reviews of its use are encouraging. Many municipalities are embracing its properties and encouraging responsible use of social media. It has the capacity to encourage political engagement, humanize government institutions and increase access to public officials. It is another route to accessible government. These features make it different from a phone line, a soapbox in the public square, a radio broadcast or a megaphone. It has elements of each of these, but it is more. It is fast, inexpensive, and responsive to the public interest. As one Member noted, its reach is "exponential." It crosses temporal and spatial boundaries. It is recorded and can be seen, recopied or sent around the globe. All of these elements are factors that should be kept in mind when considering a policy on its use. Its positive impact is magnified because important information can be shared broadly, but the corollary is also true. Improper, negative or unethical use is also subject to magnification. There is a greater potential impact on the reputations of individuals and institutions.

As a result of the research and consultation, I observe that a social media policy for Members of Council would be a useful addition to the ethical infrastructure at the City of Toronto. Although this report was requested for a social media policy for election campaigns, I am including a recommendation to develop a general social media policy and to include Members of Local Boards (restricted definition) and Adjudicative Boards for consistency.

On the specific question before Council, I recommend a policy that enables Members of Council to continue to comment to the public as part of their roles as elected officials. They may also use social media to campaign. The important point, which has existed since before this form of communication became popular, is to keep the two roles distinct. The title, resources, City branding and information that accompany the role and the responsibilities of office, must not be employed in social media for political and partisan campaign purposes. This precept has been embedded in the *Code of Conduct* for the past three full terms of Council. Many Members have embraced the use of social media and have significantly linked its use to their work as an elected official. As such, this type of use has "branded" these accounts as Member of Council resources.

When a new campaign account is created, or a personal (non-City used) account is made into a campaign account, the use of a clear election statement on the home pages of social media accounts will enable Members to demonstrate a boundary from City social Media sites.

I recommend that Members of Council apply this social media policy in the spirit of the underlying provisions of the *Code of Conduct*. The public nature of this report and the avenues of social media can be expected to provide feedback about the policy and help to resolve questions that are sure to arise in the months ahead. There may be practical

or technical aspects to the policy that will be worked out in practice. For this reason, I have avoided an overly technical set of rules and have recommended a review of the policy after the election is over. Finally, the amendment to the Office Budget Policy is to take out a bullet point that would be inconsistent with the recommended policy.

Recommendation: Social Media Policy

I recommend a social media policy for use during the 2014 election with the following elements:

1. That City Council adopt a policy on the Use of Social Media during the 2014 Election Campaign:
 - A. If an elected Member of City Council uses a social media account for campaign purposes, such account may not be used for City purposes, must not be created or supported by City resources, and must not use the elected Member's title or the City of Toronto logo. Existing accounts used by Council Members for their work as a councillor should not be re-designated as campaign sites or provide a link to a campaign site.
 - B. To avoid confusion with social media accounts used for Council Member work, it is recommended that Council Members who choose to create or use social media accounts for campaign communications include, for the duration of the campaign, a clear statement on each campaign account's home page indicating that the account is being used for campaign purposes.
2. That once City Council has adopted the recommended social media policy above, City Council amend the Office Budget Policy to remove the bullet under section 4.7 b which reads *"Link from the City's website or the Councillor's personal website to social media pages where campaign or election-related information is posted."*
3. That City Council request the Integrity Commissioner to consult with Members of Council and report back to City Council after the election on any recommended amendments to the Social Media policy for future elections.
4. That City Council request the Integrity Commissioner to report back on a general Social Media policy for elected Members of Council, Members of Local Boards (restricted definition) and Members of Adjudicative Boards.

This will respond to the growth in the use of social media, the rise in policies to guide the use of social media and the existing ethical infrastructure around communications at the City of Toronto. Most importantly, it will respect established law, policy and the *Code of Conduct*.

Communication on Urgent Development Applications

This issue involves the question of Members of Council using e-newsletters up until Election Day. Any change will require an amendment to the Office Budget Policy because it prohibits the use of e-newsletters after August 1 in an election year.

The Office Budget Policy was last considered by Council and amended on July 11, 12 and 13, 2012. It permits Councillors to communicate with constituents in emergency situations by way of flyers paid for from the Member of Council's office budget. The question is whether this is sufficient and whether development applications or other urgent information ought to be included in the list of emergency situations for which Councillors may communicate within their wards between August 1 and Election Day. All of the Members who responded agreed that there should be some capacity to do so, although a number of Members requested limits on this to avoid campaigning in the form of official communications. The practical feature influencing this analysis is that decisions may be made by City Council at its final meeting in August. The current prohibition begins on August 1. There could be urgent, time-sensitive notifications required in addition to statutory notices. Councillors are in a position to assist with communicating such matters.

The rising use of social media illustrates that information about such meetings can already be made in compliance with existing policy via social media (websites and others). The Office Budget Policy only speaks to printed flyers and e-newsletters. If the matter is demonstrably urgent, some citizens could lose the opportunity to participate or make their views known. Members of Council may have a greater appreciation about interested members of the public.

I have concluded that there is a case to be made to permit the use of more traditional communications (email and/or flyers) to residents, in addition to the existing ability to use social media, up to the deadline for nominations (Nomination Day) which falls after the last Council meeting in August. In order to protect the City and Members from allegations of using city resources for campaign purposes, I do not recommend extending use of City resources for Member communication past the nomination day deadline. Emergencies should continue to be the only exception past nomination day.

Recommendation

In response to the suggestions from Members of Council around setting clear parameters, and to avoid the potential for Members over-communicating on non-urgent matters, which could have significant consequences for the City, I recommend to City Council:

1. That City Council amend the Office Budget Policy to permit print or electronic communications to constituents until the nomination day deadline to provide information about urgent matters arising from a decision of Council at the final meeting of Council in August before the election.

Conclusion

This report begins the discussion on member use of social media, but it will not be the final word. It was aided by timely and thoughtful input from Members of Council, the assistance of the Office of the City Clerk, Office of the City Solicitor, municipal, federal and provincial officials and Integrity Commissions, commentators and social media officials around North America. Thank you to all of those who participated in these policy questions and for those who provided permission for references.

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SIGNATURE

Original Signed

Janet Leiper
Integrity Commissioner

JL/ww

Attachments

1. City of Toronto Guidelines for Social Media Use by Employees
2. Sample page from City of Seattle Website: Links to Member pages and social media
3. Description of Social Media Sites Used by Members of Toronto City Council
4. Statistics on Use of Social Media Sites Used by Members of Toronto City Council