

Interpretation Bulletin: Use of Social Media by Members of Council



Purpose of the Bulletin

1. The purpose of this Interpretation Bulletin is to clarify how the [*Code of Conduct for Members of Council*](#) (the “Code of Conduct”) applies to a member’s use of social media.
2. In addition to referring to this bulletin, members should consult the Integrity Commissioner for confidential advice when they have specific questions about these matters.

Application of the Code of Conduct

3. Members use social media to communicate about their work, priorities and views they deem important to engage the public. Members use social media accounts in a variety of ways including:
 - posting content they have composed or created themselves, having others post content on their behalf or some combination of the two;
 - posting content that ranges from information about events in their community to their opinions about political issues of the day in Toronto and around the world; and,
 - providing a real-time narrative of meetings and events in which they are participating.
4. Like any activity or mode of communication in connection with their official role, the Code of Conduct applies to a member’s use of social media.

Relevant Legislation and Policies

5. Use of social media has the potential to engage provincial legislation and City policies, including the:
 - [*Municipal Elections Act, 1996*](#)
 - [*Use of City Resources during an Election Period Policy*](#)
 - [*Constituency Services and Office Budget Policy*](#)
 - [*Corporate Identity Program*](#) (intranet only)

Compliance Obligations

6. Members should note the following when using social media.

Guiding Principles

7. Members are expected to hold the highest standards of conduct to maintain and foster the City of Toronto's reputation and integrity. As the Preamble to the Code of Conduct describes, this includes members:

- serving their constituents in a conscientious and diligent manner;
- acting with integrity to avoid real and apparent conflicts of interest and the improper use of their influence;
- performing their duties and arranging their private affairs in a manner that promotes public confidence and bears close public scrutiny; and,
- serving the public interest by upholding both the letter and the spirit of federal and provincial laws and the bylaws and policies adopted by City Council.

Use of City Resources

8. A member's social media account uses City resources when it:

- uses an "@toronto.ca" email address as a point of contact for registration purposes;
- identifies the member as a current member of Toronto City Council in the handle name, the user name or the profile description;
- is publicized on the member's constituency website or the City of Toronto's contact page for members of Council;
- is publicized on business cards, newsletters or other publications eligible to be paid for out of the Constituency Services and Office Budget (CSOB);
- uses the logo or any other proprietary mark of the City of Toronto;
- contains contact information for the member at City Hall, a civic centre or constituency office or any other official contact information;
- is used or managed using City of Toronto resources including computers, smart phones or tablets; or,

- is managed or maintained by the member's staff or volunteers, or using services eligible to be paid for out of the CSOB.
9. In accordance with Article 15 (Council Policies and Procedures), when maintaining or promoting social media accounts using City resources, members are required to do so in accordance with City policies which include the policies listed at paragraph 5, above.

Re-election Activity

10. As required by Article 7 (Election Campaign Work), members are required to follow the provisions of the *Municipal Elections Act, 1996* governing municipal elections and referendum questions.
11. If a social media account is being used by a member to promote their re-election (or a particular outcome on a referendum question), it must not be maintained or promoted using City resources, which includes:
- using or managing it from City office space or using it on City of Toronto computers, smart phones or tablets; or,
 - receiving support to use or manage it from: the member's staff during their prescribed working hours as City of Toronto employees; unpaid volunteers in the member's office; or, the services eligible to be paid for out of their office budget.
12. Members should establish a separate account that does not use City resources for their re-election campaign activities from the date they file their nomination papers until December 31 in the year of a regular election, which is the end of their election campaign period under the *Municipal Elections Act, 1996*.
13. If a member wishes to “convert” a social media account used for official business or supported by City resources to a re-election campaign account, a member must
- a) before converting the account:
 - i. consult with the Integrity Commissioner;
 - ii. post a notice informing users of the impending change in use, when this will occur, and an alternative contact for constituency service needs; and
 - iii. advise those managing the account that once it is converted, no City resources, including computers, devices and staff, may be used to maintain the account.
 - b) On the day the account is converted:
 - iv. remove from the account handle, user name, and profile description any reference to the City of Toronto, City logos or images, and the member's title;

- v. ensure that the account is not registered using any “@toronto.ca” email addresses or City of Toronto phone numbers;
 - vi. cease producing or distributing any printed or electronic materials, including business cards, that include the account name or handle;
 - vii. remove links to the account from the member's website and any City of Toronto website under the member's control; and
 - viii. state in a prominent location that the account is a campaign account.
14. The requirements above need to remain in place until the end of the election campaign period under the *Municipal Elections Act, 1996*.

Other Political Activity

15. In addition to the re-election restrictions described above, when using a social media account supported by City resources, members must not post content that promotes any candidate or political party in any election at the municipal, federal or provincial level, including nomination and leadership contests.

Improper Use of Influence

16. On a social media account supported by City resources, members must not frequently promote the purchase of goods and services from a particular business rather than another. In promoting economic development in their communities, members should be careful to promote local businesses in an even-handed manner to avoid the appearance of favouritism and the appearance of commercially endorsing specific businesses over others in their community.

Conduct Respecting Others

17. When using social media, members should consider whether the requirements of Article 14 (Discreditable Conduct) and Article 12 (Conduct Respecting Staff) may, objectively and reasonably, apply to their communications if those messages:
- engage with others, including the public, City staff and other members, in a manner that is abusive, bullying, intimidating or derogatory, or
 - fail to ensure that their work environment at the City of Toronto is free from discrimination and harassment; or,
 - maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of City staff, or does not respect their professional capacities.

18. Complaints about such communications may be submitted to, and investigated by, the Integrity Commissioner.

Confidential Information

19. Members should not post content on social media during confidential meetings, including Council, committee or board meetings considering *in camera* items, as it may be perceived, correctly or incorrectly, that confidential information is being disclosed.
20. The requirements in Article 5 (Confidential Information) prohibiting the use and disclosure of confidential information apply to a member's use of social media. For example, members should not use social media accounts to respond to service requests from a constituent about their private matters.

Gifts and Benefits

21. Article 4 (Gifts and Benefits) prohibits members receiving goods or services, directly or indirectly connected with the performance of their duties of office, unless permitted by the exceptions noted in the Code of Conduct. Members should not accept social media content such as graphics or videos:
- produced by a lobbyist regarding an issue to be decided by City Council to comply with Article 13 (Conduct Respecting Lobbyists); or,
 - produced without payment from any one external source in a calendar year that is valued at greater than \$500.

Establishing Terms of Use for a Member's Social Media

22. Members should post a terms of use policy for their social media accounts.
23. The policy should identify what content will be posted, if City resources are being used, and how they will moderate the social media account including:
- i. if it will be open to others posting or responding to the member's posts;
 - ii. how service requests from constituents will be dealt with to respect their personal and confidential information;
 - iii. what content posted by others will be removed;
 - iv. when and why the member will block users and for how long; and,

- v. how someone can complain to the Member about content on the account, having their posts deleted or being blocked.

24. While a terms of use policy can support compliance with the Code of Conduct, the content of the policy and the way it is applied may still be reviewed under Article 14 (Discreditable Conduct).

Guidance on Social Media Blocking

25. Social media is a powerful tool for public communication. It can support informed discourse, but can also be used for harassment, hate and threats. Members should be familiar with social media platforms' terms of use, and know when to report misconduct.

Legal context

26. Freedom of expression on political issues is protected by the Canadian Charter of Rights and Freedoms, however, it only applies to governmental action.

27. While municipal bylaws and Council policies are clearly subject to the Charter, Canadian courts have not yet ruled that an individual Member of Council's social media comments constitute "governmental action."

Human rights considerations

28. The Ontario Human Rights Code applies to individual Members of Council, including their social media activity.

29. Blocking users may deny public access to information shared by Members of Council in their public role.

30. Members of Council must ensure blocking does not have an adverse effect on an individual based on protected grounds under the Human Rights Code.

31. Blocking that is discriminatory towards someone on protected grounds engages Article 14 (Discreditable Conduct) of the Code of Conduct.

Best practices

32. Use blocking sparingly and as a last resort;

33. Be minimally invasive, preserving access to information and expression; and,

34. Have a process for review, allowing users to request reinstatement.

Appropriate reasons to block users

35. It is appropriate to block someone if they have engaged in:

- Bullying or harassment;
- Disseminating false information;
- Operating an abusive spam or fake account;
- Attempting to dominate discussion or drown out others; or
- Posting hate speech or threats (which must be reported to police).

Alternatives to blocking

36. If the conduct of a user is bothersome but does not meet the threshold described above, a member may manage the conduct by:

- Muting or hiding replies reduces unwanted engagement without restricting access to official information.
- Turning off comments on specific posts can manage disruptive discussions without excluding individuals from viewing official communications.
- Using moderation or filtering tools can address problematic engagement while preserving access to the public commons.

Tolerance of reasonable criticism

37. As elected officials, Members of Council should be prepared to receive a certain amount of public scrutiny, questioning, and criticism on social media.

38. Blocking users whose content is not clear misconduct may be perceived as unfair, especially during political debate.

Public vs. private accounts

39. Members of Council may have separate personal and public accounts, but:

- Personal accounts must be used exclusively for private purposes;
- Staff should not access personal accounts; and,
- Even private accounts may still be perceived by the public as part of the Member of Council's public profile, creating potential confusion and risk.

Seek advice when unsure

40. In unclear situations, Members of Council should seek guidance from the Integrity Commissioner before blocking members of the public.

Contact Information

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