

Terms and Conditions for Users of the City of Tacoma, Washington's Social Media Sites

PURPOSE

Because many of our community members, organizations and other stakeholders utilize social media for news and communications, the City of Tacoma [City] has developed its own social media accounts, which help City employees inform the public about the City's work, mission, programs, initiatives, announcements, and events. Comments left on the City's social media sites reflect the views of the commenters, not the views of the City of Tacoma.

The City of Tacoma is committed to freedom of speech as guaranteed in the First Amendment of the U.S. Constitution and Section 5 of the Washington State Constitution which guarantees "Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right." As a result, there may be times when what some people perceive to be offensive comments left by members of the public will remain on the City's social media platforms, if such comments are legally protected speech.

The City of Tacoma has an important interest in assuring the accuracy and consistency of information associated with its social media sites. These terms and conditions establish guidelines for the public's use of the City of Tacoma's social media sites in a way that balances these values.

SCOPE

These terms and conditions are meant to clarify social media interactions between members of the public and non-represented City of Tacoma employees in the Media and Communications Office, who staff and manage the City's social media platforms.

DEFINITIONS

1. "Social media" means digital content created by the City of Tacoma and communicated on platforms that allow sharing, commenting, and engagement by the public. Examples of social media accounts the City may use are Facebook, Twitter/X, Instagram, YouTube, and LinkedIn.
2. "Comments" include any digital content, information, links, images, videos, or any other form of communicative content posted in reply or

response to a social media account post posted by the City of Tacoma on one of its social media sites.

3. “User” means a member of the public who views or interacts with one or more of the City of Tacoma’s social media accounts.

EXPECTATIONS

1. City of Tacoma leaders believe that honest, civil, and productive discussions provide the best environment for community members and other stakeholders to understand the work of their government.
2. We ask commenters to consider that the City of Tacoma’s social media feeds may be viewed by children and other impressionable people. Please avoid profanity, slurs, personal attacks, bullying, or use of false information.

ACCOUNTABILITY

The City of Tacoma commits to regularly train its employees who manage social media on this policy and relevant freedom of speech caselaw.

GENERAL GUIDELINES

1. These terms and conditions apply to all the City of Tacoma’s social media sites. Where possible, a link to these terms and conditions will be made available as a hyperlink or posted as text somewhere on the City’s social media accounts. It will also be available on the City’s website at cityoftacoma.org/socialmedia.
2. Users should know that social media posts created by the City of Tacoma, comments and replies to those posts, and any direct or private messages sent to City of Tacoma employees may be public records subject to applicable public records release.
3. The City of Tacoma’s social media accounts are not monitored 24/7 and no one should utilize the City’s social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.
4. The City of Tacoma does not guarantee its employees will respond to comments or messages sent on the City’s social media accounts.

5. Communications made through social media will in no way constitute a legal or official notice or comment to the City or any official or employee of the City for any purpose. To make a public records request, contact the Public Records Office. Comments specific to a City project or program should be submitted directly to that project or program. Contact the Media and Communications Office for assistance, questions, or concerns at mco@cityoftacoma.org .

CONTENT MODERATION

1. **Limited Public Forum.** The City of Tacoma's social media accounts are created and maintained as limited public forums. The City invites members of the public to view and, where possible and permitted, provide comments or other engagement on its social media posts. However, the law permits City of Tacoma employees to hide comments that are not protected speech under the First Amendment and relevant caselaw. As a general rule, City of Tacoma employees will not hide comments solely because such comments are critical of the City or its officials, nor will City employees hide comments that may be considered offensive by some platform visitors, unless they are prohibited content.

2. **Prohibited Content.** As indicated above, there is some language that is not protected speech under the First Amendment which allows City of Tacoma employees to hide:

- a. Comments expressly advocating direct violence or other illegal activity,
- b. Comments containing or linking to obscenity, which is defined as sexually explicit and/or pornographic content that is patently offensive, appeals to prurient interest, and lacks serious literary, artistic, political, or scientific value,
- c. Comments containing commercial messages, including advertisements, solicitations, and spam,

- d. Comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, server, or browser,
- e. Duplicate comments posted repeatedly within a short period of time,
- f. Comments containing actual defamation against a specifically named person or organization, either as determined by a court or comments that are patently defamatory by easily discovered facts,
- g. Comments that contain images or other content that violate the intellectual property or copyright rights of someone else, if the owner of that property notifies the City of Tacoma that the property was posted in a comment on the City's social media account(s).

3. **Retention.** When a comment containing any of the above content is posted to a City of Tacoma social media account, a copy or electronic record of that content may be retained or archived pursuant to State Law and the City's records retention policy.

APPEAL

1. If a City of Tacoma employee hides a user's comment pursuant to these terms and conditions, the user has the right to appeal that decision by sending an email or letter to the City of Tacoma's Media and Communications Office at mco@cityoftacoma.org within five business days.
2. Upon receipt of an appeal, City of Tacoma social media employees will confer with the City Attorney's office to determine whether the comment at issue contained content protected by law. If the appeal is successful, the comment may (if possible) be restored for public view, or the user may be permitted to repost the comment. Upon a determination that the comment was not protected by law, the user will be notified that the appeal was denied.