

DRAFT ACCEPTABLE USE POLICY COUNCILLOR WEBSITES PROVIDED BY THE COUNCIL

This Acceptable Use Policy defines the boundaries within which Councillors can use their modern.gov member website.

1. Summary of provisions

In summary these are:-

- The introduction of content that may result in actions for libel, defamation or other claims for damages against the Council.
- Infringement of others personal rights
- The overt promotion of any political party or campaigning organisation.
- The promotion personal financial interests or commercial ventures.
- Anything contrary to the member code of conduct or other controlling legislation.
- Using their site in an abusive or hateful manner.

Further details are given below.

2. Defamation

A defamatory statement is one that causes an adverse effect on a person's reputation. It must be published to a third person and refer to the defamed individual. Libel, which is a form of defamation, is the publication of a statement which exposes a person to hatred, ridicule or contempt, or which causes him to be shunned or avoided, or which has a tendency to injure him in his office, trade or profession in the estimation of right-thinking members of society generally.

Elected Members may not use their Councillor Sites to publish defamatory statements or material. Anyone who believes that they have been defamed by a Councillor will be able to take legal action directly against the Councillor concerned. The relevant legislation is the Defamation Act 1996 and the full text can be found at <http://www.hms0.gov.uk/acts/acts1996/1996031.htm>

A Councillor should be permitted to publish information in the context of their role in respect of matters of general public interest.

Elected Members have been provided with the contacts to edit/update a Councillor Site by the Council and are responsible for all content on their own Councillor Site. The Local Authority is not responsible for approving content put on to Councillors' websites. For the avoidance of any doubt, the Council does not authorise or in any way sanction the publication of statements that might be construed as defamatory.

3. Data Protection

Any personal information should be treated with care and respect for relevant data protection law.

The Data Protection Act 1998 applies to all Councillor websites, and the full text of the 1998 Act can be found at:

<http://www.legislation.hmso.gov.uk/acts/acts1998/19980029.htm>

The Councillor confirms that he or she has read the Authority's guidance and/or the Council's own policy and code on data protection and accepts the provisions of it.

4. Political Publicity

Because all Councillor Sites are funded by a Local Authority, Elected Members may not use their Councillor Site to overtly promote political campaigns and advocate political stances on issues. . If it is found that Councillors have contravened this requirement then paragraph 8 (Determination Of Acceptable Content) will apply and may result in the Councillors site being suspended.

Section 4 of the 1986 Local Government Act enabled the Secretary of State to issue a Code of Practice on Local Authority publicity. The original Code was amended in 2001. The Code was made more flexible in relation to publicity about individual councillors and the relevant paragraphs are:

“13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative and accurate. It should aim to set out the reasons for the Council's views and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views on their policy decisions.

14. Publicity relating to the provision of a service should concentrate on providing factual information about the service.

15. In some cases promotional publicity may be appropriate – for example about the local authority's sports and leisure facilities or about tourist attractions.

16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the Council, should be handled with particular care. It should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.

17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.....

.....39. Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example a member of the Executive or Chair of Performance and Scrutiny Overview Committee) and their responsibilities. Publicity may also include information about individual Councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory and whilst it may acknowledge the part played by individual Councillors as holders of particular positions in the Council, personalisation of issues or personal image-making should be avoided.

40. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual Councillor which are relevant to her/his position and responsibilities within the Council, and to put forward his/her justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party, or directly attacking policies and opinions of other parties, groups or individuals”.

5. Election Periods

Particular care must be taken immediately prior to an election or by-elections affecting the authority’s area to ensure that any views expressed could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates.

Between the time of publication of a notice of an election and polling day, Councillors must not use Councillor websites to promote controversial issues, or views or policies in a way that could be deemed to contravene the Council’s code of publicity. If it is found that Councillors have contravened this requirement during this period then paragraph 8 (Determination Of Acceptable Content) will apply and may result in the Councillors site being suspended.

6. Elected Members Code of Conduct (as amended 2007)

The Council has approved specific provisions that govern the conduct of Elected Members as an elected representative. A new Code of Conduct was approved by Council on 28 June 2007. Use by Councillors of Councillor Website should accord with the code in all respects. Member’s attention is drawn to the Ten General Principles of Public Life. Breaches of the code are a matter for the Standards Board for England who has the power to direct the Council’s Standards Committee to undertake an investigation into conduct.

Reference to code:

[http://rds.eppingforestdc.gov.uk/Published/C00000296/M00004954/A100011755/\\$MinutesAppendix1.docA.ps.pdf?ku=1828219524\\$SRU](http://rds.eppingforestdc.gov.uk/Published/C00000296/M00004954/A100011755/$MinutesAppendix1.docA.ps.pdf?ku=1828219524$SRU)

7. Other General Principles to be followed:

- The site must not be used in a way that will bring Elected Members or their Local Authority into disrepute.
- The site must promote equality by not discriminating unlawfully against any person, treating others with respect and not to do anything which compromises the impartiality of those who work for or on behalf of the authority.
- To treat Local Government Officer’s recommendations or known views impartially.
- Elected Members must not disclose information given to them in confidence or information acquired, which they believe, is of a confidential nature without the consent of a person authorised to give it.

- Elected Members must not use their Councillor Site to disclose information that the Council has considered in exempt session and has not been subject to disclosure under any public interest test, or which they are on notice is confidential for any other reason.
- Elected Members must not use their Councillor Site to secure personal advantage or secure use for themselves or others of the resources of the authority (for instance, by advertising a commercial service or by using the site to encourage the Local Authority to purchase a particular item or service).
- Councillors should not use their sites to breach any civil or criminal law.

8. Determination Of Acceptable Content

The Council's Monitoring Officer and/or the Standards Committee of the Council will be responsible for determining whether content on Councillor Webpages contravenes either this protocol or other law doctrine in the event that a complaint is made or Administrators of the Modern.gov have concerns about passing content to live internet viewing. Any decision of the Monitoring Officer and/or the Standards Committee will be in writing setting out the reasons for their decision and shall be transmitted to the Councillor concerned.

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