

RESOLUTION NO. 1420

**A RESOLUTION OF WHITPAIN TOWNSHIP, MONTGOMERY COUNTY,
ADOPTING SOCIAL MEDIA POLICIES**

WHEREAS, Whitpain Township is a Township of the second class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township maintains social media accounts on several social media platforms; and

WHEREAS, Township Supervisors maintain social media accounts on several social media platforms; and

WHEREAS, the Township desires to adopt policies and guidance for the use of those social media accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Whitpain township, Montgomery County, Pennsylvania, as follows:

1. The Whitpain Township Social Media Policy, attached hereto as Exhibit "A."
2. The Whitpain Township Public Officials Social Media Policy, attached hereto as Exhibit "B."

RESOLVED and **ENACTED** this 19th day of January, 2021.

**WHITPAIN TOWNSHIP
BOARD OF SUPERVISORS**



Michele Minnick, Chair

Attest:



Frederick R. Conner, Jr., Secretary

Exhibit A

Whitpain Township Social Media Policy

The purpose of the Township's social media policy is to enable the Township to post about matters of public interest concerning Township programs, activities, news stories, and photos. Members of the public are permitted to comment on these posts. The Township's intent is to create a limited forum devoted exclusively to its postings and comments from members of the public so long as they are relevant to the subject matter of the post they are responding to.

The below should be listed to the Township's social media page.

"We welcome discussion and questions. We seek to maintain an environment that is civil and appropriate. The Township reserves the right to remove comments to the extent that they do not follow the following guidelines:

- Do not post profane, obscene, vulgar, or violent content or language.
- Do not post threats to any person or organization.
- Do not post content that promotes, fosters, or perpetuates discrimination against any legally protected category by federal, state or local law, including, but not limited to, race, creed, age, color, religion, gender, marital status, national origin, physical or mental disability, and sexual orientation."

Exhibit B

**Whitpain Township
Public Officials Social Media Policy**

Social media accounts can be used for private and public use amongst Whitpain Township (“Township”) public officials; however, such accounts will need to be clearly identified as such and used in accordance with the guidelines set forth in this policy. Such actions are necessary to ensure (1), compliance with the Right to Know (RTK) Law and any obligation of the Township to fill such requests; and (2), that there is no violation of the public’s First Amendment rights.

Use of Social Media Account for private use:

For a social media account of a public official to be exempt from the RTK Law it must (1) contain personal information, (2) not be visible to the general public; and (3) not be used to discuss or invite public comment on official business.

Use of Social Media Account for public engagement/in an official capacity/as an government actor:

The use of a social media account as a government actor will subject records of the account to the RTK Law and liability under the First Amendment.

A social media account is used in one’s capacity as a government actor when the official:

1. Maintains it as an official page,
2. Treats a previously personal or private account as if it were an official government account, and/or
3. Uses the account as if it were an official government account, even if the official believes it is currently a personal or private account. This occurs when the official:
 - a. Intentionally opens up the account for public conversation,
 - b. Allows individuals to ask for government services through the account, and/or
 - c. Use the account to publically share government information.

When a social media account is used by an official in their capacity as a government actor, they cannot (1) delete comments or restrict postings based on someone’s viewpoint and/or, (2) block someone from their account. Doing so would likely violate the publics’ First Amendment rights.

Officials should enact a formal social media policy that is viewpoint neutral and reasonable in order to restrict off-topic, threatening, or profane posts and comments on their accounts. This policy should be posted clearly on the social media account. The policy can be as simple as, “Profane, abusive, and/or off-topic posts will be removed from this page.”