

ACCEPTABLE USE POLICY MEMBERS MINI-WEBSITES



TABLE OF CONTENTS

Purpose of the Policy	4
Mini Websites some key do's and don'ts	4
Code of conduct	4
Political publicity	5
Tainting of decision making through bias	6
Defamation.....	6
Data Protection.....	6
Monitoring.....	6

PURPOSE OF THE POLICY

As a Councillor you are provided with a mini website to help you to promote your work as a Councillor and to communicate with your Constituents on matters affecting them. Websites can be a very effective tool but you can encounter problems.

This policy aims to set out some simple rules which will help you to use your mini website effectively and avoid you incurring any personal liability.

MINI WEBSITES SOME KEY DO'S AND DON'TS

Do's

- 4 You must comply with the Members' Code of Conduct
- 4 You should avoid putting material on your web pages which could lead to an allegation of predetermination or bias being made
- 4 You must comply with your responsibilities under the Data Protection Act
- 4 You should be aware that most of your web pages will be frozen at election times
- 4 You can use your web pages to tell Constituents how they can contact you and to tell them about your work on behalf of the Council
- 4 If you want to refer to decisions that have been made by the Council you must provide an accurate and even handed account of discussions or processes that lead to the decisions being taken
- 4 You may include links to political websites on your mini website but

Don'ts

- X You must not use your web pages for party political publicity or for campaigning and
- X You must not provide links to sites that may incite racial hatred or are unlawfully discriminatory
- X **You must not publish material that could be considered offensive, incite racial hatred or is unlawfully discriminatory.**
- X You should not use your web pages to attack any individuals or to comment on any politically controversial issues.
- X You must not place confidential or exempt information on your web pages
- X You must not use your web pages for any commercial activity
- X You must not use material from other websites or publications unless you have the permission of the copyright holder

CODE OF CONDUCT

When you add material to your website you will clearly be doing so in your official capacity as a Councillor and so the Members' Code of Conduct will apply.

By following the dos and don't set out above and by using commonsense you should keep on the right side of the Code - in particular in relation to the requirements that:

- You must not do anything which may cause your authority to breach any of the equality enactments
- You must not disclose confidential information except as permitted by the Code
- You must act in accordance with your authority's reasonable requirements relating to use of resources

- You must ensure that such resources are not used improperly for political purposes (including party political purposes); and
- You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. (More information about this appears in the next section.)
- You must treat others with respect
- You must not bring your office or the Authority into disrepute

POLITICAL PUBLICITY

Member websites come within the definition of publicity.

The Council is prohibited by law from funding any publicity which appears to be designed to affect support for a political party.

The Council is also obliged to have regard to the Government's Code of Practice when considering any publicity. That Code can be found at:

<http://www.communities.gov.uk/publications/localgovernment/coderecommended>

Unfortunately the Code of Practice is quite poor when it comes to individual member publicity and, since it has not been updated since 2001, it has not kept pace with technological change. However, there are some key principles to follow which will keep you on the right side of the law:

- You must not expressly advocate the policies of one political party
- You must not directly attack the policies or opinions of other parties, groups or individuals
- You must not use the website for campaigning or to promote or oppose a view on a question of political controversy
- You should be careful that the language you use is not open to being misconstrued. Political slogans may not be used.
- You may use your website to publicise information about your proposals, decisions and recommendations where these are relevant to your position and responsibilities within the Council. That could include your position as a Ward Councillor. Personalisation of issues and personal image making should be avoided though.

Members may use the "My Politics" section of their website to link to external websites of a political nature e.g. national or local political party sites, including their own personal website, providing that the links do not otherwise contravene the User Agreement. For example, links should not be provided to sites that promote racism.

Because the election period is a particularly sensitive time only basic information about a Councillor will be displayed on websites during the period after the notice of election has been published. The Democratic Services team will take responsibility for ensuring that this happens.

TAINTING OF DECISION MAKING THROUGH BIAS

If you are going to make a decision on behalf of the Council it is important that you do not give an impression that you have made up your mind before you have heard all the arguments.

The use of your web pages to set out a clear position on a particular issue could well provide enough evidence of bias which could then lead to a decision of the Council being challenged through the Courts e.g. stating your opposition to a particular site for wind turbines when you sit on Development Control Committee

DEFAMATION

Defamation is the publication of a statement that damages the reputation of an individual in the eyes of “right thinking people.” Defamatory statements on a website will amount to libel because the internet is considered to be a permanent form of communication. Spoken defamatory words on the other hand come within the definition of slander.

You are responsible for the contents of your web pages and anyone who believes that you have defamed them will be able to take legal action directly against you. They may also take action against the Council and the Council’s Internet Service Provider.

DATA PROTECTION

In order to protect you from any claims that you have breached the requirements of the Data Protection Act you must not normally place any information on the site which relates to an identifiable living individual. This includes images of a person.

You can however do so if:

- You have that person’s express consent.
- The information is sufficiently anonymised to prevent identification
- The information is already legitimately in the public domain

If you use your website to gather personal information from others such as e-mail contact details from people who contact you through the site, details of casework issues which relate to individuals etc. you must be careful to keep that information safely, to use only for the purposes for which it was given and to destroy it when it is no longer required.

For more information generally about mini websites and this policy please contact the Democratic Services team.

For more information about the Data Protection Act please contact Alison Brandwood.

MONITORING

The responsibility for the content of a mini website lies with the individual Member and the websites will not be routinely monitored by Officers. However, because the Council retains legal liabilities in respect of the websites, the Democratic Services team retain the right to remove any content which breaches this policy.

Declaration

I, Councillor, have read and understood the Acceptable Use Policy as set out above and hereby agree to operate my Members' mini website in accordance with its requirements.

Signed.....

Date.....