

Potential Legal Issues in Local Government Use of Social Media





Wall

City of Dublin, Ohio · Top Posts ▾



City of Dublin, Ohio

July is National Parks & Recreation Month and we're celebrating by highlighting the variety of Dublin Parks & Recreation opportunities available to you! Find out what activities you and your family can enjoy throughout July!



Recreation - Celebrate National Parks & Recreation Month

dublin.oh.us

56 minutes ago · Like · Comment



Heather Harrison

When and where is the farmers market?

Yesterday at 5:55am via iPhone · Like · Comment



City of Dublin, Ohio Every Wednesday at 4:30 p.m. in the parking lot of the Dublin Community Church in Historic Dublin.

Yesterday at 9:59am



Lauren Mayfield Actually in July it's at 3:30

Yesterday at 11:11am



City of Dublin, Ohio

The Dublin Convention & Visitors Bureau announced last night at the Dublin City Council Meeting that it has secured the 2013 United States Australian Rules Football National Championship and the 2012 "49th Parallel Cup". Both events will attract participants from across the world and generate a total economic impact of nearly \$2 million for the City of Dublin.

7 hours ago · Like · Comment



Sheedeh Hamzei Danesh, Peg Alexis, Christy Grear and 8 others like this.



Elizabeth Jones Marsh Awesome!

7 hours ago



Marja Green Kepler

Dublin's 4th of July Parade



- Wall
- Info
- Photos
- Discussions
- Welcome
- Contests
- Ustream Live

About
Located in the northwest corner of the Columbus, Ohio metropolitan area, Du...
More

24 check-ins



Tweets Favorites Following ▾ Followers ▾ Lists ▾

 **FranklinCoOhio** Franklin County Ohio
Commissioners rollout updated website.
franklincountyohio.gov/commissioners/
27 Jun

 **FranklinCoOhio** Franklin County Ohio
Follow the exit signs shar.es/HJNoY
27 Jun

 **FranklinCoOhio** Franklin County Ohio
Local officials worry that improving tax revenue won't offset state cuts
shar.es/HJMLa
27 Jun

 **FranklinCoOhio** Franklin County Ohio
County offices team up to help seniors, vets stay independent
shar.es/HdZfv
22 Jun

 **FranklinCoOhio** Franklin County Ohio
Commissioners to approve funding for Affordable Housing Project at tomorrow's General Session meeting at 9a.m.
20 Jun

 **columbusmuseum** columbusmuseum  by FranklinCoOhio
Summer just got easier. Free CMA admission in July & Aug. w/PNC Arts Alive grant. <http://ow.ly/5m4Ri> #CMHArtsAlive
20 Jun

 **OfficeonAging** FCOffice on Aging  by FranklinCoOhio
Thanks to everyone who made our Clippers game a success! Check out this Dispatch article where our game is mentioned
<http://ow.ly/5glb9>
27 Jun

 **CityBarbeque** City Barbeque · Follow
The idea for City Barbeque was born as an invitation t...

 **ColumbusHealth** Columbus Health · Follow

Following · [view all](#)



[About](#) [Help](#) [Blog](#) [Mobile](#) [Status](#) [Jobs](#) [Terms](#) [Privacy](#) [Shortcuts](#)
[Advertisers](#) [Businesses](#) [Media](#) [Developers](#) [Resources](#)

© 2011 Twitter

FIRST AMENDMENT OF THE U.S. CONSTITUTION

“Congress shall make no law [...] abridging the freedom of speech...”

THE FIRST AMENDMENT
CONGRESS SHALL MAKE NO LAW RESPECT-
ING AN ESTABLISHMENT OF RELIGION, OR
PROHIBITING THE FREE EXERCISE THEREOF;
OR ABRIDGING THE FREEDOM OF SPEECH, OR
OF THE PRESS; OR THE RIGHT OF THE PEOPLE
PEACEABLY TO ASSEMBLE, AND TO PETITION THE
GOVERNMENT FOR A REDRESS OF GRIEVANCES.
PROTECT THE FIRST AMENDMENT, SUPPORT THE CBLDF

EXCEPTIONS TO THE FIRST AMENDMENT'S RIGHT TO FREE SPEECH:

- Language that incites violence
- True threats
- Obscenity (no intrinsic value)
- Defamation
- Sedition



FIRST AMENDMENT RIGHTS OF GOVERNMENT EMPLOYEES

Topic of Public Concern?

YES

NO

Public's need for info outweighs govt's need for efficiency

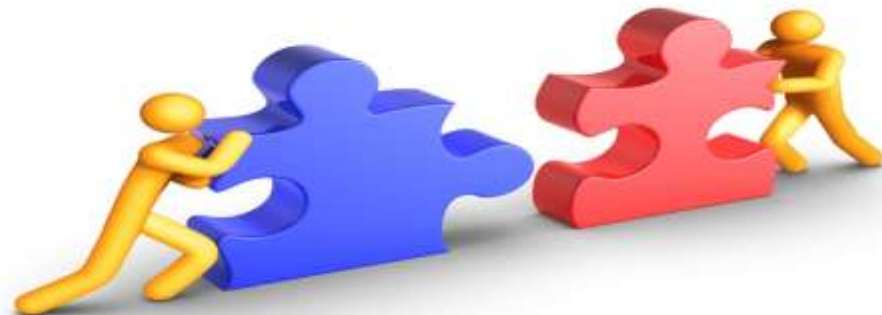
Govt's need for efficiency outweighs public's need for info

No Constitutional Protection

Constitutional Protection

WAYS TO ADDRESS FIRST AMENDMENT ISSUES WHICH MAY ARISE:

- *Have clear, prominently displayed social media policies.*
- *Keep tabs on the social media sites(s) with a small, knowledgeable group.*
- *Consistently enforce the policies.*



OHIO PUBLIC RECORDS ACT

Requires public offices to make records kept by the public office available.

Records are documents, items, devices, including electronic records, created or received by or coming under the jurisdiction of a public office, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

O.R.C. §§ 149.011; 149.43

PRA ISSUES

- 1. Are social media sites public records? If so, are they kept by the public office?*
- 2. Records retention policies likely don't properly address issues raised by social media sites.*
- 3. Litigation.*

OHIO OPEN MEETINGS ACT

With some exceptions. All meetings of any public body are declared to be public meetings open to the public at all time

“Meeting” is defined as any pre-arranged discussion of public business of a public body by a majority of its members.



O.R.C. § 121.22 (B)(2) & (C)



- 1. Policy for local government in establishing the use of social media.***
- 2. Policy applicable to general public posts on social media sites.***
- 3. Policy applicable to employees of the local government regarding their posts on their employer's social media sites.***



**IF YOU HAVE ANY
QUESTIONS, PLEASE ASK!**

THANK YOU!

Stacy Pollock
Downes Fishel Hass Kim LLP
400 S. Fifth Street, Suite 200
Columbus, Ohio 43215
PH: (614) 221-1216 FX: (614) 221-8769
www.DownesFishel.com