Recordkeeping Policy

Recordkeeping Implications of Social Media

Issues Paper
Acronyms

The following acronyms are used throughout the entirety of this document.

EDRMS      Electronic Document and Record Management System
GDA        General Disposal Authority
NAP        Normal Administrative Practice
PROV       Public Record Office Victoria
PROS       Public Record Office Standard
RDA        Retention and Disposal Authority
VERS       Victorian Electronic Records Strategy
VPS        Victorian Public Service
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Disclaimer

General

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Records Management Standards Application

The recordkeeping Standards apply to all records in all formats, media or systems (including business systems). This Issues Paper identifies records management risks that are specific to social media usage by government agencies, and identified within this paper as being major issues. Agencies are advised to conduct an independent assessment to determine what other records management requirements apply.

Use of Terminology

The terms ‘record,’ ‘information’ and ‘data’ are used throughout this document. These terms should all be defined as being ‘public record.’
Recordkeeping Implications of Social Media

Executive Summary

Public officers create records when using social media as part of their duties. Requirements for record creation, control, storage and disposal contained in the PROV Recordkeeping Standards are not media-specific and, also apply to social media.

Records resulting from social media use must be captured in a timely manner, as it is not guaranteed that they will remain available, even in the short term. Records must also preserve the context in which the social media usage was made.

Agencies that use social media need to –

- inform staff of their obligation to keep records of their social media usage
- provide training and information to support a standard method for capturing the social media usage and associated metadata
- safely retain social media records for the minimum period of time required by the PROV disposal authorities.

This issues paper invites comment from whole of Victorian Government agencies, and all local, national or international interested parties, in both public or private enterprise.

The consultation phase will conclude on 20 April 2012. The comments received will inform an official advice from PROV regarding social media recordkeeping.

Please send comments to Emily Swann, Policy Officer, Public Record Office Victoria, PO Box 2100, North Melbourne VIC 3051

emily.swann@prov.vic.gov.au

Twitter: @EmilySwannPROV
1. **Purpose**

The purpose of this document is to provide a platform to stimulate comment regarding social media recordkeeping.

Government agencies worldwide are using social media to conduct business. The Public Record Office Victoria (PROV) issues Standards for all Victorian government agencies regarding the capture of records created by public service employees using social media for business purposes. This issues paper provides information for consideration, and invites input from agencies to inform the development of official PROV Social Media Recordkeeping Policy.

It is not the purpose of this issues paper to provide an exhaustive list of social media sites, but addresses the broad categories of social media being used by government agencies.

2. **What is social media?**

Social media is any web-based environment that allows users to easily create, publish and share content.

2.1. **How is social media different to traditional media?**

Traditional media outlets (such as advertising, print, radio, television, and “Web 1.0”) deliver content to end users. Social media allows members of the public to create, modify, discuss and share internet content.

The difference is a change from a one-way communication to a dialogue.

2.2. **Why are government agencies using social media?**

Social media represents a significant opportunity for government agencies to deliver services, consult and communicate with government stakeholders.¹

Social media is:

- cost-effective
- instantaneous
- responsive

Although social media may not be suitable for all government agencies, some agencies may use social media to create or drive authentic conversations with policy end users.

2.3. **What kind of social media is covered by this policy?**

This list is not intended to be an exhaustive list of social media, but seeks to illustrate the broad categories of social media used by government agencies.

These categories include:

- Social media with servers hosted by external organisations, such as:
  - social networking sites including Facebook, LinkedIn, MySpace, Google+, or Yammer
  - video and photo sharing websites including Flickr, Tumblr, Instagram, or Youtube

35. blogs, including corporate blogs and personal blogs
36. blogs hosted by media outlets including ‘comments’ or ‘your say’
37. feature on theage.com.au
38. micro-blogging including Twitter
39. wikis and online collaborations including Wikipedia
40. forums, discussion boards and groups including Google groups, or
41. Whirlpool
42. vod and podcasting
43. online multiplayer gaming platforms including World of Warcraft, or
44. Second life
45. instant messaging, including SMS
46. geo-spatial tagging including Foursquare, Google maps, or Pinterest
47. Social media with servers hosted within the Victorian Public Service, such as:
48. VPSHub
49. IMAP
50. Social media built into agency business systems, such as:
51. PROV Wiki
52. DEECD Fuse

Is there any social media that is useful to your agency that is not adequately included in this definition?

Does this social media list omit any broad categories that may be relevant to your agency?

Please inform us of the name and function of any ‘in house’ social media that your agency is using, or is planning to develop.

3. Does using social media result in a public record?
3.1. What about private use of social media by public officers?

No, private use of social media is not a public record. If there is no intersection with their duties, private usage of social media by public officers is out of the scope of this policy.

3.2. What about responses?

Yes, responses to social media content created by public officers, such as a comment on a blog post, or a reply to a tweet, are public records. Any response received by a public officer – particularly where the responses feed into government policy or decision making – is a record.

Irrelevant, off-topic responses can be culled under normal administrative practice (NAP).

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2 Public Records Act 1973 (Vic) s2
3.3. What about monitoring social media?

If a Victorian Government employee is monitoring social media sources in the course of their work, they may wish to keep working documents of the social media they have accessed.

If by monitoring social media sources a Victorian Government action is initiated, this social media should be captured as a public record.

3.4. Is clicking “Like” a record?

If clicking “Like” or performing a similar action contributed to the receipt of a complaint, the offer of a donation, or fed into policy development, it would result in a record – it is unlikely, but not impossible.

3.5. Should we keep records of republished information (eg. “re-tweets”)?

Republished Victorian government agency messages, issued by a by a non-Victorian Government agency, are not public records.

If a Victorian government agency republishes a message from elsewhere, this constitutes a record. Copyright liability should be considered when re-tweeting.³

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³ Copyright is discussed in section 7 of this paper
4. What should a record of social media usage contain?

A record should contain the content (i.e., the information that is sent or received).
The record should appropriately represent the format (text, visual, sound or video) of the original content.

The record should also include the following metadata:

- Who sent it (user pseudonyms are acceptable for received social media – agencies should not try to de-anonymise communications)
- The date and time it was sent or received by the public officer
- For messages sent: the name of the public officer that sent the message, and to whom it was sent (a group address is sufficient)
- For messages received: the public officer that received the message, and to whom it was sent
- The context of the transmission (a link to why it was sent or received, who authorised the transmission, the purpose of the transmission, what transmission this response was in response to)
- The name of the social media that it was created on

Linking the message to the context is vital to creating a narrative in which the record may be properly understood. A person viewing the social media record must be able to follow the story of why the social media was used, and how it linked into the work of the organisation.

Please refer to the PROV Control Specification for more information about general metadata requirements:


Should any other metadata be captured?

4.1. How should the record be captured?

PROV does not mandate any specific capture technology, as this will change depending on the social media used.

Currently printing screenshots to .pdf and registering the resulting document in an Electronic Document and Record Management System (EDRMS) to record the necessary metadata is the most accessible and expedient method of creating social media records.

If an EDRMS is not available, printing to file with the above metadata attached is an alternative.

New technologies to capture social media records may be developed in the future. Any automated process for capturing social media records must be able to store the metadata required to contextualise the message appropriately. The metadata must communicate the relationship between the record, the context that the social media was used in (e.g. a statement or a reply), and any other related documents that help make the social media usage understandable.
Please refer to the PROV Capture Standard regarding the mandatory principles of reliably capturing all public records:


4.2. When should a record be captured?

Ideally, a record should be made at the time that the social media was used to send or receive information or as soon as possible afterwards. Externally hosted social media sites have no guarantee of long-term access to the message once it is sent, and therefore records should be captured at (or as close as possible to) the point of creation.

4.3. What about re-publishing?

If social media is being used to raise awareness of pre-existing agency publications, the social media message should be captured and a reference to the publication included in the metadata. A copy of the publication is not necessary and should not be made.

Has your agency been using externally hosted social media?
How have you been capturing social media usage?

5. What about retention and disposal?

All Victorian public agencies are subject to the General Disposal Authority (GDA) for Records of Common Administrative Functions PROS 07/01. Also, depending on the business activities of an agency and the purpose of the record, staff may also need to refer to additional function or agency specific Retention and Disposal Authorities (RDA).

5.1. When can we dispose of a record?

Public records must not be destroyed, removed from the custody of the Victorian Government, or otherwise disposed of, without the authorisation of the Keeper of Public Records. Authorisation to destroy records is obtained by correctly applying the GDA and RDAs relevant to the agency and to the record in question. There are numerous current RDAs that cover the majority of records created and held by the Victorian public sector. These RDAs outline the minimum period agencies are legally required to keep records for, and identify records which must be transferred to PROV for permanent retention as State Archives.

GDAs and RDAs specify the minimum length of time different records must be retained for – there are circumstances where agencies need to keep them for a longer period of time. For example, an agency is legally required to preserve the relevant records if there is pending litigation, or reasonable likelihood that litigation may occur.

In addition, not all documents are required to be kept, and it is Normal Administrative Practice (NAP) to keep working documents when they are relevant to a project and discard of these items once they are no longer of use.

Victorian Government employees should consult Records Management professionals within their organisation for advice before disposing of records.
5.2. **How long should social media records be kept?**

The retention period for any record is generally set based on the purpose, content, or result of the communication – not by the format of the record. Therefore, there is no 'one-size-fits-all' answer with regard to how long social media records should be kept.

Examples of social media content required to be captured include communications activities, volunteer recruitment, complaints and feedback, and crowd-sourced policy development.

GDA and RDAs are set out in tables outlining the purpose of a document in the left hand column, the retention period (permanent or temporary) and instructions for retention and disposal.

For example:

<table>
<thead>
<tr>
<th>RDA Title</th>
<th>Class Number and Description</th>
<th>Sentence</th>
<th>Disposal Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROS 07/01 General Disposal Authority for Records of Common Administrative Functions 2.</td>
<td>18.2 Records documenting comments or suggestions or expressions of gratitude provided by visitors attending an agency’s premises.</td>
<td>Temporary</td>
<td>Destroy when administrative use ceases. Hold in agency or APROSS pending destruction. Electronic records should be maintained in readable format pending destruction.</td>
</tr>
<tr>
<td>PROS 10/11 RDA for Records of the Country Fire Authority</td>
<td>3.1.1 Records documenting the issuance of warnings to the community for: • fires causing death or serious injury, or • fires involving significant issues relating to public safety, or • fires of a suspicious nature, or • fires where the cause and/or origin cannot be determined. Includes general warnings well in advance of bushfire threats and specific warnings provided to communities in the potential path of wildfires.</td>
<td>Permanent</td>
<td>Retain as State Archives. Transfer hard copy or electronic records to PROV when administrative use has concluded. Electronic records are to be transferred in VEO format.</td>
</tr>
</tbody>
</table>

The example retention periods above illustrate some of the different types of purposes a social media message may have, and the differences in retention periods.

Because disposal is a complicated, high-risk agency activity, PROV advises that agency staff should always contact their Records Management staff for advice before disposing of records. In addition, Records Managers are welcome to contact PROV for technical advice on disposal and retention in these instances.

Please refer to the PROS 07/01 GDA or your agency specific RDA for mandatory minimum retention periods.

6. **What about privacy?**

The Office of the Australian Information Commissioner advises that individuals using social media should carefully consider what kind of information they post online, stating that once a message is sent using social media it may be irreversibly public. It may also be created as a private message and become public at a later point through a change in the social media site’s usage policy. The *Information Privacy Act 2000* does not extend to cover content posted on off-shore sites. It does not extend to public records under the control of the Keeper of Public Records that are available for public inspection in accordance with the *Public Records Act 1973*.

A statement regarding data storage and privacy is a prudent inclusion on a Victorian government agency social media profile to indemnify the agency against litigation for breaches of the Information Privacy Act when collecting records of social media.

If a person has chosen to share content with a Victorian government agency using a pseudonym or anonymous account, no attempt should be made to de-anonymise the messages. This includes attempting to match data from other sources against the details of a social media account to reveal the origin of social media messages.

If unlawful, threatening or defamatory messages are received by public officers using social media to carry out their duties, the officer in question should report this activity to the relevant Police jurisdiction.

7. **What about copyright?**

Some social media sites, such as Facebook and Twitter, currently state in their Terms of Usage that content remains the intellectual property of the individual or entity that posts the content. This is not, however the case for all social media sites, such as Youtube, who assert copyright over content posted on their platform.

Records kept in an EDRMS can be simultaneously accessed by multiple users. This constitutes ‘broadcast’ under copyright legislation, leading to a possibility of an individual claiming compensation for copyright infringement for content published to a social media site being stored in an EDRMS by a government agency. Current legal advice to PROV is that the potential dollar value for Victorian government copyright liability as a result of capturing social media responses is negligible. However, this advice may change as agency usage of social media increases.

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8. What does PROV need you to do?

The Victorian Electronic Records Strategy (VERS) project team asks you to consider the Social Media Recordkeeping Issues paper and provide feedback to PROV by 20 April 2012. Comment is open to all interested parties, including those based locally, nationally, or internationally, or within the public sector or in private enterprise. The comments received will inform an official advice from PROV regarding social media recordkeeping.

Please send comments to Emily Swann, Policy Officer, Public Record Office Victoria, PO Box 2100, North Melbourne VIC 3051

emily.swann@prov.vic.gov.au

Twitter: @EmilySwannPROV

8.1. Who can I talk to?

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<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Role</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emily Swann</td>
<td>Policy Officer, Government Services</td>
<td>Contact person</td>
<td>03 9348 5762</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:emily.swann@prov.vic.gov.au">emily.swann@prov.vic.gov.au</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Twitter: @EmilySwannPROV</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christopher Wallace</td>
<td>Manager, Policy and Standards</td>
<td>Contact person</td>
<td>03 9348 5720</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:christopher.wallace@prov.vic.gov.au">christopher.wallace@prov.vic.gov.au</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrew Waugh</td>
<td>Senior Manager, Policy and Standards</td>
<td>Technical Specialist</td>
<td>03 9348 5724</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:andrew.waugh@prov.vic.gov.au">andrew.waugh@prov.vic.gov.au</a></td>
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