



Managing social media public records

Social media has been a vital tool for many conservation districts in communicating with and providing services to the public, especially during emergencies such as the COVID-19 pandemic. Some social media posts and engagement meet the definition of public records and must be managed in accordance with public records law.

How to decide if your social media activities are a public record

Let's first look at the legal definition. Per [RCW 42.56.010](#), a public record *"includes any writing containing information relating to the **conduct of government** or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency **regardless of physical form or characteristics.**"*

So, what does that mean?

Washington State Archives describes a public record as *"anything that is created in connection with the transaction of public business, **regardless of format.**"* For more detail, refer to Washington State Archive's [Local Government](#) and [Conservation Districts](#) Records Retention Schedules.

We completed a review of the schedules with social media in mind. Some types of social media content that meet the definition of public records include (but are not limited to):

- Advertising and promotion
- Awards and recognitions
- Citizen complaints/requests/comments
- Public notices
- Scheduling of appointments and meeting
- Requests for basic agency information

We highly recommend you complete your own review of these schedules to determine what the context is for your district's transactions of business and clearly define those boundaries in policy.

There is no requirement to keep everything forever, but many types of records do have to be retained for a period of time. Become informed, and know what you are required to keep and for how long. Put together a strategy to manage this information. Media will change, technology will change –what won't change is your CD's business.

More guidance for social media management

The State Archives has a dedicated [Social Media Management webpage](#). Here you'll find links to many resources, including professional guidance from MRSC; State Archive's [Lions, Tigers, and Twitter Oh My! Webinar](#); and [State Archive's Social Media Advice Sheet](#), which lists the

consideration of these five factors when managing the public retentions of records created or received through social networking, (refer to the advice sheet for additional details):

1. Are the posts public records?
2. Are the posts primary or secondary copies?
3. How long do the posts need to be retained?
4. How will the posts be retained by the agency?
5. For what types of records is this technology appropriate?

MRSC has several helpful webpages and information sheets, see links below:

- [Managing Electronic Records](#)
- [Electronic Records Retention Practice Tips](#)
 - Think Before You “POUR”
 - Establish Agency Policies/Procedure
 - Failure to Comply Can Be Costly
 - Be Aware of Metadata
- [Electronic Records Retention Do’s and Don’ts](#)
- [Social Media Policies](#)

The SCC also published a Social Media Best Practices and Examples resource in the [CD Marketing Toolkit](#) (see Social Media tab), which includes a sample social media policy.

How to properly capture and archive social media public records

If your CD posts a primary copy of a record on its social media account and/or permits commenting by third parties, then the district should seriously consider implementing tools to capture these public records, including metadata and content/versions of content that is later deleted or edited by the account holder or a third party (e.g., a member of the public comments on your post and later deletes/edits their own comment).

There are third-party software applications that can help you retain your social media records while [maintaining the important metadata](#) that helps ensure the record is authentic.

- One option is to invest in software like [Smash](#), [Archive Social](#), or [Page Freezer](#), which are used by other government entities.
- Facebook offers an archive tool, but neither State Archives nor MRSC include it in their list of archiving tools, and it’s unclear whether the tool’s capabilities match the needs for public records management in Washington State.
- MRSC has [written a blog post](#) about a few of these services and the National Archives has a white paper on [Best Practices for the Capture of Social Media Records](#) (may be outdated, but is a good starting reference).
- As you have probably guessed, these software tools are not free. There are [Local Records Grants](#) available from State Archives that can help fund this technology. The last funding cycle has been completed, but they are hopeful there will be additional funding available next year.

- Some entities take and save screen shots of posts. This is the least costly upfront, but it could be the most risky approach. Metadata will not be captured, and you may miss records such as public comments that are posted and then taken down or edited.

Some agencies post only secondary copies on their social media accounts and prohibit commenting in order to avoid some public records and records retention issues. If the posts are simply copies of records that the agency is already retaining for the minimum retention period (such as links to publications), then the posts may be considered secondary copies and retained accordingly. Otherwise, the posts are the agency's primary record.

Remember, whatever your method, these rules should also be applied to private messages and deleted comments or posts. Deleted comments are considered a public record and should be retained for the required retention period.

Setting public expectations for your social media forums

Since social media is a bit different than other public forums, it is a good idea to clearly establish that:

- [Posts on your social media are considered public records](#); and
- Your pages are a limited public forum, giving you some ability to set Comment Policy Limitations (e.g., limitations on obscene, illegal, or threatening language). CDs should tread carefully here to avoid violating free speech. [Read this post from the MRSC for more details on effectively managing social media public comments.](#)

Resources, contacts, and trainings

Hopefully this information helps you better understand records retention requirements when using social media as a public agency and weigh the risks vs benefits. Here are some things to keep in mind if you have more questions:

- At the heart of it all, good policies ([see examples here](#)) and records management are the key to reducing risk while accomplishing your mission.
- Washington State Archives is a free and helpful resource that can answer your specific questions and provide consultation to manage your records. They can be reached at 360-586-1492 and recordsmanagement@sos.wa.gov.
- There are a number of [Records Management Trainings](#) to provide you with a refresher on the basics.
- You can also reach out to your Regional Manager — we are here to help.