



# Open Government & the Net

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# Social Networking

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- *My Face?*
- Facebook
- Twitter
- MySpace
- LinkedIn
- Blogs



LinkedIn®



twitter



# Has Grown Rapidly

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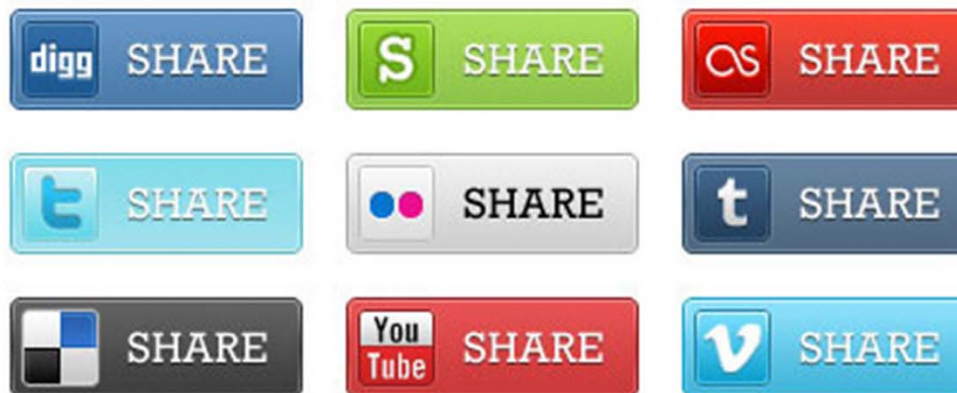
32PX ICONS



16PX ICONS



LARGE BUTTONS



# Usage Increasing

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- January 2010 – January 2011: Number of Facebook users in the U.S. grew 44 % to 146 million, and 71% of the U.S. web audience currently uses Facebook



- Twitter saw a 280 % increase during that same time, averaging 140 million tweets per day



# In Mainstream America

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- Over 50% of the world's population is under 30 and 96% of them joined a social network
- 1 out of 8 couples married in the U.S. in 2009 met via social media
- Years to reach 50 million users: Radio (38 yrs.), TV (13 yrs.), Internet (4 yrs.), iPod (3 yrs.)
- We no longer search for news because the news finds us



# Alan's Intro to Facebook

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“You do not have any friends.”

“Once you find some friends, they will appear here.”



# Linkedin

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- Friend? Colleague? Baby Momma??
- Option: “I don’t know this *user*”
- Fact: Harvard Business School graduates average **58** connections. You have **4**.



# Social Media

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- Create online using highly accessible publishing technology
- Shift in how people discover, read & share information
- Fusion of sociology & technology, transforming monologues into dialogues
- Democratization of information – transforming people from content readers into publishers
- Allows people to connect in online world to form relationships for personal, political & business use

# Share Content

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- Photos
- Videos
- Notes
- Blogs
- Web links
- News stories
- Diaries



# City Use of Sites

- Blogs
- Official City Website
- Departmental Websites
- Individual Employee Profiles on Facebook
- Department Profiles on MySpace



*artfully yours*

THE CITY OF  
**DRIPPING SPRINGS**  
OFFICIAL WEBSITE



# Troy P.D.



- 07/29 - 3 accidents on the northbound side of IH 35
- 07/30 - Graffiti - 205 College Street
- 08/02 - Warrant arrest on IH 35 northbound at the 310 mile marker
- 08/02 - Accident on IH 35
- 08/05 - Accident on Church Ave.
- 08/09 - Accident on IH 35 southbound
- 08/10 - Accident at 5 N. Central
- 08/11 - Construction theft on W. Main
- 08/13 - Drug Paraphernalia on N. Central



# Public Information Act

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- All data collected, assembled, or maintained by the City in connection with transaction of official business
- All data collected, assembled, or maintained for the City – the City owns the data or has a right of access
- Regardless of format
- Includes paper, film, and digital media

# Duty to Provide Data

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- Give any existing data ever posted on websites
- Can't simply refer to website



# Attorney General

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- No opinion on Social Media, yet
- E-mail is clearly subject to disclosure under the Public Information Act (PIA)
- Duty to Provide copies of online data



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

# Right to Privacy?

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- Password ≠ Private
- Social Media is only “Semi-Private”
- Personal v. Official:
  - Who has access?
  - What is content?
  - How is it used?
- Anonymous
  - Delaware Case of Mayor “Proud Citizen”

# Personal or Private?

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- City of Dallas case
- Former Mayor Laura Miller
- Blackberry:
  - Device & service paid for with personal funds
  - Utilized personal e-mail address
  - Used to conduct City business
- Trial Court ruled: Public
- Appellate Court overturned



# Think Before You Post

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- What happens in Vegas stays on YouTube, Flickr, Twitter, Facebook...
- Does this reveal any potentially embarrassing private information?
- Am I discussing official city business?
- Is this information subject to Open Meetings?
- Is this information subject to Open Records?
- How long must this information be kept?
- What will current or future employers think?
- Who will be able to view the information I post?

# Records Retention

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## **Texas State Library and Archives Commission**

### **Electronic Records**

- The retention period for a record applies to the record regardless of the medium in which it is maintained. This includes electronic mail (e-mail), websites, and electronic publications.
- The use of social media applications may create public records. Any content (messages, posts, photographs, videos, etc.) created or received using a social media application may be considered records and should be managed appropriately.

# Records Retention

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## Texas State Library and Archives Commission Electronic Records

- The retention of social media records is based on content and function. Local governments will need to consult the relevant records retention schedule for the minimum retention periods.
- General e-mail sent or received in the normal conduct of business – 2 years
- Photographs, images, recordings, and other non-textual media – AV (as long as administratively valuable)
- Internet Cookies – AV
- Website history files – AV
- *Bulletin B, Electronic Records Standards and Procedures*

# Open Meetings

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- Public business should be conducted in public
- A “Meeting” is:
  1. Deliberations (talking and/or voting)
  2. Quorum (majority)
  3. Governing body (city council, P&Z)
  4. City business
- Action without meetings
- Washington: E-mail Exchange = Meeting

# Freedom of Speech?

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- City of Alpine
- E-mail exchanges by quorum of City Council
- *Rangra v. Brown* (5th Cir. 2009)
- *Asgeirsson v. Abbott* (Fed Dist. Ct. – Pecos)
  - Vague
  - Overbroad
  - Suppresses speech
  - Discriminates
- March 25<sup>th</sup>
  - TOMA does not censor or prevent speech, it mandates disclosure

# City Policy

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1. Restriction on personal use of City resources
2. Apply to computers & phones
3. Clarify Role & Opinions
4. Protect privacy, confidentiality & privileges
5. Remember respect & safety
6. Work comes first



# City Policy (cont.)

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7. Reflection on City's image
8. Caution with trade secrets, competitive info
9. Plagiarism will not be tolerated
10. Honor logos or trademarks
11. Online activities can have job consequences

# City Policy

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- Mandatory staff meeting
- Distribute agenda to all officials & employees with discussion of the policy as action item
- Have all officials & employees sign attendance roster & hand out copies of the policy
- Discuss it & hold a question & answer session
- Pass out copies of policy receipt acknowledgment forms for everyone to sign
- Collect signed forms before adjourning

# Alan's Desk?

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