

## **Model Social Media and Digital Images Policy For Fire Departments and EMS**

**Before adopting this policy, a city should be familiar with the contents of the LMC information memo, *Computer and Network Loss Control*. This model policy assigns duties to certain staff titles. Suggestions are offered in parentheses. Use staff positions that are appropriate for your city. You may modify other provisions to conform to your city's situation as needed.**

**This model contains a number of provisions with legal implications. Before adopting a city policy based on this model, please review it with your city attorney.**

### **City of \_\_\_\_\_ Fire Department and EMS Social Media and Digital Images Policy**

#### **Purpose**

The purpose of this policy is to protect nonpublic employee data, medical patients, the public, the operations of the Fire Department, and public confidence in the Fire Department and its employees. This policy is not intended to limit the right to freedom of speech or expression, but is intended to protect the rights of this organization, its members, and the public they are sworn to protect. Employees and volunteers are advised that their speech, directly or by means of instant technology either on or off duty and in the course of their official duties that has a connection to their professional duties and responsibilities, may not be protected speech under the First Amendment. Speech that impairs or impedes the performance of the Fire Department, undermines discipline and harmony among co-workers, or negatively affects the public perception of the Fire Department may be sanctioned.

This policy supplements the City's general social media policy in order to provide more specific guidance on unique Fire Department and EMS issues. To the extent that the policies contradict one another, the more specific guidance of the Fire and EMS policy should apply, unless otherwise specified.

#### **Ownership of Work-Related Images**

All photos, videos, digital images, or recordings taken by any employee or agent of \_\_\_\_\_ (name of Fire Department/City) while responding to any fire or other emergency or while engaged in any training are "work-related images" and are the property of \_\_\_\_\_ (name of Fire Department/City). Work-related images include, but are not limited to, any written, auditory, and/or visual messages communicated via or on Fire Department resources or via or on personal devices and/or social media, videos, or pictures gathered while on Fire Department/City business.

### **Permission to Take Work-Related Images**

Work-related images shall not be taken of any emergency response, training exercise, or fire except as permitted by policy or as directed by \_\_\_\_\_ (Chief, Captain, Information Officer, etc.). All work-related images shall be taken using Fire Department-issued equipment, unless otherwise directed by the officer in charge of the scene. Work-related images taken by Fire Department employees using privately owned equipment are also governed by this policy.

### **Reasons for Taking Work-Related Images**

Photos or other recordings may be taken to assist in the diagnosis or treatment of accident/fire victims. Such images should be forwarded to the appropriate medical care provider and then be deleted from Fire Department/City files. Work-related images, including recordings showing possible evidence of a crime, must be forwarded to law enforcement. Other work-related images used for internal, departmental purposes such as training or publicity shall be taken in a manner that minimizes the possibility of identifying accident victims.

### **Control and Dissemination of Work-Related Images**

All work-related images shall be stored in the Fire Department's computer system and be governed by the City's records management policies and procedures. Work-related images shall not be stored, retained, or disseminated in any manner by anyone other than the officer(s) appointed to review all images and approve retention, release, or dissemination and cannot be used for personal profit or business interests or to participate in personal political activity.

### **Professionalism and Public Confidence**

The appearance of professionalism is important to public safety and the public's confidence and trust. Accordingly, an employee's personal use of social media shall not use any work-related images, department logos, or any images which depict an employee in any uniform or in which the employee uses their job title or is otherwise identified as an employee of the department, without prior approval from an officer appointed to review all images and approve release and dissemination of such images. Similarly, in order to maintain the appearance of professionalism and public confidence, no employee shall post any material on any social media that is detrimental to the Fire Department/City's effective operation. Employees shall not disseminate protected, private, nonpublic, or confidential information including, but not limited to, the following:

- (a) Matters that are under investigation.
- (b) Patient and employee information protected by HIPAA/medical confidentiality laws.
- (c) Personnel matters/data that are protected from disclosure by law.

### **Definition**

Social media are internet and mobile-based applications, websites and functions, other

than email, for sharing and discussing information, where users can post photos, video, comments and links to other information to create content on any imaginable topic. This may be referred to as “user-generated content” or “consumer-generated media.”

Social media includes, but is not limited to:

- Social networking sites such as Facebook, LinkedIn, Twitter, and online dating services/mobile apps.
- Blogs.
- Social news sites such as Reddit and BuzzFeed.
- Video and photo sharing sites such as YouTube, Instagram, SnapChat, and Flickr.
- Wikis, or shared encyclopedias such as Wikipedia.
- An ever emerging list of new web-based platforms generally regarded as social media or having many of the same functions as those listed above.

### **Reporting Violations**

Any employee becoming aware of or having knowledge of a posting or of any website or webpage in violation of this policy may anonymously report possible violations to any department officer or supervisor.

### **Policy Violations**

Violation of this policy may be considered an extraordinary breach of the public’s expectation of privacy and of Fire Department rules and regulations regarding the use of social media and may subject the offender to discipline and possible termination of employment.