

GA-06.03, "Social Networking,"

SCDC POLICY

NUMBER: GA-06.03

TITLE: SOCIAL NETWORKING

ISSUE DATE: January 14, 2022

RESPONSIBLE AUTHORITY: DIRECTOR'S OFFICE

POLICYMANUAL: GENERAL ADMINISTRATION

SUPERSEDES: GA-06.03-October 9, 2014

RELEVANT SCDC FORMS/SUPPLIES: 1-19

ACA/CAC STANDARDS: 4-ACRS-7F-01, 4-ACRS-7F-04, 4-4020, 4-4021

STATE/FEDERAL STATUTES: U.S. Const., amend. 1; S.C. const., art. 1., §2; S.C. Code §24-1-90; S.C. Code §30-4-40(a)(3).

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To establish an Agency policy regarding SCDC employees' official and personal use of websites and social networking sites such as Twitter, Facebook, YouTube, etc.

POLICY STATEMENT: It is the Agency Director's responsibility to protect and safeguard the confidentiality and security of the Agency's operations. It is the Agency Director's responsibility to safeguard the reputation of, and to restrict the use of proprietary information concerning the South Carolina Department of Corrections (SCDC). In light of these responsibilities, it is the Agency Director's policy that any official use of any website or social network shall be directed and coordinated only by the Agency Director or his designee. It is also the Agency Director's policy that employees of SCDC are prohibited from posting, transmitting and/or disseminating any photographs, video or audio recordings, likenesses or images or department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the SCDC on any personal or social networking website or web page without the

express written permission of the Agency Director/Designee. To the extent that an employee violates this policy, he/she shall be subject to corrective action to the extent provided by applicable SCDC Policies.

TABLE OF CONTENTS

1. USE OF SOCIALMEDIA/NETWORKS IN AN OFFICIAL CAPACITY
2. USE OF SOCIAL NETWORKS FOR OFFICIAL LAW ENFORCEMENT PURPOSES
3. EMPLOYEES' PERSONAL USE OF WEBSITES AND SOCIAL NETWORKING WEBSITES OR WEB PAGES
4. DEFINITIONS

SPECIFIC PROCEDURES:

1. USE OF SOCIAL MEDIA/NETWORKS IN AN OFFICIAL CAPACITY:

1.1 Only an employee authorized by the Agency Director/Designee may use social media/networking in an official capacity. SCDC Form 1-19, "Request To Post To Social Media," must be completed by the employee who will be using social media/networking and approved by the Agency Director/Designee with a copy of the approval maintained by both the Deputy Director of Communications and the Division Director of Resource and Information Management (RIM). (NOTE: Refer to the SCDC Intranet site for the retention schedule for the SCDC Form 1-19.) (4-ACRS-7F-04, 4-4021)

1.2 An authorized employee is responsible for what he/she posts to any social media/network.

1.3 When participating in any online social media/network, an authorized employee shall disclose his/her identity and affiliation with the SCDC. When posting to a blog, an authorized employee shall always use his/her name on record with the SCDC. Authorized employees are prohibited from creating an alias or posting anything anonymously, except as provided by Section 2 below.

1.4 An authorized employee shall follow the rules contained in information provided by the Agency Director/Designee. Public information and media access rules shall also apply to employee behavior within social media/networking and other public online spaces pursuant to SCDC Policy GA-02.01, "Employee And Inmate Relations With News Media, State And Federal Legislators, And Others."

1.5 An authorized employee shall follow the terms and conditions of use that have been established by each venue used for social media/networking activities when such use is in the employee's official capacity.

1.6 An authorized employee shall refrain from posting any information or conducting any online activity that violates SCDC policy or applicable local, state or federal laws or regulations.

1.7 The Agency Director/Designee will carefully consider whether to allow comments before launching a social media/networking initiative. However, if comments are allowed, user feedback should remain regardless of whether it is favorable or unfavorable to the Agency. Comments will be deleted only if they are offensive, abusive, racially inflammatory, threatening, or clearly off topic. Comments that endorse a political candidate, party or commercial product will be deleted. (4-ACRS-7F-01, 4-4020)

2. USE OF SOCIAL NETWORKS FOR OFFICIAL LAW ENFORCEMENT PURPOSES:

2.1 Only trained employees within the Office of the Deputy Director of Investigations and Intelligence may be approved and authorized to use an alias on social networks or web pages for official law enforcement purposes only. Such approval/authorization shall be given by the Agency Director/Designee.

2.2 The Office of the Deputy Director of Investigations and Intelligence/Designee shall coordinate and monitor all investigative activities, including monthly reports of such activity. All information issued to and from the Office of the Deputy Director of Investigations and Intelligence and other approved/authorized employees regarding the use of social networks is confidential and not disclosable pursuant to S.C. Code Ann., Section 30-4-40(a) (3).

3. EMPLOYEES' PERSONAL USE OF WEBSITES AND SOCIAL NETWORKING WEBSITES OR WEB PAGES:

3.1 This section applies to employees' personal use of websites and social networking websites or web pages. On their off time, employees of the SCDC have the right to have personal web pages or sites, and they have the right to access and comment on other web pages or social media sites. However, when reference is made to or about the SCDC, a review of that reference is needed to ensure that such reference does not compromise the Agency's integrity and thereby undermine the public's confidence in this agency or this profession

3.2 An employee who has a personal web page, social media/networking account, or other type of Internet forum that can be readily accessed by members of the public or through the granting of permission is prohibited from uploading, disseminating, or otherwise making available for viewing, photographs, videos, or depictions of himself/herself dressed in uniform and/or otherwise displaying official identification, patches or badges, or any other insignia identifying the SCDC. Only the Agency Director/Designee may grant exceptions to this general rule.

3.3 An employee who has a personal web page, social media/networking account, or other type of Internet forum that can be readily accessed by members of the public or through the granting of permission, is prohibited from uploading, disseminating, or otherwise making available for viewing: photographs, videos, depictions of, or comments about:

- Any crime scene, where the crime occurred on Agency property.
- Any current inmate or current offender.

- Any Agency sponsored training activity or work-related assignment.
- Any other Agency employee, only if:
- The photograph, video, depiction of, or comment about that employee would otherwise violate section 3.2 above; or
- If the images of, or comments about the employee are related to the posting employee's personal complaints about the employee.

NOTE: Only the Agency Director or his designee may grant exceptions to this general rule.

3.4 No employee shall disseminate to non-authorized SCDC employees or to non-SCDC employees, using any Internet-based medium, any information that the employee learns in the course of his/her employment with the Agency, including all confidential business of the Agency. An employee should treat as confidential any information about the Agency that is not readily accessible to the public via the Agency's own Internet-based or printed resources, or through other readily accessible public resources.

3.5 In the event of any dispute regarding possible corrective action as it relates to the propriety of an employee's publication or dissemination of any information as described within this policy, SCDC shall balance the employee's First Amendment right with SCDC's interest as an employer, in promoting the efficiency of the public services it performs through its employees.

3.5.1 In all other cases where an SCDC employee engages in speech and association, freedom of both is strongest when the speech or activity: (1) occurs off-duty, (2) is related to social or political issues, and (3) is not directly connected to the workplace.

3.6 Employees are prohibited from posting on social networking web sites or other web pages any comments or depictions related to (1) an employee's personal disagreements with or complaints about any other SCDC employee, where the subjects of the publications are not of public concern; (2) an employee's personal disagreements with or complaints about a job assignment; (3) an employee's personal disagreements with or complaints about conditions of employment, or workplace conditions; or (4) an employee's disagreements with or complaints about a current inmate or offender. This prohibition includes any obscene, vulgar, racist, or inflammatory speech that, using the balancing test outlined in section 3.5.1, may lose its First Amendment protection in light of SCDC's interest in (1) maintaining order and discipline among ranks, (2) maintaining order and security within its correctional institutions, and (3) maintaining the public's confidence in the integrity and equitable administration of the state's prison system.

3.7 For each violation of this policy, an employee can be disciplined up to and including termination of employment in accordance with SCDC Policy ADM-11.04, "Employee Corrective Action."

4. DEFINITIONS:

Authorized Employee: Refers to an employee authorized by the Agency Director/Designee to use social networking/media in an official capacity.

Employee: Refers to any person employed by SCDC, either in a classified, unclassified temporary position, 3rd party provider, or contract employee.

Inmate: Refers to a person who is confined to a prison.

Offender: Refers to (1) an individual serving time under the South Carolina Youthful Offender Act; (2) county safekeepers; (3) and any inmate on furlough.

Proprietary Information: Refers to any information concerning the operations of the Agency, the managing of information with the Agency, confidential records concerning offenders and/or employees including, but not limited to, the information deemed confidential in the SCDC Policies and all other information declared confidential.

Social Networks: This encompasses a broad sweep of online activity, all of which is trackable and traceable and usually permanent. Online networks include blogs, chat rooms, message boards, discussion groups, e-mail, texting, iMessaging, etc., on which an employee writes, posts, comments, or is a member of professionally or personally. Examples include, but are not limited to: MySpace, Facebook, Twitter, YouTube or any such network now in existence or those to be created in the future.

SIGNATURE ON FILE

—
s/Bryan P. Stirling, Director

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Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT