

THE CITY OF MOBILE DIGITAL MEDIA POLICY

City Website Policy

1. **Purpose.** The purpose of this Policy is to establish regulations for the development, operation, and administration of the City’s websites. It is also intended to ensure that the City’s websites remain non-public forums and a vehicle for obtaining and disseminating certain limited information related to City business. Moreover, the City has a legitimate public interest in providing accurate and appropriate information that is limited to City related business and wants to ensure that it has the ability to limit the use and control of the same.

2. The purposes of the City websites are as follows:

- a. To provide a convenient and information-rich resource for residents, visitors, businesses, non-profit organizations, other public agencies, and schools to obtain and disseminate specific information related to city government.
- b. To provide information and resources that contribute to the safety and welfare of the Public.
- c. To employ the latest technology designed to improve customer service and communication relating to issues of interest within the City.
- d. To contribute to the improvement of City services, foster economic development, and enhance the sense of community within the City.
- e. To establish and strengthen long-term partnerships between the City and individuals and entities in the public and private sectors.
- f. To allow users to conduct City business transactions such as recreation registration, licensing and permit activities.

3. **Policy.** The City shall operate and maintain the City websites as provided in this Policy.

4. **Definitions.** The following definitions shall apply to this Policy:

- a. “City websites” mean the official City websites available at www.cityofmobile.org that the City acquires for official City use.
- b. “Cookies” means files on the user’s computer that enable a website to recognize the user on subsequent visits and possibly track the user’s Internet use between visits.
- c. “External Website” means a website maintained by a third party, and not by the City



d. “External Link” is a hyperlink from the City websites to a website maintained by a third party.

e. “Security Measures” means practices for protection of physical configuration and environment, software, information-handling processes, and user practices.

f. “User” or “Users” means an individual or individuals who access the City webpages through the Internet.

5. ***Non-Public Forum Status.*** The City’s websites are non-public forums. While the City encourages the public to use the City websites to access information and resources, the City expressly reserves the right to impose certain restrictions on the use of its websites including, but not limited to, the limiting of content to certain City-related topics. City websites are reserved for the exclusive control of the City for the purposes of one-way communication to users. City websites shall not nor are they intended to be used to facilitate a general debate or the free exchange of ideas. This non-public forum status does not extend to City-supported public comment platforms that are run and facilitated by a private, non-partisan companies with the express purpose of engaging the public. However, the City’s support of public comment platforms, does not change the non-public forum status of the City’s websites and is not intended to create a designated public forum.

6. ***Authority of the Chief of Staff.*** The Chief of Staff or his or her designee shall have the authority and responsibility for the implementation of this Policy. The Chief of Staff or designee shall be trained by the City Attorney or other designated individual regarding the terms of this Policy including the responsibilities to review content submitted for posting to ensure compliance with this Policy. This Policy will be posted on the City websites for review by the public at any time.

7. ***Privacy.*** The City is sensitive to the privacy interests of the users of the City websites and believes that the protection of those interests is an important responsibility. The City’s goal in collecting personal information online is to provide the user with the most personalized and effective service possible. By understanding the user’s needs and preferences, the City may provide users with improved service. The City strives to protect online personal information in the same manner that the City protects citizen and business information obtained through other means. The following information explains the City’s policy regarding any personal information supplied when using the City websites.

a. On certain occasions, the City websites may request a user’s email address for purposes of correspondence or for City business. The City shall not share email addresses with anyone outside the City, nor disclose user information to any third party, except as required by applicable federal or state laws, including but not limited to the Public Records Act and/or as required in a court action.



b. The City may use the personal data provided through the City websites to send information about City services and upcoming civic activities. However, the City will neither sell nor knowingly provide personal information for any other direct mail activities, except as required by applicable laws, including the Public Records Act and discovery in a civil law suit.

c. The City does not guarantee, nor does it represent, that such comments, suggestions or questions submitted by email to the City or to city officials or employees will remain private or confidential and no expectation of privacy is created by such communications. Similar to mailed or delivered comments, comments received via e-mail, posted on Social Media, or posted by means of an online public comment platform may become subject to public disclosure under the Alabama Public Records Act and/or part of the discovery procedure in a civil lawsuit or other legal proceeding.

d. During the course of a credit card transaction through the City websites, the information is transmitted to a third-party processor via a secure connection. The City and its subcontractors use firewalls and other security technology to minimize the risk of unauthorized access. To complete the credit card transaction(s), information about transaction(s) are submitted to the relevant financial institution. The City will not share this information with any other third party unless required to do so by federal or state laws, including but not limited to the Public Records Act and/ or as required in a court action

e. The City will not intentionally release any information about the collection of Internet Protocol (IP) addresses to any third party except as required by applicable federal or state law. The City websites may archive web server log files in order to create aggregate statistical reports, detect errors at the Web site, and for security reasons. To the extent that the City maintains web log files, such files shall be deleted according to a regular schedule established by the City's designated department.

f. Aggregate reports may be generated about visitors to the City websites. These reports do not contain any personally identifiable information.

g. The City does not use persistent reoccurring Cookies, nor share unauthorized information with other third-party entities.

8. **Security.** The City websites apply security measures to protect the loss, misuse and alteration of the information under the City's control. From time to time, security measures may be upgraded or otherwise modified to meet changing needs. While the City endeavors to keep secure all information it receives via the City websites, the City cannot guarantee the security of the information.



9. **External Links.** The City has a legitimate interest in limiting persons or organizations that might be linked to the City websites. The City may exercise discretion to ensure that the links to the City websites are consistent with the purpose of the City websites, as set forth in Section 1.

a. Each proposed External Link on the City websites shall be reviewed to determine its relevance and appropriateness to the purpose of the City websites. The Chief of Staff or his or her designee shall review the merits of the proposed External Link based upon the criteria set forth below. The Chief of Staff or his or her designee shall also determine whether the External Link serves the purpose of the City websites, as set forth in Section 1. A proposal for an External Link will not be denied based on the viewpoint espoused by the individual or entity.

b. When the below criteria do not provide clear guidance, the Chief of Staff or his or her designee reserves the right to make a decision based on the general intent of the criteria outlined below and what he or she believes is in the best interest of the City.

c. The City shall use the following criteria in considering proposals for External Links from the City websites:

i. Sponsored by governmental and public educational institutions.

ii. Sponsored by nonprofit organizations that perform the following services for the Mobile community: assist persons in locating housing, housing discrimination assistance, or homeownership; assist people in finding employment or training opportunities; provide non elective healthcare, and other human and social services; provide information or access to the arts, humanities, culture or education; improve neighborhoods; provide information or resources for neighborhood revitalization, code enforcement and/or crime prevention; enhance business development and economic development opportunities locally and regionally.

iii. Sponsored by organizations partnering with the City to meet the City's strategic or operational goals.

iv. Sponsored by private organizations which provide government-related information and/or services in a way that is not available on an official government website, as set forth in Subsection (e).

v. Sponsored by professional associations affiliated with local government.

vi. Sponsored by private or public utilities that service City residents or businesses specifically to assist individuals relocating to the City.

d. The City websites will not provide External Links to websites that:



i. Promote or exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content.

ii. Have a primary purpose of furthering the agenda of a political organization or a candidate running for office, or defeating any candidate for elective office.

iii. Violate any of the City's equal opportunity policies.

iv. Consist of personal home pages operated by individuals.

e. The City may provide External Links to certain private commercial sites that maintain and display government-related information which fulfills the purposes of the City websites as set forth in Section 1, and which is not generally available through a governmental agency due to the cost of compiling, maintaining and/or displaying such information. To support the cost of compilation and maintenance of this information, these private commercial sites may include advertising or promotional material in the information display. Accordingly, External Links to such sites which contain this information, but also display commercial advertising or promotional material, may be included within the City websites when the Chief of Staff or his or her designee has made a good faith determination that:

i. The City's independent replication of the information targeted for linkage is infeasible due to financial or other considerations;

ii. No non-commercial site provides the information targeted for linkage; and,

iii. The information targeted for linkage greatly enhances the usefulness of the City websites and services it provides.

f. The City reserves the right to determine how and where External Links will appear on the City websites.

10. ***Application for External Link.*** To request the addition of an External Link to the City websites, the applicant shall send the relevant URL address, website description and purpose, brief statement as to how the proposed website fulfills the noted criteria called forth above.

11. ***Disclaimer of External Links and External Websites.*** The information posted on the City websites includes hypertext External Links to information created and maintained by other public and/or private organizations. The City provides these links solely for the user's information and convenience.

a. When the user selects an External Link to an External Website, the user leaves the City websites and is subject to the privacy and security policies of the owners/sponsors of the External Website.

b. The City does not control or guarantee the accuracy, relevance, timeliness or completeness of information contained on an External Website accessed through the City websites by External Link.



- c. The City does not endorse or recommend any third-party website, product, service, view, or opinion.
- d. The City does not authorize the use of copyrighted materials contained on External Websites.
- e. The City is not responsible for transmissions from External Websites.

12. **Final Decision.** The decision to post or not post content and/or links on the City websites resides solely with the Chief of Staff or his or her designee. The decision of the Chief of Staff or his or her designee is final and binding. Under no circumstances will individuals or entities be entitled to compensation or damages in the event that the Chief of Staff or his or her designee directs the City to include or exclude the content or link.

13. **Links to the City of Mobile's Website.** As a courtesy, notice of any link to the City websites is requested, but is not a requirement under this Policy. However, the party linking to the City websites should be aware that its subpages may change at any time without notice. Individuals and entities linking to the City websites shall not capture pages within frames, present the City websites content as its own, or otherwise misrepresent the City websites' content or misinform users about the origin or ownership of its content. Any link to the City websites should be a full forward link that passes the user's browser to the City websites unencumbered. The web browser's "back" button should return the user to the originating site if the user wishes to back out.

14. **Posting of Events.** Information regarding community events may be posted on the City websites, so long as the posting of such information is consistent with the purpose of the City websites, as set forth in Section 1, and meets the criteria for External Links, as set forth in Section 8. While the Chief of Staff or his or her designee may consider suggestions of events to post on the City websites, the decision of the Chief of Staff or his or her designee is final and binding.

15. **Accessibility.** The City websites are intended to be accessible to people with disabilities. Requests for reasonable accommodations relating to equal access to communication, or other issues relating to City Website accessibility, should be directed to:

16. **No Warranty or Representation.** The City's web server(s) are maintained to provide public access to City information via the Internet. The City's web services and the content of its web servers and databases are updated on a continual basis. While the City attempts to maintain the City websites' information as accurate and timely, the City does not warrant or make representations or endorsements as to the quality, content, accuracy, or completeness of the information, text, graphics, hyperlinks, and other items contained on its server or any other server. Materials on the City websites have been compiled from a variety of sources, and are subject to change without notice from the City as a result of updates and corrections.



17. ***Service Marks, Trademarks and Copyright.*** To the extent allowed by the Public Records Act and otherwise legally permissible, commercial use of web materials is prohibited without the written permission of the City. All service marks and trademarks mentioned herein are the property of their respective owners. The City retains copyright on the City Seal, City Logo, all text, graphic images, and other content, unless otherwise noted. No person or entity may use the City Seal or City Logo without approval of the Chief of Staff or his or her designee. No person or entity shall engage in any of the following conduct without written permission from the Chief of Staff or his or her designee: a) modify and or use the text, images or other City websites content from a web server, b) distribute the City’s web content, and c) “mirror” the City’s information on a non-City server.

Material made available via Mobile’s website are property of the City of Mobile and intended for informational purposes only. Any re-use, transmission, duplication, or distribution of any material found on an official City of Mobile website must be clearly attributed to the City of Mobile. Commercial uses of copyrighted materials found on a City website is expressly prohibited without express written consent of the City of Mobile. Any and all trademarked or copyrighted logos or taglines may not be used for any nongovernmental purpose.

18. ***Notice to the City.*** Communications through the City websites, by e-mail or otherwise, shall in no way be deemed to constitute legal notice to the City of Mobile or any of its agencies, officers, employees, agents, attorneys, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents, or representatives. No communication through the City websites shall be deemed to constitute legal or official notice for any purpose.

19. ***Errors, Omissions, Warranty, Damages.*** The City of Mobile is neither responsible nor liable for any viruses or other contamination of a user’s system due to access of the City websites, nor for any delays, inaccuracies, errors or omissions arising out of the user’s access of the City websites or with respect to the material contained on the City websites, including without limitation, any material posted on the City websites. The City websites and all materials contained on it are distributed and transmitted “as is” without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. The City is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the City websites and/or the materials contained on the City websites, whether the materials contained on the City websites are provided by the City of Mobile or a third party.

20. ***Indemnification.*** To the extent permitted by applicable law, by using the City websites, the user agrees to defend, indemnify, and hold harmless the City of Mobile, its agencies, officers, employees, representatives, and agents from and against all claims and expenses, including attorney’s fees, arising out of the user’s use of the City websites or materials and information contained on the City websites.



Social Media Policy

1. **Purpose.** This Policy establishes guidelines for the establishment and use by the City of Mobile (the “City”) of Social Media as a means of conveying information about the City and its events and activities to its citizens.

- a. The City of Mobile has an overriding interest and expectation in deciding what is “spoken” on behalf of the City through the use of Social Media.
- b. For purposes of this policy, the terms “Social Media” and “Social Media Sites” are understood to be content created by individuals, organizations and/or entities, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of Social Media that may be used by the City include, but are not limited to Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, Google+, Instagram, Pinterest, Nextdoor, and Flickr. For purposes of this Policy, “comments” include information, articles, pictures, videos or any other form of communicative content posted on Social Media Sites.

2. General Policy.

The establishment and use by any City department of City Social Media sites are subject to approval by the Chief of Staff or his/her designees. Use of Social Media shall be administered by City of Mobile Communications staff and any Department-designated coordinator, as described in this Policy. In approving the use of a City Social Media site, the City of Mobile Communications staff, in coordination with any Department as may be necessary, shall establish guidelines for the use of the site, including but not limited to the following information:

- a. The purpose of the site, which may include the dissemination of general information about the City or the dissemination of information regarding a specific City Department or City Activity, Event or Project. b. What City department will be directly responsible for monitoring of, and creation of content on, the site.
 - i. City Social Media Sites should make clear that they are maintained by the City of Mobile and that they follow this Social Media Policy.
 - ii. To the extent possible, the use of Social Media will link back to the City’s website for forms, documents, online services and other information necessary to conduct business with or utilize the services of the City.
 - iii. The City of Mobile’s website at www.cityofmobile.org will remain the City’s primary and predominant Internet presence.
 - iv. This Policy may be revised at any time.

3. Comment Policy.



As a public entity, the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.

a. The intended purpose behind establishing a Social Media presence is to disseminate information to residents of the City of Mobile.

b. Comments containing any of the following inappropriate forms of content shall not be permitted and are subject to removal and/or restriction by the City's Communications Office:

- i. Comments not related to the business of the City, including random or unintelligible comments;
- ii. Violent, or pornographic content and/or language;
- iii. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, or national origin;
- iv. Threaten or defame any person or organization;
- v. Content that is hateful or incites violence;
- vi. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
- vii. Conduct in violation of any federal, state or local law;
- viii. Encouragement of illegal activity;
- ix. Information that may tend to compromise the safety or security of the public or public systems; or
- x. Content that violates a legal ownership interest, such as a copyright, of any party.
- xi. Comments in support of or in opposition to political campaigns or ballot measures.

c. All users of a City of Mobile social media site are also subject to the site's own privacy policy. The City of Mobile has no control over a third party site's privacy policy page unless otherwise stated. The City of Mobile has no control over content, commercial advertisements or other postings produced by the Social Media site that appear on the City of Mobile Social Media site as part of the site's environment.

d. The City of Mobile operates and maintains its Social Media sites as a public service to provide information about City programs, services, projects, issues, events and activities. The City of Mobile assumes no liabilities for any inaccuracies these Social Media sites may contain and does not guarantee that the Social Media sites will be uninterrupted, permanent or error-free.



e. Although posts and comments are encouraged on the City of Mobile Social Media sites that allow posts, these sites are limited public forums and moderated by City Staff. All posted content (comments, links, photos, etc.) must be related to discussion of City programs, services, projects, issues, events, and activities.

f. Any content removed based on these guidelines must be retained by the Communication Department for a reasonable period of time, including the time, date, and identity of the poster, when available.

g. A comment posted by a member of the public on the Social Media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Mobile or the Department, nor do such comments necessarily reflect the opinions or policies of the City of Mobile or the Department.

i. The City reserves the right to deny access to the Social Media site for any individual, who violates this Policy, at any time and without prior notice.

ii. The Department responsible for the implementation of the Social Media site shall monitor the respective site for comments requesting responses from the City and for comments in violation of this policy.

iii. When a City of Mobile employee comments or responds to a comment, in his/her capacity as a City of Mobile employee, said comments or responses shall be made only from an official account established by the City for such purposes. No City of Mobile employee making comments or responses in his or her capacity as a City of Mobile employee shall share personal information about himself or herself, or other City employees.

iv. All posts and comments are public records subject to public disclosure under the Public Records Act.

4. Use of Social Media Sites to Disseminate and/or Gather Information Regarding a Specific City Department or City Activity/Event/Project. In addition to the general provisions of this Policy, the following provisions shall apply to the City's use of Social Media to establish an internet presence relating to a particular Department or City Activity/Event/Project:

a. A Department-designated coordinator will monitor content on Department-specific or City Activity/Event/Project-specific Social Media sites to ensure adherence to this Policy.

b. The Department-designated coordinator will advise the Public Information Office staff of any concerns regarding content or comments. The Public Information Office will advise the Department-designated coordinator whether or not the content or comment should be removed.

c. The City reserves the right to restrict or remove any content that is deemed in violation of this Policy or any applicable law. Any content removed based on these guidelines must be retained by the Department's coordinator for a reasonable period of time, including the time, date and



identity of the poster, when available. The Department shall follow any applicable requirements of the City's document retention policy for retaining content.

d. The City's content requirements must be displayed to users or made available by hyperlink.

e. The Social Media pages shall adhere to applicable federal, state, and local laws, regulations, and policies.

f. Comments on topics or issues not relating to the Department or the City Activity/Event/Project that is the subject of a particular Social Media page may be removed.

g. Employees representing the City government on the respective Social Media page must conduct themselves at all times as a representative of the City and in accordance with all City policies.

h. Communications made through the City of Mobile Social Media sites in no way constitute a legal notices or official notice or comment to the City of Mobile. To comment about a specific City project or program, please contact the appropriate department.

5. Copyright Policy

Material made available via official City of Mobile Social Media sites is the property of the City of Mobile and intended for informational purposes only. Any re-use, transmission, duplication, or distribution of any material found on an official City of Mobile Social Media site must be clearly attributed to the City of Mobile. Commercial uses of copyrighted materials found on City of Mobile Social Media sites is expressly prohibited without express written consent of the City of Mobile. Any and all trademarked or copyrighted logos or taglines may not be used for any non-governmental purpose.

