
Chapter: **DIRECTLY-OPERATED PROGRAM MANAGEMENT**
Title: **SOCIAL MEDIA GUIDELINES**

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Current Approval Date: 02/27/17

Approved by:  _____ 02/27/17
Executive Director Date

Approved by:  _____ 2/28/17
Office of the County Executive Date

I. Abstract

This policy establishes the standards for "Appropriate Use" of social media by Macomb County Community Mental Health (MCCMH) administrators, management, and Workforce Members for or on behalf of MCCMH using MCCMH Hardware and Systems for or on behalf of MCCMH during working hours, or the use of personal social media during working hours.

II. Application

This policy shall apply to all MCCMH administrators, management, and Workforce Members (collectively, "MCCMH Staff").

III. Policy

It is the policy of MCCMH to encourage the appropriate use of Social Media in order to broaden MCCMH's scope of communication and reach a larger audience in furtherance of its mission.

IV. Definitions

A. "Appropriate use":

1. Responsible content/communications, consistent with applicable Macomb County and MCCMH policies, and compliant with applicable law, including but not limited to those laws which protect the confidentiality of consumer protected health information and personally identifiable information;
2. Use of MCCMH Social Media Accounts exclusively by MCCMH Staff and Workforce Members that have received express authorization to do so;
3. Use of Personal Social Media Accounts during approved working-hours (i.e., lunch);
4. The prohibited use of MCCMH Hardware and Systems to access or use Personal Social Media Accounts during working hours; and

protect MCCMH Staff's First Amendment rights to Freedom of Speech, Michigan's Internet Privacy Protection Act (IPPA), and the Michigan Public Employment Relations Act (PERA).

B. Confidential Information:

1. All information contained in MCCMH clinical records, including but not limited to Electronic Protected Health Information (EPHI);
2. Other information concerning MCCMH consumers, providers, quality improvement and peer review records;
3. Personnel records, including records kept by the MCCMH Administrative Office that identify employees, independent contractors, volunteers, and interns, to the extent that the records are used or have been used, or may affect or be used relative to the individuals qualifications for employment, contracting, promotion, transfer, additional compensation or disciplinary action; and
4. Information relating to MCCMH business and administrative infrastructure, business relationships, methods, operations, financials, or services of MCCMH not otherwise available through the Freedom of Information Act (FOIA).

C. MCCMH Hardware and Systems: MCCMH owned or leased equipment, facilities, internet addresses or domain names registered to MCCMH.

D. MCCMH Social Media Account: A Social Media Account that has been approved and created at the direction of the MCCMH Executive Director or authorized designee, for and in compliance with the Macomb County Communications Guide.

E. Offensive Language: Written, verbal, graphic, drawn/cartoon, or electronically generated communications that denigrate or show hostility or aversion toward an individual because of his/her race, color, religion, national origin, sex, familial status, marital status, age, height, weight, or other legally protected status. This includes, but is not limited to: (i) epithets; (ii) slurs; (iii) negative stereotyping; and (iv) threatening, intimidating or hostile language.

F. Personal Internet Account: An account created via a bounded system established by an internet-based service that requires a user to input or store access information via an electronic device to view, create, utilize, or edit the user's account information, profile, display, communications, or stored data. By way of example and without any limitation, a Personal Internet Account would include a personal email account, or an account that would fall under the definition of a "Personal Social Media Account."

G. Personal Social Media Account: A Social Media Account created by a private individual or individuals for personal use, or for MCCMH business use without approval of the MCCMH Executive Director or authorized designee.

F. Social Media Account: An electronic communication means (such as Web sites for social networking and microblogging) through which users create online communications to share information, ideas, personal messages, and content (e.g., videos), and which require a user to input or store access information in order to view, create, utilize, or edit the user's account information, profile, display, communications, or stored data. Social Media Accounts may include accounts on

platforms such as Facebook, Twitter, LinkedIn, Google Plus+, Pinterest, Tumblr, Flickr, YouTube, Instagram, Snapchat, Reddit, blogs, or the like.

- G. Workforce Member: Employees, volunteers, trainees, and other persons whose conduct, in the performance of work for MCCMH, is under the direct control of MCCMH, including but not limited to, administrative and directly-operated network provider employees, independent contractors, and volunteers.

V. Standards

A. Social Media Account Access using MCCMH Systems and Hardware:

MCCMH Staff and Workforce Members' use of MCCMH Hardware and Systems to communicate via Social Media Accounts shall be subject to this and other applicable Macomb County and MCCMH policies, including but not limited to MCCMH MCO Policy 10-031, "Expectation of Privacy, Monitoring, Prohibited Content and Use of Electronic and Telephonic Communications," and MCCMH MCO Policy 10-032, "Acceptable Internet Use," and shall be considered "Internet" use, "use of MCCMH computer systems," as well as a method of "electronic and telephonic communications systems" thereunder. Consequently, MCCMH Staff is advised that, among other things, all Social Media Account communications transmitted by, received from, or stored in MCCMH Hardware and Systems are the property of MCCMH and may be audited pursuant to Executive Director or Deputy Director Authorization.

B. Responsible Social Media Account Content/Communications:

The content of Social Media Account communications should conform to the following standards:

1. Communications - Generally:

- a. MCCMH Staff and Workforce Members are encouraged to exercise good judgment in ensuring that Social Media Account communications reflect MCCMH's professional, legal and ethical standards of excellence.
- b. Confidential Information must not be disclosed or discussed via any Social Media Account, and particular care should be exercised to avoid referencing, discussing, or disclosing directly or indirectly, in any way, any information regarding consumers, EPHI and/or any other information protected by The Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Michigan Mental Health Code, and/or 42 C.F.R. Part 2.

2. MCCMH Social Media Account Communications:

- a. MCCMH Social Media Account communications shall be used for the sole purpose of furthering the business or service activity of MCCMH, and shall not be used for any other purpose, including, but not limited to, unauthorized commercial activities, illegal activities, solicitation of funds, political

messages, harassing messages, or personal use, nor shall MCCMH Social Media Account communications contain Offensive Language.

- b. Content posted and/or communications via MCCMH Social Media Accounts must be expressly approved by the MCCMH Executive Director or authorized designee.

3. Personal Social Media Account Communications:

- a. Personal Social Media Account communications must clearly reflect that they are personal in nature, and do not reflect the views, opinions or positions of Macomb County or MCCMH.
- b. Any MCCMH Staff that provides a direct service to a consumer is prohibited from engaging in conversation or becoming linked with such consumer (e.g., "friends," "following," etc.) via Personal Social Media Accounts.

C. Management of MCCMH Social Media Accounts:

1. MCCMH Social Media Accounts must be approved in writing by the MCCMH Executive Director or authorized designee, and otherwise conform to the standards set forth in applicable Macomb County and MCCMH policies, including but not limited to the Macomb County Communications Guide.
2. MCCMH Social Media Account communications shall be managed exclusively by such MCCMH Staff that have received express written permission to do so from the MCCMH Executive Director or authorized designee.

D. Use of Personal Social Media Accounts:

1. MCCMH Staff are prohibited from using MCCMH Hardware and Systems to access or utilize Personal Social Media Accounts.
2. MCCMH Staff and Workforce Members should limit their Personal Social Media Account access and/or use during the work-day to appropriate times, such as lunch breaks, and shall only do so using non-MCCMH Hardware and Systems (i.e., using personal cellular devices, tablets, etc.)

E. MCCMH Access to and Monitoring/Use of Personal Social Media Accounts:

1. MCCMH shall comply with Michigan's Internet Privacy Protection Act (IPPA).
2. MCCMH monitoring of Personal Social Media Accounts, if any, shall comply with the Michigan Public Employment Relations Act (PERA), as applicable.
3. MCCMH's monitoring of Personal Social Media Accounts, if any, shall not unlawfully infringe upon MCCMH Staff's or Workforce Members' right to Freedom of Speech, as granted by the First Amendment to the Constitution of the United States of America.

VI. Procedures

- A. The MCCMH Executive Director, either directly or by and through its authorized designee, shall be responsible for MCCMH Social Media Accounts, and must:
 - 1. Complete training regarding applicable Macomb County and MCCMH social media standards and guidelines; and
 - 2. Ensure that MCCMH Social Media Accounts are created, utilized and maintained consistent with applicable Macomb County and MCCMH policies, as well as with applicable law; and
 - 3. Ensure that MCCMH Social Media Accounts are monitored daily, including but not limited to posting content and reviewing comments, consistent with those guidelines described in the Macomb County Communications Guide.
- B. Prior to managing, monitoring, posting, or communicating via MCCMH Social Media Accounts, MCCMH Staff and Workforce Members must:
 - 1. Obtain prior written authorization to do so from MCCMH Executive Director or authorized designee; and
 - 2. Complete training regarding proper social media standards and guidelines.
- C. MCCMH will not do any of the following, unless expressly permitted under IPPA or other applicable state or federal law:
 - 1. Request a MCCMH Staff Member or Workforce Member or an applicant for employment to grant access to, allow observation of, or disclose information that allows access to or observation of the employee's or applicant's personal internet account (including but not limited to Personal Social Media Accounts); or
 - 2. Discharge, discipline, fail to hire, or otherwise penalize a MCCMH Staff Member, Workforce Member or applicant for employment for failure to grant access to, allow observation of, or disclose information that allows access to or observation of the employee's or applicant's personal internet account (including but not limited to Personal Social Media Accounts).
- D. MCCMH may, however, as permitted by the IPPA or other applicable law:
 - 1. Request or require a MCCMH Staff Member or Workforce Member to disclose access information for (i) an electronic communication device paid for in whole or in-part by MCCMH, and/or (ii) an account or service provided by MCCMH, obtained by virtue of the employee's employment relationship with MCCMH, or used for MCCMH's business purposes.
 - 2. Discipline or discharge a MCCMH Staff Member, Workforce Member for transferring MCCMH proprietary or confidential information to an employee's personal internet account, including but not limited to Personal Social Media Accounts, without authorization.

3. Conduct an investigation or require a MCCMH Staff Member or Workforce Member to cooperate in an investigation in any of the following circumstances:
 - a. If there is specific information about activity on the person's personal internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct.
 - b. If MCCMH has specific information about an unauthorized transfer of MCCMH's proprietary information, confidential information, or financial data to a MCCMH Staff Member's or Workforce Member's personal internet account.
 4. Restrict or prohibit a MCCMH Staff Member's or Workforce Member's access to certain websites while using an electronic communications device paid for in whole or in part by MCCMH or while using MCCMH's network or resources, in accordance with state and federal law.
 5. Monitor, review, or access electronic data stored on an electronic communications device paid for in whole or in part by MCCMH, or traveling through or stored on MCCMH's network, in accordance with state and federal law.
 6. Comply with any duty to screen employees or applicants prior to hiring or to monitor or retain employee communications that is established under federal law or by a self-regulatory organization, as defined in section 3(a)(26) of the Securities and Exchange Act of 1934, 15 USC 78c(a)(26).
 7. View, access, or utilize information about a MCCMH Staff Member or Workforce Member or applicant that can be obtained without any required access information or that is available in the public domain.
- E. In the event that any Social Media Account use or communication contains information about any MCCMH consumers, or otherwise violates this Policy:
1. Such use or communication shall be subject to MCCMH MCO Policy 9-321, and may be investigated by the Office of Recipient Rights, as appropriate;
 2. May be investigated by the Office of Corporate Compliance, as appropriate; and
 3. If any investigation provides evidence of: a Recipient Rights violation, a HIPAA violation, a violation of 42 CFR Part 2, and/or a violation of the Michigan Mental Health Code, a further investigation by the appropriate office will be conducted and the responsible MCCMH Staff may be subject to an appropriate sanction.

VI. References / Legal Authority

- A. U.S. CONST. AMEND. 1
- B. *Waters v Churchill*, 511 US 661 (1994)
- C. 42 C.F.R. Part 2

- D. The Health Insurance Portability and Accountability Act of 1996 (HIPAA), P.L. 104-191
- E. Internet Privacy Protection Act, MCL 37.271 *et seq.*
- F. Public Employment Relations Act, MCL 423.201 *et seq.*
- G. Macomb County Personnel Manual, “Confidential Information,” and “Disciplinary Action.” July 8, 2014
- H. Macomb County Communications Guide. September 21, 2012
- I. MCCMH MCO Policy 6-001, “Release of Confidential Information – General”
- J. MCCMH MCO Policy 6-002, “Release of Confidential Information – Alcohol and Drug Abuse”
- K. MCCMH MCO Policy 9-321, “Consumer Incident, Accident, Illness, Death, or Arrest Report Monitoring”
- L. MCCMH MCO Policy 9-604, “Release of Oral/Verbal Communications”
- M. MCCMH MCO Policy 9-605, “Bill of Rights / Bill of Responsibilities”
- N. MCCMH MCO Policy 10-001, “Adoption of Macomb County Personnel Policies”
- O. MCCMH MCO Policy 10-030, “Protection of Electronic Confidential Information”
- P. MCCMH MCO Policy 10-031, “Expectation of Privacy, Monitoring, Prohibited Content and use of Electronic and Telephonic Communications”
- Q. MCCMH MCO Policy 10-032, “Acceptable Internet Use”
- R. MCCMH Executive Directive 1/2004, “Authority to Speak on Behalf of MCCMH
- S. [Can’t Escape from the Memory: Social Media and Public Sector Labor Law](#), 40 N. Ky. L. Rev. 427 (2013).
- T. Employee Privacy Law, Part III, Chapter 8A “Electronic Monitoring and Surveillance,” Section 32, June 2016.
- U. Social Media. *Merriam-Webster OnLine*, 2016 Merriam-Webster, Incorporated. <https://www.merriam-webster.com/dictionary/social%20media> (accessed 12/20/2016).

VII. Exhibits

- A. None.