



OVERVIEW

Protecting the Wells County Public Library with Social Media Archiving

Why do we need to archive?

"With the public records law in Massachusetts, it is critical to capture all of the records produced by social media. You are protecting your community, your employees and complying with the law."



NICHOL FIGUEIREDO
Public Information Records
Access Officer & Webmaster
Framingham, MA

- Our social media is creating public records.



Open records laws maintain that we need to be able to produce social media records—**both from our own content, and from content our constituents create**—in response to records requests.



Social media is a mission-critical part of our communication strategy, and our constituents are creating, editing, and deleting records on a daily basis.

- If we do not preserve our social media records, **we are potentially out of compliance with state records regulations.**
- Beyond public records responsibilities, we will increasingly need to produce records for a variety of other types of requests.



Requests from internal stakeholders



E-discovery requests

Indiana Social Media Records Guidance



INDIANA ACCESS TO PUBLIC RECORDS ACT

- ▶ ““Public record” means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, **regardless of form or characteristics**.

GUIDANCE FROM THE INDIANA PUBLIC ACCESS COUNSELOR

- ▶ If a public agency creates a website or social media account and maintains its content, **then any records request relevant to that site would need to be fulfilled**.
- ▶ The important consideration to remember is that **all comments to an agency web site must be retained**.

Excerpt from *Re: Formal Complaint 13-FC-250; Alleged Violation of the Access to Public Records Act and Open Door Law by the Town of Morristown*, pages 2-3

<https://www.in.gov/pac/advisory/files/13-FC-250.pdf>

Why do we need an archiving solution – is there another way to do this?

“Facebook has no records management capability.”



**JERRY
LUCENTE-KIRKPATRICK**
Formerly State Records
Analyst
State of Arizona

Other methods don't capture the content we need.

- ▶ We cannot rely on the social networks to archive for us.



The social networks do not provide user comments or revisions to content (edited, deleted, and hidden content) in their download features



The social networks are not bound to public records laws, and have no legal obligation to retain records

- ▶ We cannot rely on “manual” archiving, or screenshots



Screenshots are only a snapshot in time, do not capture deleted or revised content, and are not searchable



Screenshots have no metadata attached to them, and are not effective in court

- ▶ We cannot just make our social media “one-way”



There's no way to consistently block users from generating content on our social media pages



For example, on Facebook, we cannot completely disable interaction

Doesn't Facebook have it?

Case Study

City of Weston, FL Instagram was hacked and their feed deleted, but their records were protected in ArchiveSocial. After contacting Facebook about restoring their feed, they were sent this article ----->

Data Retention and Availability

We will search for and disclose data that is specified with particularity in an appropriate form of legal process and which we are reasonably able to locate and retrieve. We do not retain data for law enforcement purposes unless we receive a valid preservation request before a user has deleted that content from our service.

Details about data and account deletion can be found in our [Data Policy](#), [Statement of Rights and Responsibilities](#), and [Help Center](#).

What happens to content (posts, pictures) that I delete from Facebook?

➔ [Share Article](#)

When you delete something you shared on Facebook, it is permanently deleted from your Facebook account. It's deleted from our servers and backup systems, so we're unable to retrieve this deleted content.

However, Facebook may keep service-related information about your account, like IP address logins or email changes on your account, to protect your security, prevent abuse, and improve our services. This information may only be fully removed when you [permanently delete your account](#).

How much does it cost, and what is involved with implementation?

"I can't even begin to explain how much simpler and easier ArchiveSocial has made things. It's not something I even have to think about now."



SGT. CHRISTOPHER
FULCHER
Chief Technology Officer
Vineland, NJ Police
Department

- ▶ Pricing is fully transparent and designed to fit into discretionary budgets.



90% of agencies are priced under \$6000 per year.



The pricing is based on average monthly record counts

- ▶ Most agencies fully connect in 10 minutes.



The system is cloud-based, and all it requires is connecting our social media accounts



No IT resources are required

- ▶ ArchiveSocial never has access to our social network passwords, and can only "read" our content.

Why should we do this now?

"If you don't have something like ArchiveSocial for your social media, you're playing Russian roulette with your daily public records responsibilities — and that's not a good idea. "



REBECCA MEDINA
STEWART

Director of Public Affairs and
Marketing
City of Deerfield Beach, FL

- ▶ It gives us confidence that we are in compliance with state records laws, and can easily respond to records requests.
- ▶ Without it, we are losing records daily, through deleted and edited content.
- ▶ As engagement on our social media increases, it gives us insurance in case of unexpected events.



It gives us confidence to moderate content in accordance with our social media policy, confident that we have the records to defend ourselves



It gives us the ability to conduct reviews, if needed for internal stakeholders or external parties

...And this issue
isn't new to
Indiana



First Amendment lawsuit over Facebook post about Waukegan mayor, Lake County Board vice chair settled for \$17,500

Beech Grove settles free-speech lawsuit over Facebook use

August 5, 2016 | Associated Press

KEYWORDS [SOCIAL MEDIA](#) / [SETTLEMENT](#) / [BEECH GROVE](#) / [COURTS](#) / [NEGLECT](#)



PRINT



RELATED NEWS AND OPINION

[Women sue Beech Grove
after city blocked
Facebook activity](#)
June 29, 2016

An Indianapolis suburb has settled a lawsuit accusing it of violating free speech rights when it removed two women's critical comments on its Facebook page.

Court documents show the plaintiffs will receive nearly \$7,500 each in costs and attorneys' fees. The women will be allowed to post on Beech Grove city-run Facebook pages again. The American Civil Liberties Union of Indiana filed the lawsuits. The pages were taken down in July.

City of Elkhart, Martinsville police facing lawsuits after deleting Facebook posts

October 10, 2016 | [Olivia Covington](#)

What Others Are Doing

Porter County, IN

"Social media posts on official government accounts need to be archived, the same as other public records, Indiana's public access counselor has said"

Porter County to archive social media posts

Doug Ross , 219-548-4360 Sep 22, 2018 Updated Feb 19, 2020

VALPARAISO — New guidelines for official Porter County government social media accounts include who's accountable for them, how to remove posts when necessary and how to archive them.

Social media posts on official government accounts need to be archived, the same as other public records, Indiana's public access counselor has said. The Porter County Board of Commissioners approved a contract for just under \$5,000 for **ArchiveSocial** to archive posts on the county's official accounts.

"I've spent several months doing research on this," said Curt Ellis, assistant to the commissioners.

The county has more than 50 social media accounts, including one for the Porter County Animal Shelter that has more than 27,000 followers.

Under the policy adopted by the commissioners last week, official accounts are limited to Facebook, Google+, YouTube, Twitter, Instagram, Pinterest, Flickr and LinkedIn.

Departments wishing to establish a new social media account must notify the commissioners at least five business days before starting the account to make sure it is archived properly.

Why ArchiveSocial?

"ArchiveSocial's functionality, ease-of-use, compliance, and reporting features are better than their competitors. I was impressed by how simple it was to add accounts and to pull up records. Brilliant!"



DAVID BRAUHN
Communications Manager
City of Walla Walla, WA

- ▶ The industry leader- working with more than 7,000 agencies nationwide.



From small towns to the largest cities, including NYC, Chicago, and San Francisco



Working with more than 125 IN agencies like Wells County, Wells County Emergency Management, the Wells County Sheriff, Adams Central Schools, Huntington, the Fort Wayne PD, and places like Allen County and the Indiana Secretary of State

- ▶ It gives us the highest level of compliance.



ArchiveSocial preserves more content than any other solution



Search and replay features that enable us to easily respond to records requests

- ▶ They are in the top 1% of customer satisfaction scores for software companies, with a US-based customer support team ready to assist us.

Examples of Social Media Lawsuits

Beech Grove settles free-speech lawsuit over Facebook use

August 5, 2016 | Associated Press

Chambersburg council pursues Facebook for posts deleted by former mayor

Jim Hook, jhook@publicopinionnews.com

Published 12:58 p.m. ET March 14, 2018 | Updated 1:52 p.m. ET March 14, 2018

Clerk of Court reaches \$10K settlement in civil rights suit

By Carol Kent Wyatt / The News | 850-703-9487 / @WCN_CarolWyatt | Cwyatt@chipleypaper.com

Posted Feb 10, 2017 at 6:58 AM

Updated Feb 10, 2017 at 7:00 AM



CHIPLEY - A \$10,000 settlement agreement has been reached in a federal lawsuit that alleged the Washington County Clerk of Court's office violated civil rights following a controversial social media post.

The suit, filed last November by attorney Tiffany R. Cruz of Tallahassee on behalf of plaintiff Brandy Gramling, named Washington County Clerk of Court Lora C. Bell and Clerk Executive Assistant Shawna Faison as defendants in both their individual and official capacities.

The suit alleged Gramling's rights were violated when she was banned from the Washington County Clerk of Court's Facebook page after she posted a comment objecting to a photo on the site, a comment the complaint states was deleted, which "compounded the violation of free speech."

Former Alamogordo Mayor, City found in violation of public records act

Tara Melton, Alamogordo Daily News

Published 7:26 p.m. MT April 29, 2016



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(Photo: Daily News File Photo)



Former Mayor Susie Galea and the City of Alamogordo were found in violation of the Inspection of Public Records Act after 12th Judicial District Judge Jerry H. Ritter Jr. ruled on Thursday that Galea's Facebook page was subject to inspection requests under the state's records act.

TULAROSA
WINE & ART
FESTIVAL

Representing Irby attorney Blair Dunn said he estimates the at cost about \$35,000.

Glen Rock will pay \$30,000 in legal fees after social media ruling

Meghan Grant, North Jersey Record

Published 3:21 p.m. ET Aug. 31, 2018 | Updated 8:24 p.m. ET Sept. 2, 2018