

Social Media Rules

These rules shall govern all instances of a presence on social media accounts by the New Hampshire Department of Justice (the “DOJ”).

About These Rules

The State of New Hampshire, through the Department of Information Technology (“DoIT”), is authorized by N.H. Rev. Stat. Ann. Ch. 21-R to “manag[e] and coordinat[e] all technology resources in the executive branch of government, develop[] and implement[] strategies to enhance state services, and creat[e] statewide efficiencies through the use of information and other technologies.” N.H. RSA 21-R:2. Pursuant to this statutory authority, DoIT has promulgated Policy NHS-04.28.2017-2, titled “Work Related Social Media Policy” (the “Policy”), which establishes minimum standards for the use of social media by agencies of the Executive Branch. All executive branch agencies are required to maintain compliance with the Policy. These rules are intended to formally adopt and enhance the minimum standards set out in the Policy and to serve as the “Rules of Engagement” required by paragraph 2.1 of the Policy for any and all social media presence established and maintained by the DOJ.

Definitions

- I. Social Media shall mean any public-facing web site or means of electronic communication that is intended to create an online community or group for the purpose of exchanging information, messages, news, or ideas. A non-exhaustive list of examples includes such platforms as Facebook, Twitter, blogs, and others.
- II. Social Media Platform shall mean any web site or web services provider that offers a means or method to establish a social media presence.
- III. DOJ Social Media Presence shall mean any official or other web site, web feed, or other use of any social media platform identified as representing the New Hampshire Department of Justice or any Bureau, Division, or individual DOJ employee in his or her official capacity.

- IV. Social Media Account shall mean any arrangement with a Social Media Platform provider through which the DOJ obtains the rights to establish a Social Media presence.
- V. Social Media Designee shall mean the DOJ Chief of Staff, who is responsible for and authorized to take any actions required to ensure compliance with these rules. If the Chief of Staff is unavailable, responsibility and authority shall be with the Deputy Attorney General. If both the Chief of Staff and Deputy are unavailable, responsibility and authority shall be with the Attorney General, who may designate an additional Social Media Designee. The referenced authorized actions shall include approval of all posting materials, review or comments, and replies posted both by members of the Department and members of the public, and the authority to remove, block or delete any posting, comment or material that violates these rules.
- VI. Director means the DOJ Director of Law Office Infrastructure (the "Director").

Rules

- I. DoIT Policy NHS-04-28-2017-2, titled "Work Related Social Media Policy" as revised and updated from time to time, is incorporated herein by reference.
- II. At this time, the only DOJ Social Media Presence shall be a single Twitter account, which shall be managed as provided herein. No other DOJ Social Media Presence shall be established without the explicit approval of the Attorney General and amendment to this policy.
- III. No DOJ employee, bureau or division may propose to establish a DOJ Social Media Presence without consultation with the Director. The person proposing the new DOJ Social Media Presence shall include as part of the proposal a detailed plan designed to ensure compliance with these rules, which shall include at least the following:
 - a. The type and format of the proposed Presence;
 - b. The Platform on which the Presence will be hosted;

- c. The proposed Social Media Designee (the “Designee”) and a description of how the Designee will monitor the content and enforce compliance with these rules;
- d. A copy of the contract or user agreement that will govern the use of the Platform.

The Director shall review all such requests and make a recommendation to the Attorney General. The decision of the Attorney General shall be final.

- IV. The Attorney General may order the closing or removal of any existing Presence at any time for any reason by instructing the Chief of Staff and/or the Director to take any action necessary to do so. To the extent feasible, such action will be instituted within 24 hours of receiving such orders from the Attorney General.
- V. The Designee shall monitor the Social Media Presence every business day. The following rules limiting the content of posts and stating that posts violating these rules will be removed shall be clearly stated at the beginning of the Social Media Presence. The Designee shall not allow any of the following on DOJ Social Media Presence:
 - a. Obscene, threatening or harassing language, posts or comments;
 - b. Personal attacks or comments that attack or disparage any ethnic, racial, age or religious group, or language that attacks or disparages any person because of the person’s race, age, religion, sex, gender identity or disability;
 - c. Posts, comments or links that may violate copyright, trademark or other intellectual property laws;
 - d. Posts or comments that tend to incite an immediate breach of the peace;
 - e. Comments unrelated to the posted topic. By establishing a Social Media Presence the DOJ intends only to provide a limited public forum;
 - f. Personally identifiable privacy information of any individual;
 - g. Commercial solicitation or advertising.

- VI. No post, comment or link may be removed nor the poster or commenter blocked for expressing political views or for speech that may be protected by the First Amendment to the U.S. Constitution, except speech that falls into one of the categories listed in Section V, a-g above.
- VII. The Designee shall verify that adequate permission has been received prior to posting any photo, video or other media that the DOJ or another state agency did not create or own. Permission of the individuals shall be obtained prior to the posting of any recognizable images of individuals not engaged in state business. Documentation of the permission shall be maintained by the Designee for 5 years.
- VIII. No employee identifying themselves as a DOJ employee shall make or attempt to make any post or comment on the DOJ Presence without having the material to be posted approved by the Designee. No employee in their personal capacity shall disclose any information learned in the course of their duties in any post. Violation of this rule may be grounds for discipline.
- IX. All posts on behalf of the DOJ shall be made by the Designee. Any posts that contain graphic depictions of use of force shall contain the warning caption; "Warning – violent and disturbing images".
- X. In the event that the Designee removes a comment or post pursuant to V above, the Designee shall make a written record of the removal including a copy of the post or comment, in its entirety, and a clear explanation of why removal is warranted. The record shall be retained by the responsible Designee and a copy of the record shall be forwarded to the Director, who shall maintain all such records for a period of 5 years from receipt.
- XI. Any violation of these Rules shall be reported to the Attorney General, who shall determine the investigation needed for the alleged violation. If a violation has occurred, the Attorney General shall determine appropriate remedies.