

OFFICE OF COMMUNICATIONS AND PUBLIC AFFAIRS

3.8 POLICY ON SOCIAL MEDIA

The Maryland Judiciary's mission is to provide fair, efficient and effective justice for all. In alignment with key goals articulated in the *Strategic Plan for the Maryland Judiciary 2015-2020*, the Judiciary's business use of social media enhances efforts to communicate more effectively with stakeholders, to increase access to justice, and to adapt to changing community needs.

Individual courts are encouraged to use social media as a way to connect with court users, justice partners, advocacy groups, and other stakeholders. As social media tools grow in both functionality and popularity, they will become increasingly important in building community relationships and maintaining trust and public confidence.

This policy provides guidance for the trial and appellate courts, the Administrative Office of the Courts (AOC), and District Court Headquarters. The policy serves to facilitate the judicious use of these tools and to ensure that employees are aware of related ethical implications, potential risks and professional responsibilities.

(a) Definitions

(1) Administrative Head

- (A) For the District Court, the Chief Judge of the District Court, the Chief Clerk, or the Administrative Clerk or Administrative Commissioner for all employees under his or her supervision;
- (B) For the Circuit Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the County Administrative Judge for all employees under his or her supervision in the Circuit Court where the employee works;
 - (i) For the Appellate Courts, the Clerk of the Court for all employees under the Clerk's supervision;
 - (ii) For any department within the Administrative Office of the Courts (AOC), the State Court Administrator;
 - (iii) For any court-related agency, the heads of the agency where the employee works; and
 - (iv) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.

(b) Scope

This policy applies to all official users (hereafter "employees") of Judicial Branch systems, except as otherwise provided in this paragraph. This policy does not apply to any individuals covered by the *Guidelines Concerning the Use of Social Media by Judges and Judicial Appointees of the Maryland Judiciary* or the *Guidelines for the Use of Social Media by The Clerks of the Circuit Court*.

(c) Authority

The State Court Administrator is the establishing authority for this Policy with the advice and guidance of the Court Access and Community Relations Committee of the Judicial Council

Divisions within the Judiciary may adopt additional guidelines that are consistent with this policy, but are subject to approval by the State Court Administrator or by the Judicial Council, upon request by the State Court Administrator.

(d) Compliance

The appropriate Administrative Head is responsible for ensuring adherence to and enforcement of this Policy. This policy complies with the Maryland Judiciary Administrative Office of the Courts Information Technology Security Policy and Standards, undated (hereafter “IT Security Policy”).

(e) Social Media Definitions

“Social media” includes, but is not limited to online sites and apps such as Facebook, LinkedIn, Google+, YouTube, Vine, Vimeo, Twitter, Instagram, Pinterest, Periscope, Meerkat, vlogs, blogs, video or wiki postings, podcasts, chat rooms, instant messaging and other forms of online journals, diaries or personal newsletters utilized on smartwatches, mobile phones, tablets, laptops, desktops and other electronic devices.

“Social networking” refers to the use of social media for official business or personal purposes. Social networking also refers to building online communities of people who share interests or activities, or who are interested in learning about the interests and activities of others.

(f) Authorized Use of Social Media for Judiciary Business

- (1)** Courts are authorized to use social media to convey information to employees and to the public about Judiciary services, closings and delays, activities and events, high profile cases, job openings, and other initiatives of the Judiciary using the following protocol.
- (2)** All Administrative Heads must notify the Office of Communications and Public Affairs regarding their launch and use of social media for official Judiciary purposes (*i.e.* creation of a Twitter account, Facebook page, or implementation of other social media tools. See Section V. Social Media Definitions).
- (3) Authorization to Disseminate Information**
Courts shall follow the following guidelines when using social media:
 - (A)** Category I Information: the Administrative Head shall utilize normal approval processes to authorize the dissemination of public information on social media regarding emergency court closings and delays, changes in operating hours, parking restrictions or parking lot closures, docket changes, self-help resources, and other court services available to the public, as well as for directing members of the public to a court’s official website.
 - (B)** Category II Information: the person seeking to post information shall obtain approvals from the Administrative Head when determining whether to authorize the use of social media for posting of public information regarding public health and safety notifications, special events, notification to jurors about the need to come to court for each day’s jury service, court/case updates, and other case-specific information. Consultation with the Office of Communications and Public Affairs is also encouraged.

- (C) Category III Information: the person seeking to post information shall obtain approvals from the Administrative Head, presiding judge, in consultation with the District or County/City Administrative Judge, and the Office of Communications and Public Affairs, which will, in turn, seek approval from the State Court Administrator and/or Chief Judge before issuing media advisories, press releases, quotations or statements on behalf of the Judiciary. For questions regarding any of these categories, contact the Office of Communications and Public Affairs.
- (D) Only those employees designated by their Administrative Head shall have authority and access using Judiciary-supplied software to create, modify and post content for official Judiciary use of social media platforms. Content must be relevant to the mission and functions of the Judiciary and must be in alignment with strategic goals and initiatives developed by the Judicial Council. The designated employee(s) or Administrative Head shall contact the Office of Communications and Public Affairs if uncertain about any social media content.
- (E) Copyrighted material shall not be posted on any official Judiciary social media outlet unless written permission to reproduce and distribute the material has been obtained in advance of posting.

(g) Use of Judiciary Information Systems (JIS) and Court Technology Resources

(1) Usage of Social Media for Judiciary Business

- (A) Only designated employees shall use Judiciary-supplied technology resources, including Judiciary-issued equipment, to access and engage in social media use on behalf of the Judiciary.
- (B) Employees shall adhere to the IT Security Policy when using Judiciary/court technology resources for social media purposes.
- (C) The Judiciary's computer system is designed to work in a network environment. Installation of unauthorized software can damage the integrity of the system. Employees designated to prepare, post and modify social media content are responsible for obtaining the approval of their Administrative Head and JIS before downloading or installing software on any Judiciary-issued computer needed to utilize social media.
- (D) Employees are prohibited from using loopholes or knowledge of a special password to damage computer systems, obtain extra resources or gain access to systems for which proper authorization has not been given.
- (E) No Administrative Head or supervisor shall authorize the use of unlicensed or copied software on any Judiciary-issued computer.
- (F) The Administrative Head is responsible for ensuring that all official Judiciary social media content posted by their designees for official Judiciary use complies with all Judiciary written policies. The Administrative Head is authorized to remove content from Judiciary social media posted by their designated employees and to block access to social media platforms on Judiciary systems if they believe that such content is inappropriate and/or is inconsistent with this policy. Removal of such content and blocked access may be performed without advance notice to, or the permission of, the employee who posted the content.
- (G) All Judiciary sanctioned social media accounts and posts to the same are the property of the Judiciary. Employees accessing and using social media accounts related to official business or

employment have no expectation of privacy associated with the use of Judiciary social media accounts, even where private technology resources are used.

(h) Ethical Restrictions Applicable to Use of Social Media for Judicial Business

When using social media for official Judiciary business, all employees are bound by ethical constraints applicable directly or indirectly to all employees under Judiciary policies, including the Policy on Standards of Conduct and the Policy on Equal Employment Opportunity and Harassment. Generally, employees should avoid impropriety and the appearance of impropriety in all activities. Employees' activities within the workplace should not:

- Detract from the dignity of the Court or bring the Judiciary into disrepute;
- Interfere with the performance of job responsibilities;
- Adversely impact the operation of the Court;
- Lend the prestige of the Court to advance private interests; or,
- Compromise court security or the safety of judges, employees and the public.

Further, even if not explicitly directed by this policy, employees should obey the law and the rules of the website or social network site in which they participate, as well as other applicable legal and ethical rules.

(1) Prohibited Activities

- (A) Confidential or Non-Public Court Information: disclosure of sensitive, confidential or non-public court information, to include photos, video or audio, for any purpose not connected with official duties, including disclosure of information relating to a pending case that is not a matter of public record is prohibited. Notwithstanding any other provision of this Social Media Policy, Judiciary employees shall not disclose on social media, directly or indirectly, any information that (1) is under court seal, or (2) is otherwise not subject to public inspection by the Rules in Title 16, Chapter 900 of the Maryland Rules or by any other applicable law.
- (B) Seal and Logos: the seal, logos, trademarks or service marks of the Maryland Judiciary collectively, and any individual court or judicial department or committee, shall not be used in any manner without express written permission from the Administrative Head.
- (C) Judicial Process: employees are prohibited from discussing any of the Court's internal processes and procedures, whether they are of a non-confidential or confidential nature, including scans, photos, or reproductions of emails or text messages.
- (D) Dishonest Communications: employees shall avoid deceptive behavior and misrepresentations online, including false and defamatory statements, and from communicating electronically or creating accounts while employing a misleading alias or by suggesting that the employee is someone else. This provision does not apply to the routine and accepted practice on the Internet of employing a nickname or other opaque user name to create an account or to make a posting, provided the user name is not misleading or deceptive in the context used or would not otherwise violate any provision of this policy had the employee's true identity been disclosed.

(i) Implementation

- (1) Official social media account passwords shall be strong and complex in nature. Passwords should be at least 10 characters long and contain 3 of the 4 following: Uppercase Letter, Lowercase Letter, Number or Special Character. Passphrases are preferable. Please see the IT Security Policy on

“Functional IDs.” Functional IDs are user accounts associated with a group or role that may be used by multiple individuals or that are associated with a particular job process. Passwords associated with Functional IDs are exempt from the password restriction on sharing and change requirements as specified by the IT Security Policy.

- (2) JIS recommends changing passwords frequently. As social media platforms are public facing, a hacked account can diminish the public’s trust and confidence in the Judiciary. JIS strongly recommends monthly password changes and each time someone is removed as the designated employee authorized to post.
- (3) At least two employees must have access to an official account, and any employee who has access to an official account must return access upon termination of their employment.
- (4) Disable the use of comments, likes, dislikes or other areas where public comments can be posted.
- (5) Disable the public’s ability to upload any documents or insert links that may introduce viruses or malware.
- (6) Avoid the use of emojis or gifs.

(j) Personal Use of Social Media Outside of Work

The Judiciary respects the employee’s right to use social media as a vehicle for self-expression and public conversation, and will not discourage or discriminate against employees who participate in social media outside of work. Employees are, however, required to comply with the restrictions on personal use stated in this policy, other court-related and Judiciary policies, Maryland Rules and State statutes.

(1) Employees Identifying Themselves as Judiciary Employees

- (A) If employees choose to identify themselves as Judiciary employees on personal social media, some readers may view them as spokespersons for the Judiciary and/or for a particular court. Because of this possibility, employees who identify themselves as Judiciary employees must state that the views they express on social media are their own and not those of the Judiciary or the Court.
- (B) For further guidance or to seek an interpretive authority, please consult the Judiciary’s Policy on Standards of Conduct or the Judiciary Human Resources Department.

(2) Public Comments and Postings

- (A) Unless specifically instructed by their Administrative Head, employees are not authorized to communicate on behalf of a specific court, the Administrative Office of the Courts, District Court Headquarters, or the Judiciary.
- (B) Making statements on Judiciary and personal social media that violate the Judiciary’s restrictions on political activities is prohibited. All relevant Maryland Rules and State statutes apply.
- (C) Employees shall not publicly communicate about confidential court-related information. All relevant Maryland Rules and State statutes apply.
- (D) Employees shall comply with ethical standards in public comments and postings regarding non-confidential court or administrative matters and regarding Judiciary personnel, as

outlined in the Judiciary’s Policy on Standards of Conduct. All relevant Maryland Rules and State statutes apply.

(E) Employees shall not use social media to harass, threaten, discriminate, retaliate or disparage Judiciary employees, or anyone associated with or doing business with the Judiciary.

(3) Postings of Documents, Photographs, Video, Audio, Multimedia or Information Concerning the Judiciary or a Court

(A) Employees shall not post confidential information (documents, photographs, video, audio, multimedia), including confidential complaints or any information or records concerning Judiciary personnel on social media. Notwithstanding any other provision of this Social Media Policy, Judiciary employees shall not disclose on social media, directly or indirectly, any information that (1) is under court seal, or (2) is otherwise not subject to public inspection by the Rules in Title 16, Chapter 900 of the Maryland Rules or by any other applicable law.

(B) Employees shall not post any work-related information (documents, photographs, video, audio and other multimedia) that would violate Maryland Rules or the ethical restrictions outlined in the Judiciary’s Policy on Standards of Conduct.

(k) Reporting Violations

(1) Employees should report actual, possible or perceived violations of this policy to their Administrative Head or the Judiciary Human Resources Department. It is prohibited to retaliate against any employee who, in good faith, reports a possible violation of this policy or cooperates in any investigation. Any employee who retaliates against another employee may be subject to disciplinary action, up to and including termination.

(2) The Judiciary Human Resources Department and the Office of Communications and Public Affairs may visit and monitor public social media sites to ensure that employees are not violating this or other Judiciary policies on professional and personal use.

(l) Discipline for Violations

The Human Resources Department will investigate and respond to all reported violations of this policy. Employees are expected to cooperate with an investigation and an employee’s failure to cooperate with such investigations may result in disciplinary action.

Violation of this policy may result in disciplinary action up to and including termination. The level of discipline will be determined by the employee’s Administrative Head, in consultation with the Judiciary Human Resources Department.

(m) Interpretive Authority

The Judiciary Human Resources Department, in consultation with other parties, as appropriate, is responsible for the interpretation of this policy.