

Lorain County Public Health Social Media Terms and Conditions for Users

Effective November 28, 2022

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PURPOSE. Many citizens and other Lorain County Public Health (hereinafter “LCPH”) stakeholders use social media for news and communications. Therefore, to better serve our community, LCPH has developed social media accounts which help us inform the public about our work and mission.

LCPH has an important interest in assuring the accuracy and consistency of information associated with its social media accounts. We also respect the First Amendment to the U.S. Constitution and the constitutional right to freedom of speech. These terms and conditions establish guidelines for the public’s use of LCPH’s social media that balances these values.

DEFINITIONS

1. “Social media” means digital content created by LCPH and communicated on platforms that allow sharing, commenting, and engagement from the public. Examples of social media accounts we may use include, but are not limited to, Facebook, Twitter, Instagram, YouTube, and LinkedIn.
2. “Comments” include any digital content, information, links, images, videos, or any other form of communicative content posted in reply or response to a social media account operated by LCPH.
3. “User” means a member of the public who views or interacts with one or more of LCPH’s social media accounts.

GENERAL GUIDELINES

1. These terms and conditions apply to all of LCPH’s social media accounts. Where possible, a link to these terms and conditions will be made available as a hyperlink or posted as text somewhere on those social media account(s).
2. Users should know that social media posts LCPH makes, comments and replies to those posts, and any direct or private messages sent to LCPH may be public records subject to applicable public records release.
3. LCPH’s social media accounts are not monitored 24/7 and no one should use LCPH’s social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.

4. LCPH does not guarantee that LCPH will respond to comments or messages sent on LCPH's social media accounts.
5. LCPH reserves the right to restrict all comments on any social media post.

EXPECTATIONS

1. The leaders of LCPH believe that honest, civil, and productive discussions provide the best environment for citizens to understand the work of their government and participate in constructive engagement.
2. LCPH asks users to consider that LCPH social media accounts may be viewed by children and other impressionable people. Please avoid profanity, personal attacks, bullying, or use of incorrect information.

CONTENT MODERATION

1. **Limited Public Forum.** LCPH's social media accounts are created and maintained as limited public forums under the caselaw pertaining to the First Amendment to the U.S. Constitution. LCPH invites members of the public to view and, where possible, provide comments or other engagement on LCPH's social media accounts. However, the law may permit LCPH to hide and/or delete comments that are not protected speech under the First Amendment and relevant caselaw. As a general rule, LCPH will not hide and/or delete comments solely because such comments are critical of LCPH or its officials.
2. **Prohibited Content.** Relevant First Amendment caselaw permits LCPH to hide or delete certain comments on LCPH's social media accounts. The following will be hidden or deleted:
 - a. Comments directly advocating violence or illegal activity.
 - b. Comments containing obscenity, which is defined as sexually explicit and/or pornographic content that is patently offensive, appeals to prurient interest, and lacks serious literary, artistic, political, or scientific value;
 - c. Comments that directly allege or encourage that LCPH illegally discriminate based on race, age, religion, gender, national origin, disability, sexual orientation, veteran status, or any other legally protected class;
 - d. Comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, server, or browser;

- e. Duplicate comments posted repeatedly within a short period of time;
 - f. Comments containing actual defamation against a person, either as determined by a court or comments that are patently defamatory by easily discovered facts;
 - g. Comments that contain images or other content that violate the intellectual property or copyright rights of someone else, if the owner of that property notifies LCPH that the property was posted in a comment on LCPH's social media account(s).
 - h. Comments that contain a hyperlink to any website other than those controlled by LCPH. This will be done without regard to the viewpoint of the comment containing such a link or the content of the site to which the link redirects.
3. **Retention.** When a comment containing any of the above content is posted to LCPH's social media account(s), a copy or electronic record of that content may be retained or archived pursuant to our records retention policy, along with a brief description of the reason the specific content was hidden or deleted. Once documented, the content will be hidden or deleted, where possible, from LCPH social media account(s).
4. **Notification.** LCPH will attempt to notify a user via direct message if we hide or delete their comment and link to our social media policy.
5. **Right of Appeal.** If LCPH staff hides or deletes a user's comment pursuant to these terms and conditions, the user has the right to appeal that decision by sending an email (through contact@LorainCountyHealth.com) or letter (to 9880 Murray Ridge Rd., Elyria, OH 44035) to LCPH legal contact within five business days. This correspondence will provide the user with an explanation for the action taken.

Upon receipt of an appeal, LCPH's attorney will determine whether the comment at issue contained content protected by the First Amendment. If the appeal is successful, the comment may (if possible) be restored for public view, or the user may be permitted to repost the comment. Upon a determination that the comment was not protected by the First Amendment, the user will be notified that the appeal was denied.

6. **Blocking or Banning a User.** When LCPH determines that a user has violated these terms and conditions on three or more occasions within a rolling twelve-month period, LCPH may block or ban the offending user from the social media account where the violations occurred.

If LCPH blocks or bans a user, LCPH will (a) reasonably attempt to notify the user, likely via direct message; (b) describe the violation(s); and (c) explain the appeal process.

If the appeal is successful and the user has not violated this policy three times within a rolling 12-month period, LCPH will unblock or unban the user from the social media account. If the appeal is not successful, LCPH's decision will stand.

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