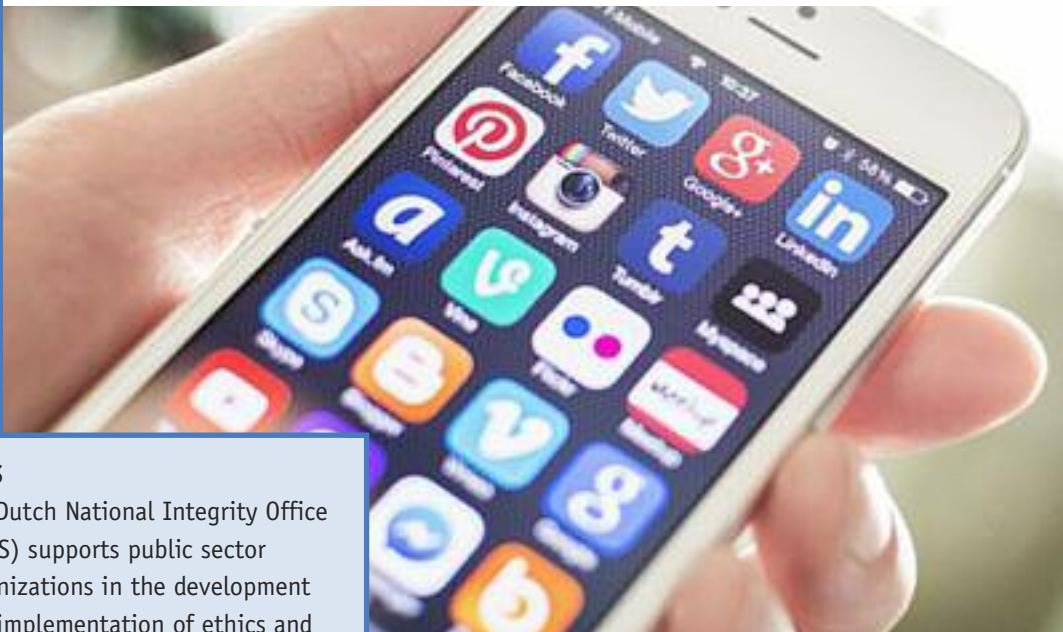


The Marriage of Heaven and Hell

Integrity & Social Media in the Public Sector

Policy paper



BIOS

The Dutch National Integrity Office (BIOS) supports public sector organizations in the development and implementation of ethics and integrity policies.

BIOS is established in 2006 by the minister of the Interior and Kingdom Relations and is part of CAOP, the Dutch centre of expertise in labour relations in the public sector.

Alain Hoekstra and Marjolein van Dijk
Dutch National Integrity Office (BIOS)

The Hague, Netherlands
January, 2016

Introduction

The Internet and especially Web 2.0 caused a rapid and still increasing development in the use of social media, such as Twitter, Facebook, Instagram, and LinkedIn. This trend also takes place within the public sector, and is not without problems. Digital slip-ups, but also inadequate organisational responses to these new channels of communication may lead to integrity issues if core public values – such as reliability, impartiality, loyalty, confidentiality, objectivity, accuracy and ministerial responsibility¹ – are compromised. This policy paper addresses key issues, considerations and recommendations on the use of social media from an integrity perspective. Although the paper is primarily based on the Dutch context and experiences, it also connects with current developments and debates in other countries. As such it refers to good social media practices within several EU countries.²

To explore the territory the paper commences with describing the characteristics of social media and some examples of social media slip-ups which have led to media headlines in the Netherlands (section 2). These accidents almost automatically raise the question what frameworks already exist in guiding civil servants how to use social media (section 3). The following section describes the risks and opportunities of private and public use of social media. When used wisely, social media can have a very valuable addition

to the organisation. Sector 5 reflects on the question if new rules are needed to control the use of social media, or whether the existing ones, or even just using common sense, would be sufficient. Based on some social media characteristics we come to the conclusion that public organisations require specific guidelines in order to protect employees from mishaps in this area. In the final section of this paper (section 6) ten recommendations are presented for employers and employees on how to responsibly use social media. Throughout the paper good practices are included.

A central theme in this paper is – with nothing more than just a wink to Blake’s work *The marriage of heaven and hell* (1793) – finding an appropriate balance between several (seemingly) contradictory positions.³As such the paper explores the reconciliation of ‘opposites’ as a solution for integrity related issues concerning the use of social media. It bridges the risks and benefits of social media, describes possible value conflicts, proposes an intermediate position between a conservative and postmodern (anything goes) approach, appeals to use common sense next to the development of new specific policies, and explores the boundaries of freedom of speech.

Social media and digital slip-ups

Social media are used by individuals or collective entities to exchange information in public and private networks or communities.⁴ The use of social media is quite popular these days: recent research has shown that eighty percent of the Dutch population uses social media in one way or another. The big difference with massmedia is that via social media the users create the content. Social media entail more integrity risks than the conventional media, since they are characterised by very easy access, speed and the extent of dissemination. Moreover, public servants and administrators often have the illusion that they operate ‘en petit comité’, while they are in fact using massmedia tools.⁵ Other risks include the often impulsive urge to express dissatisfaction via modern means of communication, the lack of a third-party check, and the difficulty to correct an unfortunate statement.

There are numerous examples of officials who did not use social media wisely. It created so called digital slip-ups. For example, a senior police official who crossed the line when she attributed the death of two persons to domestic violence via Twitter, while it later became clear that their deaths were caused by carbon monoxide poisoning. She was immediately suspended and subjected to disciplinary action. Or a city’s communications advisor who used Twitter to criticise statements made by a right-wing

member of parliament and got in serious trouble. Or military personnel who spread information on Facebook and e-mail and qualified their mission in Kunduz as a 'logistical nightmare' since essential equipment (such as ammunition and suitable flak vests) was lacking. The Minister of Defence imposed a speaking ban on the matter, but the damage had already been done. Finally a civil servant from the Ministry of Security & Justice, working for an anti-terrorist agency, posted a tweet in which she labelled 'Islamic State' as a 'Zionist complot', for which she was (conditionally) dismissed.

With social media civil servants have become more visible. Not only because they themselves have the possibility to post messages on social media, but also because others have this possibility. A couple of years ago officials could perform their work in relative anonymity. Nowadays civil servants are continuously visible in their actions, especially 'street level bureaucrats' in the frontline such as police and ambulance staff. With this visibility comes vulnerability. There are numerous examples of citizens acting as journalists by recording, filming or posting messages of officials who seem to behave incorrect. This has far going consequences for the career of an official, even when the accusations turned out to be false. Once a message is posted on the internet, it will most likely always stay in the system. Removing a digital slip-up from the internet is not an easy task.

Existing frameworks: general freedom of speech versus specific limitations

Value pluralism is inherently connected to working for the public interest. However, the different values that are relevant to the government may be incompatible in certain situations.⁶ Examples include the tension between transparency and confidentiality, between effectiveness and accuractiveness, between loyalty and being able to voice critical comments, and between the right to freedom of speech versus 'being bound'. Such value conflicts also manifest themselves in the use of social media. For civil servants using social media can conflict with values such as secrecy, diligence and neutrality. And very important, it can conflict with the freedom of speech, as civil servants are limited in their freedom of speech. How the freedom of speech is incorporated in the Dutch Constitution and what the limitations are for civil servants is elaborated below.

Freedom of speech is a fundamental human right and a prerequisite for a democratic society. On international level the freedom of speech is inclosed in the [Universal Declaration of Human Rights](#) (article 19) and the [European Convention on Human Rights](#) (article 10). On a national level the freedom of speech is a fundamental right in the [Dutch Constitution](#) (article 7). This constitutional right is however limited for civil servants according to the [Dutch Civil Servants Act](#). Article 125a of that particular act

prescribes that civil servants must refrain from disclosing thoughts and feelings that could jeopardise the proper performance of their duties, or functioning of the public service. This is obvious in case of exposing confidential information. But also expressions on current policy and implementation issues, or on controversial political and societal matters can be delicate. To support civil servants in how they should deal with delicate information a guideline exists [‘Instructions on the external contacts of civil servants’](#) which prescribes how civil servants should interact with Members of Parliament and third parties such as journalists. These rules that stipulate the importance of confidentiality and refer to the restricted freedom of speech of civil servants, are also included in the recently published [Code of Conduct for Central Government](#). The Code emphasises that *‘When your statements have caused problems for the public service, you can be held accountable and possibly punished afterwards. Especially when these problems are serious and you could have foreseen this.’* The Code furthermore addresses the use of government information, the freedom of speech, personal expressions on policy or political matters , and the risks of online communication and social media.

Considerations on private and public use of social media

When considered from the perspective of integrity the existing Dutch guidelines already provide some guidance and lead to several considerations regarding the private and public use of social media applications.

Private use

Civil servants are also citizens and are of course allowed to use social media. However, the officials' performance and functioning of the public service may be jeopardised as a result of the blurring boundaries between work and private life. The specific position of the civil servant determines on what topics his freedom of speech might be restricted: the more he is directly involved in a certain policy area, the more careful he should be in expressing his own *personal views* on that topic since the public is likely to interpret this as an *organisational statement*. Civil servants are ambassadors of their organisations, they should be aware of their public position, and that their social media identity can easily be retrieved. Their 'posts' can have a snowball-effect on the internet. Therefore we see not only in the Netherlands but also abroad, governmental entities enhancing integrity deal with the question how civil servants can be stimulated to think about the use of social media. In Estonia for example, the opinions of civil servants were mapped in order to find out their attitudes towards commenting work-related topics on social media.

The results of the seminars were presented to the Estonian Council of Ethics who is drafting a guideline on self-expression of officials. See frame 1 for more information.

FRAME 1

DRAFTING THE GUIDELINE ON SELF-EXPRESSION FOR ESTONIAN CIVIL SERVANTS

In Estonia, 120 civil servants attended seminars on freedom of expression in social media and other non-official channels. They were instructed to assess ethically challenging cases and discussed how they would handle described situations. Three examples of the used hypothetical cases are presented here.

Case 1 Work-related discussions in social media

An official of the Ministry of Education drafts a new Act. The content of the Act differs from his own opinions. During the drafting process he has discussed his concerns with the management of the ministry and the Minister. However, the arguments of the official were neglected and he had to draft the law according to the wishes of the members of parliament. At some point a draft Act had been submitted to the Parliamentary Committee on Education for the discussion. The official attends these meetings as the representative of the Ministry. After his presentation, one member of the Committee pointed out that the official is unloyal to the Ministry, because she noticed that the official has initiated a conversation in his Facebook account where he criticizes the draft Act. The official responds that in the Parliamentary Committee he represents the official views of the Ministry and since Facebook is a unofficial channel, he has a right to express his personal views there.

Case 2 Signing an online public petition

An official of the Migration Policy Department of the Ministry of Interior signs a online public petition against refugees entering the country.

Case 3 Voting preferences

A manager working for the Ministry of Foreign Affairs publishes on her personal Twitter account: *'I do not vote for the current Minister of Foreign Affairs during the elections. The political ambitions of his party have not benefited to our country's foreign policy'.*

Source: The Estonian Ministry of Finance

The private use of social media is not restricted to content related matters only, but also about appropriate use. In the Dutch Code it is, for instance, prescribed that private use must remain within certain boundaries during working hours, comparable to the use of other operating assets such as telephone, e-mail and the internet.

Public use

Public institutions can certainly benefit from the use of social media. Recent research from the University of Twente⁷ demonstrates that public organisations and their employees use social media in all stages of the policy cycle: from agendasetting to evaluation. In these phases social media can be used to inform, consult, advise, or coproduce. Social media are very good means to get in contact with citizens and bridge the gap between government and

citizens. It can not only be used to send information but also to receive feedback and to involve citizens. Commercial organisations for instance know very well how to beneficially use social media. For example the Dutch airline KLM has an international webcare team of about 170 employees being active on social media to respond to questions/complaints of their customers and follow up by actions. Also public organisations more actively use social media in the last couple of years. For example the Albert Schweitzer hospital in the Netherlands uses social media to enhance hospitality in care. They use WhatsApp as a means of patient information & customer service. They are also active on Twitter for clients to ask questions, place comments and interact with each other. Another striking Dutch example is how local police officers use Twitter in their daily work. The local police officer wants to be visible and accessible. Since citizens only rarely see them on the streets, using Twitter is a good mean to improve visibility. It lowers the barrier to be in contact with a police officer and its easier for citizens and polic officers to give information on for example burglaries and accidents. Also abroad governmental organisations use social media as part of their overall strategy. For example in Flanders they have ‘conversation managers’ to manage the social media strategy of the public organisation. Most important is that by means of a conversation manager citizens can easily ‘converse’, or communicate, with their government in an informal way. In frame 2 you will read more about what this conversation manager entails.

THE CONVERSATION MANAGER

In a number of public departments of the government of Flanders a conversation manager is responsible for the use of social media for the organisation. Social media is not an end in itself but perceived as a way to communicate with their citizens. A conversation manager is responsible for the dialogue with stakeholders and citizens and responsible for the content, for improving the reputation of their organisation and working on a longterm relationship with their citizens.

What characterises a conversation manager?

- He uses social media as part of the strategy of the organisation which runs through all layers of the organisation;
- He is constantly active on social media, its not a nine to five job;
- He monitors the digital environment of the organisation and how people/organisations communicate on relevant policy issues and the reputation of the organisation in that environment;
- He has good knowledge of the products and services of the organisation;
- He has an extensive internal network to forward questions and comments to the appropriate experts within the organisation;
- He ensures citizens will be helped and receive responses to their questions;
- He is an excellent communicator and can converse with citizens in an emphatic and smooth way.⁸

What these examples demonstrate is that social media can be effectively used by officials to be connected with their citizens, share information, receive comments, questions and have a discussion. Being more connected is according to the Dutch Council for public administration⁹ a necessity in these modern times.

Regulation versus common sense

Thus general guidelines exist¹⁰ on how to use media. But is this enough? Should organisations set up a specific social media guideline? A complicating factor is that organisations seem to feel some diffidence and even embarrassment when formulating restricting conditions, because this could be interpreted as controlling conservatism. Moreover, such an attitude would hinder the broadly lauded advantages of social media usage.¹¹ In many cases, HR and communication departments will be involved in the decision whether these relatively new – but accident prone – tools require additional guidelines.

Would then a general appeal on using common sense (like the *'Don't be stupid'* credo) be sufficient? From public professionals it can be expected that they are aware of their specific roles, competences, and responsibilities. They should use their authority in a sensible and ethical way, also when they use social media. We see certain countries leaning towards this more liberal approach. Nordic countries for instance seem to have this more liberal approach when it comes to regulating civil servants in their social media usage. Transparency, trust, and trustworthiness are key values in these countries. In the [the Estonian Code of Ethics for Officials](#) it is prescribed that officials may express their personal opinion in work-related matters, thereby acting responsibly, supporting the opinions with arguments, and taking into account the established restrictions.

The Estonian Code acknowledges the role of civil servants in educating the society and contributing to public debate with an expert view. Does this mean Estonia only relies on the trustworthiness of civil servants? No, they have a clear need for more specific rules and guidelines. The Estonian Council of Ethics for Officials is currently drafting a guideline on officials' self-expression. The main goal is to clarify the professional role and importance in participating in public debate while also raising awareness on restrictions, possible risks and sensitivities. The Netherlands has a similar approach. Governmental organisations trust the professionalism of civil servants when using social media, but the organisation is responsible as well to take responsibility in order to protect employees against digital slip-ups. They should offer clear guidance on what is allowed and expected in the field of social media usage to protect the organisation and the public interest. This is something employees are simply entitled to.¹² In frame 3 you will find more information on how a social media guideline can be constructed.

FRAME 3

HOW TO DRAFT A SOCIAL MEDIA GUIDELINE?

Briefly there are two kinds of social media guidelines; the controlling guideline focussing on what is not allowed. Or the motivating guideline focussing on what the elements are of social media and how officials can be motivated and activated to wisely use social media.

In general, what elements could a social media guideline have¹³?

- 1 Explain what social media are, how the organisations uses them and how an employee can contribute to this.
- 2 Expectations and legal elements:
 - a Expectations on the behaviour of employees with regard to using social media
 - b Clearness on the use of social media during working time
 - c Reference to existing codes, key values and other relevant guidelines
 - d Clarify differences between organisational accounts versus personal accounts
 - e How to cope with copyright, image right and trademark
 - f How to cope with content and possible adjustments
 - g Protecting privacy and guarantee confidentiality
 - h How monitoring is arranged
 - i The consequences or sanctions after a digital slip-up
 - j Involvement of the Works Council

3 Appealing and communicable summary (use more modern means, such as an [online video](#))

To test the maturity and effectiveness of social media policies, the organisation could use an [online social media maturity test](#). The test focusses on what strategies exist in the organisation on using social media. After completing the test an overview with the results can be used to start the dialogue in the organisation on what can be improved.

Employers must strike a careful balance between opportunities and risks. The excesses created by either a discouraging conservatism or an unbridled postmodern ‘anything goes’, are equally unfavourable. It is important to find the prudent middle ground that makes sensible use of the new possibilities. In the following section ten recommendations are presented for employers and employees on how to responsibly use social media in public service.

Ten recommendations for employers and employees¹⁴

For the employer/HR or communications department:

- 1 Formulate specific policies for a responsible use of social media by your employees. These policies could be laid down in a separate code or in the (existing) code of ethics. Support employees by offering training, publishing 'practical how-to's' on the intranet and actively communicate about the organisation's view concerning the use of social media.
- 2 Also use modern means to stimulate responsible use of social media. Several online 'good practices' exist. For example a [short videoclip](#) created by the Department of Justice of the state of Victoria (Australia) could be an inspiration to design a similar instrument that fits your own organisation's points of view. Its a popular videoclip, which in a visually attractive way draws the attention to a number of assumptions and dilemmas when using social media in public and personal environment.
- 3 Highlight the added value for the organisation of using social media. Stimulate how social media can be used by employees in an ethical way by spreading good practices.
- 4 Make someone within the organization responsible for dealing with social media issues. This could be a communications official, the HR department or a conversation manager. And monitor the digital environment of the organisation on how people/organisations communicate on relevant policy issues and the reputation of the

organisation in that environment. This provides the organisation with a clear idea of how employees and third parties speak of the organisation.

- 5 Visibly enforce the organisations' policies you have adopted in case of (culpable) violations, both towards the offender and towards the organisation. Investigate the facts, improve the situation where necessary, and communicate about this.

For the employees:

- 6 Familiarise yourself with the specific guidelines, or expectations, that apply within your organisation for responsible use of social media. In case of doubt, contact the responsible actor for social media use in your organisation.
- 7 Reflect on how you would deal with the 'old media' like journalists. Statements you would not make when speaking to a journalist are probably also not wise to post on social media.
- 8 Be aware that as a civil servant you are not always speaking on your own behalf, but also on behalf of the organisation you represent. From secretary-general to lower ranking employees, all civil servants should be aware of their civil servant status.
- 9 Refrain from making statements that could prejudice your own performance or the performance of the organisation. When having doubts, prepare and check what you want to communicate.
- 10 Stimulate the discussion within your organisation on proper use of social media. Especially when you are an active user. Dare to be an ambassador on this topic.

Notes

- 1 In the Netherlands the political control over the functioning of the government is based on the principle of ministerial responsibility. Ministerial responsibility implies that Ministers are collectively and individually accountable to the Parliament for the performance of their departments and civil servants.
- 2 The paper was discussed during a meeting of the European Network of Integrity Practitioners. The authors thank the expert members for their valuable reflections and suggestions on an earlier version of the paper.
- 3 William Blake (1793), *The marriage of heaven and hell*. Translated and discussed by Sylvia Koetsier (2001). Utrecht: Erven J. Bijleveld.
- 4 Van Dijk et. al. (2015), *Overheidsparticipatie in sociale media*, Enschede: Center for eGovernment Studies
- 5 Nieuwenkamp, R. and R.P. Lapperre (2011). *Kansen en bedreigingen van sociale media voor ambtenaren in: Staat van de ambtelijke dienst, hoe staan de ambtenaren er anno 2011 voor?* Den Haag: CAOP, 2011.
- 6 Huberts, Leo (2014). *The integrity of governance. What it is, what we know, what is done, and where to go*. Hampshire: Palgrave Macmillan.
- 7 Van Dijk et. al. (2015), 'Overheidsparticipatie in sociale media', Enschede: Center for eGovernment Studies (University of Twente)
- 8 For more information on the conversation manager you can contact the [Flemish Virtual Integrity Office](#)
- 9 Raad voor het Openbaar Bestuur – ROB (2015). [Sturen én verbinden. Naar een toekomstbestendige rijksoverheid.](#)
- 10 Code of Conduct for Central Government and Instructions on the external contacts of civil servants.
- 11 The advantages of the use of social media include, for example: obtaining new policy input, testing policy intentions, generating support, reducing the distance between the government and citizens, and increasing transparency.
- 12 This follows from Section 125ter Aw, which provides that the competent authority must apply good employment practices.
- 13 Russo, D. & I. Beckers (2015). *HR & Social Media*. Alphen aan de Rijn: Vakmedianet.
- 14 These are not exhaustive, partly in view of the size and purpose of this article. The authors also attempted to strike a certain balance between the rights and responsibilities of the employer and the employee.