

CIRCULAR

DATE December 20, 2016

SOCIAL MEDIA POLICY

REVIEW DATE: December 20, 2021

1.0 PURPOSE

This circular establishes the policies and procedures for managing the Bureau of Engraving and Printing's (BEP) official social media provided by third-party websites that (1) do not use web measurement and customization technologies on behalf of the BEP and (2) do not share Personally Identifiable Information (PII), or any information that could be used to determine an individual's online activity derived from such uses, with the BEP.

2.0 SCOPE

These policies and procedures apply to employees and contractors in the Office of External Relations (OEX) acting in an official capacity as Social Media Administrators (SMAs) when using official BEP social media to conduct official business. These policies and procedures do not apply to personal social media use. However, BEP employees and contractors must ensure that their personal social media activities comply with applicable laws, regulations, and Treasury policies.

3.0 POLICY

Social media is another communication tool that can be used to share information about the BEP and its products. OEX is the office responsible for managing BEP's official social media. The SMAs in OEX will use social media to communicate and engage with the public regarding non-sensitive information, announce BEP products offered for sale to the public, inform interested constituents on the status of facilities operations, and provide updates on major public events. This tool will also help dispel misinformation and provide a better understanding of BEP's mission-related activities. OEX encourages the responsible use of BEP's official social media consistent with BEP's social media policy, and any current laws, policies, and guidance that govern information and information technology. All of BEP's components shall coordinate with the SMA Manager the release of official communications covered by Circular No. 40-00.4, "External Relations Policy," in a BEP official social media.

4.0 DEFINITIONS

4.1 Personally Identifiable Information (PII) –

Any information about an individual maintained by an agency that can be used to distinguish, trace or reveal an individual's identity, including but not limited to the individual's name, Social Security number, or biometric records. Such information may be recognized as PII when disclosed in isolation or when combined with other personal or identifying information, which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.

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4.2 Privacy Impact Assessment (PIA)

An analysis of how information is handled: (i) to ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; (ii) to determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system; and (iii) to examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.

4.3 Federal Records

All recorded information, regardless of form or characteristics, made or received by a federal agency under federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States government or because of the informational value of data in them. This definition does not include duplicate copies of records preserved only for convenience or stocks of publications.

4.4 Social Media

Any online tool or application or web-based technology that goes beyond simply providing information, instead allowing collaboration, dialogue, interaction, and create, organize, edit, comment on, combine, and share content. Examples of social media include: blogs; microblogs; wikis; photo and video sharing; podcasts; virtual worlds; social networking; social news and bookmarking; web conferencing and webcasting.

4.5 Third Party Website

For purposes of this circular, any website that is not owned, operated or co-sponsored by BEP including a contractor or other non-federal entity. Refers to sites as a whole; BEP accounts on such sites are still third party, even though BEP controls the content of those accounts.

4.6 Web Measurement and Customization Technologies

These technologies are used to remember a user's online interactions with a website or online application in order to conduct measurement and analysis of usage or to customize the user's experience. For further guidance, refer to Office of Management and Budget (OMB) M-10-22, Guidance for Online Use of Web Measurement and Customization Technologies (June 25, 2010) and Treasury Directive 81-08, Certification Process for the Use of Web Measurement and Customization Technologies on Treasury Websites, dated April 29, 2015.

4.7 Make PII Available

The term "make PII available" includes any agency action that causes PII to become available or accessible to the agency, whether or not the agency solicits or collects it. In general, an individual can make PII available to an agency when he or she provides, submits, communicates, links, posts, or associates PII while using the

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website or application. "Associate" can include activities commonly referred to as "friending," "following," "liking," joining a "group," becoming a "fan," and comparable functions.

4.8 System of Records Notice

Statement providing public notice of the existence of a group of records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual. The Privacy Act requires each agency to publish notice of its systems of records in the Federal Register before the agencies begins collecting information.

5.0 REFERENCES

- 5.1 The Hatch Act, 5 United State Code (USC). §§ 7321-7326.
- 5.2 The Anti-Deficiency Act, 31 USC § 1341 et seq. and 31 U.S.C. § 1511 et seq.
- 5.3 The Federal Tort Claims Act, 28 USC §§ 1346(b), 1402(b), 2401(b), 2671-2680.
- 5.4 Federal Records Act, 44 USC § 2108 and 44 USC Chapter 31, Records Management by Federal Agencies.
- 5.5 Section 508 of the Rehabilitation Act of 1973, 29 USC § 798.
- 5.6 Privacy Act of 1974, 5 USC § 552a.
- 5.7 Paperwork Reduction Act of 1995, 44 USC §§ 3501-3521.
- 5.8 Standards of Ethical Conduct for Employees of the Executive Branch, 5 Code of Federal Regulations (CFR) Part 2635.
- 5.9 Political Activities of Federal Employees, 5 CFR Part 734.
- 5.10 OMB M-13-10, Antideficiency Act Implications of Certain Online Terms of Service Agreements, April 4, 2013.
- 5.11 Office of Government Ethics, Standard of Conduct as Applied to Personal Social Media Use, LA-15-3, April 9, 2015.
- 5.12 Office of Special Counsel, Frequently Asked Questions Regarding the Hatch Act and Social Media, April 4, 2012.
- 5.13 OMB M-10-23, Guidance for Agency Use of Third-Party Websites and Applications, June 25, 2010.
- 5.14 OMB Memorandum for the Chief Information Officers, Model Privacy Impact Assessment for Agency Use of Third-Party Websites and Applications, December 29, 2011.
- 5.16 OMB Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies, Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act, April 7, 2010.
- 5.17 OMB Memorandum M-03-22, OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, September 26, 2003.

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- 5.18 NARA Bulletin 2014-02, Guidance on Managing Social Media Records,
 - 5.19 October 25, 2013.
 - 5.20 President Barack Obama, Memorandum on Transparency and Open Government, January 21, 2009.

6.0 RESPONSIBILITIES

6.1 Opening a BEP Social Media Account.

- 6.1.1 The Chief of the OEX is responsible for general oversight of BEP's official social media and for designating the SMA Manager and SMAs.
- 6.1.2 The SMA Manager must ensure that BEP's third-party social media accounts (1) do not use web measurement and customization technologies on behalf of the BEP and (2) do not share Personally Identifiable Information (PII), or any information that could be used to determine an individual's online activity derived from such uses, with the BEP.
- 6.1.3 The SMA Manager must forward a copy of the Terms of Service (TOS) of all social media accounts to the Office of the Chief Counsel for review: (1) prior to opening a BEP social media account and (2) when the TOS have changed at any point since the opening of the social media account. Under no circumstances can OEX agree to a TOS that is incompatible with any federal law, regulation, or practice. For example, a federal employee with contracting authority (e.g., a contracting officer) violates the Antideficiency Act, 31 USC § 1341 when she/he opens an agency account for a social media application that is governed by a TOS that includes an open-ended indemnification clause. For additional information, refer to OMB M-13-10, *Antideficiency Act Implications of Certain Online Terms of Service Agreements*, (April 4, 2013).
- 6.1.4 The SMA Manager must create a unique username and password for each social media account that only the OEX Chief, SMA Manager, and SMAs will know. OEX will use the same BEP official email account to open any new social media account, if needed. Under no circumstances can an SMA share the password or any sensitive information related to the social media account without the authorization of the SMA Manager.
- 6.1.5 The Management Directorate controls access to and maintains BEP's computer equipment, IT systems, and internet access. The Management Directorate may monitor and access the BEP's social media email account per BEP's IT policies and security requirements. They are also responsible for providing immediate assistance to the SMA Manager in response to any BEP social media cyber-attack. In the event of a cybersecurity threat, the SMA Manager will release pre-approved messages alerting BEP communities that an incident is occurring and that steps are underway in order to recover. The SMA Manager must quickly and effectively respond to stakeholders and audiences as soon as possible using social media in order to maintain trust in digital services. Initial responses to the public approved by the Chief of the OEX should occur within minutes of recovering control of the accounts.

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- 6.1.6 After the BEP social media account is opened, the SMA Manager must inform the social media point of contact at the Department of the Treasury to register BEP's social media account with the General Services Administration (GSA) government-wide social media registry.
- 6.1.7 SMAs shall only access BEP's social media through a BEP-issued computer, tablet, or mobile device.
- 6.2 Standard Content in BEP's Social Media and the Approval Process.
- 6.2.1 All BEP social media profile pages must contain the BEP seal or emblem to distinguish it as an official government site and to the extent possible, the terms of service and disclaimer language provided in Section 6.2.5.
- 6.2.2 The SMA Manager may deactivate the comments/reply capability on the social media. However, if deactivation is not an option due to existing functionality, then the SMA Manager must follow the procedures set forth in Section 6.3.
- 6.2.3 BEP must use an External Links Disclaimer when linking to a third party site from bep.gov. If SMAs post a link that leads to a third-party website or any other location that is not part of a BEP domain, they should provide, if possible, an alert to the user, such as a statement adjacent to the link or a "pop-up," explaining that users are being directed to a third party website that may have different privacy policies from those of BEP's official website.
- 6.2.4 SMAs are only authorized to become a "friend" of, "follow", or "like" (or analogous/comparable function) official social media of federal government agencies such as the Department of the Treasury, the Board of Governors of the Federal Reserve System, the United States Secret Service, and the United States Mint. SMAs are prohibited from becoming a "friend" of, "liking," or "following" political parties, partisan political campaigns, partisan political groups, and/or businesses or organizations with commercial products or services that would imply an endorsement by the BEP.
- 6.2.5 OEX must include the following privacy disclaimer or similar language on BEP's webpage (i.e., social media section) as well as any BEP official social media account:
- "Your activity on third-party social media websites is governed by the security and privacy policies of the third-party websites. The BEP encourages you to review the privacy policies of the third-party websites before using them in order for you to understand how the information you make available on those sites will be used. You also may choose to adjust your account's privacy setting on such third-party websites according to your preferences. The BEP does not control, modify, or endorse comments or opinions provided by visitors to this third-party website. The BEP uses third-party social media to provide a better understanding of BEP's mission-related activities. The BEP does not collect, maintain, or disseminate information made available by you in the third-party social media website. If

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you wish to review our Privacy Policies, please visit our website at bep.gov for more information about BEP.”

BEP’s Privacy Officer shall approve any changes to the above privacy disclaimer language.

RESPONSIBILITIES (CONTINUED)

6.3 OEX shall use the following disclaimer or similar language for responding to the user’s content not related to historical events, BEP products offered at BEP stores, and/or services such as tours and facilities operations.

“The BEP uses this third-party social media to provide a better understanding of BEP’s mission-related activities. The BEP does not collect, maintain, or disseminate information made available by you in this third-party social media. To that end, we do not pre-moderate users’ comments on our social media. However, the BEP can remove multiple successive off-topic posts by a single user, repetitive posts copied and pasted by multiple users, spam, or chain mail. This means that users’ comments are automatically published, but they may be removed by a BEP official if the comment:

- a. Contains obscene, indecent, or profane language;
- b. Contains threats, defamatory statements, or personal attacks;
- c. Encourages illegal activity;
- d. Contains hate speech or material that ridicules others on the basis of race, color, sex, sexual orientation, gender identity, national origin, ethnicity, veteran status, age, religion, or disability;
- e. Contains sensitive or personally identifiable information;
- f. Solicits political donations or is directed at the success or failure of a political party, candidate for partisan political, or partisan political group; and/or
- g. Promotes or endorses specific commercial services or products.

Note that the views expressed on this social media, the appearance of external links posted by users, and following, liking, sharing, or reposting content does not constitute official endorsement of the BEP or the U.S. government. The BEP is not liable for any loss or damage resulting from any comments posted on this page. This forum may not be used for the submission of any claim, demand, complaint, legal and/or administrative notice or process, or for the exhaustion of any legal and/or administrative remedy.”

6.4 Prohibited Social Media Content. SMAs are prohibited from posting the following information in BEP’s social media:

6.4.1 Personal opinions or views on any issues;

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- 6.4.2 Endorsements, either direct or by implication, of commercial products or services;
- 6.4.3 Partisan political activity (i.e., activity directed at the success or failure of a political party, candidate for partisan political office, or partisan political group);
- 6.4.4 Information related to any pending or current administrative proceeding, civil action/litigation, or criminal proceeding in which the agency or federal government is a party unless ordered to do so by a competent tribunal;
- 6.4.5 Classified Information;
- 6.4.6 Sensitive but Unclassified Information such as law enforcement information and personnel or medical files, including PII related to BEP employees and contractors;
- 6.4.7 Pending policy and/or practice decisions including any discussions, advice, recommendations, and opinions, which are part of a decision-making process of the agency;
- 6.4.8 Internal personnel rules and practices of the agency; and
- 6.4.9 Trade secrets and commercial or financial information.

Violation of this policy may result in disciplinary action up to and including removal.

- 6.5 Maintain Standards of Ethical Conduct Online. When working in an official capacity, SMAs are required to follow the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR Part 2635), the conflict of interest statutes (18 USC §§ 202-209), and the Hatch Act (5 USC §§ 7321-7326). Set forth below are some general ethics-related areas of concern that SMAs need to follow when using social media:
 - 6.5.1 SMAs cannot express their personal views on issues when speaking for or representing the agency or a particular department, office, or unit while using social media.
 - 6.5.2 SMAs cannot endorse, either directly or by implication, commercial products or services, or policies or activities of an individual or external organization or entity. SMAs also must not include any text or image content that implicitly or explicitly conveys an endorsement of any non-federal organization or commercial product.
 - 6.5.3 SMAs cannot engage in prohibited political activity as defined in the Hatch Act and 5 CFR Part 734.
 - 6.5.4 SMAs cannot engage in lobbying or propaganda, such as aggrandizing a federal government agency or influencing legislation.
 - 6.5.5 SMAs cannot engage in fundraising activities, except when permitted under the Combined Federal Campaign (CFC).
 - 6.5.6 SMAs cannot disseminate unofficial statements or information regarding official programs or activities, or personal interpretations of official agency policy or practices.

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- 6.5.7 SMAs should not comment or edit social media anonymously. Because SMAs are working in an official capacity, they may make reference to their positions and titles when posting in an official capacity.
- 6.5.8 SMAs should state facts, not personal opinions, because aggrandizing the BEP, or its programs or operations – instead of focusing on facts – could be construed as propaganda or lobbying.
- 6.5.9 For further guidance, refer to the Office of Government Ethics, *Standard of Conduct as Applied to Personal Social Media Use* (LA-15-3, April 9, 2015) and Office of Special Counsel, *Frequently Asked Questions Regarding the Hatch Act and Social Media* (April 4, 2012).

RESPONSIBILITIES (CONTINUED)

- 6.6 Ensure Accessibility Under Section 508, Privacy, and Security. The BEP's content in social media must be accessible as required by Section 508 of the Rehabilitation Act of 1973, as amended. Visit www.digitalgov.gov to learn how to make content Section 508 compliant.
- 6.6.1 SMAs must make BEP content accessible regardless of its location on BEP's website or in the third party social media in accordance with the BEP's Accessible Electronic and Information Technology Policy, unless it would impose an undue burden on the BEP.
- 6.6.2 SMAs must offer an alternative location such as BEP's website where the same information available in the social media can be found. Users must have the option to access the information without being tracked by the third party that is hosting BEP's social media.
- 6.6.3 For questions related to Section 508 accessibility, please contact the Office of Critical Infrastructure and IT Security.
- 6.7 Paperwork Reduction Act (PRA). The Paperwork Reduction Act of 1995, 44 USC § 3501 et. Seq., applies to the collection of information regardless of form or format. It follows that the PRA applies to the collection of information using social media and web-based interactive technologies. Regardless of whether a particular activity is a collection of information under the PRA, the BEP has an obligation to manage information resources to improve the integrity, quality and utility of information to all users within and outside the agency. When sponsoring an information collection online, or in any other form or format, the BEP must comply with the PRA's requirement to maximize the utility of information collected, maintained, used, shared, and disseminated while minimizing the burden imposed on the public.

The PRA does not expressly define "information." The Office of Management and Budget's regulations implementing the PRA define "information" as "any statement or estimate of fact or opinion, regardless of form or format, whether in numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic or other media." In defining "information," OMB's regulations specifically exclude several types of activities, three of which are especially relevant to agency uses of

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social media and web-based interactive technologies to promote the goals of open government:

- **General Solicitations.** 5 CFR § 1320.3(h)(4) excludes “facts or opinions submitted in response to general solicitations of comments from the public, published in the Federal Register or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency’s full consideration of the comment.”
- **Public Meetings.** 5 CFR § 1320.3(h)(8) excludes certain “facts or opinions obtained or solicited at or in connection with public hearings or meetings.”
- **Like Items.** 5 CFR § 1320.3(h)(10) reserves general authority for OMB to identify other “like items” that are not “information.”

For further guidance, refer to OMB Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies, *Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act* (April 7, 2010).

6.8 **Protect Privacy.** The laws, regulations, and policies that govern the privacy of individuals still apply when using social media. SMAs shall abide by the well-established Fair Information Practice Principles (FIPPs) – Transparency, Individual Participation, Purpose Specification, Data Minimization, Use Limitation, Data Quality and Integrity, Security, and Accountability and Auditing – rooted in the tenant of the Privacy Act of 1974, 5 USC § 552a as the basis for protecting PII (see Definitions) made available to the BEP in social media.

Always remember:

6.8.1 To include a Privacy Policy in BEP’s website regarding the use of third-party websites and social media applications, including:

- The specific purpose of BEP’s use of the third-party websites or social media applications;
- How the BEP will use PII that becomes available through the use of the third-party websites or social media applications;
- Who at the BEP will have access to PII;
- With whom PII will be shared outside the BEP;
- Whether and how the BEP will maintain PII, and for how long;

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- How the BEP will secure PII that it uses or maintains; and
- What other privacy risks exist and how the BEP will mitigate those risks.

When feasible, provide links to the relevant privacy policies of the third-party websites and social media applications being used.

RESPONSIBILITIES (CONTINUED)

6.8.2 To the extent feasible, include a Privacy Notice regarding the collection, maintenance, use, and dissemination of PII in BEP's website and social media. The Privacy Notice should:

- Explain that the website or social media application is not a government website or social media application, that it is controlled or operated by a third party, and that the BEP's Privacy Policy does not apply to the third party;
- Indicate whether and how the BEP will maintain, use, or share PII that becomes available through the use of the third-party website or social media application;
- Explain that by using the website or social media application to communicate with the BEP, individuals may be providing nongovernment third parties access to PII;
- Direct individuals to the BEP's official website; and
- Direct individuals to the BEP's Privacy Policy as described above.

OEX will provide an alternative method to the public to view the agency's Privacy Notice and to contact the BEP regarding information or questions that may contain PII through a secure agency email address, mailing address, or telephone number located at BEP's website. SMAs shall take all practical steps to ensure that the Privacy Notice is conspicuous, salient, clearly labeled, written in plain language, and prominently displayed at all locations where the public might make PII available to the agency. SMAs can use the guidance provided in Section 6.8.2 as an example of what to include in a Privacy Notice.

6.8.3 Do not collect, search, monitor, or browse social media for or by PII of public user profiles. In addition, do not use, collect, maintain, or disseminate information made available (see Definitions) by a user in the third-party social media. OEX will not create a system of records (see Definitions) for social media. Violation of this policy may result in disciplinary action up to and including removal.

6.8.4 Do not proactively "friend", "follow", or "like" (or analogous/comparable function) public users with the exception of other federal agencies' social media channels. Becoming a "friend" of, "liking," or "following" BEP's social media

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accounts does not qualify as an express affirmative consent (opting-in). Violation of this policy may result in disciplinary action up to and including removal.

- 6.8.5 If an individual shares PII in any BEP social media in which deactivation of the comments/reply capability is not an option, the SMA will reply directly to the individual requesting her/him not to share PII when interacting online with the BEP.
- 6.8.6 If OEX intends to use a third-party website that makes PII available to the BEP, a Privacy Impact Assessment (PIA) is required. OMB requires agencies to perform a PIA before using third-party sites and applications whenever PII will be made available to the agency. The PIA shall be available in BEP's website. For further guidance, refer to OMB M-10-23, *Guidance for Agency Use of Third-Party Websites and Applications* (June 25, 2010) and OMB Memorandum for the Chief Information Officers, *Model Privacy Impact Assessment for Agency Use of Third-Party Websites and Applications* (December 29, 2011).

RESPONSIBILITIES (CONTINUED)

- 6.9 Records Management. The laws, regulations, and policies that govern federal records management still apply when (1) developing social media policies, procedures, initiatives, practices, and content; (2) using social media; and (3) completing administrative tasks associated with the use of social media.
- 6.9.1 The BEP currently does not have an authorized records retention schedule establishing a records retention period for social media records. All records associated with BEP's social media account must be retained permanently, until the National Archives and Records Administration (NARA) has authorized a records retention schedule. Once an authorized records retention schedule is in place, OEX must retain all social media records in accordance with that schedule.
- 6.9.2 OEX is responsible for owning, managing, and retaining the federal records associated with the social media program.
- 6.9.3 The SMA is responsible for identifying, capturing, and managing all social media records created by the BEP.
- 6.9.4 The complete federal record must be retained in order to ensure reliability and authenticity. A complete federal record includes the content, context, and structure along with associated metadata (e.g., author, date of creation, date of post, etc.). Federal records associated with the social media program may include, but are not limited to the following:
- Records pertaining to the development of the social media program, including drafts and final versions of policies, procedures, and practices; and opening and/or closing of social media accounts;
 - Records pertaining to development of social media content, including drafts and final versions of content; and correspondence

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and communication between OEX and BEP program office providing content;

- Emails sent and received by the BEP social media email account;
- Agreements, correspondence, and communications between BEP social media accounts and third-party social media sites; and
- Actual content posted by SMAs on third-party social media sites.

6.9.5 In the event that a social media site does not allow for deactivation of third-party comments/reply capability, and it is determined that the SMA must delete/remove a third-party user's comment, post, or reply under Section 6.3 of this circular, the SMA must draft a memo to the file providing the justification(s) for the deletion/removal. The SMA should not include PII in the description.

6.9.6 The BEP Records Officer (RO), in consultation with OEX and the Management Directorate, determines the most appropriate method to capture and maintain records.

6.9.7 Any change in social media records identification, capture, management, and/or retention policy must be discussed with the RO before they take place.

6.9.8 Social media content is subject to disclosure to third parties under applicable laws, such as the Freedom of Information Act (FOIA), and in litigation or administrative proceedings.

6.9.9 See 36 CFR Part 1236 for general guidance on electronic records management, and NARA Bulletin 2014-02, *Guidance on Managing Social Media Records* (October 25, 2013) for NARA's guidance on managing social media records.

6.10 Respect Intellectual Property Rights. Trademarks and Copyrighted Works cannot be used, distributed, transmitted, copied, or displayed by SMAs without written permission of the owner.

7.0 PENALTIES FOR NONCOMPLIANCE

OEX employees found to be in noncompliance with this circular and BEP employees and contractors managing any social media on behalf of the BEP without OEX's authorization may be subject to disciplinary actions up to and including removal.

8.0 OFFICE OF PRIMARY RESPONSIBILITY

Office of External Relations

<electronically approved>

Leonard R. Olijar
Director