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Public & Government Affairs Policy

Name of Policy	User-Generated Content Policy	Policy #	
Policy Owner Name	Sue Hildick	Effective Date	3/6/23
Policy Owner Position	PGA Director	Approved Date	3/6/23
Approved By		Next Review Date	

I. PURPOSE AND SCOPE

To guide Public & Government Affairs employees on the process for promoting user-generated content on County communications.

II. AUTHORITY

County Code 2.09.060 authorizes the County Administrator to draft administrative rules and implement operational policies.

III. GENERAL POLICY

The promotion of user-generated content will spark engagement and encourage community advocacy, as well as enhance trust between community members and their government.

IV. DEFINITIONS

User-generated content (UGC) means social media content published by community members or organizations.

Child means an individual under the age of 18.

Content means all text, usernames or handles, hashtags, photographs, images, illustrations, graphics, sound recordings, video, audio, or other material that is posted on the internet or County social media.

Social media means online social and business networking, online blogs, online forums, online shops and auction sites, online digital media sharing, online audio, online texts or online games and applications.

Personal information means individually identifiable information about an individual collected online, including:

1. A first and last name;
2. A home or other physical address including street name and name of a city or town;
3. Online contact information;

4. A screen or user name where it functions in the same manner as online contact information;
5. A telephone number;
6. A Social Security Number;
7. A persistent identifier that can be used to recognize a user over time and across different websites or online services. Such persistent identifiers include a customer number held in a cookie, an Internet Protocol (IP) address, a processor or device serial number, or unique device identifier;
8. A photograph, video or audio file where such file contain's an individual's image or voice;
9. Geolocation information sufficient to identify street name and name of a city or town; or
10. Information concerning a child or the parents or guardians of the child[ren] that Clackamas County collects online from the child and combines with an indentifier described in this definition.

Post means any content generated or shared on social media presences. Posts can include, but are not limited to, messages, links, images, maps, videos, and emoticons.

V. POLICY GUIDELINES

A. Permission.

1. Before PGA can post UGC on County social media PGA must obtain permission from the owner of the UGC. Permission will be obtained from the owner via consent, which will include an agreement that the individual agrees to the County's Terms and Conditions. The Terms and Conditions include an affirmation that the person has obtained all required permissions to post the UGC.
2. PGA will retain screenshots of consent for adults and signed minor permission forms in Airtable for two years.
3. Anyone providing UGC to the County must be over 18 years of age. If the individual is under 18 years of age PGA must first obtain permission from the custodial parent or legal guardian of the child on the approved form.
4. Consent is required when sharing UGC from an individual. When sharing information from another organization, consent is not required, unless the visuals feature community members.

B. Guidelines

User-generated content (UGC) posted on County social media must follow these guidelines.

1. Permission.

Before UGC can be posted on County social media the person must provide all required permissions. PGA shall not use anonymous UGC or UGC where ownership is not clear.

2. Verification

- a) PGA must give the creator/owner credit for the UGC.
- b) PGA must scan the creator's profile for any problematic activity before using the UGC.
- c) PGA must confirm the individual is not an elected official or running for office before using their UGC.

3. Copyright.

Permission must be obtained before copyrighted material can be posted on County social media. The consent will incorporate the County's Terms and Conditions which include an affirmation that the person providing UGC to the County is not violating copyright or infringement laws.

If a person believes UGC on County social media contains copyrighted material they can request that PGA take it down; PGA shall review the request and take down information as appropriate. This needs to be done quickly to protect the County from copyright claims.

4. Stolen material.

The Terms and Conditions include an affirmation that the individual is not providing stolen UGC material to the County.

If PGA has reason to believe the UGC is stolen PGA will remove the UGC from County social media.

5. Ownership.

All use of UGC shall be attributed to the owner of the information, and consent to the Terms and Conditions requires the individual providing the UGC to affirm that they are the owner of the UGC or attribute ownership and affirm the provider obtained the required permissions accordingly.

6. Privacy and Personal Information.

Before PGA can post UGC they must obtain consent to the County's Terms and Conditions, which require individuals providing UGC to the County to affirm that they have obtained all required consents before the individual's personal information, including photographs, video or medical information, is used as UGC. Agreeing to the County's Terms and Conditions means the individuals providing UGC to the County affirm that they have all necessary consents.

Consent will be retained by the County in Airtable for two years.

7. Defamation.

All UGC posted on the County's social media must not be defamatory. Consent to the County's Terms and Conditions includes an affirmation that the UGC is not

defamatory and that the individual providing UGC to the County accepts any liability for defamatory posts. PGA will remove any UGC which it deems defamatory.

8. Implied permission for content submitted in a UGC campaign or contest.

By submitting UGC to the County in response to a County UGC campaign or contest the individual must accept the County's Terms and Conditions. The Terms and Conditions shall be posted as part of the campaign or contest.

The promotion rules must provide that the entrant has secured the rights from each person appearing in the submission. The use of any third-party intellectual property rights other than original content is banned. The rules shall provide notice that the County has discretion to remove and disqualify any entry that violates this policy.

9. Acceptable use of County social media for UGC.

a) All UGC posted on County social media shall not:

- Use vulgar, profane, violent, sexist, racist, threatening, or other offensive language or imagery.
- Be used for personal gain.
- Use inappropriate humor.
- Provide false, libelous or defamatory information.
- Be overly repetitive or off-topic.
- Be used to incite, disrupt, threaten, degrade, shame or harass individuals, or be unrelated to the purpose of the page.
- Violate any applicable federal, state or local laws, or promote the violation of such laws.
- Infringe on copyright or intellectual property rights.
- Plagiarize works from sources outside Clackamas County.
- Engage in political advocacy.
- Contain inappropriate sexual content or links to such content.
- Violate any County policies or code.
- Promote or perpetuate, in any fashion, discrimination in any form on the basis of race, sexual orientation, religious beliefs, color, age, gender identity, marital status, national origin, disability, or other protected aspects or traits.
- Promote solicitation of commerce or specific businesses (unless an acceptable purpose can be demonstrated and approved by County).
- Compromise the safety or security of any other party.
- Violate the privacy of its subjects (in images, audio or information). This includes using County social media to bully, harass or stalk another person.
- Involve the transmission of "junk mail", "chain letters" or unsolicited mass mailing, instant messaging, or "spamming"
- Solicit passwords or personal identifying information for commercial purposes.
- Include a photograph, video or audio of another person without the person's permission and consent.

10. Notice and Take Down policy.

If the UGC is found to violate this policy or law it will be promptly taken down by PGA. Notice of the County's take down policy will be included in the County's permission form and available via a link on the PGA website and all County social media sites.

If PGA suspects or receives a report that the UGC may violate copyright law PGA should work with County Counsel to provide the legally required notices.

Reporting function. PGA shall describe on its website how a report of suspected violations can be made to pgasocialmedia@clackamas.us

11. Users under 18 years of age.

Before PGA can collect, use or disclose personal information from and about children online PGA must obtain consent from the custodial parent or legal guardian of the child. [Federal law](#) allows you to ask the child for the parent's contact information to obtain such consent.

PGA must send the minor consent form to the parent or legal guardian. The parent or legal guardian can withdraw their consent at any time.

If the parent or legal guardian has not provided consent within five business days, PGA will delete the parent or guardian's online contact information from its records.

Notice of the County's practices regarding what information the County collects from children, how we use such information and our disclosure practices must be given on all social media sites, and by link in the consent form.

On request PGA shall allow a parent or legal guardian to review the personal information collected from a child and to refuse to permit its further use or maintenance by the County. PGA shall confirm that the requestor is the parent or legal guardian before providing such review.

PGA shall not condition a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in such activity.

12. Liability/disclaimer.

A disclaimer shall be posted on all County social media, and the permission form will include acceptance of all liability for UGC that violates County policy or other laws.

13. Documentation of consent and records.

The County social media coordinator will request consent: *May we use your photo? If so, comment #YesClackCo. By replying you are agreeing to our terms and conditions: bit.ly/clackcougc*

The County social media coordinator will take a screenshot of written consent within social media platform and save it in an Airtable database, along with permission forms

for minors. The county's social media archiving service will provide an extra layer of protection.

VI. PROCESS AND PROCEDURES

N/A

VII. ACCESS TO POLICY

<https://www.clackamas.us/pga>

VIII. ADDENDA

Link to Social Media Use Guidelines

Link to Permission Form

Actions on this Policy:

Original Policy effective date:

Amended Policy effective dates: