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SOCIAL MEDIA GUIDELINE FOR TONGA'S PUBLIC SERVICE

V01

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SOCIAL MEDIA GUIDELINE FOR TONGA'S PUBLIC SERVICE

V01

The Public Service Commission, in exercise of the powers conferred by section 4C of the Public Service Act 2002, makes the following Order —

Commencement [1 July 2020]

1. Short Title

This instruction may be cited as the Social Media Guideline for Tonga's Public Service.

2. Preamble

Whereas:

- (a) the social media is used as a platform for communication impacting on the way the Public Service and public servants communicate and share information;
- (b) the Government is embarking upon digitising its operations, which assists in the communication within Government and with the general public;
- (c) there is expectation for responsible and appropriate use of the social media by Public Servants while upholding transparency and accountability;
- (d) Public Servants have rights to free speech, and at the same time there is a need for clear guidelines between official and personal use of social media; and

(e) Public Servants have an obligation to ensure that the reputation of Government, the Public Service and other public servants is not brought into disrepute

3. Purpose

The purpose of this guideline is to:

- (a) provide guidance to Public Servants on the use of social media for official government communication purposes; including personal use by Public Servants
- (b) ensure that Public Servants use social and other digital media responsibly and appropriately.
- (c) to link Public Servants social media use with the Public Service (Disciplinary and Grievance) Procedures Regulations 2003 and any other Regulations.

4. Guiding Principles

The Social Media Guideline is guided by Clause 7(1) of the *Constitution of Tonga* which states:

7 Freedom of the press

(1) It shall be lawful for all people to speak write and print their opinions and no law shall ever be enacted to restrict this liberty. There shall be freedom of speech and of the press for ever but nothing in this clause shall be held to outweigh the law of defamation, official secrets or the laws for the protection of the King and the Royal Family.

and the Principles of the Public Service stipulated under section 4C of the *Public Service Act* which states

4C Principles of the Public Service

The Public Service shall apply the following principles —

- (a) The Public Service is apolitical, performing its functions in an impartial, professional and competent manner;*
- (b) Adopts a merit based employment policy;*
- (c) Shall be ethical and accountable for its actions to the public in providing satisfactory service;*
- (d) Makes all decisions in a transparent and merit based manner;*

- (e) Uses all Government resources responsibly and efficiently;*
- (f) Is accountable and responsive to the Government in providing honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs;*
- (g) Has leadership of the highest quality;*
- (h) Establishes workplace relations that value communication, consultation and co-operation with employees on matters that affect their workplace;*
- (i) Provides a fair, flexible, safe and rewarding workplace that is free from discrimination and recognizes the diverse background of employees;*
- (j) Focuses on achieving results and managing performance;*
- (k) Provides a fair system of review of decisions taken in respect of employees;*
- (l) When dealing with members of the public and Government, demonstrate at all times respect, integrity, honesty, diligence, and accountability; and*
- (m) Perform duties at all times in a manner that meets and promotes effectiveness, efficiency and transparency in a non political and impartial manner.*

5. Scope

- (1) This guideline applies to all employees of the Public Service including:
 - (a) permanent employees,
 - (b) contractual and casual employees;
 - (c) consultants, advisors and contracted individuals;
- (2) This guideline may apply to employees in other government entities subject to Cabinet Direction and approval.

6. Context

- (1) This guideline should be read and interpreted in conjunction with the:
 - (a) Public Service Act 2002;
 - (b) Public Service Code of Ethics and Conduct 2010;
 - (c) Public Service (Disciplinary Procedures) Regulations 2003;
 - (d) Public Service (Grievance and Dispute Procedures)(Amendment) Regulations 2006;
 - (e) Public Service Policy Instructions 2010;
 - (f) Public Service Policy 2010; and

(g) any other related legislation or regulation.

7. Interpretation

“Account owner” or **“Account user”** means any person who is registered or is identified to use a particular social media account.

“content” means displayed or uploaded text, images, videos, comments, or any other means that form the subject or purpose of the communication, or the message or information being conveyed by the communication.

“employee” or **“public servant”** means all persons employed by the Public Service.

“employer” means the Public Service or all persons employed in any Ministry listed in Schedule I of the Public Service Act.

“Ministry” means any Ministry, department or office as listed in Schedule I of the Public Service Act.

“non political” or **“apolitical”** means employees performing their duties in an impartial, ethical and professional manner without involving in any political activities including not associating with any association that has a political mandate which is or may be contrary to Government policy.

“posts” means any content displayed publicly or privately by an employee from any social media account/platform linked to the employee.

“sharing” means sharing, retweeting, redistributing the post of another person or any online content.

“Social media” is a technology mediated platform that facilitate and allow the creation, sharing, dissemination and exchange of information, ideas, videos, messages and other contents.

“Social Media platform” under this guideline includes the following, but is not limited to:

- i) Social networking platforms (facebook and linkedin, google+)
- ii) Microblogging (Twitter, Tumblr).
- iii) Photo sharing (Instagram, Snapchat, Pinterest).
- iv) Video sharing (YouTube, Facebook Live, Periscope, Vimeo, Tik Tok)
- v) Community blogs
- vi) Discussion sites

- vii) Others which may emerge from time to time.

8. Official Social Media Use

- (1) A Ministry may use social media as a means of communication with the public and other relevant stakeholders to disseminate information and promote its services.
- (2) A Ministry must ensure that it understands and abides by the terms of reference of the social media platform it signs up to and are in line with the values and principles of the Public Service.
- (3) An employee who is responsible for the administration or management of the Ministry's social media platforms must be authorised in writing by the Chief Executive Officer.
- (4) Any employee who is authorised to administer or manage the Ministry's social media platforms, or any other employee, must ensure that the following are maintained:

(a) confidentiality

All information, including comments or contributions on behalf of the Ministry, that are to be posted on any social media platform must be made with the appropriate prior approvals from the Chief Executive Officer.

An employee must not share content relating to confidential information unless express approval is obtained from the Chief Executive Officer.

(b) impartiality, political neutrality

All posted contents must be factual, non-partisan and apolitical.

(c) respect

All posted contents must be expressed in a clear, concise, professional, polite and respectful manner.

(d) accuracy

All posted contents must be accurate and relevant and all reasonable efforts must be made to publish only facts and statements that can be verified rather than opinions or speculations. Sources of information must be acknowledged and cited.

- (e) **mindfulness of intellectual property rights**
All posted contents must comply with any existing requirements for legal copyrights, trademarks and other patents.
 - (f) **privacy**
All posted contents must comply with any existing privacy laws especially if sharing any content that may include other employees.
- (5) A Ministry must ensure that all engagements on its social media platform are of a high professional standard.
 - (6) An employee must not, by any means, support the promotion of principles that are not in line with the Public Service Principles through social media platforms.

9. Personal Social Media Use

- (1) An employee must not use a government computer, or government issued electronic device or equipment, to access their personal social media platforms during official working hours. This is deemed to be a violation of the Code of Conduct, Sections 3-7 as applicable, and such employee is subject to censure for a breach of discipline under the Regulations.
- (2) Exceptions to (1) above are for social media administrators required to log onto personal accounts to manage the Ministry's social media platforms, for any employee informing the public about any initiatives, projects, events, or important work being carried out by the Ministry, or for any employee needing to communicate (messaging or video calls) as necessary.
- (3) For the avoidance of doubt, subject to (2) above, an employee using their own personal computer or electronic device to post or comment on social media, while they are signed in at work, is deemed to be conducting personal non-approved activities outside their Job Description. This is deemed to be a violation of the Code of Conduct, Sections 3-7 as applicable, and such employee is subject to censure for a breach of discipline under the Regulations.
- (4) As a representative of the Public Service, and an employee of the Government, all employees must exercise caution and common sense when posting on their personal social media platforms at all times. An employee must not post or comment on social media, bringing the public service into disrepute, by virtue of the readers perceiving the comments and posts as being made by a public

servant. This is deemed to be a violation of the Code of Conduct, Sections 3-7 as applicable, and such employee is subject to censure for a breach of discipline under the Regulations.

- (5) For the avoidance of doubt, (4) applies where an employee makes at any time posts or comments that are bullying, disrespectful, taunting, racist, sexist, obscene, defamatory, threatening, aggressive, harassing, discriminatory, derogatory or hateful about their work in general, or about their colleagues, peers or their employers. This is deemed to be a violation of the Code of Conduct, Sections 3-7 as applicable, and such employee is subject to censure for a breach of discipline under the Regulations.
- (6) For the avoidance of doubt, (4) applies where an employee makes at any time posts or comments that supports, criticises or adds information to any political side whether it is a previous or current Government or whether it is a previous or current opposition, or any political side, or seeks to politicise any issue. This is deemed to be a violation of the Code of Conduct, Sections 3-7 as applicable, and such employee is subject to censure for a breach of discipline under the Regulations.
- (7) An employee must not use their work assigned or official email to sign up for a personal social media platform.
- (8) ~~An employee must not use personal social media platforms to post any confidential or proprietary information of their Ministry, the Public Service or of the Government.~~
- (9) An employee must not use government logos or government branding symbols on their personal social media posts without express permission from their Chief Executive Officer.
- (10) An employee may raise any concerns regarding any Ministry or employee through the proper internal channels of their Ministry or the Public Service Commission.
- (11) An employee must not use their personal social media platforms to post information that is in breach of any law of the Kingdom of Tonga. This includes the distribution of any pornographic material, child pornography or child abuse content.
- (12) An employee may be held accountable under the Public Service Disciplinary Procedures for non-compliance with any part of this guideline.

10. Reporting inappropriate social media use

- (1) All employees have a responsibility and must report the inappropriate use of social media by either other employee or by a Ministry.
- (2) Members of the public may make a report on the inappropriate use of social media by an employee or Chief Executive Officer of any Ministry to the Public Service Commission.
- (3) An employee may report a breach of this guideline to the Chief Executive Officer, if in relation to another employee, or to the Public Service Commission, if the report relates to the Chief Executive Officer or a matter that would be inappropriate to report to the relevant Chief Executive Officer.
- (4) Reports shall be accompanied with actual visual evidence (eg. screen shot capturing the offending item) and may provide it to the Ministry confidentially.
- (5) All received reports must be treated confidentially.
- (6) Any person making a complaint may choose to remain anonymous and anonymity will be guaranteed in any public disclosures.
- (7) Any person may make their complaint in person or by any other means available to the Ministry concerned or to the Public Service Commission.

The Public Service Commission will also accept complaints made through complaints@psc.gov.to

11. Complaint Procedure

- (1) Upon receipt of a complaint under Part III the Chief Executive Officer of the Ministry concerned or the Public Service Commission shall:
 - (a) investigate it; or
 - (b) appoint another person to investigate it.
- (2) The Chief Executive Officer or the Public Service Commission shall ensure that the findings of an investigation are dealt with as soon as practicable.

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- (3) The relevant Chief Executive Officer or supervisor will then open a complaint file regarding the subject of complaint;
 - (4) The relevant Chief Executive Officer or supervisor shall inquire into this complaint in a fair, confidential and timely manner and document his findings in the complaint file he opened regarding the subject of complaint;
 - (5) At the completion of the inquiry, if it is considered a serious breach, a complete report of the complaint against the subject of complaint should be forwarded to the Chief Executive Officer of the Commission.
 - (6) At the completion of the inquiry, if it is a minor breach, it shall be dealt with according to the Disciplinary Regulations 2003.
 - (7) If the alleged breach by the subject of complaint is of a criminal offence nature, the Chief Executive Officer of that Ministry should report the breach to the Police. If the Chief Executive Officer is involved, the matter can be brought to the attention of the Attorney General.

12. Breach of Guideline

- (1) Any breach of this guideline will be dealt with under the Public Service (Disciplinary Procedures) Regulations 2003.

13. Guideline Implementation

- (1) This guideline may be reviewed as needed after approval for implementation by the Commission and endorsed by the Prime Minister.
- (2) Any modification, addition, deletion or changes to this guideline will not affect the other provisions of the guideline unless otherwise stated.
- (3) The Ministry Chief Executive Officer has overall responsibility for the administration of this Guideline.

REFERENCES

<https://www.apsc.gov.au/making-public-comment-social-media-guide-employees>

[https://www.gcis.gov.za/sites/default/files/docs/resourcecentre/guidelines/social media guidelines final 20 april2011.pdf](https://www.gcis.gov.za/sites/default/files/docs/resourcecentre/guidelines/social%20media%20guidelines%20final%2020%20april2011.pdf)

FREQUENTLY ASKED QUESTIONS

1 If I am posting in a private capacity, can I post anything I want to?

It is advisable that your social media account includes a statement to the effect that your views do not represent that of your employer. However, this will not always protect you from possibly breaching the Social Media Guidelines.

For example, if you choose to post up content that expresses your anti-government views, a disclaimer on your personal account will not save you from a possible breach of the guidelines. A member of the public can rightly question your impartiality and professionalism as a public servant.

2 Can I post after working hours?

Your duty and obligation as a public servant of the Government of the Kingdom of Tonga does not end when you leave your place of work. The comments you make after hours can make people question your ability to impartial, respectful and professional when you are at work. As a member of the public service, we are required by law to uphold the values and principles of the Public Service at all times.

3 Can I make a post anonymously?

You may not be expressly identified as a public servant but we almost all have a digital footprint that makes it easier to find out who you are and where you work. It is common sense to assume that anything you write or post can be linked to you and your place of work, whether you intend it or not.

4 What if I post content from my private device?

In the same way that posting content after hours will not always protect you, neither will using your own private device. Using your own device to post content does not change the fact whether what you post is alright or not. The main issue is that you should not be accessing your social media (see exceptions above) during work hours. You are not paid by the taxpayer to access social media during work hours, so for that time you are on social media at work, you are stealing from the tax payer.

1 ¹ Not part of the instructions. They are explanatory notes.

5 What about my right to freedom of speech?

As stated in Clause 7(1) of the *Constitution of Tonga*, it is lawful for us to speak, write or print our opinions however this is limited to not breach the law of the Kingdom of Tonga.

6 What if I 'like', share or repost the post of someone else?

When you 'like', share or repost the post of someone else, this will be generally taken to be an endorsement of that content as though you had made the post yourself.

However if you share a post because you disagree with its content and wish to bring it to someone's attention, it must be made clear at the time in a way that does not breach the guidelines. It may not be enough to select the 'angry face' icon, especially if you are one out of many people who have done so.

7 If my private social media page has limited access to my friends only and one of my friends reposts one of my posts, could this be a breach?

Yes. You breached the guideline at the time you made the post. If your friend is also a public servant, he or she could be held in breach of the guideline as well for sharing the post on his or her social media page.

In the context of these guidelines, a "public comment" will be taken to mean anything that is said in public or which ends up in public. This can include said or written to one person. If the comment has an audience, or a recipient, it's a public comment.

8 Can I breach the guideline if content in breach of the guidelines is sent in a private email to a friend?

Yes. Your friend can easily take a screenshot of that email that have it circulated on social media. The breach here will not be circulation of your content but the fact that you emailed the content in the first place.

If your friend circulating the email is a public servant, he or she will be in breach of the guidelines as well.

9 Will I be responsible for objectionable comments made by someone else on my private social page?

Leaving the objectionable comments on your page can be seen in some circumstances as endorsement of that material.

It would be common sense to delete or expressly state that you do not agree or support it.

The breach of the guidelines would come if and how you react to the objectionable post made by someone else

10 Can I join a Facebook group (or similar)?

The online communities you join can allow the public to question your ability to work impartially.

For example, if you are a member of a Facebook group that criticizes the policies of a different country and yet you are employed under a project that that country funds. It might raise concern as to whether you are carrying out your duties fairly, professionally and without bias in your role.

11 Can I comment on politics, issues or events in other countries?

Usually yes, but the same concerns still apply. For example, some public servants work in roles that involve day-to-day relations between Tonga and other countries. Therefore you must think whether your comments on international affairs are appropriate to communicate. This is because, you may be seen to be commenting on behalf of the Government and so sensible care needs to be exercised.

If you are based abroad, you are required at all times to behave in a way that upholds the good reputation of the Government of the Kingdom of Tonga. Making comments about politics, issues and events in other countries must be made with care so as to not lead others to think less of the Kingdom of Tonga and its Government.

12 Is my work email or work chat groups considered 'social media'?

Yes. As dissemination and exchange of electronic communication is also done through work emails or work chat groups, these instructions do cover them as well only if they breach the principles and guidance in this guideline.

