

## Legal guidance on Member Blogs

The following guidance is put together for members who have chosen to set up and run their own personal blogs. There is clear distinction between member information published by the County Council, such as the member pages on the Council's website, and member blogs which are the sole responsibility of the individual member.

There are important reasons for this distinction. Material published by the Authority is, for obvious reasons, restricted in terms of content. It must not contain party political material and, in relation to other material, should not persuade the public to a particular view, promote the personal image of a particular Councillor, promote an individual Councillor's proposals, decisions or recommendations, or personalise issues. Nor should the Council assist in the publication of any material that does any of the above.

Nonetheless the County Council takes the view that member blogs can make a positive contribution to improving community engagement and leadership. And for this reason members have accessed external blog specialists to help them set up their own blogs.

The following is a brief guide to some of the legal pitfalls for members in establishing their own personal blogs. Almost all of these can be avoided if the content of your blog is objective, balanced, informative and accurate.

### Members' Code of Conduct

Aspects of the Members' Code of Conduct will apply to blogs. Members should comply with the general principles of the Code in what they publish (and what they allow others to publish).

Blogging members need to be particularly aware of the following provisions:

- treat others with respect. Avoid personal attacks and disrespectful or rude or offensive comments
- comply with equality laws. Avoid publishing anything that might be considered sexist, racist, ageist, homophobic or anti-faith
- refrain from publishing anything you have received in confidence
- ensure you don't bring the Council, or you Councillor role, into disrepute.

Members of the public (or other members or officers) may make a complaint about you if you offend the Code of Conduct and that complaint, and the sanctions that may be imposed, will be considered by the Standards Committee.

### Libel

If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt

action to remove it. A successful libel claim against you will result in an award of damages against you.

## **Copyright**

Placing images or text on your site from a copyrighted source (e.g. extracts from publications, photos etc) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you.

## **Data Protection**

Avoid publishing the personal data of individuals unless you have their express written permission.

## **Bias and Pre-determination**

If you are involved in determining planning or licensing application or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.

## **Obscene material**

It goes without saying that you should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

This guidance is aimed at giving a general overview of the legal issues to be aware of in publishing your own blog. Further explanation can be obtained from the Head of Law/Monitoring Officer but Councillors should be aware that the content of their blogs is their own responsibility. If the content is objective, balanced, informative and accurate, and you maintain and demonstrate an open mind on any matters on which you may be called upon as a member to make a decision, you substantially reduce the possibility of a successful legal challenge to the content being made.

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