

Public Information: What Do You Mean the Media Can Ask For My Facebook Account?



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Public Information Act: Keeping the Citizenry Informed

- Government Code Sec. 552.001
 - The people, in delegating authority, Do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.
- Liberally construed by the Attorney General
- What have you created?



Entities and Exceptions

- Municipal Governing Body In The State
 - Gov't Code §552.003(1)(A)(iii)
 - Municipal Officials (Elected & Appointed)
 - Municipal Employees
 - Elected Official Exception
 - "Private correspondence or communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy..." Gov't Code §552.109
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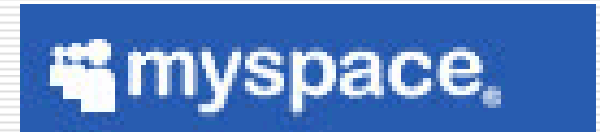
"Records of All Forms"



- Recorded information in any medium
 - Paper, letter, book, film or device that can store an electronic signal. Gov't Code §552.002(c)
 - All things that are held in computer memory
 - Personal Notes, Personal Emails and now...Social Networking too!
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Social Networking & Other Media

- Facebook & MySpace
 - Social networking sites
- Twitter
 - Instant “real time” messages for “what are you doing?”
 - Ex: Twitter HQ is enjoying weekly TeaTime. The grand finale is a laugh over the latest Twitter Tracker. Check it out!
<http://bit.ly/DjGbv>.5:48 PM Jun 19th from web
- Emails- personal
 - Hotmail, Yahoo, Gmail, sbcglobal, Roadrunner
- Blogs
 - Huffington Post, Burnt Orange Report
- Texting



Networking Examples

- Twitter

- Mysa twitter

- Blog

- Burnt Orange Report

- Facebook

- Information and “Friends”
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Signing Up Doesn't Guarantee Private Information

- Member based
 - Just because you join and there are passwords, etc doesn't mean that it is "private!"
 - These are actually "semi-private" sites used to communicate with others via postings, photos, videos, etc.
 - Created on a private computer, password protected, directed to a restricted circle-if it's related to official business- it is as private as your least private friend!
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Situations & Possible Implications

- ❑ Economic Development Corp. Board Members with mutual “friends” on Facebook- comments to the same friend
- ❑ Emails between council members discussing public business
- ❑ Text messaging between officials regarding official business on vote position
- ❑ Posting a negative blog about issue or fellow official or employee
- ❑ Potential allegations of unethical behavior
- ❑ Potential violations of Open Meetings Act
- ❑ Potential for digging the city or yourself into a hole regarding a position on an issue
- ❑ Potential for charges of corruption or other criminal charges



Future of Public Information and Interactive Technology

- The law and technology for electronic media and communications are worlds apart.
 - The Texas Attorney General yet to be faced with making decisions on these issues
 - Cities in Florida have strongly suggested not to use social networking
 - We will have to wait and see...
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What should you do?

- Establish dedicated cell phones, email addresses for employees and officials
- Officials: be wary of campaign vs. official business sites and communications
- Use Your Common Sense and Discretion!

