

Honolulu City Council Social Media Policy

The Honolulu City Council (“Council”) is the lawmaking body of the City and County of Honolulu and strives to represent the residents of Honolulu through all of its legislative actions. It is composed of nine Councilmembers who are elected to staggered four-year terms, representing a total of nine Council districts. These nine districts cover the whole City and County of Honolulu (“City”), covering the entire island of O‘ahu, Hawai‘i.

Council Support Services (“CSS”) has created social media channels to enable communication between the public and the Council regarding City programs, services, projects, issues, events, legislation, and activities. The Council’s social media platforms are managed by CSS; they are not accessible or managed by any Councilmembers or legislative staff outside of CSS. However, Councilmembers may also maintain their own social media channels to communicate with constituents.¹ All of these social media channels are designed to keep the public informed on what’s happening at Honolulu Hale (Honolulu’s City Hall) and to communicate with the public at large regarding City business. The purpose of this Social Media Policy (“Policy”) is to provide guidance regarding both Council and individual Councilmembers’ use of social media.

Sunshine Law

The State of Hawai‘i’s Sunshine Law, Hawai‘i Revised Statutes chapter 92, prohibits Councilmembers from commenting, posting, or communicating with fellow Councilmembers or the public on the Council’s social media pages or other Councilmembers’ social media pages. Councilmembers may “like” or “share” content that comes from the Council’s social media pages. However, Councilmembers shall not “like” or “share” content from other Councilmembers’ social media pages if that content relates to actual or possible business before the Council. Legislative staff members may communicate and interact on social media and content sharing pages if they are acting in their personal capacities and not representing an elected official.

Statement of Purpose

The purpose of the Council’s and Councilmembers’ social media sites is to discuss matters of public interest in and to the City, as identified and raised by the City and Councilmembers for discussion. The Council and Councilmembers encourage the public to submit comments that are on topic, but Users are asked to address their comments to the specific topics discussed and observe the conduct guidelines included in this Policy. The Council’s and Councilmembers’ social media pages are forums limited to the specific topics identified and raised by the City and Councilmembers. Users who submit comments to these sites agree to the terms and conditions of this Policy by virtue of such use.

¹ This Policy applies to all social media sites in which a Councilmember discusses City business. *See Garnier v. O’Connor-Ratcliff*, 41 F.4th 1158 (9th Cir. 2022), *cert. granted*, 143 S. Ct. 1779 (2023). This Policy does not apply to social media sites in which individual Councilmembers, in their individual capacities, discuss matters unrelated to City business.

Content on Social Media Platforms

Users should expect to see posts discussing topics such as:

- Press releases and announcements relating to Council activity;
- Photography and videography of Council events, meetings, ceremonies, special occasions and more;
- Live videos, which may include Council or Committee meetings, press conferences, or interviews with Councilmembers;
- Shared posts of news alerts from the City's executive or legislative agencies;
- Event and meeting notices;
- Updates on bills and resolutions after they have been adopted by the Council; and
- Information on how to submit testimony.

Standards of Conduct

The Council and the Councilmembers ask all commenters to be courteous and civil toward one another. The Council and Councilmembers will remove comments or conversation if content is unlawful or violates this Policy.

1. Limited Public Forum

The Council's and Councilmembers' social media accounts are created and maintained as limited public forums under caselaw pertaining to the First Amendment to the U.S Constitution. The Council and Councilmembers invite members of the public to view and provide comments or other engagement on our social media accounts in accordance with this Policy and all applicable laws.

2. Prohibited Content

The following classes of comments, and posts/comments containing the following, are prohibited on the Council's and Councilmembers' social media pages:

- Comments unrelated to the purpose and topical scope of the page;
- Obscenity;
- Child pornography;
- Incitement to imminent lawless action;
- Speech presenting a grave and imminent threat;
- Fighting words;
- True threats;
- Fraud;
- Defamation (libel/slander);
- Solicitations to commit, or speech integral to, criminal conduct;
- Copyrighted material (if posted without the copyright holder's consent);
- Solicitation, promotion, or endorsement of specific commercial services, products, or entities;

- Profanity and references to sex or excretory acts or functions, including abbreviations, slang terms, phonetic spellings, backwards or upside-down spellings, mirror images, spellings substituting numbers/spaces/dashes for letters, or foreign words/phrases depicting the same;
- Comments that refer or relate to individuals on the basis of race, color, creed, sexual orientation, national origin, ethnicity, religion, age, disability, or gender identity, except in the context of a policy proposal for the Council’s consideration, provided that commenters may self-identify using one or more of these categories;
- Comments that refer or relate to genocide or any group that promotes violence towards others based on race, color, creed, sexual orientation, national origin, ethnicity, religion, age, disability, or gender identity, except in the context of a policy proposal for the Council’s consideration;
- The promotion, endorsement, derogation, or disapproval of a political campaign or candidate, provided that commenters may discuss positions/actions taken or not taken by Councilmembers, the Mayor, the Prosecutor, or other elected officials in their roles as elected officials;
- Personally identifiable information or sensitive personal information that if released violates federal or state law;
- Information that directly interferes or compromises ongoing investigations, litigation, public safety tactics, or the safety of public safety officers;
- Confidential or exempt information in violation of federal or state law;
- Comments that contain a hyperlink to any website other than those controlled by the City. This will be done without regard to the viewpoint of the comment containing such a link or the content of the site to which the link redirects.
- Information that compromises the public safety or security of the public or security systems;
- Comments or links that contain spam or link to other websites or applications;
- Links to any site or content posted by automatic software programs such as "bots"; and
- Repetitive comments from the same User posted within a short period of time.

Posts that do not violate this Policy will be allowed, even if some might consider the posts to be offensive or insulting.

Hidden/Blocked Posts and Right to Appeal

The Council and Councilmembers may use filters provided by the social media platforms themselves and/or custom word/emoji blocks to hide or prohibit posts that fail to comply with this Policy or other applicable law. If the platforms have filters controllable by the Council or Councilmember (as the “owner” of the site), the Council and Councilmembers shall select the filter(s) that most closely match this Policy; the Council and Councilmembers shall also monitor any posts blocked by the platforms’ filters and reinstate any post that complies with this Policy. The Council and Councilmembers shall also manually remove posts that fail to comply with this Policy or other applicable law.

If you (a User of the City’s or Councilmembers’ social media) believe your post was improperly hidden or removed, please contact the Council at councilmedia@honolulu.gov (or,

for Councilmembers' pages, please contact the individual Councilmembers' offices). You do not need to identify yourself in your e-mail. In your e-mail, please provide the platform (*e.g.*, Facebook, YouTube, etc.), the post to which you were responding, and the entirety of your proposed post. The Council and Councilmembers understand that, when it comes to posts on social media, time is of the essence. If your post complies with this Policy, the City and Councilmembers will act expeditiously to reinstate the post and will adjust any filters, to the extent possible, to not exclude such content in the future.

Disclaimers

Any comment posted by members of the public on the City's or Councilmembers' social media or content sharing pages is the opinion of the poster only. Publication of a comment does not imply endorsement by the City or the Councilmember, nor do such comments necessarily reflect the opinions or policies of the City or the Councilmember. Please be advised that comments may contain content that some may deem offensive.

All communications with the Council and Councilmembers are subject to Hawai'i's open records law.

Comments made on the Council's and Councilmembers' social media pages do not constitute a legal or official notice or comment to the City & County of Honolulu, and will not be regarded as a request for service or testimony. Nothing contained on the City's or Councilmembers' social media pages shall constitute legal advice.

The City, the Council, and Councilmembers do not guarantee that social media comments are monitored regularly, and therefore, Users should not use this account to contact or provide notice to the City about dangerous conditions on public property or other dangerous situations. If a dangerous condition or situation exists, please call 9-1-1 and/or contact the Honolulu Police Department, Honolulu Fire Department, Board of Water Supply, or other relevant City Department.

The Council and Councilmembers may post references or links to websites not owned or controlled by the City, the Council, or Councilmembers. The City, the Council, and the Councilmembers are not responsible for content that appears on these websites and provide these links as a convenience only.

Following Back and Tagging

The Council and Councilmembers appreciate and recognize those in the community who choose to follow them on social media.

The Council and Councilmembers may follow or follow back various social media accounts; however, any such following does not constitute an endorsement of any referenced individuals, businesses, products, or organizations found on its social media pages.

While anyone may tag the Council or Councilmembers in a social media post, tags that are unrelated to the purpose and topical scope of the page may be removed from the Council's or Councilmembers' social media sites.

Copyright Policy

Information and materials produced by the Council and posted on these pages are City property. The Council retains the copyrights to all text, graphic images, videography, photography and other content produced by the Council.

Unless otherwise stated, a User may, without obligation to the Council, view, copy, link to, or distribute information found here if for non-commercial use. The Council makes no warranty that information on this web page is free of copyright claims or other restrictions on free use. Commercial use is prohibited.

Definitions

“Comments” and “posts” include any digital content, information, links, images, videos, or any other form of communicative content posted in reply or response to a social media account operated by the Council or a Councilmember.

“Social media” means digital content created by us and communicated on platforms that allow sharing, commenting, and engagement from the public. Examples of social media platforms include Facebook, Twitter, Instagram, YouTube, Nextdoor and LinkedIn.

“User” means a member of the public who views or interacts with one or more of our social media accounts.

Construction and Severability

This Policy shall be interpreted and applied only to the extent permitted by law. If any provision of this Policy, or the application thereof to any person or circumstances, is held invalid, the remainder of the Policy, or the application of the provision to other persons or circumstances, shall not be affected thereby.

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For more information about CCLHNL on social media, please contact Council Support Services at councilmedia@honolulu.gov. Revised October 2023.