

**Senate Finance & Public Administration Committee:
Answers to written Questions on Notice Budget Estimates 2012
Parliamentary Departments Portfolio**

Department/Agency: Department of the Senate
Topic: Social Media

Senator: Senator Ryan
Question reference number: 20
Type of Question: Written

Question

Has there been any changes to department and agency social media or protocols about staff access and usage of YouTube; online social media, such as Facebook, MySpace and Twitter; and access to online discussions forums and blogs since publication of the Australian Public Service Commission's Circular 2012/1: Revisions to the Commission's guidance on making public comment and participating online? If yes, please explain and provide copies of any advice that has been issue. If no, please explain why not.

Answer

As noted in response to this same question in February 2012, the department is not part of the Australian Public Service but uses the Australian Public Service Commission's circulars and advices as guidance materials when appropriate or as directed.

The department has had a Policy on Making Public Comment since November 2003. In December 2010, the policy was updated to include information about online communication including the use of social media for work purposes and highlights the risks associated with employees making comments online in a personal capacity on public issues.

Use of online communication tools on the Parliamentary Computer Network (PCN) is also described by the department's Policy of the Use of Departmental Resources.

The policies are attached as previously provided.



DEPARTMENT OF THE SENATE



POLICY

PUBLIC COMMENT BY EMPLOYEES

December 2010

1. Introduction

This policy provides guidance to employees who:

- are authorised to make public comment in relation to the Senate, its committees and on departmental matters; or
- make comments as citizens in a private capacity away from the workplace, which, directly or indirectly, identifies the Department of the Senate (the department) as their employer.

2. Definition

A 'public comment' is broadly defined to include, but is not limited to, public speaking engagements, press interviews, comments on radio and television, letters to the media, books or articles or material posted online. It is generally an opinion or expression purporting to reflect a departmental position.

Relaying general or factual information about the Senate and its committees, or the department is not considered to be public comment and is authorised to the necessary extent of employees' duties. Examples of this would include answering inquiries about the work of the Senate or a committee, or making seminar presentations.

3. Legislative framework

When making public comment the requirements of the Parliamentary Service Values and the Parliamentary Service Code of Conduct, as set out in the *Parliamentary Service Act 1999* (the Act) apply. The Code of Conduct requires all employees to:

- behave honestly and with integrity;
- act with care and diligence;
- behave with respect and courtesy and without harassment;
- comply with all applicable Australian laws;
- protect confidentiality;
- make proper use of Commonwealth resources;
- not provide false or misleading information;
- not make improper use of information or one's position, power or authority; and
- uphold the Parliamentary Service Values and the integrity and good reputation of the Parliamentary Service.

4. Policy

Only authorised employees can make public comment in relation to the Senate and its committees and on departmental matters. Generally, this will be done by the Clerk, the Deputy Clerk or the Usher of the Black Rod.

Employees who are authorised to make public comment must:

- express accurate, clear and timely information;
- be impartial on public policy issues, or not identify with one political party or another;
- comment on matters only within their expertise;
- disclose their positions and status and the fact that they are authorised to communicate an official viewpoint;
- communicate in a professional, courteous and constructive manner;
- ensure that communication is consistent with information and advice being provided by the department through other media and forums; and

- ensure Parliamentary Privilege, intellectual property, copyright and privacy issues have been taken into account.

5. *Unauthorised or inappropriate public comment*

As citizens, an employee is entitled to comment in a personal capacity on public issues, including through contributing to online discussions and debates. You should remember, however that:

- Commonwealth resources must be used in a proper manner. You must not use the department's internet or email system for purposes other than those outlined in the department's Policy on Use of Departmental Resources;
- you must avoid making any comment that might be interpreted as an official statement on behalf of the department; or
- you should avoid making any comment that might compromise perceptions of your ability to do your job (or other employees' abilities to do their jobs) in an impartial and professional manner.

You should also be careful about posting comments or material (including audio and images) that might bring the Parliamentary Service into disrepute or that could cause damage to the integrity and good reputation of the department, its employees, or clients or to senators' opinions of the department.

Unauthorised or inappropriate public comments made by employees may be dealt with in accordance with the Procedures for Determining Suspected Breaches of the Parliamentary Service Code of Conduct.

In producing or publishing multimedia materials, employees must also comply with the Guidelines for filming and photography and general media rules in Parliament House and its precincts which places restrictions on the taking of photographs and filming in certain areas within Parliament House and its precincts.

6. *Recordkeeping*

Making public comment may create a Commonwealth record that you may need to manage in accordance with the *Archives Act 1983* and the department's Policy on Records Management.

7. *Further information*

For further information, contact the Deputy Clerk on extension 3360, Usher of the Black Rod on extension 3398 or the Director, Human Resource Management on extension 5757.



DEPARTMENT OF THE SENATE



POLICY

USE OF DEPARTMENTAL RESOURCES

October 2011

1. Introduction

The *Financial Management and Accountability Act 1997* (FMA Act) places an obligation on the Clerk to promote the proper use of Commonwealth resources. Proper use is defined as lawful, efficient, effective and ethical use.

The *Parliamentary Service Act 1999* (PS Act) also requires that Parliamentary Service employees must use the resources of the Commonwealth in a proper manner. There are sanctions which can be imposed if an employee has been found to have not used resources appropriately.

The Clerk recognises that employees sometimes have competing demands with respect to their work and personal time. As such, some flexibility is provided by allowing employees to use departmental resources on a limited basis to conduct personal (non-work) business which they cannot do outside working hours on non-departmental resources.

The use of departmental resources must comply with all relevant Australian laws and must uphold the Code of Conduct and Values and the integrity and good reputation of the department.

2. Purpose

This policy describes the conditions under which departmental resources may be used, and aims to promote proper use of such resources; and to prevent inappropriate or excessive personal (non-work) use.

To this end, the aim is to identify the principles behind the permitted use of departmental resources to make users aware of:

- accountability requirements relating to the use of departmental resources; and
- what constitutes proper and improper use.

3. Definition of “departmental resources”

A departmental resource is any resource which is the property of the Commonwealth.

Departmental resources include, but are not limited to:

- information communication technology (ICT) infrastructure, hardware and software such as computers, parliamentary computer network including access through it to the internet and e-mail; and
- office equipment/services such as telephones, mobile telephones, faxes, library services, photocopiers, printers, stationery, furniture, voice messaging equipment, mail and freight services.

4. Scope

This policy applies to all departmental employees. It may also apply to employees of another department or agency and contractors and consultants, while they are using departmental resources and as specified in contracts.

5. Principles for the use of departmental resources

Departmental resources are provided for the conduct of departmental business and generally should not be used for other purposes and are treated as the property of the Commonwealth.

Use of departmental resources for personal (non-work) related purposes is a privilege, not a right, and must be minimal. Users of departmental resources may be held personally

accountable under the Parliamentary Service Code of Conduct or criminal law, or both, for any alleged misuse.

6. Use of departmental resources for personal (non-work) purposes

Departmental resources may be used for occasional personal (non-work) use, where the duration of that use is minimal, is generally carried out outside standard hours, as defined by the Department of the Senate Enterprise Agreement (e.g. during lunch break or before or after work), and incurs minimal to no cost to the department. Any use must be appropriate and lawful and must not interfere with the conduct of departmental business, impact on other employees carrying out their duties, the security of the department or cause embarrassment to the department, its employees, clients or senators.

Employees must have no expectation of privacy in relation to their use of any departmental resources. The use of departmental resources may be monitored and both use and content are subject to scrutiny, and may be used as evidence if required.

As a general guide in making a judgement about personal usage of departmental resources, the following should be considered:

- is such usage unlawful?
- does such usage result in unreasonable costs to the department?
- does such usage interfere with one's, or other's, work obligations?
- could such usage cause damage to the integrity and good reputation of the department, its employees', clients' or senators' opinion of the department?

Examples of personal (non-work) use which may be acceptable include:

- a brief local telephone call (e.g. to check on childcare arrangements);
- use of the photocopier (e.g. to copy a medical claim form);
- use of a computer and the internet (e.g. to carry out a personal financial transaction, such as banking, checking pay amounts or paying a bill);
- use of a work station, computer and internet to carry out approved study (e.g. write an essay or prepare for an exam);
- applying for a job (e.g. writing an application for a position during lunch time or before or after work); and
- undertaking some limited, online research for a holiday (e.g. looking at itineraries or booking accommodation and travel).

Any user who has doubts about what is appropriate use of departmental resources should seek clarification from a manager or supervisor before using the resource.

A specific policy on the use of mobile telephones and other hand held communication devices (e.g. Blackberries and mobile telephones) is on SENNET.

7. Improper use of departmental resources

As a general guide, improper use of department resources may include, but it not limited to, usage that:

- is unlawful;
- results in unreasonable costs to the department;
- interferes with one's, or other's, work obligations;
- damages to the integrity and good reputation of the department, its employees', clients' or senators' opinion of the department; or
- does not comply with the Parliamentary Service Code of Conduct.

As a guide, examples of improper use of departmental resources may include, but is not limited to:

- using departmental resources to run a business or participate in the selling of goods (e.g. emailing other staff about party plan activities or selling products via email);
- accessing pornography or sexually explicit material through the internet or forwarding such material to others via email;
- releasing material that has been collected for Parliamentary purposes (such as through committee inquiries) which has not been authorised for publication; and
- breaching copyright (e.g. photocopying books or large documents for personal use).

Specific examples of improper use of department Information and Communication Technology (ICT) resources and devices may include, but is not limited to:

- accessing, downloading, transferring or printing files (including text, video, executable, or graphics files) that exceed the bounds of generally accepted standards of good taste and conduct e.g. offensive, humiliating, pornographic or vulgar material;
- streaming music, videos, television, online games or radio for entertainment purposes (because of the excessive cost and effect on the network);
- excessive or inappropriate use of social networking websites (e.g. Facebook, YouTube; MySpace, Twitter, etc);
- harming or attempt to harm data or system files being used by or owned by any other internet user;
- involvement in any illegal activity, unacceptable behaviour or activities that bring discredit to the department in any way including making any defamatory¹, threatening or obscene comment;
- involvement in any unauthorised disclosure of official information;
- operating a private business or engaging in any personal, for-profit activity, including but not limited to offering services or merchandise for sale;
- participation in on-line gambling;
- spreading gossip or rumours including via SMS;
- using premium SMS or voice services (e.g. pay per minute services);
- making public comment on social or political issues;
- involvement in any activity that would compromise the security of any host computer owned or service provider by, or operated on behalf of, the department or the Commonwealth;
- interfering with the operation of the department's computing systems;
- representing themselves anonymously or as someone else, whether real or fictional, when sending mail or posting information to an internet site;
- making illegal copies of protected material (e.g. material covered by copyright²), or making such material available without appropriate attribution; copyright can be breached by actions as simple as downloading an image or sound from the internet;
- copying, disclosing, transferring, examining, renaming, changing or deleting information or programs belonging to another authorised user without express permission of the department;
- making use of the facility for activities such as party political lobbying;
- intentionally annoying or harassing another user, sending unwarranted mail interfering with another user's work; and

¹ Defamation occurs when a statement or publication injures the reputation of another person.

² Copyright exists under the *Copyright Act 1968* and protects literary, musical, dramatic, and artistic works. The owner of the copyright has the exclusive right to copy, publish, perform, broadcast or sell the copyright material.

- undertaking any activity which is in breach of the Parliamentary Service Code of Conduct.

The improper use of departmental resources may have many adverse effects including:

- loss of productivity;
- damaged reputation of the department, its employees', clients' and senators' opinions of the department and the Australian Parliament;
- civil and/or criminal liability;
- legal liability of department;
- exposure of others to pornography, racist propaganda or other offensive material that could lead to discrimination or harassment claims;
- victimisation/abuse/defamation/slander of others;
- interference with network/server;
- overload/possible failure of equipment;
- disruption to workflow and inconvenience to other users; and
- threats to security of records.

8. Suspected breaches of the Parliamentary Service Code of Conduct

Where a suspected misuse is reported, the Clerk, or his/her delegate will determine whether or not further investigation should occur. If there is sufficient evidence, an investigation will be undertaken in accordance with the department's *Procedures for Determining Suspected Breaches of the Parliamentary Service Code of Conduct*, to determine whether there has been a breach of the Parliamentary Service Code of Conduct.

9. Actions arising from improper use

The department may take other steps, as considered necessary, to protect ICT systems and the reputation of the Parliamentary Service. This may include, but is not limited to, restrictions on access to and usage of departmental ICT systems.

Improper use of departmental resources may also result in a sanction, or a combination of sanctions, being imposed and/or referral of the matter to the Australian Federal Police.

10. Rights of review

Under section 33 of the PS Act, non-SES employees are entitled to request a review of the decision.

11. Further information

For further information contact the Director, Human Resource Management on extension 5757, the Assistant Director, IT & Web Publishing on extension 3047 or the Assistant Director, Senators' Services on extension 3866.

The Parliamentary Service Act, which contains the Values, Code of Conduct, and rights of review, is located on the following website:

http://www.aph.gov.au/departments/parl_serv_leg.htm.