

What Constitutes a Social Media Public Record?



Social media is considered a public record in every state. These networks have become a critical resource for public agencies to communicate with their constituents and can facilitate one-to-one and many-to-many engagements at an unprecedented scale. To remain compliant with public records laws, agencies must maintain accurate record-keeping of these engagements, including the meta-data, comments (even if edited, hidden, or deleted), and original content exactly as it happened, which can cost thousands a year and endless hours. But what exactly counts as a public record on social media? Check out the examples below for an easy reference of what constitutes a social media public record and what doesn't.

Yes, considered a public record.

The following examples constitute a social media public record.

DOES: A municipality posts a notice of an upcoming council meeting.

Note: The social media notice could be a 'copy' of the original posted elsewhere first. A municipality still may want a record of that 'copy' if they have a requirement to post notices in multiple areas. Also, if a citizen comments on that notice, even if the social media post is a copy of a record elsewhere, they now have a unique interaction that didn't occur anywhere else and would need to retain that new correspondence.

DOES: An agency posts a link to proposed regulatory changes.

Note: The social media post could be a 'copy' of the original posted elsewhere first. For example, if it's a tweet and someone replies to it, they would generate unique records.

DOES: A government employee uses Facebook (Meta), Instagram, or Twitter messages to discuss public business with a citizen, co-worker, or potential contractor.

Note: This is true regardless of whether it happens on a public or private account.

DOES: A school makes a post about a bus route change.

Note: This type of post could be considered a 'Public Relations Record,' which requires retention. Also, these types of posts would likely generate comments. 'Complaints' are often found in retention schedules. For example, 'complaints' in Texas need to be kept for two years.

DOES: A post made on a personal page that pertains to public business (including retweets and reposts).

Note: If a public employee engages in unique dialogue or creates unique postings about agency-related matters on their personal page, it is considered a public record. But if they are just sharing or retweeting what their agency posted, that is not a new record. However, the problem arises if dialogue starts to happen under that shared post or retweet.

DOES: A citizen makes a public records request on a public entity's social media page

Note: A public records request itself is considered a record that requires retention. In some states, agencies must accept records requests made via social media, and in that case, these requests would be records. If the state does not allow requests made via social media, this request may fall under another type of communication for retention purposes, or it may not.

No, not considered a public record.

The following examples do not constitute a social media public record.

DOES NOT: A personal message that does not pertain to public business.

DOES NOT: A post that is purely personal in nature (not concerning public business in any way) and made on a personal page that does not relate to public business.

DOES NOT: A political post that is made on a personal page announcing a person's intent to seek election or reelection to public office.

Note: If this post were made on a public page by a public official, it would count as a public record. A good rule of thumb is to ensure any existing elected officials that use social media to communicate agency business are doing so on a public page and are archiving.

DOES NOT: A private individual posts spam (such as unsolicited advertisements for a private business) on a public social media page.

Note: While this is not a public record, an agency may still want a record if such a communication violated their social media policy and they had to take action (such as deleting the comment).

Source: "The Virginia Freedom of Information Act & Social Media," Virginia Freedom of Information Advisory Council, 2019



You can receive public records requests for countless reasons - not just the ones we explored here. Public agencies across the nation are finding peace of mind with automated social media records retention. ArchiveSocial connects directly to your social networks to capture and preserve all content your organization posts and engages with in-context and near-real-time. If you're unsure if you'll be able to reply to a public records requests, reach out for a free demo to see how a dedicated archiving solution can keep your agency safe.

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