

Stockton-on-Tees Councillors Web Pages

Acceptable Use Policy

This Acceptable Use Policy defines the purposes for which the councillor cannot use their web pages. In summary these are:

- the introduction of content that may result in actions for defamation or other claims for damages
- processing personal data other than for the purpose stated at the time of capture
- the promotion of any political group, party or campaigning organisation
- the promotion of personal financial interests or commercial ventures
- personal campaigns
- using the web pages in an abusive or hateful manner
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Further details are given below.

Defamation

Defamation which is a form of libel, is the publication of a statement which exposes a person to hatred, ridicule or contempt, or which causes him to be shunned or avoided, or which has a tendency to injure him in his office, trade or profession in the estimation of right-thinking members of society generally. The statement must be published to a third person and refer to the defamed individual.

Elected Members may not use their Councillor Web Pages to publish defamatory statements or material. Anyone who believes that they have been defamed by a Councillor will be able to take legal action directly against the Councillor concerned. The relevant legislation is the Defamation Act 1996 and the full text can be found at:

http://www.opsi.gov.uk/acts/acts1996/ukpga_19960031_en_1

A Councillor is only permitted to publish information in the context of the councillor's official role in respect of matters of general public interest.

Elected Members will be provided with the tools and assistance to edit their own web pages but the Local Authority is however responsible for approving content put on to the pages. For the avoidance of any doubt, the Council does not authorise or in any way sanction the publication of statements which might be construed as defamatory.

Data Protection

In managing their web pages, Councillors may receive comments, enquiries or complaints from members of the public. Visitors to the pages may register to receive occasional mailings. Councillors may refer to (or publish) material that is based upon information drawn from the Local Authority or obtained from external sources. All such information, particularly if it contains personal data, should be treated with care and respect for relevant data protection law.

Anyone processing personal data must comply with the eight enforceable principles of good practice. They say that data must be:

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate;
- not kept longer than necessary;
- processed in accordance with the data subject's rights;
- secure;
- not transferred to countries without adequate protection.

Personal data covers both facts and opinions about the individual. It also includes information regarding the intentions of the data controller towards the individual. The definition of processing incorporates the concepts of 'obtaining', holding' and 'disclosing'.

Further details about these eight principles can be found at:

http://www.ico.gov.uk/what_we_cover/data_protection/the_basics.aspx

Also please see the Authority's Privacy Policy which is available via the Privacy button at the bottom of every Web Page.

The Data Protection Act applies, and the full text of the 1998 Act can be found at:

http://www.opsi.gov.uk/acts/acts1998/ukpga_19980029_en_1

The Councillor confirms that he or she has read the Authority's guidance and/or the council's own policy and code on data protection and accepts the provisions of it.

Political Publicity

Because all Councillors Web Pages are funded by the Local Authority, Elected Members may not use their web pages to promote political campaigns and advocate political stances on issues. They may not use their web pages to promote a political group, party or persons identified with a political party. They may not use it to promote or oppose a view on a question of political controversy which is identifiable as the view of one political party as opposed to another.

Section 4 of the 1986 Local Government Act enabled the Secretary of State to issue a Code of Practice on Local Authority publicity. The original Code was amended in 2001. The Code was made more flexible in relation to publicity about individual councillors and the relevant paragraphs are:

"Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example a member of the Executive or Chair of Overview and Scrutiny Committee) and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the council. All such publicity should be objective and explanatory and whilst it may acknowledge the part played by individual councillors as holders of particular positions in the council, personalisation of issues or personal image-making should be avoided.

Publicity should not be, or be liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to her/his position and responsibilities within the council, and to put forward his/her justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party, or directly attacking policies and opinions of other parties, groups or individuals”.

Elected Members may however use the ‘My Politics’ section of their web pages to link to external websites of a political nature.

Representation of the People Act Restrictions

During election times (from the ‘notice of an election’ to the election itself), Councillors’ web pages will be suspended. Visitors will still, however, be able to contact Elected Members through the Stockton-on-Tees Borough Council website.

Other Statutory Issues

Care should be taken to ensure compliance with Local Government legislation and the Local Authority’s policies on the following issues

- The particular legislative requirements relating to discrimination/incitement to racial hatred etc. (Anti-Terrorism, Crime And Security Act 2001 & Race Relations (Amendment) Act 2000)
- Publication of obscene material (Obscene Publications Act 1959, Protection of Children Act 1978, Criminal Justice Act 1988)
- The restriction on the promotion of homosexuality (Contravention of Clause 28 of the 1988 Local Government Act)

The text of all relevant legislation can be found at:

<http://www.opsi.gov.uk/acts.htm>

Elected Members Code of Conduct

Stockton-on-Tees Borough Council has specific provisions that govern the conduct of elected members as elected representatives. The Councillors Web Pages should not be used to breach these rules or any local protocols. The Members Code of Conduct can be accessed at

<http://www.stockton.gov.uk/resources/council/stanprob/membcodeconduct/910386.doc>

On a general level

- The web pages must not be used in a way that will bring Elected Members or their Local Authority into disrepute
- The web pages must promote equality by not discriminating unlawfully against any person, treating others with respect and not doing anything which compromises the impartiality of those who work for or on behalf of the authority.
- Elected Members must treat Local Government Officer’s recommendations or known views impartially
- Elected Members must not disclose information given to them in confidence or information acquired, which they believe, is of a confidential nature without the consent of a person authorised to give it. The confidential information

protocol can be accessed at

http://www.stockton.gov.uk/resources/council/stanprob/membcodeconduct/co_nfinfoprot.doc

- Elected members must not use their web pages to disclose information which the council has considered in exempt session, or which they are on notice is confidential for any other reason.
- Elected Members must not use their web pages to secure personal advantage for themselves or others (for instance, by advertising a commercial service or by using the pages to encourage the Local Authority to purchase a particular item or service)

Tainting of Decision Making through Biased/Closed Minds

Councillors who are in positions of determining quasi-judicial processes, particularly planning and licensing applications, or determining the outcome of consultation exercises must exercise care to keep an open mind on issues on which they may be required to make decisions.

The use of a Councillor's web pages to set out a clear position on a particular issue could well provide evidence of bias based on a particular personal interest or view, or a closed mind. This would demonstrate the artificiality of the councillor then purporting to consider openly all issues in the determination of that matter at a later council meeting. Please refer to the Standards Board for England's Occasional Paper – "Predisposition, Predetermination or Bias and the Code" which is available on the Standards Board Website at www.standardsboard.gov.uk

To have regard to all relevant advice when reaching decisions and to give reasons for decisions.

Elected Members must give an accurate and even-handed account of discussions or processes that lead to decisions being taken. For example, they must not give a one-sided account of the reasons for a planning application being refused.

External Links

Where external links to personal blogs, web pages or political web sites exist these sites must comply with the Council's policies on Defamation, Data Protection and the Elected members Code of Conduct. External links may be removed without notice at the Council's discretion.

The disclaimer below applies to all external blogs or web pages.

"Please note that the above website is external and may include material of a political nature. Stockton-on-Tees Borough Council takes no responsibility for information contained on this website. Views expressed by individual Councillors on their own websites are not necessarily those of the Council itself."

External links to recognised organisations may also be made but the disclaimer below will apply.

"Stockton-on-Tees Borough Council is not responsible for the content or availability of external internet sites that are accessible through stockton.gov.uk. Any links to third party websites from stockton.gov.uk do not amount to any endorsement of that site by Stockton-on-Tees Borough Council and any use of that site by you is at your own risk"

The Council reserves the right to remove any links from its web site without notice being given to the Elected Member.