



Social Media as State Public Records



A Collection Practices Scan

Introduction

Social media is a well-integrated part of modern life. Facebook, Twitter, Instagram and other social media are where people go to get and share significant and timely information - including government information. State government shares policy and advisory information via government run social media accounts. The information conveyed by state agencies through social media is significant to government operations and documents state government actions and activities. For example, social media communications have been used in court cases, to announce significant policy changes, and to calm the public in times of uncertainty. Public policy unveiled on Facebook, Twitter, and Instagram offers insights into government decisions and practices.

Content from social media accounts must be preserved if it is a permanent public record. Public records in social media that should be captured and preserved may include evidence of an administration's policies, activities or mission only available on the social media site. Capture of social media also documents the evolving ways government communicates with the public. Preserved social media records should include content, context and structure along with associated metadata (e.g., author, date of creation). Government obligations to the public require social media to be handled carefully. It isn't enough to develop a Social Media Policy; plans must be made for the appropriate transfer, management, and preservation of state electronic records that originate on social media platforms.

To clarify current state archives collection practices of state electronic records on social media platforms, CoSA launched a survey. This survey provides a window into how state, territory, and the District of Columbia archives organize, retain, collect, and manage state government social media records.

Collection of Social Media Records

Across the 56 states, territories, and the District of Columbia, state electronic records are created and located on social media platforms. Regardless of format (physical or electronic) or platform (social media or other publication), archives collect and maintain state records based on the content of that record having value as a public record. Some states have specific laws and statutes that cover the creation and identification of state electronic records on social media. Most states have laws and statutes that determine if a record is of long-term public interest based on the content contained in the record. Likewise, most states, territories, and the District of Columbia have determined that content contained on social media platforms determines whether or not the content should be a public record. Figure 1 shows 80% of respondents to the survey reported that the content of a social media post was what would determine if it was a public record or not. States statutes and laws are largely in agreement that public records are determined by the content and context rather than the medium. Most state laws and statutes define records in a way that would include government created social media. For example, the Kentucky Public Records Act (KRS 171.420-171.740) defines public records as, "...documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency." In states where the content contained within the social media record determines if it should be collected, there are states that determine the retention schedule or records scheduling based on the content type that the social media message contains.

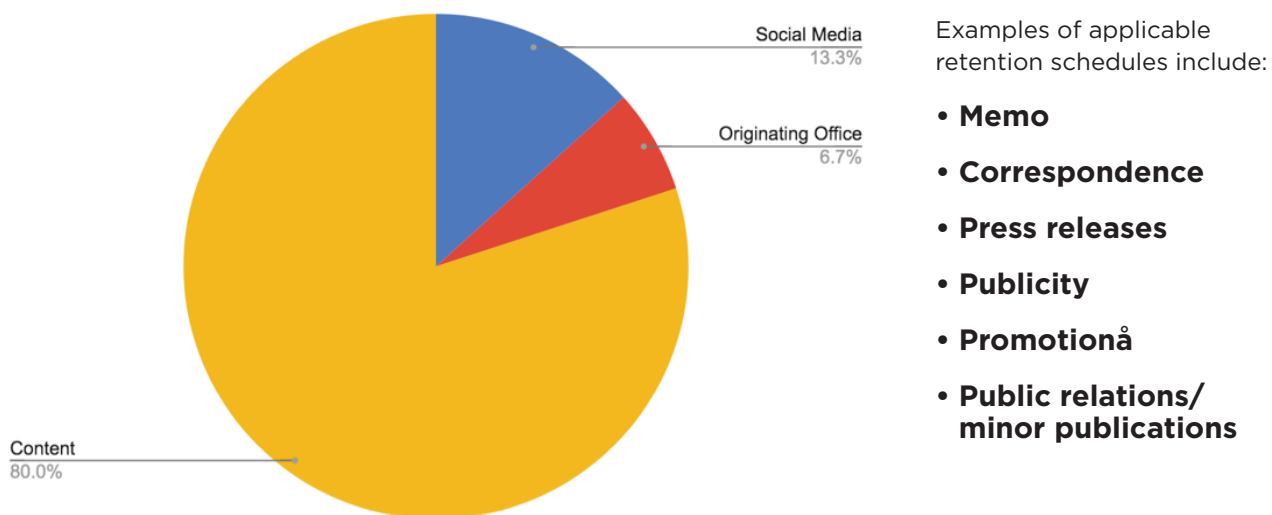


Figure 1

Some states have determined that the retention schedule or records scheduling of social media content should be based on the originating office, that is to say the specific agency and office within that agency, creating the record. States reporting this practice identify electronic state records in social media that should be collected and maintained by the office of the creator. They do not generally collect social media content from other offices. Some states that have created specific policies for social media records classify these public records as their own collection category.

Various tools and techniques are used by states, territories, and the District of Columbia to collect state electronic records from social media accounts. While all states agree that social media content has value as a public record, there are still a number of states that do not have collection mechanisms in place for permanent social media archives. These states are collecting on a more ad hoc basis or not actively collecting at all. In those cases, survey responses about what tools were being used were not applicable.

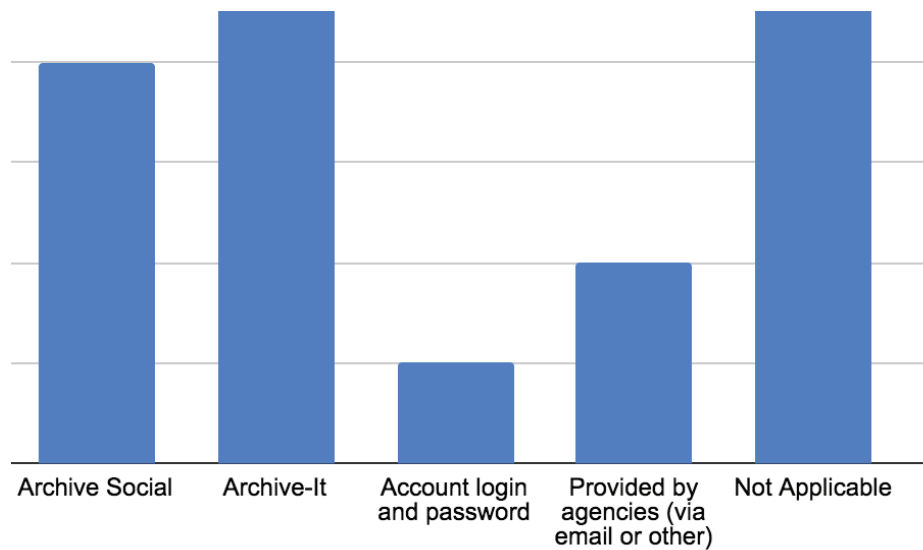


Image 2. Tools used to collect social media public records

For archives with more structured social media guidelines, there is a range of recommendations and guidelines. Some states prefer to download content using the social media platform's download options. In states with this policy, the originating office is providing the archives the account login and password. These are then used to download the content onto archives servers and organized for preservation and access. Some states are requesting that agencies using social media transfer these records to the state archives as they would any other state record, electronic or paper. In these cases, it is the responsibility of the agency to identify the state electronic record of value in social media content and properly transfer it according to the state laws and statutes. In addition, many states collect social media records themselves using ArchiveIt, an Internet Archive tool, or ArchiveSocial, a social media archiving service. These tools and services aid the archives in selecting and preserving the electronic records content that they deem to be of value to the public.

Collection of social media content is complex. It isn't a clear cut equation of state archives capture vs. agency transfer. Frequently both are happening in the same state. This hybrid approach, no doubt, allows for the most comprehensive collection building. It also requires excellent communication, review, and evaluation of transferred content.

The survey revealed an even divide between state archives that collect social media public records via web capture and those that collect social media public records via screen shot. A screen shot provides a static, moment-in-time image of the social media public record at the point of capture.

States are capturing a wide variety of social media platforms. YouTube, Twitter, and Facebook are the most commonly collected in state archives. However there is significant interest in a wide variety of other social media platforms and content. While Facebook is among the most widely collected for public records, it is also one of the platforms that archives identified as challenging to archive. LinkedIn was also identified as a problematic social media platform to archive. The archival scope has to be tightly limited and closely reviewed to determine if the content is being captured correctly, requiring a high degree of human involvement. In addition, web capture of Facebook via the tools and services that are widely employed by archives has limitations that decrease the value of the captured content from a public records perspective. For example, content captured from Facebook is somewhat static. The content is the image that the tool captured at the time of collection. The preserved file doesn't include all the interactive aspects of the platform, such as:

- **Expand comments sections of posts in order to see more comments or replies**
- **Expand posts when clicked**
- **Identify which users "liked" a post**
- **Scroll fully though a post and it's comments.**

As a result, even some state archives that have collected Facebook and LinkedIn content in the past have discontinued those collection efforts – and some states that are currently collecting content from these platforms are also considering ending that effort.

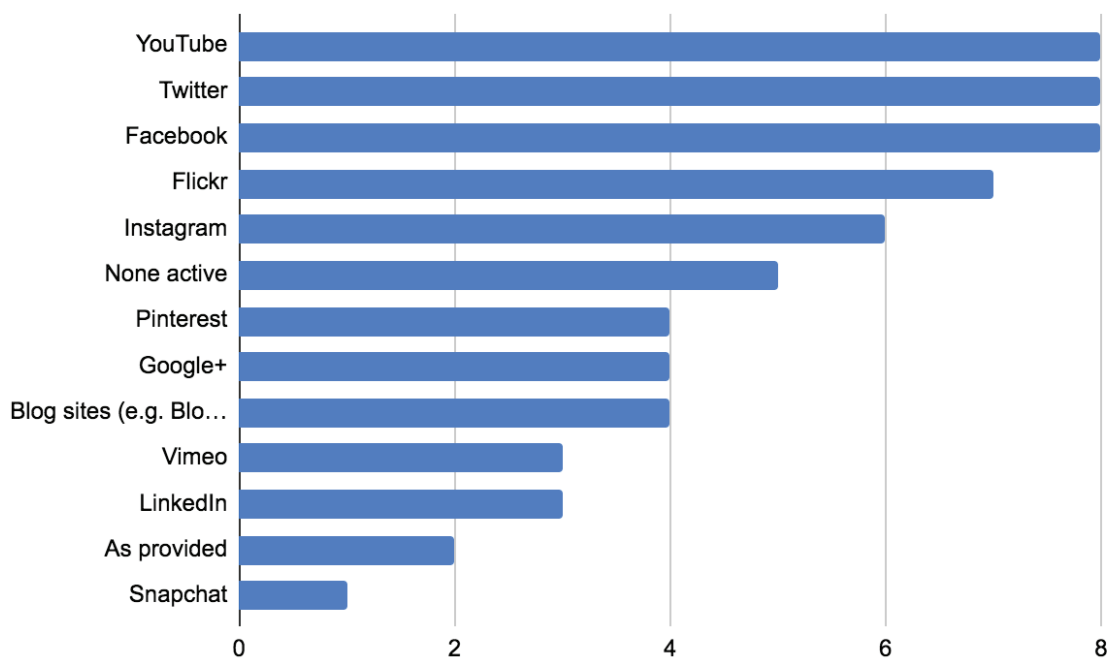


Image 3. Social Media Platforms Collected by Archives

There is a strong consensus that state government content on social media platforms is of high value to the public. State archives are working to collect, preserve, and provide access to this content in accordance with their responsibility to the public. There are opportunities for archives to learn from one another's work in this area and develop or refine policies based on the ones created by other states attempting the same work. Tool and service providers exist and can be engaged in meaningful ways. There is a strong opportunity to engage with social media platforms to communicate archival needs and best practices and increase the ability for agencies, archives, and tool/service providers to support public records collection from social media platforms in more robust and useful ways.

State Archives Social Media Policies

For more information, review the social media policies published by state archives:

Wyoming

<https://wyoarchives.wyo.gov/index.php/web-collections>

Oregon

<http://records.sos.state.or.us/ORSOSWebDrawer/Recordpdf/6921743>

Kentucky

<https://kdla.ky.gov/records/documents/KYSocialMediaGuidelines.pdf>

North Carolina

<https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines#website-and-social-media-archiving>

Contact the following state archives for their policies:

Illinois

https://www.ilsos.gov/ContactFormsWeb/isa_contact.jsp

Utah

<https://archives.utah.gov/staffdirectory.html>

New York

<http://www.archives.nysed.gov/directories/index.shtml>

About CoSA

Formed in 2002, the Council of State Archivists (CoSA) is a national nonprofit using collaborative research, education, and advocacy to provide leadership that strengthens and supports state and territorial archives in their work to preserve and provide access to government records. Its members comprise the state archivists in the 50 state, 5 territorial and District of Columbia archives. These individuals oversee agencies that hold a legal mandate to document government and protect the rights and history of the American people across our country.

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