



Delaware Judicial Branch Social Media Policy – Employee Personal and Professional Use

1. PURPOSE

Social media and its various platforms allow individuals to easily communicate and express themselves in unique ways. There is no true privacy when using social media, however, as anything published may be circulated well beyond its original intended audience and continue to be “live” even after it has been deleted. The public nature of social media and its many platforms creates problems and risks for governmental employers and public employees.

The purpose of the *Judicial Branch Social Media Policy* is not to restrict an individual Employee’s personal or professional use of social media, but to protect the Judicial Branch and its Employees against risks of potential harm and unintended liabilities. The Judicial Branch respects its Employees’ rights to use social media as a tool for self-expression and will not discriminate against Employees who choose to use social media. However, Employees are expected to comply with applicable Judicial Branch Codes of Conduct, which extend to their use of social media.

2. SCOPE

This policy applies to all Judicial Branch Employees’ personal and professional social media and online activity and covers all Employees as defined by the Judicial Branch Personnel Rules, including Judicial Officers, interns, externs, and volunteers.

Courts and Judicial Branch Agencies shall, at a minimum, comply with this policy, but may, with the approval of the Chief Justice, adopt more rigorous provisions that may apply to that Court or Judicial Branch Agency.

This policy is not intended to restrict communications or actions protected or required under State or Federal law.

3. DEFINITIONS

Codes of Conduct. The [Delaware Judges’ Code of Judicial Conduct](#), the [Delaware Code of Conduct for Law Clerks](#), the [Code of Conduct for Judicial Branch Employees](#), [Policy on Public Access to Judicial Records](#), the [Judicial Branch Authorized Use Policy for the Communications and Computer Systems](#), and DTI’s [Acceptable Use Policy](#), as amended from time to time.

Judicial Branch. Includes the Supreme Court; the Court of Chancery; the Superior Court; the Family Court; the Court of Common Pleas; the Justice of the Peace Court; the Administrative Office of the Courts, including the Judicial Information Center and the Office of State Court Collections Enforcement; the Arms of the Supreme Court; the Law Libraries; the Office of the Public Guardian; the Office of the Child Advocate; the Child Death Review Commission; and the Delaware Nursing Home Residents Quality Assurance Commission.

Social Media. Online accounts, services and platforms available over the Internet accessible by computer or mobile device that allow individuals to participate, network, collaborate or share information electronically. For example, sites including but not limited to, Facebook, Twitter, Instagram, Snapchat, LinkedIn, TikTok, and similar sites or platforms as developed over time.

Social Media Use. Activity on the internet and associated sites and platforms. For example, blogging; posting status updates; comments; tweets; posting photos or other graphics; posting videos or other multimedia materials; podcasting; webcasting; posting documents or links; sharing; or participating in any other way on social media sites including, but not limited to, Facebook, Twitter, Instagram, Snapchat, LinkedIn, TikTok, and similar platforms as developed over time.

4. TYPES OF SOCIAL MEDIA

4.1. Official Social Media. Judicial Branch owned and operated social media accounts authorized as part of an Employee's job duties. Official Social Media Use is covered in a separate policy applicable to those Employees authorized to represent the Judicial Branch in and on such forums.

4.2. Personal Social Media. Employee's Social Media account registered to an Employee's personal e-mail address or Social Media Use accessed during Employee's personal time; for the Employee's personal benefit and enjoyment; in the Employee's personal capacity; and representing themselves and **not** representing the Judicial Branch. When using personal social media, it should **not** appear to others that the Employee is speaking for the Judicial Branch.

4.3. Professional Social Media. An Employee's Social Media account registered to an Employee's personal e-mail address or State e-mail address that discloses the Employee's employer, job title and general job functions and that is principally used for personal professional development and career networking but may incidentally be used to post approved Judicial Branch information. An example of a Professional Social Media account would be an Employee's personal LinkedIn account used during the Employee's personal time to find new career opportunities. Professional Social Media Use refers to the use of Social Media during work hours for work related purposes. Examples of Professional Social Media Use include, but are not limited to: 1) an Employee watching a YouTube training video assigned by their supervisor during work hours and related to the essential function of the Employee's job; 2) an Employee using their Professional Social Media like LinkedIn to post during working hours a Judicial Branch job opening for circulation among the Employee's professional contacts; or 3) an Employee registered with a national state court organization for court professionals who is asked to contribute to the organization's blog on a topical subject.

5. PERSONAL SOCIAL MEDIA USE

5.1. Personal Social Media Use at Work. Employees should refrain from Personal Social Media Use during their work hours and maintain compliance with the applicable Codes of Conduct. Judicial Branch time and equipment are only to be used for conducting Judicial Branch business. There is no expectation of privacy when using Judicial Branch equipment.

5.2. Employee Identification. An Employee should not use their Judicial Branch position/title when using Personal Social Media unless that information is merely one of several basic biographical details pertinent to the platform, and the Employee's position/title is given no more prominence than other biographical details. Although Employees are not prohibited from identifying the Judicial Branch as their employer on Social Media, Employees should carefully consider potential cybersecurity risks associated with posting this information, as the information may be used by hackers for phishing purposes.

5.3. Mandatory Disclaimer. Employees who identify the Judicial Branch as their employer, or who disclose their position/title, must clearly state that the Employee does not speak or represent the Judicial Branch, and that the views or comments expressed are solely the Employee's personal views or comments and **are not** those of the Judicial Branch.

5.4. Confidentiality. In accordance with the Codes of Conduct's confidentiality and disclosure provisions, Employees must not share any information that is considered confidential and sensitive in nature. Examples of confidential information that must not be shared on Social Media include, but are not limited to:

- Information about a Judicial Officer's schedule, time availability, travel plans, activities, whereabouts, or locations.
- Information about a particular case or oral argument, lawyer, party, or Judicial Officer.
- An unpublished decision issued by the Court.
- Pictures or video of the Judicial Branch internal or secure facilities or workspaces, Judicial Officers, or non-public Judicial Branch events unless exempt under Section 7.
- Judicial Branch documents or videos.
- Comments that place doubt in the reliability, trustworthiness, or sound judgment of the Judicial Branch or its employees.

5.5. Security. Employees must not share any information that may compromise the security of Judicial Branch facilities or employees. Examples of information that must not be shared on Social Media include, but are not limited to:

- Information about a Judicial Officer's schedule, time availability, travel plans, activities, whereabouts, or locations.
- Discussion of an Employee's specific job responsibilities.
- Discussion of any Judicial Branch internal policies or procedures.

- Online status updates that may reveal the Employee's location or the location of another Judicial Branch Employee.
- Pictures or video of the Judicial Branch internal or secure facilities or workspaces, the Judicial Branch seal or logos, Judicial Officers, or non-public Judicial Branch events unless exempt under Section 7.
- Judicial Branch documents or videos.
- Information that could compromise or disclose details about the security of the Judicial Branch employees, Judicial Branch facilities, courtrooms, or security measures or procedures.

5.6. Ethical Conduct. The Judicial Branch Codes of Conduct requirement that Employees "act in a manner that promotes public confidence in the integrity and impartiality of the Judiciary" extends to Employees' Social Media Use. Thus, Employees should use discretion in their Social Media Use. Examples of Social Media Use that would constitute unethical conduct include, but are not limited to:

- Statements/comments/photos/video promoting or glorifying illegal conduct.
- Statements/comments/photos/video which could be considered harassment or threatening in nature.
- Statements/comments/photos/video which discriminate against an individual or group due to their race, gender, sexual orientation, religion, national origin, age, disability, or any other protected class of individuals.
- Participating in unauthorized ex parte communications with litigants, witnesses, or attorneys or sharing unauthorized ex parte communications to judges, other Judicial personnel, jury members, or any other person.
- Expressing personal opinions about a case or issue pending before the Judicial Branch.
- Using the name/account of a different user or using a fake name to engage in prohibited activity or to attempt concealment of engaging in a prohibited activity.

5.7. Political Activity. This policy does not prohibit Employees from participating in political activity on their personal time. However, to protect the impartiality of the Judiciary, Codes of Conduct provisions governing Employee's political activity extend to Social Media Use. When Social Media Use involves political activities during personal time, Employees *must not use their Judicial Branch position/title in connection with any political activity.*

5.8. Regularly Screen Personal Social Media. Employees should regularly screen their Personal Social Media Use to ensure compliance with this policy or the Codes of Conduct. Should something contrary to this policy or the Codes of Conduct appear, it is the Employee's responsibility to remove the item and contact their supervisor. Employee should also regularly review Social Media site or platform privacy settings and terms and conditions of use.

6. PROFESSIONAL SOCIAL MEDIA USE

In addition to the guidelines provided for Personal Social Media Use above, the Codes of Conduct extend to Employees' Professional Social Media Use. In addition:

- 6.1.** An Employee should not access their Professional Social Media account during work hours and using Judicial Branch equipment unless the Professional Social Media Use is to the benefit of the Judicial Branch. Personal use of Professional Social Media should take place during the Employee's off hours.
- 6.2.** An Employee intending to use their Professional Social Media account(s) to promote Judicial Branch officially sanctioned activities or opportunities must notify their supervisor and HR representative prior to doing so.
- 6.3.** When using Professional Social Media for personal professional development the Employee must clearly state that they are acting in their individual capacity, and that the Employee is not acting on behalf of, does not speak for, and does not represent the Judicial Branch.
- 6.4.** An Employee must abide by the Social Media provider's terms of service and intellectual property laws.
- 6.5.** An Employee is responsible for material or content shared on their Professional Social Media account or in their Professional Social Media Use and should carefully consider potential content and how it may be perceived before publishing it online. Humor is very subjective.
- 6.6.** An Employee is responsible to correct any errors that may occur in their Professional Social Media Use. Corrections should be made quickly and be clear that the error has been corrected.
- 6.7.** When disagreeing with the opinions of others, be respectful, appropriate, and remain on point.

7. OFFICIALLY SANCTIONED JUDICIAL BRANCH PUBLIC EVENTS

Employees attending officially sanctioned Judicial Branch public events may only take those photos or video that all attendees are permitted to take of the specific event. Employees may not take photos or video that are prohibited under Section 5 of this policy.

8. ENFORCEMENT

This policy operates in conjunction with the Codes of Conduct. The Judicial Branch reserves the right to visit and monitor Employees' publicly available Social Media Use to ensure that Employees are not violating the *Judicial Branch Social Media Policy* or the Codes of Conduct. If an Employee becomes aware of another Employee's Social Media Use that violates the *Judicial Branch Social Media Policy* or the Codes of Conduct, the Employee should contact their supervisor or Human Resource representative. Social Media Use that violates this policy may be cause for disciplinary action, up to and including dismissal.



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JUDICIAL BRANCH

Acknowledgement Page

This is to certify that I have read and agree to abide by the guidelines set forth in the *Delaware Judicial Branch Social Media Policy – Employee Personal and Professional Use* and that I further understand that I can speak with the Human Resources Department should I have any questions about this Policy.

Employee

Court/Judicial Branch Agency

Signature Date

Signature Date

Printed Name

Printed Name

I refuse to sign.

By checking this box, the parties acknowledge their agreement to conduct transactions by electronic means. A party's electronic signature for purpose of the Uniform Electronic Transactions Act, 6 *Del. C.* Ch. 12A may be provided by checking a box as indicated, electronic initials or name, or email confirmation.