




WHAT DO SOCIAL MEDIA ARCHIVING TRENDS MEAN FOR EDUCATION INSTITUTIONS?

WHITEPAPER

June 2019



Introduction



It's often tempting to view social media as simply an extension of email correspondence or newsletters. In the early days of social networking, that may have held some truth, but today, social media has become a juggernaut in its own right. Social media has grown at a rate no-one could have predicted and is quickly evolving into a new beast of legal responsibilities.

For educational institutions, social media platforms are fast becoming places of liability. Incidents that trigger lawsuits are occurring online, and they require just as much investigation and documentation as any incident that occurs on-site at your institution.

Posting on social media may seem in the moment, but these sorts of scenarios demand rigor around archiving your engagements.

This paper looks to highlight some overarching issues around social media engagement, and provide a state by state overview of guidelines and policies that apply to education institutions.

WHAT HAPPENS IF:


- Someone wants to sue you over a comment on a social post that no longer exists, and only they have a screenshot of?
- Someone has been bullied or harassed online and you need access to the posts to take appropriate action, but they've been deleted or edited?
- You receive a request for information under the Freedom of Information Act?

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FREEDOM OF INFORMATION

Increasingly, organisations such as universities are making Freedom of Information request forms readily available on their sites. Anyone can make a document request as per the Freedom of Information Act, whether or not they attend the institution in question. Social media is now considered a document subject to FOI requests.

With greater public awareness that these documents are available to them and a substantial increase in FOI requests over the past five years, it's difficult for an education institution to plead ignorance of archiving requirements if asked to retrieve a social media record. Detailed, verifiable records need to be kept, or you risk having an FOI complaint filed against you - never a good look!



'Text messages and social media such as instant messaging (IM) that support the business of an agency fall within the definition of 'document'.'

What is considered a document under the Freedom of Information Act?, OAIC



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BEST PRACTICE

Adding extra complications for education institutions is that best practice may vary by institution or state. In 2019, students at NSW public schools were informed that, due to difficulties limiting film or photographs from appearing on social media channels, they had to give permission for their name and photo to be used on social media or they were not able to participate in major school events.¹ This is a different policy to traditionally accepted Department of Education permission slips, which gave parents the option to refuse use of their child's image, voice or name on social media.

Should a policy like this be more broadly rolled out, education institutions will have to ensure all posts featuring names, images or other student identifiers are carefully monitored and recorded to ensure appropriate levels of privacy are still maintained.

WHAT DOES THIS FOCUS ON SOCIAL MEDIA MEAN FOR YOU?

In all likelihood, the careful archiving of social media data will become a mandatory requirement by law in the near future (just what you need, right? Something else vast and nuanced to catalogue and organise). Several federal and state legislations and policies already clearly express that social media records be archived. Under the Federal Archives Act 1983, government organisations are required to maintain records of business related activities - the question is, how do you do so in a way that meets compliance standards?

1. <https://www.canberratimes.com.au/story/6133228/nsw-public-schools-ultimatum-to-students-over-big-events/?cs=14231>

THINGS TO CONSIDER

National Archives Australia (NAA) has identified three components of social media records management that organisations need to consider when drafting their social policies and setting up their workflow: create, capture and describe. These are defined as follows:

CREATING RECORDS

Information is created every time someone in your agency writes an email, drafts a brief, writes a report or records minutes, adds data to a spread sheet, makes a film or sound recording or takes a photo.

This information is created as part of a specific business process, and needs to be managed so that it can be searched, shared, reused and repurposed, and increasing its value to your agency. It needs to contain specific information to make them complete, accurate and reliable.

The information needs to reflect:

- what happened, the order of events
- what was decided or recommended
- what advice or instruction was given
- when it happened and who was involved

'Information that you create, send and receive as part of your work for the Australian Government is a record and needs to be managed throughout its lifecycle.'



CAPTURING INFORMATION



An essential part of managing your agency's business information and records is to capture it into systems that manage and support its use over time.

In some instances, 'capturing' will be as simple as saving the information into your agencies records management system, such as an EDRMS. Sometimes the capture process will be more complex and involve digitising, migrating or encapsulating information to support its use, management and preservation.

CAPTURE SHOULD BE EASY

Make the capture process easy for all staff. This should reduce the risk of information and records not being captured.

Where possible:

- automate the process
- integrate capture into normal business processes
- provide clear, precise instructions and support

Staff should know where to capture their information. Business information and records should not be kept on personal drives or group workspaces.

Approved locations may include:

- electronic document and records management systems (EDRMS)
- business systems and databases specific to your agency's business
- administration systems for finance and human resources management
- paper registry files

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DESCRIBING INFORMATION

Describing information and records allows users to understand what they are, where they came from, what has happened to them and the relationships they have with other information assets. The more effective the description, the more likely the right information can be found quickly and reused, shared and managed.


Describing information allows users to:

- identify individual information objects
- differentiate one information object from another
- search for information they have created and saved
- bring similar objects or items together

Describing information makes it possible for future users to:

- find the information when they need it
- understand why it was created, by whom and when
- determine the controls under which it can be used

We can describe individual items and objects like a single document, a photograph, a film or an audio recording. We can also describe aggregations of information like data sets, records files, collections of pictures, or a crate full of soil samples. This descriptive information is called metadata.



Staff need to create and manage accurate records of their business activities to ensure decisions and actions can be accounted for. This includes social media activities.

National Archives Australia

PRESERVING DIGITAL INFORMATION

In line with Digital Continuity 2020 policy, Australian Government information and records generated as agency business will be created and managed digitally by 2020. One of the challenges faced by agencies is dealing with technological obsolescence, and ensuring the ongoing accessibility of these assets.

The Archives has a legislative responsibility to manage, preserve and make accessible the archival resources of the Commonwealth for current and future generations. These archival resources include a large quantity of digital material, and more is being transferred into our custody all the time. As a consequence, the Archives has undertaken extensive research and testing in the area of digital preservation. The Archives uses the term 'digital preservation' to describe the software, infrastructure and processes it has developed. The Archives recommends long-term file formats that are considered a low risk of becoming inaccessible over time.

When it comes to archiving, there's no one-size-fits-all approach, but the NAA recommendations are certainly a helpful place to start.

Each agency should develop its own digital preservation strategy to ensure that it can manage and access its digital records in the long term.

National Archives Australia



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VICTORIA



The government of Victoria has a detailed policy about digital archiving, which states that *'schools must create, manage and dispose of public records (electronic and hardcopy) in accordance with standards set by the Public Record Office Victoria (PROV) and guidelines issued by the Department.'*²

The following forms of digital media must be considered:

- Social media sites (Facebook, LinkedIn, Twitter)
- Photo and video sharing sites such as Flickr and YouTube
- Blogs, both corporate and personal
- Online discussion boards and forums
- Online encyclopedia Wikis such as Wikipedia
- Streaming video broadcasts (vodcasts) and audio broadcasts (podcasts)
- Web conferences and video conferences
- Email and messaging

2. <https://www.education.vic.gov.au/school/principals/spag/governance/Pages/archives.aspx>

VICTORIA

Particular attention should be paid to the creation and maintenance of records that have heightened importance due to their requirements for business continuity, legal and financial accountability, confidentiality and sensitivity.



'Schools should have a system for managing their electronic and paper records to ensure the authenticity, security, reliability and accessibility of these records. If the school does not have an appropriate electronic document management solution available, they are to print and file hardcopy versions of high-risk electronic records. Schools that do manage their records are able to easily store, retrieve and dispose of records when needed.'

School Policy and Advisory Guide, June 04 2018



Education
and Training



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NEW SOUTH WALES



As per the New South Wales Department of Education Social Media Policy, education institutions must keep the following content types for a minimum of two years:

- Electronic documents
- Digital images
- Video and audio recordings (which would include any audio and video posted on social media)
- Correspondence

Any kind of online content would easily fall into one or more of these categories. When you consider the legal ramifications that social media now holds for schools, it's fair to say that any online content produced by an institution would have legal importance.

The guidance in New South Wales is that there is no need to keep records that have 'short term value' such as general chat, or items that have already been placed in a file or captured within a record-keeping system. However, even with that exception, they recognise the potential for liability.

To boil their policy down into a few words: ***You need to assess every conversation and choose a strategy that fits that interaction.***



'In some cases, social media interactions may be evidence for legal or investigation purposes. Staff should implement a strategy for social media records management that is in line with the department's Record Management Procedures relevant to an event.'

Social Media Policy Implementation Procedures, November 2018





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QUEENSLAND



The Queensland government is clear on expectations around record-keeping. As per the Queensland Government site³:

You need to capture any records that document a decision, action taken, or any recommendations, advice or instruction given, including:

- policies/procedures
- file notes
- meeting minutes
- leave applications
- discussion papers
- plans
- authorisations
- business cases
- finance approvals
- online transactions and communications
- recruitment and selection documentation
- approved CAD drawings
- internal/external advice
- consultation reports, feedback requests, public enquiries
- invoices for payment
- interactions - rights and entitlements of individuals and communities
- research - reports and data
- drafts - at key milestones (e.g. consultation, approval), that show change in direction, significant feedback or comments
- legal agreements.

3. <https://www.forgov.qld.gov.au/decide-what-capture-and-how>

QUEENSLAND

You also need to capture any records that are created, received or kept so that they meet:

- legal requirements—needed for future legal/disciplinary action (e.g. licences, permits, contracts, advice, application assessments)
- community expectations—value to community groups (e.g. registration forms, reports, protective clothing logs, consultation)
- business requirements—support decisions and actions (e.g. service contract, general ledger, advice, expenditure approvals).

This applies to records in all formats, regardless of the technology used to create or capture them or where they are located (e.g. business systems, mobile device). This includes:

- emails
- text messages
- social media
- websites and web content
- video and audio recordings
- spreadsheets
- significant drafts
- surveillance records
- metadata
- shared drives
- mobile devices and storage
- cloud storage and services
- business applications/systems—client management database, infrastructure maintenance system etc. (e.g. audit logs, data files, system change requests)

Any records formally captured must be complete and reliable records.

- As per 29 June 2018

QUEENSLAND

They also recognise that while social media is an important communication tool, there is inherent risk in any form of public communication, which needs to be considered. As a result, it has been determined that:

Electronic messages, telephone and facsimile accounts, and electronic files are subject to record keeping, archiving, Right to Information (RTI) requests, and audit requirements.⁴

From an employee perspective, interactions with students need to be carefully monitored. Friending, liking a post or image or following or contacting students on or through social media could all be examples of inappropriate interactions (behaviours that raise a reasonable suspicion that the standards applying to the professional employee/student relationship have or may be breached).

'All telephone, email, SMS and other social networking contact by employees with students must be authorised by the employee's principal or manager. Records of the approval and the nature of the communication should be kept on file by the principal or manager who will advise the parent/custodian of the communication if required.'

Standard of Practice, Feb 2016



'The department acknowledges the growing popularity of social media both as a communication and educational tool and supports its appropriate use. However, it also acknowledges the potential for damage to be caused (either directly or indirectly) to the department and possibly other client groups in certain circumstances through personal use of social media.'

Standard of Practice, Feb 2016



Queensland Government

4. <https://qed.qld.gov.au/workfordet/induction/det/inductionprogramsandresources/Documents/code-of-conduct-standard-of-practice.pdf>

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SOUTH AUSTRALIA



South Australia has had strict archiving requirements in place since 1997:



'Subject to the State Records Act 1997, every agency must ensure the official records in its custody are maintained in good order and condition. Agencies must also ensure that official records are managed and not destroyed without a determination made by State Records and approved by the State Records Council, unless there is specific legislation requiring it. All agencies of the South Australian Government, both State and Local, are within the scope of the Act. It applies to all official records in any format.'

**Government Recordkeeping - An Introduction,
State Records © 2019**

The broad language has certainly been used to cover any official social media posts by an institution. Online content, inclusive of written online conversation with the public, becomes official records.

The Department for Education and Child Development, in its social media policy, outlines requirements such as the following:

- Ensure protective practices are in place to safeguard carers/teachers and students
- Ensure cyber-safety use agreements are in place for all staff, children and students

SOUTH AUSTRALIA

The Queensland government is clear on expectations around record-keeping.

As per the Government of South Australia State Records site⁵:

Subject to the State Records Act 1997, every agency must ensure the official records in its custody are maintained in good order and condition. Agencies must also ensure that official records are managed and not destroyed without a determination made by State Records and approved by the State Records Council, unless there is specific legislation requiring it.

All agencies of the South Australian Government, both State and Local, are within the scope of the Act. It applies to all official records in any format.

The Act outlines the responsibilities of agencies to:

- ensure that the official records in their custody are maintained in good order and condition
- that official records are managed and not destroyed without a determination made by State Records and approved by the State Records Council, unless there is specific legislation requiring it.

State Records of South Australia is responsible for providing a governance and advisory role in the recordkeeping practices of state and local government agencies. The Act states:

'If the Manager [Director of State Records] is of the opinion that the records management practices of an agency are inadequate, the Manager [Director] must report the matter to the Minister.'

5. <https://government.archives.sa.gov.au/alias/recordkeeping>



TASMANIA

As per the Tasmanian Department of Education Social Media Policy, risk management should also address 'security, backup and archiving procedures'. Beyond this, there are few firm directives around how to implement archiving, beyond a recommendation that education organisations archive their Facebook pages at least annually in the Tasmanian Department of Education's Social Media Guidelines document.

This doesn't mean that archiving is considered optional. The Tasmanian Archive and Heritage Office advise the following:

'with increasing business mandates for social media use and with large numbers of government organisations adopting social media applications, it is important for all organisations to consider what corporate and business information is moving to social media platforms and to develop strategies that ensure this information is maintained and accessible as required.

Important business information is already residing in social media applications.

The Archives Act 1983 defines a record as: "a document or an object that is, or has been, made or kept by reason of any information or matter that it contains or can be obtained from it or by reason of its connection with any event, person, circumstance, or thing". The Act is not content specific, so records can be in any format, including those generated through the use of social media.

TASMANIA

Responses to social media content created by public officers, such as a comment on a blog post, or a reply to a tweet, are state records.

Any response received by a public officer – particularly where the responses feed into government policy or decision making, is a record.

Irrelevant, off-topic responses can be culled under short term value records. If clicking ‘like’ or performing a similar action contributed to the receipt of a complaint, the offer of a donation, or fed into policy development, it would result in a record.

Republished Tasmanian government agency messages, issued by a non-Tasmanian government agency, are not state records.

If a Tasmanian government agency republishes a message from elsewhere, this constitutes a record.

In general, social media applications are:

- Third party owned
- Located in the cloud
- Subject to regular change, and,
- Unable to be relied upon to maintain high risk or long-term business information.

If you need the business information that is moving to social media, you need to make plans for how you will manage it.⁶

In short, you can’t rely on social media platforms to store your data securely for when you may need it, and your social media records are considered official records.

While the definition of a record is clear, this still leaves it somewhat up to individual institutions to determine an appropriate way to archive, which creates major two issues according to Ross Latham, Director Collections and State Archivist, Libraries Tasmania/ Archives Tasmania:

Since social media has been around, two problems have emerged across Tasmanian government agencies. One is that organisations struggle to have any awareness about the need to archive social media conversations. The other is, how do we store those conversations?’ A social media record comprises dynamic media, the original post and the ongoing responses. Simply taking a screen grab of this material is not an authentic or reliable representation of the real transaction that took place

Ross Latham
Director Collections and State Archivist,
Libraries Tasmania/Archives Tasmania

6. <https://www.informationstrategy.tas.gov.au/Records-Management-Principles/Document%20Library%20%20Tools/Advice%2057%20Managing%20Social%20Media%20Records%20Part%202%20-%20Implementing%20recordkeeping%20strategies.pdf>

WESTERN AUSTRALIA

As made clear in the Government of Western Australia Social Media Guidelines 2012, 'Government Recordkeeping and Archiving requirements apply to social media as any other form of electronic record.'

The State Records Act (the Act) requires that all WA Government entities implement appropriate record keeping and archiving methodologies for all types of communication. For the purposes of the Act, social media is considered a communications methodology.

There is no 'one size fits all' solution to implement across all WA Government. Each agency has differing circumstances around its social media recordkeeping obligations, and this needs to be reviewed in the context of social media.



Here is a list of some key points to consider as part of the Recordkeeping Plan review:

- Is the existing recordkeeping system capable of supporting social media records?
- Who is responsible for social media recordkeeping?
- Do existing policies cover social media records?
- Is the retention process and period defined for social media records?
- Is the data stored within the agency? Data stored on external sites cannot be defined as a record, therefore records must be stored within the agency infrastructure
- Are staffed appropriately trained for social media recordkeeping?

The ability to integrate with recordkeeping responsibilities should be considered when choosing a social media tool. Key features are an ability to export data in a format which can be stored on recordkeeping system, or email alerts which can be stored as records of activity. Storing records on an external social media site is not sufficient.

WESTERN AUSTRALIA

It is also important to remember that both outgoing and incoming content can be a record. Whether social media content needs to be recorded can also be affected by whether it is simply replicating content released through other communications streams.

Government of Western Australia, Digital Services Policy Framework, Social Media Guidelines, September 2012

For education institutions in particular, there are many risk factors to consider when utilising social media as a communication tool. As per the Department of Education's Guidelines for the Use of Social Media, 2016:

Many social networking technologies can create a false sense of anonymity. Web socialising in particular encourages high levels of familiarity which may result in the blurring of professional boundaries.

Risks include:

- **Inadequate privacy settings**
Failing to establish adequate privacy settings on your personal/private sites can lead to loss of your control of information/material that has been published. Once published, it is potentially there forever, even if your privacy settings are such that access is limited. The privacy policy of a social media site can easily change without your knowledge.
- **Allegations of teacher misconduct**
This may involve inappropriate contact with students or inappropriate conduct outside of school hours.
- **Unauthorised sharing of official information with students**
This might include disclosing the personal home circumstances of another student, for example:
 - where the parents are separating
 - when financial difficulties are being faced by the parents of another student
 - when a particular student has an illness which has to be managed carefully by the school.
- **Inadequate supervision of students online**
This may result in cyber bullying or access to inappropriate material.
- **Publishing information or material by staff**
This may include images captured during social functions outside of school hours that could impact on a staff member's professional standing as an employee of the Department.


Should your organisation find itself in hot water as a result of one of these risk factors, you may be called upon to provide evidence in the form of social media records. As social platforms themselves cannot be relied upon to maintain data and are not considered sufficient record-keepers, all of these potential risks demonstrate the need for comprehensive archiving to ensure compliance with the Department of Education's Standards and Integrity Branch guidelines.

KEEPING YOUR ORGANISATION COMPLIANT

Depending on how many communication channels are active for your institution, you could be looking at a tremendous amount of archiving responsibilities – capturing detailed records, including additional media, links, and metadata, and ensuring those records are stored somewhere secure and searchable is a full-time job!

When your institution is dealing with sensitive legal issues and supervising students who could find themselves in difficult circumstances, a comprehensive archiving solution is crucial for monitoring and managing any online incidents. The more efficiently an incident is dealt with, the faster your institution can restore stability and safety to your social media platforms. However, this is far easier said than done – after all, who has time to review every social media chat? Even if you did, how does one accurately determine which conversation may pose future risk?

The safest (and simplest!) way to meet policy standards would be to capture everything, then remove records after the necessary record-keeping period has expired, but when you're dealing with such a long list of online content sources, storing hard copies of even one online incident could require massive amounts of paper, storage space and employee time. Keeping records like this for every online interaction would be impossible to perform manually.



A real-time, searchable and verifiable digital archiving solution is not only the better solution, but fast becoming a necessity.



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THE EVIDENCE IS IN: IT'S TIME TO INVEST IN SERIOUS SOCIAL MEDIA ARCHIVING

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As archiving policies grow stricter and broader in their scope, a traditional manual approach to archiving online content will no longer cut it. If your state hasn't already implemented policies around digital record keeping, it's very likely that archiving social media will be law by the time your current Year 7 students reach Year 12. As such, a comprehensive, searchable social media archiving tool is the easiest way to ensure compliance.

Brolly's social media archiving service is ready to help your institution meet these demands. We use intelligent software to automatically archive your social media for you 24/7 (and quickly retrieve archived content as necessary) to ensure your institution remains compliant at all times and is ready to quickly respond to any crisis or incident that occurs online. Contact us to learn more about how we can help your institution tackle the 21st-century hurdles of social media archiving.

