



AUSTRALIAN CRIME COMMISSION

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Social Media

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Policy Statement

1. Online social media and online social networking services are widely used to communicate and socialise with friends, family and people with similar interests. Members of the staff of the ACC¹ who participate in online activities, whether in the course of their APS employment or privately, **must** exercise care to ensure that their behaviour does not conflict with their responsibilities as employees of the Australian Crime Commission (ACC) or the Australian Public Service (APS) in general.
2. This policy and procedure addresses the **personal** use of social media only. Online social media can take many forms, including (but not limited to) social networking services, chat rooms, weblogs, social blogs, wikis, podcasts, internet forums, dating sites, etc. It can be any site that allows users to post dialogue, pictures and/or video, and includes technologies such as picture-sharing, email, instant messaging; and websites such as YouTube.
3. All members of the staff of the ACC² are directed to and **must** comply with the 'must' or 'must not' controls as well as any legislative controls outlined within this Policy. Failure to do so may result in Code of Conduct action and any breach of the obligation on members of staff under section 51 of the *Australian Crime Commission Act 2002* (the ACC's secrecy provision), may result in criminal prosecution. Unauthorised disclosure of information may be punishable by 2 years imprisonment and/or fine not exceeding 120 penalty units.

Legislative Context

4. Inappropriate public comment on social media could put staff at risk of breaching the APS Code of Conduct.
5. The Australian Public Service Circular 2012/1: *Revisions to the Commission's guidance on making public comment and participating online (social media)*, reminds all APS employees that the APS Code of Conduct requires APS staff to behave at all times '*in a way that upholds the APS Values and the integrity and good reputation of the APS*' (section 13(11) of the *Public Service Act 1999* (PS Act)). This obligation applies to all ACC staff and includes treating others with respect and courtesy at all times.
6. Public Service Regulation 2.1 concerning the disclosure of information.
7. Senior Executive Service (SES) employees have a special responsibility under section 35 of the PS Act to promote the APS Values and compliance with the APS Code of Conduct, by personal example and other appropriate means within the ACC.

¹ All members of the staff of the ACC as defined in the *ACC Act* and may be referred to herein as staff.

² All members of the staff of the ACC as defined in the *ACC Act* and may be referred to herein as staff.

Obligations When Using Social Media in a Private Capacity

8. Staff may generally make public comment in a private capacity, so long as they make it clear they are expressing their own views. When making public comment in an unofficial capacity, it is not appropriate to make comment that is, or could be perceived to be:
- a. being made on behalf of the ACC or the Government, rather than an expression of a personal view;
 - b. compromising your capacity to fulfill your duties in an unbiased manner. This applies particularly where comment is made about ACC policies;
 - c. so harsh or extreme in its criticism of the Government, a member of parliament from another political party, or their respective policies, that it raises questions about your capacity to work professionally, efficiently or impartially;
 - d. so strong in its criticism of the ACC's administration that it could seriously disrupt the workplace. You are encouraged instead to resolve concerns by discussion with your manager or by using the ACC's dispute resolution mechanisms;
 - e. a gratuitous personal attack that might reasonably be perceived to be connected with your employment;
 - f. unreasonable criticism of the ACC's clients or other stakeholders; or
 - g. compromising public confidence in the ACC or the APS.
9. At all times, staff **must** be mindful of the requirements set out in Public Service Regulation 2.1 concerning the disclosure of information.
10. Senior Executive Service (SES) employees have a special responsibility under section 35 of the PS Act to promote the APS Values and compliance with the APS Code of Conduct, by personal example and other appropriate means within the ACC.
11. SES employees should be particularly careful when making public comment. The role of SES employees provides more scope for conflict, real or perceived, between a personal view and:
- a. their ability to fulfill current and potential duties in an apolitical, impartial and professional manner; and
 - b. their ability to be responsive to the Government.

Potential Consequences of Inappropriate or Unacceptable Use

12. Staff should be aware of the potential impact that inappropriate or unacceptable use of online social media and/or social networking sites could have on their employment. This could include:

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- a. loss of security clearance (loss of essential qualification or breach of condition of employment);
 - b. criminal charges and prosecution under the *Crimes Act 1914*; or
 - c. sanction(s) under the APS Code of Conduct (including from complaints of bullying and/or harassment).
13. Any of the above could lead to termination of employment under section 29 of the PS Act.

Further Information

14. The following documents directly relate to this Policy and **must** be reviewed in context to this policy:
 - **ACC Social Media Procedures** [trim:\[15/93248\]](#)
 - Appendix 1 - ACC Personal Use of Social Media Decision Tree [trim:\[15/93245\]](#)
15. For further information, on the potential risks of social media and how to protect your privacy, visit the Office of the Privacy Commissioner (www.privacy.gov.au), the Australian Communications and Media Authority (www.acma.gov.au), or www.staysmartonline.com.au. These websites have information about how to minimise the risks of online activity

Definitions

16. **Member of the staff of the ACC:** is defined in s4 of the ACC Act to mean:
 - A person engaged under the *Public Service Act 1999* (including ongoing and non-ongoing staff, full and part time employees) under s47 (1) of the ACC Act, or
 - A person participating in an ACC operation and or investigation, or
 - A member of a task force established by the Board, or
 - A person engaged under s48(1) of the ACC Act to provide services to the ACC, or
 - A person seconded or otherwise made available to the ACC under s49 of the ACC Act, or
 - A legal practitioner appointed to assist the ACC as counsel under s50 of the ACC Act.
17. **Online social media:** can take many forms, including (but not limited to) social networking services, chat rooms, weblogs, social blogs, wikis, podcasts, internet forums, dating sites, etc. It can be any site that allows users to post dialogue, pictures and/or video, and includes technologies such as picture-sharing, email, instant messaging; and websites such as YouTube.

Version Control

Implementation Date	Version	Business Owner	TRIM Link	Revision Number
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