



# Use of Social Media and Email

## Frequently Asked Questions

March 2017

A number of laws, regulations and policies apply to Service employees' use of personal and official social media and email. This set of Frequently Asked Questions summarizes the ethics guidance on these topics, as issued by the Office of Government Ethics (OGE) and the Office of Special Counsel (OSC). For more information see: [OGE "The Standards of Conduct as Applied to Personal Social Media Use"](#) and [OSC "The Hatch Act: Frequently Asked Questions on Federal Employees and the Use of Social Media and Email"](#). Other DOI resources include the [DOI Social Media Policy](#) and the [DOI Social Media Guidebook](#) and the Service's [Social Media](#) webpage.

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**Personal Social Media:** Personal social media accounts, or employee social media accounts not authorized for official agency use, may be established and maintained without authorization from the Service. However, employees must ensure that their personal social media accounts comply with the Standards of Ethical Conduct and other applicable laws, including the Hatch Act. In addition, an employee's personal social media account must not be designed in such a manner that a reasonable person would not conclude that the employee's personal social media account is an official Service account.

### Personal Social Media: Use of Government Time, Property, Position and Information

1. ***May I access my personal social media or email account while at work?***

**A:** Yes. However, you may not use official time to do so. You may access your personal social media or personal email account when on non-duty time, such as before or after a workday, lunch periods, authorized breaks, weekends or holidays (if your duty station is normally available for employee use at such times.)

2. ***May I use a government computer to access my personal social media or email account?***

**A:** Yes. However, you must comply with the [DOI "Limited Personal Use of Government Office Equipment Policy"](#) at 410 DM 2. This policy allows limited personal use of certain Government property if it occurs on non-duty time, does not interfere with official business, is not a "commercial gain activity", is not otherwise prohibited, the equipment is not needed for official purposes, and the expense to the Government is negligible. ("Commercial gain activity" is defined as any activity involving or relating to buying, selling, advertising, soliciting, leasing, or exchanging products or services for personal financial profit or gain. Commercial gain activity includes, but is not limited to, day trading of stocks and bonds, buying or selling real estate for commercial purposes, operating a business, or soliciting business opportunities.) Personal use of e-mail must not overly burden, delay or disrupt service to any Government system or equipment. The transmission of large attachments is not permitted. Also, you may not send a personal point-to-point email to more than five addressees.

The DOI policy also states that you should have no expectation of privacy in using Government equipment (including e-mail, internet, cell phones, or computers) and must

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comply with the Service security guidelines. When you use Government equipment you are consenting to the monitoring and recording of your communications. All e-mail messages, including those sent on your personal email using a government computer are considered Government resources that may be covered by the Federal Records Act, the Freedom of Information Act, and the Privacy Act.

**3. *May I refer to my Service title or position, when using my personal social media or email account? May I post the Service logo or pictures of myself in a Service uniform on my personal social media site?***

**A:** Yes, in limited circumstances. Although the Federal Ethics laws and regulations generally prohibit you from using your official title, position, or any authority associated with your office for private gain, you may use your official title or position in an area of your personal social media account designated for biographical information. However, you may:

- Not use your title or position in any manner that would create an appearance that the Government sanctions or endorses your activities or those of another person. For example, you may not state that you are acting on behalf of the government.
- Not refer to your connection to the government as support for your personal statements.
- Not prominently feature the Service name, logo, uniform or similar items on your social media account or in connection with specific social media activities. (**Note:** You may post photos of yourself in uniform or with the Service logo on your personal social media site. However, you must ensure that it does not appear that your personal social media site is an officially sanctioned site or that the Service sanctions or endorses your actions.)
- Not refer to your government employment, title, or position in areas other than those designated for biographical information;

If any confusion is likely to arise regarding the personal nature of your social media activities, you are encouraged to include a disclaimer clarifying that your social media communications reflect only your personal views and do not necessarily represent the views of the Service.

**4. *Are there any limitations regarding the disclosure of Service information using my personal social media account?***

**A:** Yes. You are prohibited from disclosing classified, confidential or nonpublic Government information. (Nonpublic information is defined as information gained through Federal employment and that you know or should know has not been made available to the general public. It includes information that you know or reasonably should know is routinely exempt from disclosure by statute, regulations, or agency policy. It also includes information that is not authorized to be made available to the public on request.) However, you may discuss or share over social media Government information that is publicly available so long as you do not accept compensation for statements that relate to your official duties, or give the appearance that the Government endorses your personal opinions. (See the answer to [Question 3](#) above.)

**5. *May I ask a subordinate to work on my personal social media account?***

**A:** No. A supervisor may not ask a subordinate to work on the supervisor's personal social media account. Directing a subordinate to maintain the supervisor's personal account would amount to a misuse of position and, if done on official time, a misuse of official time. The same would be true if

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the supervisor were to have a subordinate create content for the supervisor's personal account, even if the subordinate were not involved in uploading the content to that account.

### **6. May I provide job recommendations or make endorsements on my personal social media site?**

**A:** Yes. Generally, the ethics rules only allow you to use your official title, position or Service letterhead in a recommendation letter if you have worked with the applicant or if the individual is applying for a Federal job. However, OGE has recognized that at least one social media service automatically adds a user's name, title, and employer to any recommendation that the user posts regarding a job seeker. So OGE has interpreted the ethics rules to allow you to use your personal social media to make recommendations or endorsements in your personal capacity, even if you have provided your official title or position in areas of your personal social media accounts that are designated for biographical information. However, you should not add any additional references to your title, position or employer in the recommendation unless you have worked with the applicant or the applicant is applying for a Federal job.

### **7. Are there any limitations on using my personal social media account to seek non-Federal employment?**

**A:** Yes. The limitations on using personal social media to seek non-Federal employment are the same as those using any other type of communications. The Federal "seeking employment" rules are more restrictive than most employees realize. There are criminal penalties if you participate in any Service matters that affect the financial interests of a prospective employer. You will be considered to be seeking employment with a person or an organization if you contact a person or organization regarding future employment. For example, you would trigger the seeking employment rules by sending a message directly to a prospective employer, uploading a resume or application to the prospective employer's social media account for recruiting employees, or otherwise targeting the organization through a social media communication. You are not considered to be seeking employment with any person or organization merely because you have posted a resume or similar summary of professional experience to your personal social media account. Likewise, you are not considered to be seeking employment merely because a person or organization has viewed your resume on that social media account or has sent you an unsolicited message, including one containing a job offer. If you receive an unsolicited message or job offer offering you employment, you are considered to be seeking employment with the sender only if you respond to the message and your response is anything other than a rejection.

You are no longer seeking employment when either you or the prospective employer rejects the possibility of employment, or if two months pass after you send an unsolicited resume and you receive no indication of interest. Any response to a prospective employer that defers discussions until the foreseeable future does not terminate employment discussions. (For more information regarding the ethics rules related to seeking employment see: [DOI Ethics Office advice on seeking non-Federal employment.](#))

### **8. Are there any limitations on my use of personal social media accounts to fundraise for nonprofit charitable organizations in a personal capacity?**

**A:** Yes. As a general rule, fundraising solicitations over personal social media are allowed as long as you do not personally solicit funds from a "subordinate" or a known "prohibited source." (A "subordinate" is an employee who works directly for you or reports to a supervisor who works for

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you. A “prohibited source” includes any person, company, or organization that does business with the Service, is seeking to do business with the Service, conducts operations that are regulated by the Service, or has any interests that might be affected by the performance or non-performance of your official duties, or is an organization a majority of whose members are described above.)

Fundraising requests over social media are potentially visible to a wide audience of followers and connections. If you post or publish a general fundraising announcement or request over social media, OGE has determined that you have not “personally solicited” any prohibited source or subordinate merely because you are connected with the prohibited source or subordinate through the social media network. The same is true even if the prohibited source or subordinate views, comments on, or responds to your post. However, you may not respond to inquiries posted by prohibited sources or subordinates in reference to the fundraising request. Furthermore, you may not specifically reference, link to, or otherwise target a subordinate or known prohibited source when fundraising over social media. If you do so, you will be considered to have “personally solicited” that person in violation the ethics rules. Also, you are prohibited from using your official title, position, or authority associated with your position to further fundraising efforts. However, you are not considered to have used your official title, position, or authority associated with your position to further fundraising efforts merely because you have provided this information in areas of your personal social media accounts designated for biographical information.

**9. *May I post photos, videos or audio on my personal social media account that I recorded with a device (camera, phone, computer, etc.) when I was in a location because of my Service position?***

**A:** Recorded using personal equipment: Yes, if you were in an area that was accessible to the public. If you were in an area not accessible to the public, you may post it to a personal social media account only if no financial profit will be made by you or any other person from that social media account.

Recorded using Service equipment: Yes, if the recording has been previously posted on a public Service website and you do not profit from the personal social media site. (Appropriate acknowledgement should be provided to the Service.)

**10. *What are my rights and responsibilities if I want to communicate via personal social media about my scientific, scholarly, or technical work?***

**A:** You may, consistent with Service policy chapters [115 FW 2](#) and [117 FW 1](#), communicate through social media about your official work and freely and openly discuss scientific, scholarly, technical and management ideas, approaches, findings, and conclusions based on your official work. However, if any confusion is likely to arise regarding the personal nature of your social media activities, you are encouraged to include a disclaimer clarifying that your social media communications reflect only your personal views and do not necessarily represent the views of the Service.

### **Personal Social Media: Political Activities and the Hatch Act**

The Hatch Act, a federal law enacted in 1939, may limit your political activities on social media. This law’s purposes are to ensure that Federal programs are administered in a nonpartisan fashion, to protect you from political coercion in the workplace, and to ensure that you are advanced based on

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merit and not based on political affiliation. Generally, you may communicate via social media about current events, policy issues, and matters of public interest. The Hatch Act does not prohibit you from expressing your personal opinions about events, issues, or matters, such as healthcare reform, gun control, abortion, immigration, federal hiring freeze, etc. The U.S. Office of Special Counsel (OSC) is the agency responsible for enforcing the Hatch Act. General information and Frequently Asked Questions can be found on the [OSC website](#).

### **11. May I engage in partisan political activity on my personal social media account, i.e. Facebook or Twitter?**

- A:** Yes, you may express your opinion about a partisan group or candidate in a partisan race (e.g., post, “like,” “share,” “tweet,” “retweet”), but there are a few limitations. Specifically, the Hatch Act prohibits you from:
- Engaging in any political activity via Facebook or Twitter while on duty or in the workplace.
  - Referring to your official title or position while engaged in political activity at any time. (However, you are allowed to include your official title or position on your social media profile.)
  - Suggesting or asking anyone to make partisan political contributions at any time. Thus, you are prohibited from providing links to the political contribution page of any partisan group or candidate in a partisan race. Also, you may not click a “like,” “share,” or “retweet” a solicitation from a partisan group or candidate in a partisan race, including an invitation to a political fundraising event. However, you may accept an invitation to a political fundraising event via Facebook or Twitter.

**Additional rules for career Service Senior Executive Service (SES) employees:** If you are a career SES employee you may express your opinions on your personal social media site about a partisan group or candidate in a partisan race (e.g., post, “like,” “share,” “tweet,” “retweet”), but you are prohibited from:

- posting or linking to campaign or other partisan material of a partisan group or candidate in a partisan race;
- “sharing” these entities’ Facebook pages or their content; and
- “retweeting” posts from these entities’ Twitter accounts.

To illustrate, while off duty and away from the workplace, a career SES employee may post on personal social media his opinion about a Presidential candidate, “share” a friend’s endorsement of a political party, or “like” a candidate’s Facebook page, “retweet” a message from a political party or “like” a post that requests contributions for a candidate.

### **12. May I engage in partisan political activity on my personal social media account if I am “friends” with or have “followers” who are subordinate employees?**

- A:** Yes, but subject to the limitations described in other related questions and the following guidelines. If a supervisor’s statements about a partisan group or candidate in a partisan race are directed at all of her social media friends (Facebook friends or Twitter followers), e.g., posted on her Facebook page, then there is no Hatch Act violation. Statements are improper if the supervisor specifically directs them toward a subordinate employee, or to a subset of friends that includes subordinate employees. For example, a supervisor should not send to a subordinate employee a Facebook message or “tweet” that shows the supervisor’s support for a partisan group or candidate in a partisan race. (A “subordinate” is an employee who works directly for you or reports to a supervisor who works for you.)

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**13. May I become a “friend,” “like,” or “follow” the social media page of a partisan group or candidate in a partisan race?**

**A:** Yes, when using your personal social media account, but not while on duty or in the workplace.

**14. May I use an alias to “friend,” “like,” or “follow” the social media page of a partisan group or candidate in a partisan race?**

**A:** Yes, but be advised that you are subject to the Hatch Act even when you act under an alias. Therefore, the advice provided in response to other questions applies regardless of whether or not you are acting under an alias.

**15. May I continue to “friend,” “like,” or “follow” an official social media page of a government official after he has become a candidate for re-election?**

**A:** Yes. For example, you may continue to “friend,” “like,” or “follow” the official Facebook, Twitter, or other social media page of the President or Member of Congress, even after the President or Member begins a re-election campaign.

**16. What should I do if an individual posts or “tweets” a message soliciting political contributions to a partisan group or candidate in a partisan race, or a link to the political contribution page for such entities, on my personal social media page?**

**A:** Although the Hatch Act prohibits federal employees from soliciting or receiving political contributions at any time, you are not responsible for the statements of third parties, even when they appear on your social media page. Thus, if an individual posts a link to the political contribution page of a partisan group or candidate in a partisan race, or otherwise solicits political contributions, you are not required to take any action. The same advice applies to any “tweets” directed at you. However, you should not “like,” “share,” or “retweet” the solicitation, or respond in any way that would tend to encourage other readers to contribute.

**17. If I list my official title or position on my personal social media page, may I also complete the “political views” field?**

**A:** Yes. Simply identifying your political party affiliation on a social media profile, which also contains your official title or position, without more, is not an improper use of official authority.

**18. May I display a political party or campaign logo or candidate photograph as my cover or header photo on my personal social media page?**

**A:** Yes, you may display a political party or campaign logo or candidate photograph as your cover or header photo on your personal social media or Twitter accounts. This display, usually featured at the top of a social media profile, without more, is not improper political activity.

**19. May I display a political party or campaign logo or a candidate photograph as my profile picture on my personal social media page?**

**A:** Yes, but subject to the following limitations. Because a profile picture accompanies most actions on social media, you are not permitted, while on duty or in the workplace, to post, “share,” “tweet,” or “retweet” any items on your social media account or Twitter, because each such action would show your support for a partisan group or candidate in a partisan race, even if the content of the action is not about those entities.

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### Email: Political Activities and the Hatch Act

#### **20. What is a partisan political email?**

**A:** A partisan political email is an email that is directed at the success or failure of a partisan group or candidate in a partisan race.

#### **21. May I, while on duty or in the workplace, receive a partisan political email?**

**A:** Yes. Simply receiving a partisan political email while at work, whether to a personal or government email account, without more, does not violate the Hatch Act. However, you must not send or forward partisan political emails to others while on duty or in the workplace.

#### **22. May I, while on duty or in the workplace, forward a partisan political email from my government email account to my personal email account?**

**A:** Yes. If you receive a partisan political email in your government email account, you may send that email to your personal email account while at work. Simply forwarding such an email to your personal email account does not violate the Hatch Act.

#### **23. May I, while on duty or in the workplace, send or forward a partisan political email from my government email account or my personal email account to others?**

**A:** No. You cannot send or forward a partisan political email from either your government email account or your personal email account to another person (even using a personal device) while at work.

#### **24. May I, while on duty or in the workplace, send or forward an email about current events or matters of public interest to others?**

**A:** Yes. The Hatch Act does not prohibit you from engaging in non-partisan political activities. Accordingly, you may express your opinion about current events and matters of public interest at work so long as your actions are not considered political activity. For example, you are free to express your views and take action as individual citizens on such questions as referendum matters, changes in municipal ordinances, constitutional amendments, pending legislation or other matters of public interest, like issues involving highways, schools, housing, and taxes. Of course, you must comply with the [DOI "Limited Personal Use of Government Office Equipment Policy"](#) when sending or forwarding any non-work related emails.

#### **25. May I send or forward a partisan political email to subordinate employees?**

**A:** No. It is an improper use of official authority for a supervisor to send or forward a partisan political email to subordinates, at any time. A "subordinate" is an employee who works directly for you or reports to a supervisor who works for you.

#### **26. May I send or forward an email invitation to a partisan political fundraising event to others?**

**A:** No. The Hatch Act prohibits you from soliciting or receiving partisan political contributions, which includes inviting individuals to partisan political fundraising events, at any time.

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### Official Social Media: Political Activities and the Hatch Act

**27. *May I use an official social media account created in my official capacity to engage in partisan political activity?***

**A:** No. Any social media account created in your official capacity should be limited to official business matters and remain politically neutral. Any political activity must be confined to your personal social media account (Facebook or Twitter), subject to the limitations described in other related questions. The [DOI Social Media Policy](#) and the [DOI Social Media Guidebook](#) provide additional guidance on the use of social media in an official capacity. ("Official capacity" means that your supervisor has assigned this activity as part of your official duties. When you communicate in an official capacity you are communicating on behalf of the Service, just as if you were standing at a podium at a conference, communicating the agency's views to an audience.)

**28. *May a federal agency have a social media account that includes information or links to information about a partisan group or candidate in a partisan race?***

**A:** No. A federal agency's social media account, like its official website, should be limited to official business matters and remain politically neutral. Thus, an agency's social media account should not "friend," "like," "follow," "tweet," or "retweet" about a partisan group or candidate in a partisan race or link to the social media accounts of such entities.

**29. *May a federal agency post a news article about the speech of an agency official (e.g., Secretary or Administrator) at a political event for a candidate in a partisan race on the agency's official social media page?***

**A:** No. Any information or links to information about a federal agency official's attendance or speech at a political event for a candidate in a partisan race should not be posted on the agency's social media account.

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