

**FISH AND WILDLIFE SERVICE
INFORMATION AND EXPRESSION**

TABLE OF CONTENTS

Topics	Sections
<u>Overview</u>	2.1 What is the purpose of this chapter? 2.2 What is the scope of this chapter? 2.3 What is the overall policy? 2.4 What are the authorities for this chapter? 2.5 What terms do you need to know to understand this chapter?
<u>Obligations and Prohibitions</u>	2.6 What are employees' rights and obligations regarding public communications in their personal capacities about Service and Departmental work?
<u>Notification Requirements</u>	2.7 Who do employees have to notify about communicating in their personal capacity to the news media about Service or Departmental matters or their scientific, scholarly, or technical work?

OVERVIEW

2.1 What is the purpose of this chapter? This chapter:

A. Describes the requirements for U.S. Fish and Wildlife Service (Service) employees when publicly communicating, in their personal (unofficial) capacity, about Service or Department of the Interior (Department) matters related to their scientific, scholarly, or technical work or containing knowledge acquired primarily through official duties; and

B. Distinguishes between these forms of communications and:

(1) Official communications concerning Service or Departmental policy, procedures, or decisions; and

(2) Communications by individuals in a personal capacity concerning matters of general knowledge not primarily acquired through official duties per their rights as private citizens.

2.2 What is the scope of this chapter?

A. This policy applies to employees' public communications, **in a personal capacity**, about:

(1) Service or Departmental matters;

(2) Their scientific, scholarly, or technical work; or

(3) Any subject where they acquired the knowledge primarily through official duties.

B. Examples of these communications include, but are not limited to:

**FISH AND WILDLIFE SERVICE
INFORMATION AND EXPRESSION**

Information and Expression

Part 115 Public Information

Chapter 2 Public Communications in a Personal Capacity About Employees' Work 115 FW 2

- (1) News media interviews;
- (2) Speeches;
- (3) Letters to the editor, opinion pieces, and articles; and
- (4) Social media, internet and intranet postings, and other electronic communications of personal views.

C. This chapter does not apply to:

- (1) Official public communications. See [115 FW 1](#), Official Public Communications – General Policy and Procedures;
- (2) Submissions of an employee's scientific, scholarly, or technical work to scientific publications, including Service reports and publications, reports for other agencies, and non-Service peer-review journals. See [117 FW 1](#), Policy Review Guidance for Scientific Publications; or
- (3) Public communications, in a personal capacity, of personal views on issues unrelated to Service or Departmental matters. See [212 FW 5](#), Outside Employment or Activity, and [212 FW 12](#), Use of Government Position, Title, or Authority.

2.3 What is the overall policy? The Service respects the rights of employees to engage in public communications in their personal (unofficial) capacity. The Service provides the ability for employees to talk about their scientific, scholarly, or technical work, including matters related to their official duties and those based primarily on knowledge acquired through official duties, if they comply with this chapter and the chapter on scientific integrity and scholarly conduct ([see 212 FW 7](#)).

2.4 What are the authorities for this chapter?

- A.** Activities of Officers and Employees in Claims Against and Other Matters Affecting the Government ([18 U.S.C. 205](#)).
- B.** Acts Affecting a Personal Financial Interest ([18 U.S.C. 208](#)).
- C.** Standards of Ethical Conduct for Employees of the Executive Branch ([5 CFR 2635](#)), including:
 - (1) Personal and Business Relationships ([5 CFR 2635.502](#)).
 - (2) Use of Public Office for Private Gain ([5 CFR 2635.702](#)).
 - (3) Use of Nonpublic Information ([5 CFR 2635.703](#)).
 - (4) Use of Government Property ([5 CFR 2635.704](#)).
 - (5) Use of Official Time ([5 CFR 2635.705](#)).

**FISH AND WILDLIFE SERVICE
INFORMATION AND EXPRESSION**

Information and Expression

Part 115 Public Information

Chapter 2 Public Communications in a Personal Capacity About Employees' Work 115 FW 2

(6) Teaching, Speaking, and Writing ([5 CFR 2635.807](#)).

D. 470 Departmental Manual (DM) 1, Public Communications – General Policy and Procedures.

2.5 What terms do you need to know to understand this chapter?

A. News media (or representative of the news media) is any person or entity who gathers information of potential interest to any segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term “news” means information that is about current events or that would be of current interest to the public. Examples of news media entities are television or radio stations broadcasting to the public, and print and electronic outlets that distribute news and editorial content to the public. Many nongovernmental organizations, trade organizations, and government entities who operate magazines, newsletters, websites, social media, and other distribution channels also provide news and editorial content to their members and constituents. These examples are not all-inclusive and we may consider other entities, such as independent bloggers, to be news media as methods of news delivery evolve. (If you have questions about whether an individual or organization is a member of the news media, contact your servicing External Affairs office.)

B. Nonpublic information is knowledge that you gain because of your Federal employment, and that you know or reasonably should know has not been made available to the general public.

(1) It includes information that you know or reasonably should know:

(a) Is routinely exempt from disclosure or is otherwise protected from disclosure by statute, executive order, or regulation;

(b) Is designated as confidential by an agency; or

(c) Has not been disseminated to the general public, and the Service has not authorized its release to the public on request.

(2) It also includes classified information and controlled, unclassified information such as personally identifiable information, and information protected by the Trade Secrets Act ([18 U.S.C. 1905](#)), Privacy Act ([5 U.S.C. 552\(a\)](#)), and Freedom of Information Act (FOIA) ([5 U.S.C. 552](#)). For example, exemption 5 of FOIA allows agencies to protect from disclosure pre-decisional and deliberative information, which may include drafts, reports, and other information.

C. Official capacity means on official Government duty, or serving as a representative of the Service. When serving in an official capacity, you may use official time, property, and your official position, including your title, agency name, email address, physical office address, and official phone number (see [212 FW 12](#) for more information).

D. Personal capacity means off-duty, representing yourself (not the Service) in your individual, unofficial, or private capacity. When serving in a personal capacity, you may not use official time, property, your official email address, physical office address, or phone number (see [212 FW 12](#)

**FISH AND WILDLIFE SERVICE
INFORMATION AND EXPRESSION**

Information and Expression

Part 115 Public Information

Chapter 2 Public Communications in a Personal Capacity About Employees' Work 115 FW 2

for more information). You also may not use your official position, including your title or agency name, except:

- (1) If teaching, speaking, or writing as an outside activity, you may include information identifying you as a Service employee as one of several biographical details, provided your title or position is not given more prominence than other significant biographical details; and
- (2) In connection with an article published in a scientific or professional journal, if your official position information is accompanied by a prominent disclaimer (see [section 2.6B\(2\)](#)).

E. Public communications is the release of information to the public through press releases, news media advisories, news media events, news features or articles, news media interviews, speeches, statements about official business for public release, letters to the editor, opinion pieces, social media posts, internet and intranet postings, and by other means.

OBLIGATIONS AND PROHIBITIONS

2.6 What are employees' rights and obligations regarding public communications in their personal capacities about Service and Departmental work?

A. Communication about matters not involving job-acquired knowledge: You may engage in public communications in your personal capacity, without prior authorization, regarding Service or Departmental matters per your rights as a private citizen if you comply with the following:

- (1) You do not discuss matters involving knowledge primarily acquired through your official duties.
- (2) You do not use, or allow anyone else to use, your Government position, title, or authority to identify you in connection with your personal speaking or writing, except as described in section 2.5D. Also see [212 FW 12](#).

B. Communication about matters involving job-acquired scientific/technical knowledge: You may speak to the media and the public about scientific and technical matters based primarily on knowledge acquired through your official duties, including scientific and technical ideas, approaches, findings, and conclusions, if you comply with the following:

- (1) You do not discuss Service policy, decisions, or decision-making processes unless you have received explicit authorization to do so on behalf of the Service. See [115 FW 1](#).
- (2) If you have not received prior approval to speak on behalf of the Service on scientific or technical matters as described in [115 FW 1](#), you must clearly state that you are not representing the Service and that the views you are expressing are your own. See the following sample language:

(a) Written example: "The findings and conclusions in this article are those of the author(s) and do not represent the official views of the U.S. Fish and Wildlife Service."

**FISH AND WILDLIFE SERVICE
INFORMATION AND EXPRESSION**

Information and Expression

Part 115 Public Information

Chapter 2 Public Communications in a Personal Capacity About Employees' Work 115 FW 2

(b) *Verbal example:* "I am expressing my personal views and not representing the U.S. Fish and Wildlife Service." If an interview is being recorded, give your verbal disclaimer during the recording.

(3) Your title or position is used only as one of several biographical details to identify you with your speaking or writing as described in [section 2.5D](#).

C. Nonpublic information: You must not disclose nonpublic information. Unless the Service or the Department has already published or released the information you want to share, you must seek guidance from the External Affairs program through your supervisory chain-of-command before engaging in public communications regarding the information.

D. Compensation for speaking or writing: You may not receive compensation for teaching, speaking, or writing activities from any source other than the Government if the subject matter relates to your official duties. There is an exception for teaching certain university courses, so employees should consult with their supervisors, their [servicing Ethics Counselors](#), or both.

(1) For most employees, teaching, speaking, or writing relates to your official duties if:

(a) The subject of the activity deals with any ongoing or announced Service or Departmental policy, program, or operation, or a matter to which you are presently assigned or to which you have been assigned during the previous 1-year period;

(b) The invitation to speak was extended to you primarily because of your official position, rather than your expertise on the subject;

(c) The invitation was extended by a person or entity substantively affected by the performance of your duties; or

(d) The activity is based substantially on nonpublic information.

(2) See [212 FW 5](#), Outside Employment or Activity, for additional guidance. (Special rules on compensation for outside activities apply to Presidential appointees and covered non-career employees, even if the activity is not related to official duties. See [5 CFR 2635.807](#)).

E. Official time: You may not use official duty time to prepare or perform public communications in your personal capacity.

F. Government facilities, equipment, or supplies: You may not use Government facilities, equipment, or supplies to prepare or perform public communications in your personal capacity, except in compliance with the Department's Limited Personal Use of Government Office Equipment and Library Collection policy ([410 DM 2](#)). Use of Government equipment must not interfere with official business or involve commercial gain, and the expense to the Government must be negligible.

G. Prohibition on representing an outside organization before the Government: You must not represent an outside entity before the Service, the Department, or any other Federal agency,

**FISH AND WILDLIFE SERVICE
INFORMATION AND EXPRESSION**

Information and Expression

Part 115 Public Information

Chapter 2 Public Communications in a Personal Capacity About Employees' Work 115 FW 2

court, or officer on a matter in which the United States is a party or has a substantial interest. For example, if you are an officer of a nonprofit organization in your personal capacity, you may not make a speech to a group of Service employees as a representative of the nonprofit organization, or sign a letter to the Federal Government on behalf of the organization. (See [212 FW 5](#), Outside Employment or Activity, and [212 FW 4](#), Participation with non-Federal Organizations in a Personal or Official Capacity, for additional guidance.)

H. Hatch Act: You must comply with the Hatch Act limitations on certain political activities. (See [212 FW 6](#) for more information and examples.)

I. Accuracy of information: You are responsible for ensuring the accuracy and integrity of the information that you provide in your public communications.

NOTIFICATION REQUIREMENTS

2.7 Who do employees have to notify about communicating in their personal capacity to the news media about Service or Departmental matters or their scientific, scholarly, or technical work?

A. Consistent with this policy, you may speak to the news media and the public, in your personal capacity, about your official work and freely and openly discuss scientific, scholarly, technical, and management ideas, approaches, findings, and conclusions based on that work.

B. In doing so, you must comply with the requirements in [section 2.6](#) of this policy.

C. When you plan to speak with the news media about your scientific, scholarly, or technical work, you must notify your immediate supervisor and either the Division Chief of Public Affairs in Headquarters or your Region's Assistant Regional Director for External Affairs, before the interview, to inform them of the request. (External Affairs can provide valuable guidance on how to respond to the media and avoid violating Service policy.)

/sgd/ Stephen Guertin
DEPUTY DIRECTOR

Date: June 7, 2018