

Social Media, Personal Email, and the Federal Ethics Rules

SOL Guidance, United States Department of Labor

What is social media?

Social media is internet-based communication that allows users to interact with information and add their own thoughts. Common examples include:

- Blogs (WordPress, Blogger)
- Microblogs (Twitter, Tumblr)
- Photo Sharing (Instagram, Flickr)
- Document Sharing (Google Docs, SlideShare)
- Networking (Facebook, LinkedIn)

Information you share using social media is hard to control. It circulates around the earth in an instant, quickly loses context, and exists long after the initial posting. As a result, social media use can create tricky issues for Federal employees and may implicate a number of ethics rules.

Personal Use of Social Media

The Federal ethics rules apply to your online activity in the same way that they apply to certain other aspects of your life. The rules provide guidance on how to express yourself in your personal capacity so as to not interfere with or be confused with your professional work. Just like in other contexts, it is important to make a clear distinction between your personal and your official use of social media. When online, ask yourself:

- How am I being identified? Could someone tell that I am a DOL employee? Could my personal account be confused with an official account?
- What topics am I discussing? Are they work related? Am I prohibited from doing this officially (e.g., partisan political activity, profit-making, revealing nonpublic information)?
- What resources am I using (e.g., home computer, work phone)?

Outside Activities

Generally, you may engage in outside activities—including those online—as long as the activities do not conflict with your official duties. See 5 C.F.R. § 2635.802. Conflicts commonly arise on social media when an employee:

- Is paid for online activity or runs a business online,
- Writes about a topic directly related to DOL policies or programs, or
- Discusses an issue so frequently that the employee is seen as having a biased opinion.

If a conflict arises, you may be required to recuse yourself from participating in official tasks. If the conflict would require you to disqualify yourself from significant duties, then you may not participate in

the outside activity. Accordingly, we generally recommend discussing planned outside activities with your supervisor, an ethics official, or both before you begin. See Ethics Contacts on Page 5 of this guidance.

Misuse of Position

Under 5 C.F.R. § 2635.702, you may not use official resources for personal gain, which includes the use of your title or position, nonpublic information, or government equipment. See DOL's ["Appropriate Use of IT" policy, DLMS 9, Ch. 900](#), for more detail on the use of government equipment.

Misuse of one's title is a principal area where employees get tripped up in their use of social media.

Remember: when people can identify you as a Federal employee, they may misinterpret your comments as being official.

- Generally, including your job position in your profile on a networking website does not make that profile or your use of the account official. However, referring to your position in a post to give it more authority could be a violation of the rule. Further, using your official photo in conjunction with your position or title could also be a violation of the rule.
- You may use your official email account for personal messages, but you should NOT include your official signature block in such emails. See ["Appropriate Use of IT" policy, DLMS 9, Ch. 900](#).
- You should *NOT* use your personal email or social media accounts for official matters. This raises record-keeping issues and potentially puts confidential information at risk.
- Be very careful about sharing nonpublic information with private, outside companies, including email service providers or document-sharing sites.

The Hatch Act

The Hatch Act prohibits Federal employees from performing partisan political activities in their official capacity. See 5 U.S.C. §§ 7321-7326; 5 C.F.R. Part 734; [Political Activities - Summaries of the Hatch Act Rules](#). Federal employees may not advocate for or against political parties, candidates, or political groups while on duty, in the federal workplace, or while using their official title or other official resources.

Federal employees may never solicit, accept, or receive political contributions.

Hatch Act violations occur more easily because of individuals' use of smart phones and tablets and political campaigns' use of social media. We recommend keeping the following in mind:

- The Hatch Act only regulates partisan political activity. If social media posts focus exclusively on issues—such as employment, education, or health care—or on political figures who are not running for office, then the posts do not fall within the areas regulated by the Hatch Act.
- While you may list your official title/DOL affiliation in your profile, do not include it in the text of any partisan political message, tweet, blog post, etc.
- Making, "liking", forwarding, or sharing a solicitation for political contributions using any social media (e.g., Facebook, Twitter, Instagram) or your personal email account is a violation of the Hatch Act. It does not matter if you are off duty, away from the workplace, or using personal, non-government equipment.
- "Liking", "friending", or "following" a political candidate's social media account is permissible, but it may not be done in the workplace, while on duty, or using government equipment.

- “Liking”, forwarding, or sharing a social media post that does not include a solicitation for political contributions is permissible, but it may not be done in the workplace, while on duty, or using government equipment.
- If someone else posts political comments on your social media account, you are not under an obligation to delete the post, even if it discusses fundraising. Furthermore, you do not have to delete other people’s responses to your posts, even if the responses discuss fundraising, so long as you do not promote or share the responses that discuss fundraising.

See also [Hatch Act Guidance on Social Media](#), from the Office of Special Counsel (OSC), which investigates Hatch Act violations.

Official Use of Social Media

Official social media communications are governed by the ["DOL Social Media" policy, DLMS 5, Ch. 600, OPA's Social Media Handbook for Employees](#), and this guidance. Agencies are required to coordinate with OPA to post comments on the DOL Facebook or Twitter accounts, to create hashtags, or to otherwise use social media to promote agency goals. The policies prohibit partisan political activities, profit-making activities, and communications or activities that would be contrary to the Federal Anti-Lobbying Act, 18 U.S.C. § 1913, or related provisions in DOL’s appropriations enactments. If a program office believes that a social media platform would be a useful tool to achieve a policy goal, the office should contact OPA.

Please note that it is a violation of the Federal ethics rules for a program manager or senior leader to direct a staff member to use their personal social media account to take an official action.

You should make a distinction between your personal and official use of social media. Under the ethics rules, you may occasionally post on social media about work events, so long as these posts are made of your own volition and on your own time. However, if you regularly post on social media about work, at some point, the account may begin to look more like an official account than a personal account. If that occurs, the profile could be in violation of the DOL and OPA policies and this guidance.

Similarly, using your official title in conjunction with your official photo on a social media or networking account, such as a LinkedIn profile, may make the account look like an official account. In order to comply with this guidance, we recommend that you do not use your official photo on any social media or networking site. We recommend using a personal photo that does not reference DOL.

Senior officials should use particular caution when on social media in their personal capacity, since there is a greater risk that people will confuse their actions as being official.

Telework

Ideally, when you work from home, you should use your government-issued devices, such as laptops and phones. This helps ensure that all security, record-keeping, and ethics requirements are met. However, employees may, in certain emergency circumstances, use their personal computers. We strongly recommend that you contact your agency’s senior information security officer for guidance regarding telework and mobile devices. There may be agency-specific limitations on what devices can be used for teleworking. The IT staff within your agency will know if any such limitations exist.

If you are working from home on a personal computer:

- Send all official emails through your official email account, which ends in dol.gov. There is an Outlook website to facilitate that communication. Law prohibits you from using personal email accounts unless you simultaneously copy your official email account or forward a complete copy of the email to your official account within 20 days. Penalties may apply for not following these guidelines. Using personal accounts can raise operational, security, and legal concerns and may prevent DOL from maintaining accurate records of its work.
- Send drafts of any documents you worked on to your official email account. This helps ensure that federal records are properly maintained and retrievable. DOL regularly receives Freedom of Information Act (FOIA) requests and Congressional oversight requests, and your personal computer could be subject to a search if it is believed that relevant DOL documents only exist there.
- Do not work on documents containing sensitive information, personally identifiable information, or nonpublic information. See "[Safeguarding Sensitive Data Including Personally Identifiable Information](#)," [DLMS 9, Ch. 1200](#). It is important to ensure that this information is not accidentally released.

Examples of Social Media and Personal Email Use

Permissible Activity	Problematic (or Prohibited) Activity
Writing a blog on a topic unrelated to your work at DOL, like cooking or yoga	Being paid by an outside organization to contribute DOL-related posts or articles
Posting occasional links to articles or tweets about DOL activities to your own Facebook page or Twitter account	Posting or writing online only about your agency's work or events at DOL
Listing your official position in the profile of your Facebook or LinkedIn page or other social networking website	Creating an account on any social media site that suggests it is an official DOL account (such as using @DOLEthicsSadler on Twitter or by listing your official position in conjunction with your official photo)
Occasionally sending an email to a friend about personal social plans from your DOL email account without your official signature block	Sending confidential official information to your personal email account or drafting and revising DOL documents on a personal computer
Reading an email or social media post on your personal email account from a political party or about a political candidate (note that any response must be composed and sent while off duty, outside of a government building, and on a personally-owned computer, smartphone, tablet, etc.)	Sending or forwarding an email that requests donations for a partisan political candidate or organization (note that this is a problem regardless of when or where you do it)
Using either official or personal equipment to report violations of laws or regulations, or fraud, waste, or abuse to appropriate authorities	Insulting or verbally attacking coworkers through a social media network

Resources

- [OSC's Hatch Act Guidance on Social Media](#)
- [OPA's Social Media Handbook for Employees](#)
- ["DOL Social Media," DLMS 5, Ch. 600](#)
- ["Appropriate Use of IT," DLMS 9, Ch. 900](#)
- ["Safeguarding Sensitive Data Including Personally Identifiable Information," DLMS 9, Ch. 1200](#)

Ethics Contacts

If you have questions about how the Federal ethics rules apply to your social media use, please contact:

- Peter Constantine, Associate Solicitor for Legal Counsel, at 202-693-5505
- Rob Sadler, Counsel for Ethics, at 202-693-5528
- Zach Mancher, Senior Ethics Attorney, at 202-693-5694
- Vanessa Myers, Ethics Attorney, at 202-693-5702
- Sarah Miller, Ethics Attorney, at 202-693-5489