

Town of Lincoln Electronic Media Policy

1.) Authority:

In accordance with RSA 31:39 and its role as the Governing Body, the Select Board (the "Board") has the authority to adopt ordinances and policies to order its prudential affairs and guide the administrative functions of the corporate body politic of the Town of Lincoln.

2.) Purpose & Application:

This purpose of this policy is to describe the Town's intent for maintaining a presence on the internet and prescribe how the Town will manage its internet web site (the "site"), and publish information on the site, deal with information submitted by others for publishing, retain information published, link to the sites of others, and allow others to link to the Town's site.

The policy shall apply to the Town's main website, the web pages maintained by its various departments (e.g. fire and police, Recreation), and any other publications, whether in print or electronic, that the Town may distribute as deemed necessary.

3.) Administration:

This policy shall be administered by the Town Manager, or her/his designee, on behalf of the Town of Lincoln (the "Town") who shall periodically report to the Board on the use and activity of the site (e.g. "hits" and major development issues). All inquiries and complaints should be directed to:

Town Manager
Town of Lincoln
P.O. Box 25
148 Main Street
Lincoln, NH 03251

S/he shall be assisted by the Administrative Assistant to the Town Manager as the primary party with responsibility of website maintenance and the training of all other staff personnel who post to the website. Only the staff so authorized may publish materials upon the website.

4.) Definitions:

Whenever the male gender is used it shall be deemed to refer to the female gender and vice-versa.

Commercial: Advertising and promotional material, including any program disguised as a so-called "Infomercial," designed to promote the sale of commercial products or services by telling about, promoting or praising a product, service, or business, in such a manner as to make people want to buy; as intentionally showing business or product names, logos, or symbols as promotion; as having the intent to make a profit as a result thereof.

Electioneering: A communication, activity, or distribution of information, a handbill or flier designed or intended to influence the vote of a voter on any question or office, or in any manner to expressly advocate the election or defeat of a candidate or passage or defeat of an issue or to promote or advance one candidate, issue, or position over another or to raise funds toward such purposes.

Issue: A program whose primary purpose is to discuss the activities of an elected or appointed person or entity and the matters before them or a balanced view of a matter proposed for, or subject to, a ballot vote.

Offensive: Language of slang, vulgar or colloquial expression which refers, in the context in which it is used, to sexually explicit acts or to human elimination; or abusive language against persons, ethnic groups, religious groups, sexual orientation, or persons with disabilities.

Official: Relating to the performance of one's appointed or elected position or the administration or management of an entity, whether paid for by government or private funds, where the primary purposes is to inform the public as to the ongoing activities for the person or entity, solicit public opinion and communication, and provide constituent services.

Violence: Extreme acts of violence against people, animals or property; or depictions of extreme violent acts in dramatic and/or poetic manners.

5.) Policy:

a.) Intent: The Town's site is intended to be a vital component in its efforts to distribute information to the public at large about the Town's activities, services, decision making process, decisions and resulting ordinances, policies and regulations. The site should act as a means for our residents and visitors to readily obtain information, and submit service requests, comments, and applications at a time and a manner most convenient to them. The site should be as complete as may be technically possible while the quantity and type of documents being posted must bear a meaningful relationship to the intent of this policy and the corresponding benefit must justify the staff time consumed.

The Town does not intend the site to create a forum or other means for the public to advocate an opinion or exchange the same on issues of local interest (i.e. a "blog") and the **Town retains total and absolute editorial control over its site.**

Notwithstanding that the Town may link to an outside site, it will not directly publish any material on its site unless such material is considered to be an official communication of the Town or where the Town has sponsored or co-sponsored the publication of the material as an official action.

b.) Copyright and Trademarks: The Town will declare and defend a copyright on and retain all intellectual property rights to all items on the sites including all text, graphic images and other content excepting that provided to it by third parties. It shall provide attribution for any material it uses from third parties that are similarly copyrighted or trademarked and refer any party seeking to use such material to the original owner. Any use of the materials on the Town's site without appropriate attribution or without the written permission of the Town is prohibited. The following acts or activities are prohibited without prior written permission from the Town: (a) modification and/or re-use of text, images or other site content; (b) distribution of the Town's site content as their own; or (c) "mirroring" the Town's information on a non-town site.

c.) External Links from the Town Site: The Town, in its sole discretion, may add links to its site which allow its users to access other sites when such a link will further the intent of this policy. Those sites may include, but are not limited to, the following:

- Federal, State and County Government and the official website of those elected to represent the Town therein;
- University System of NH
- Local and Regional Broadcast, Cable and Print Media;
- Units of Local Government such as the Lin-Wood Cooperative School District or other towns or cities or units thereof;

- Any utility regulated or franchised by the state Public Utilities Commission or the Town which serves the community or portions thereof;
- An association or agency funded in whole or in part by the Town (Lin-Wood Ambulance);
- A public or professional interest association which the Town, its employees, or officers have joined (i.e. New Hampshire Municipal Association, Government Finance Officers Association, Tax Collectors Association, etc.);
- A not-for-profit corporation to which the Town makes an annual appropriation.

The Town will not link to the following except under circumstances provided for in this section:

- Commercial sites or the sites of other public or private organizations or corporations excepting those that have been retained by the Town, or established a partnership with the Town to help meet its strategic goals.
- Electioneering or Political websites excepting those efforts for which the Town has taken an official position of endorsement.

Additional sites the Town will generally not link to include individual or personal home pages or those which:

- Violate the Town's equal opportunity norms or values, or content contrary to the policies or ordinances of the Town;
- Promote or exhibit hate, bias, or discrimination, or advocate for, illegal drugs or illegal activities;
- Promote any religion or religious viewpoint;
- Make claims or representations in violation of advertising or consumer protection laws or infringe on any trademark, copyright, or patent rights of another;
- Contain libelous slanderous or otherwise defamatory content, generally offensive language, depiction of extreme violence, or obscenity; and
- Contain content that a reasonable citizen may not consider to maintain the dignity and decorum appropriate for government.

The Town may link to any community service organization that provides assistance or vital services to the community such as food pantries, soup kitchens, homeless shelters, substance abuse counseling centers, etc. and the Town may allow the link if the Town believes that the link serves the stated intent of the Town's site by informing members of the community of services available within the Town. The Town will not link to a community service organization if the Town determines that said link will result in the endorsement of any religious or political viewpoint. In determining whether a link will result in such an endorsement, the Town may follow the link and review the content of the resulting page. By providing a link to a community service organization, the Town shall not be construed as advocating or adopting any political position of that community service organization on any issue. The Town may request such information as it deems necessary to ensure that the above-stated criteria are met.

The link will contain only the name of the organization or service linked to, a logo, and a brief description. The Town reserves the right to determine where such external links will appear on its site.

Any site that the Town links to must open to a "home" or "start" page which (a) contains a valid HTML title tag that provides the name of the site or the organization that operates the site and (b) provides readily identifiable contact information including an e-mail or postal address, or telephone number. Any such site may not include a programming feature that "traps" the user and does not allow them to return to

the Town's site by clicking the browser "back" button or clicking on a preinstalled link to come back to the Town's site.

Those seeking to have a link placed on the Town's site must submit a request to the Town Manager who will determine if the link would be in keeping with this policy.

The Town Manager shall develop and implement a plan to periodically monitor the content of the sites to which it links. If the Town finds any site is no longer in conformance with this policy, or it does not maintain current material or present a technically quality site (e.g. out of focus images) it reserves the right to, without notice, remove the link forthwith. Any such third party will thereafter have to make an application for reinstatement and satisfactorily demonstrate it is in compliance with this policy.

d.) **External Links to Town Site:** The Town will allow other parties to link to the Town's site without prior written permission provided that it is not a site that this policy would generally prohibit the Town from linking to and is otherwise in conformance with this policy. However, those linking to the Town's site should understand that content and internal web links may change at any time without notice and the site may be out of service, at any time, for maintenance or unanticipated interruptions. No party shall link to the Town's site in a way as to make it appear the Town's site is an integral part of its site, capture pages within frames, present the Town's site content as its own, otherwise misrepresent this site's content or misinform users about the origin or ownership of its content, or imply it has the endorsement of the Town for its services, products or activities.

e.) **Activities on the Town Web Calendar:** Postings on the site calendar shall be restricted to official Town activities or those which the Town has officially sponsored.

f.) **Retention of Materials Published:** Materials published on the website, excepting those published in the so-called "Red Banner" which shall be considered a "transitory correspondence" no longer needed for reference (RSA. 33-A:3-a, XXV) shall be retained on the site for five years. Information removed thereafter shall be maintained in paper or electronic format until such time – if at all – as it may be disposed of in accordance with the schedule in RSA 33-A:3-a.

Use for Compliance with RSA 91-A & Other Requirements: To the extent consistent with statute and Town policy or ordinance, the website shall be used as one of the posting locations for compliance with the posting requirement for public notices for meetings, public hearings, bidding, employment and the like. In the event of any cancellation or change in the posting of such a meeting or event, it shall be the responsibility of the party who initially posted it or asked for it to be posted to take appropriate action so that the public is notified of the change in a timely manner. The minutes of all Boards and Committee meetings shall be posted on the website as well.

h.) **Third Party Endorsements, Releases & Notices:** Adding a link from the Town's site to other sites, when deemed appropriate to furthering the intent of this policy, does not constitute an endorsement or approval of that third party's service or activities. Some of the material on the Town's site may have been generated by third parties who have granted the Town permission to use it. Those parties retain ownership of the material. Persons seeking to use or modify those materials including, but not limited to, icons, graphics, and general content will need to contact the owner of such materials directly. The Town will not act on their behalf to seek such permission. Web sites the Town may link to are not controlled, maintained or otherwise regulated by the Town. The Town is not responsible for the content of those web sites. Visitors to those sites use the information voluntarily at their own risk and must conduct their own due diligence appropriate to the use of any such materials. Visitors to external sites linked from the Town's site are advised to contact the operators of those sites with any questions about accuracy, copyright compliance, legality, security, privacy or right to reproduce or otherwise use their materials, including graphics and logos, thereon.

i.) **Privacy & Use of Data:** The Town may not use its web site to:

- Record personal information about our users and their visits for commercial purposes;
- Send unsolicited email regarding any commercial offers or advertisements; and
- Disclose, sell, rent or otherwise distribute personal information to any third party, unless such data must be released in accordance with law.

The Town may use its web site to:

- Record statistics to monitor overall site traffic to ensure users of the site are able to access information in an effective manner and to determine means to continually improve the site to better suit the users' needs (i.e. which pages get the most/least traffic, the most effective means of communication such as graphics, text, and links and our effectiveness in communicating urgent messages to the population during emergencies). In keeping with industry standards we will record the following information about users:
 - o The Internet domain and/or IP address from which users access our site;
 - o The type of browser and operating system used to access our site
 - o The date and time of a user's visit;
 - o The pages visited; and
 - o The address of any Web site that users link to us from.
- Provide electronic payment capabilities by check, credit card or other means. Any related personal and/or payment information transmitted may only be collected, processed and disclosed to complete an online transaction and for record-keeping for such activities as billing, permits, licenses and other business-related purposes.
- Respond to a user's request for information or a user's submission of information, or to complete an online application transaction. In receiving such personal information as is commonly contained in an e-mail or filling out and submitting an application or other online form, the Town may use that information to respond to the user. Any such information is treated by law the same as if it had been submitted by any other method of delivery.
- Inform the general public, through data in bulk aggregate form, of our annual activities or perform any other such action in fulfillment of this policy.

j.) **Disclaimer:** The Town reserves the right to revise this Policy without prior notice when it is deemed to be in its best interests.

The Town will make every attempt to ensure the information on its site is accurate and up to date. Relying upon materials contained thereon is at the sole risk of the user. Persons needing official, final, or "certified" copies of documents for legal or other transactions must obtain those directly from authorized Town agents as provided for in RSA 91-A and Town policy.

The materials and information contained on or obtained from our site will be distributed and transmitted "AS IS" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. Information contained on the site, including information obtained from sites accessed through external links thereon, is to be provided without any representation of any kind as to its accuracy or content and should be verified by the user. The Town is not responsible for any general, direct, special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the site and/or the materials contained on the site whether the materials contained on the site are provided by the Town or by a third party.

The Town recognizes that, even with our best efforts to protect the confidentiality of user information and the information we display, it is not always possible to avoid human error or prevent unauthorized access to, unauthorized disclosure of, or disruption or corruption of data. The Town, in the event of unauthorized access, unauthorized disclosure, third party intervention, or when any loss occurs due to error, omission, or inaccurate information being displayed on the site, reserves the right to recover any expenses it incurred, unpaid fees or taxes owed to it.

l.) **Notices:** The Town will post appropriate notices throughout its site at locations which, in its sole discretion, are deemed to be most appropriate and in accordance with industry best practice. Such notices will include, but not be limited to, the following:

- A copy of the policy;
- The means to obtain final, official, or certified copies of documents;
- A user friendly statement of our privacy, security and technology, and indemnification policy;
- A notice that the Town does not endorse the service, activity or product or entity for which a link may be provided, and the Town is not responsible for the content or availability of the same;
- A means for people to notify us if they find any information that is incorrect or links are not working or are deemed inappropriate in accordance with this policy; and
- Indemnification:

k.) **Indemnification:** In using the Town's site, users shall agree to indemnify and save harmless the Town of Lincoln, its employees, officers, successors and assigns from any and all claims and causes of action arising out of their use of the site, including the payment of any and all damages awarded as a result thereof and the payment of legal costs including attorney fees, by the user or any third party in connection with their use of the site, materials contained thereon, or materials obtained from a third party site.

l.) **Complaints:** The Town will acknowledge the receipt of any complaint from a person with respect to material contained on the site or links established thereon. The Town will conclude its review of the complaint and advise the complainant within 45 days of receipt of the complaint including their right to appeal if they are aggrieved by the decision. Action in response to a complaint may include:

- Correction of any incorrect information;
- A finding there is no basis for the complaint;
- A referral to the Grafton County Attorney (when the complaint alleges obscene or otherwise illegal material or activities); or
- Other action taken in accordance with this policy statement. The Town Manager shall keep the Board advised of the receipt and status of the processing of any such complaints.

6.) Violations:

Noncompliance with these policies by users shall not be tolerated, and will be dealt with in the strictest terms in accordance with the law. Whenever such a violation shall become known, the Town Manager shall so notify the party involved. If the matter is not satisfactorily addressed by the notified party, the Town Manager may refer the matter to the Town's Attorney for appropriate and reasonable action including, but not limited to removal of the link established hereunder, a cease and desist notification, and a suit in equity.

7.) Appeals:

Any party aggrieved by the decision of the Town Manager including, but not limited to, a refusal to grant permission to re-use site material, grant a web link, or post the number or type of documents being requested, may appeal the matter to the Select Board, on a form to be designated by the Town Manager, together with any and all materials that would be submitted at an appeal hearing, within fourteen days of having been notified of said decision. Such Appeal shall be placed upon the agenda of the next regular business meeting of the Board, for which the Agenda remains open, where the Board will consider the matter and determine whether or not to have a formal hearing. The timetable after that shall be as established by the Board and its decision in any such matter shall be final.

8.) Evasion of This Policy:

The intent of this policy is to guide the staff in developing and maintaining the Town web site and electronic newsletter. It shall be a violation of this policy, and a disciplinary offense, for staff to act in any manner other than prescribed herein.

9.) Periodic Review and Revisions:


Annually, at the time of goal setting for the budget, the Town Manager shall review this policy with staff to determine how effectively it is meeting its purpose. Suggested revisions shall be submitted to the Board for consideration and adoption with the annual budget submitted by the Town Manager.

Adoption: Whereas this fulfills our intent for uniform procedures throughout the organization, we do hereby adopt the provisions of this policy on this 4th day of April 2016.

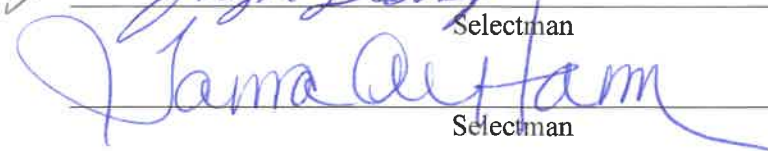
Effective Date: This policy shall be effective on April 4, 2016



Chairman



Selectman



Selectman