

CONTRA COSTA COUNTY

309 Diablo Rd, Danville
3361 Walnut Blvd, Suite 140, Brentwood



AGENDA

Monday, September 11, 2023

11:00 AM

Internal Operations Committee

Supervisor Candace Andersen, Chair
Supervisor Diane Burgis, Vice Chair

<https://cccouny-us.zoom.us/j/85280600959>
Call In: 888-278-0254 Conference code: 845965

Agenda Items: Items may be taken out of order based on the business of the day and preference of the Committee.

- 1 Introductions
- 2 Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to two minutes).
- 3 RECEIVE report and CONSIDER staff recommendations on possible TikTok application ban on County devices and Social Media Policy amendments. (Kristi Jourdan, Director, Office of Communications and Media) [23-376](#)
Attachments: [CCC Social Media Policy 080323 Clean](#)
[IO TikTok 080923](#)
- 4 The October 9, 2023 meeting is canceled. A special meeting is scheduled on October 2, 2023 at 1:00 p.m.
- 5 Adjourn

General Information

This meeting provides reasonable accommodations for persons with disabilities planning to attend a the meetings. Contact the staff person listed below at least 72 hours before the meeting. Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Committee less than 96 hours prior to that meeting are available for public inspection at 1025 Escobar St., 4th Floor, Martinez, during normal business hours. Staff reports related to items on the agenda are also accessible on line at www.co.contra-costa.ca.us.

HOW TO PROVIDE PUBLIC COMMENT:

Persons who wish to address the Internal Operations Committee during public comment on matters within the jurisdiction of the Committee that are not on the agenda, or who wish to comment with respect to an item on the agenda, may comment in person, via Zoom, or via call-in. Those participating in person should offer comments when invited by the Committee Chair. Those participating via Zoom should indicate they wish to speak by using the “raise your hand” feature in the Zoom app. Those calling in should indicate they wish to speak by pushing *9 on their phones.

Public comments generally will be limited to two minutes per speaker. In the interest of facilitating the business of the Board Committee, the total amount of time that a member of the public may use in addressing the Board Committee on all agenda items is 10 minutes. Your patience is appreciated.

Public comments may also be submitted to Committee staff before the meeting by email or by voicemail. Comments submitted by email or voicemail will be included in the record of the meeting but will not be read or played aloud during the meeting.



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 23-376

Agenda Date: 9/11/2023

Agenda #: 3

Choose an item.

Meeting Date: September 11, 2023

Subject: TikTok Ban Considerations

Submitted For: Monica Nino

Department: County Administrator

Referral No:

Referral Name: Social Media Policy

Presenter: Kristi Jourdan

Contact: Kristi Jourdan (925) 313-1183

Referral History:

At the July 10, 2023 IOC meeting, in the context of reviewing updates to the County's Social Media Policy, Vice Chair Burgis suggested that the County consider prohibiting the use of the TikTok social media platform on any County devices due to security issues. She also asked if and how staff could verify what online content was created organically or by artificial intelligence.

A possible TikTok ban and possible staff responsibilities for monitoring inaccurate or inappropriate public postings on County social media pages were further discussed by the Board of Supervisors on August 1, when the Board adopted the recommended Social Media Policy, with amendments (attached).

Referral Update:

Staff provides the following additional information on risks associated with the TikTok platform, the status of TikTok bans elsewhere, and the County's ability to implement a TikTok ban on County devices and limitations on that ability.

National Security Concerns. With the ever growing and rapidly evolving number of social media applications available worldwide, there is valid concern that the data collected by these platforms could be used for nefarious reasons which might put national security at risk. TikTok, for example, is owned by the Chinese company ByteDance, which is subject to China's 2017 National Intelligence Law, which states that all organizations and citizens shall "support, assist and cooperate" with national intelligence efforts. Forbes previously reported that ByteDance was planning to use TikTok (the "app") to access users' location data without their consent. Other reports said the app tracks users' keystrokes. These reports of surveillance and tracking have pushed legislation to ban TikTok on government devices or make it inaccessible via their Wi-Fi.

The renewed concern around TikTok's security risks has been prompted by testimony from Federal Bureau of Investigation (FBI) Director describing the FBI's concerns around TikTok's security and about the TikTok algorithm, which curates the videos that a user sees, and how it could be used to run influence campaigns

among American users.

The UK government, in its statement explaining why it was taking the prudent step of removing TikTok from government-issued devices, said the app was able to access user data from devices, including contacts and geolocation. According to a report by the Australian-US cybersecurity firm Internet 2.0, TikTok's app can access a user's calendar, other running applications, Wi-Fi networks, and even the SIM card serial number.

TikTok Bans. At least 37 states have taken some official action against the app since 2020, either in the form of banning its use on government devices or lawsuits. In California, SB 74, most recently amended - amended in May 2023, would ban TikTok on state-owned or state-issued devices. The Senate Bill does not call out any specific platform but provides criteria for banned platforms, e.g., "entity of concern" or "country of concern" that holds 10 percent or more of the voting shares of a social media platform, platform uses software or algorithm controlled by country of concern. Orange County acted in March 2023 to apply this prohibition to county cell phones, laptops, and desktop computers, except as necessary for law enforcement purposes.

Some universities also have banned TikTok from being accessed from university Wi-Fi networks. The Texas ban of TikTok on state-owned devices or networks caused the Knight First Amendment Institute at Columbia University to file a suit in District Court on behalf of the Coalition for Independent Technology Research asserting the state ban was seriously impeding or preventing faculty from pursuing research.

County's Ability to Monitor/Enforce a TikTok Ban on County Devices. Currently device management, including the inventory and removal of applications, is not centrally managed within the County. The maturity of device management varies widely across the organization, with some departments maintaining IT systems capable of inventorying/blocking applications and some relying on manual processes.

The County Library is in the process of making its public computers Children's Internet Protection Act (CIPA) compliant, consequently, there will already be filtering software on the Library's public computers. However, adult users will have an option to bypass the filter. More research will be required to determine if the filtering software can continue to block just TikTok. It may be possible to develop filtering criteria that can capture TikTok but might also capture other platforms not meant to be targeted. If a user does manage to bypass all the filters put in place, the hard drive is "scrubbed" after each session is logged off, so anything that was downloaded is no longer there when the computer is logged on for the next session.

Contra Costa County Departments of Sheriff and Animal Services are known to use TikTok. A County ban of TikTok, which is used by more than 100 million monthly active users in the U.S., could impede efforts by those departments to reach a young audience and to debunk misinformation received by TikTok users. All sworn Sheriff-Coroner staff need unlimited access to all social media platforms. If a TikTok ban is implemented on County devices, Sheriff Deputies and possibly other County justice system staff will need to access and preserve a social media account for investigative purposes.

Artificial Intelligence (AI) Created Content. While AI can deliver wide societal benefits, from medical advances to mitigating climate change, new risks and complexities for the wider public may arise from its use. Key to the consideration of public information shared on social media will be the ability to discern AI created content from human created content.

AI detectors are software tools designed to detect when a text was generated by an AI writing tool like ChatGPT. AI content may look convincingly human in some cases, but these tools aim to provide a way of checking for it. Currently, AI detectors are not reliable, as most tools for identifying AI generated content are still in exploratory and research phases and are not “great” at definitively generating answers as to whether the content is AI generated. That said, this area is rapidly developing.

There are techniques the average person can use to help determine if an image is AI generated such as analyzing image metadata, using reverse image searches, checking for distortions and visual patterns, and analyzing the surroundings/background, etc.

At this time, the County does not have a reliable way to identify AI created content posted within public comments on County websites and social media pages.

Update Social Media Policy with Guidance on Inaccurate or Misleading Comments. During its August 1, 2023 regular meeting, the Board of Supervisors discussed adding a response protocol to the County Social Media Policy to combat mis- or disinformation. Misinformation is simply false information. Disinformation is the intentional spreading of misinformation.

In response, the County’s public information officers and communication experts recommend adding to the approved social media policy guidance like what was used for responding to COVID-19 social media comments. When composing a response:

- Strive to be supportive, educational, informative, and show compassion.
- Respond with just the facts - point to existing, approved information and resources.
- Never respond to direct opinions or straight comments. If we create the right kind of atmosphere on our social platforms, our followers will react to each other without us needing to jump in.
 - Exceptions would be misinformation that could be harmful, that is rapidly gaining momentum, or if the poster has an unusually large following.

Recommendation(s)/Next Step(s):

1. RECEIVE report on possible TikTok application ban on County devices.
2. DIRECT staff to update the social media policy to include language that bans social media platforms on County-owned or County-issued devices that meet the criteria in alignment with the federal and soon-to-be State government ban:

“Contra Costa County bans the use of any social media platform controlled by an “entity of concern” or a “country of concern” that holds 10 percent or more of the voting shares of a social media platform, or if the platform uses software or an algorithm controlled by a country of concern.”

“Country of concern” means a country identified by the International Traffic in Arms Regulations as set forth in the Code of Federal Regulations. “Entity of concern” means a company that is domiciled in, is headquartered in, has its principal place of business in, or is organized under the laws of, a country of

concern.

- Law Enforcement Exemption: All sworn deputies and investigators need unlimited access to all social media platforms for investigative purposes with no restrictions on social media content.

3. DIRECT the County Administrator to maintain and publish for County staff a list of banned social media platforms that meet the criteria in Recommendation 2.
4. DIRECT staff to update the social media policy to include guidance on if/how to respond to inaccurate or misleading public comments as well as fake/doctored images and videos on County social media pages.
5. DIRECT staff to draft a set of interim guidelines, like Boston's guidance, to provide Departments with some guardrails pertaining to AI usage in public communications.
6. DIRECT staff to continue researching reliable ways to identify AI generated content posted within public comments on County website and social media pages and bring back updates to the Committee as appropriate.

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DRAFT – Social Media Policy Administrative Bulletin
8/3/23

Contents:

- I. Definitions
- II. Social Media Usage
 - a. Process for Posting Social Media
 - b. Information Posted on Social Media Sites
 - c. Use of Social Media During Countywide Emergency Events
- III. The Public Records Act & Retention of Posted Information
- IV. Employees’ Personal Social Media Accounts

Social media is an important tool that can be used as part of a comprehensive communications strategy for providing time-sensitive information and increases the ability for the County to share its messages to the widest possible audience, including audiences that might not seek information through more established messaging channels like radio and television. Social media can help the County government build trust with the community, solve problems, and provide a better understanding of how County government improves the quality of life for Contra Costa County residents.

This policy establishes guidelines governing the use of social media by Contra Costa County departments and employees for informing the public about County programs and services. No changes can be made to this policy without Board of Supervisors approval.

I. Definitions

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

Content: Any text, metadata, quick response (QR) codes, digital recordings, videos, graphics, photos, or links on approved sites.

Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post: The act of publishing content on a site.

Profile: Information that a user provides about themselves on a social networking site.

Public Record: Includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

Social Media Comment Policy: An external facing social media policy used to set guidelines and protocols for public interaction with County content on social media accounts.

Social Media Representative: A County employee designated to establish and/or maintain a social media account on behalf of the County, departments, or divisions. Each representative must be designated by the department or division before they begin utilizing social media on the County’s behalf.

Social Media: Internet-based technology communication tools with a focus on immediacy, interactivity, user participation and information sharing. These online technologies are operated by non-County

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hosted services and are used by the Department. Examples include but are not limited to blogs, microblogs, wikis, social and professional networks, video or photo sharing, and social bookmarking.

- Examples include but are not limited to Facebook (social networking), YouTube (video sharing), Twitter (microblogging), Instagram (social networking), Pinterest (social networking) and LinkedIn (professional networking). Social media should be understood to include any web-based tool that allows for open communication on the internet, including but not limited to micro-blog sites (Twitter,) social networking sites (Facebook, LinkedIn, Nextdoor) video-sharing sites (YouTube,) and image-sharing sites (Instagram).

Terms of Service: The set of rules and regulations a provider attaches to a software service or web-delivered product.

II. Social Media Usage

A. PROCESS FOR POSTING SOCIAL MEDIA: When using social media, County departments shall do the following prior to posting content:

- 1) Have an official business or public purpose in posting the media that clearly serves County objectives;
- 2) Review the Terms of Service for the site where the social media will be posted and, as appropriate, obtain approval from County Counsel and the department's CAO analyst before agreeing to the Terms of Service;
- 3) Check that content to be posted complies with County policies, including but not limited to technology use and personnel policies;
- 4) Ensure federal, state, and local laws are followed, including:
 - a) Copyright law: For example, posting a video, image (including individuals' names or likenesses), or music without receiving a license or authorization may violate copyright law;
 - b) Trademark law; and
 - c) Other third-party rights, including individuals' rights of privacy, are respected.
- 5) Direct any questions regarding legal issues, including compliance with trademark and copyright laws, to the Office of the County Counsel.
- 6) Publish using platform and tools approved by the Office of Communications and Media.
- 7) Adjust settings to allow public comments only on County social media posts and not directly on County platforms
- 8) Reset the social media password after a Social Media Representative is removed as a social media account administrator;

The Office of Communications and Media reserves the right to terminate any County social media site at any time.

B. INFORMATION POSTED ON SOCIAL MEDIA SITES

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- 1) Social media should be used by County departments to communicate County information to the public, but not for other purposes.
- 2) To help prevent errors and liability issues, social media postings should be made by a Social Media Representative for the department who has been authorized to do so by the Department Head. The Social Media Representative shall only post content reflecting the views of the County, not his or her personal views or concerns.
- 3) If a mistake occurs, the department should correct the mistake as soon as it is made aware of the error. If an earlier post is modified, it should be clear that the posting has been corrected. Consider designating corrections with “Fixed link” or “Fact correction” prior to the correction.
- 4) The public is not allowed to post content on a County platform but is allowed to comment on posts made by the County. Social media account settings shall be adjusted accordingly. County departments must allow and moderate public comments on all platforms.
- 5) County departments may not post the following content and must remove any such content, regardless of whether posted by the County department or outside individuals:
 - Electioneering for or against candidates or issues, unless such promotion or opposition is inherently related to discussion of an item posted by the County
 - Information affiliated with political campaigns
 - Confidential information
 - Content that is unrelated to the post or work done by the County
 - Threats against any person or organization
 - Highly repetitive posts that amount to harassment
 - Obscenity, profanity, and vulgar language
 - Promotion of discrimination
 - Indication or encouragement of illegal activity
 - Advocacy of violence
 - Spam or links to unrelated sites
 - Promotions of services, products or political candidates or organizations
 - Infringement of copyrights, trademarks, or other intellectual property
 - Information that may compromise the safety, security, or proceedings of public systems or any criminal or civil investigations
 - Personal or sensitive information (social security numbers, credit card numbers, medical information, account numbers, banking information, phone numbers, email addresses, postal addresses, and similar materials).

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For questions about whether a posting falls within one of the above categories or whether a posting containing content not appearing on the list should be removed, the County department should contact the Office of County Counsel prior to taking action to remove the post.

- 7) County departments should direct users back to the County’s website when appropriate and possible for further information;
- 8) County departments must use branding, such as logo use, on social media postings;
- 9) County departments should include the Social Media Comment Policy (see Appendix A), indicating the discussion is moderated and inappropriate content will be removed, if the profile settings can accommodate it. If the profile settings cannot accommodate the Social Media Comment Policy, the social media site shall include a link to the policy. This Social Media Comment Policy must be included, or a link provided to the policy, on all social media sites.
- 10) Direct or indirect communications between members of a legislative body, such as members of the Board of Supervisors, commissions and/or boards, should be strictly avoided to prevent potential violations of the Brown Act or the Better Government Ordinance. Among other precautions, members of legislative bodies should not respond to, “like,” “share,” resend or otherwise express opinions about any issue within the subject matter jurisdiction of the body.
- 11) If any County department posts an item regarding a specific Supervisorial district, the Department must notify the District office before tagging and posting.

C. Use of Social Media During Countywide Emergency Events

- 1) In the event of an emergency, County departments should coordinate all social media content with the Office of Communications and Media, unless otherwise directed by the County Administrator.
- 2) To ensure that messages are consistent across the various accounts and platforms managed by the County, with permission of the CAO, County Public Information Officer (PIO) or designee, will take the lead in delivering County emergency information via social media and keep the CAO and the Office of Communications and Media informed.
- 3) Depending upon the incident, communication managers may be asked to point to specific departmental social media sites that will serve as the main source of information.

III. The Public Records Act & Retention of Posted Information

- 1) Information posted on County social media sites is subject to the California Public Records Act. Any content that is related to the County’s official business, including a list of subscribers and posted communications, may be a public record subject to public disclosure.
- 2) County departments should retain subscriber information and comments posted by outside users on County sites, including those removed by staff, for the period required by law and in accordance with department policy. In addition, when prohibited content is removed the records must include

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the name of the staff member who removed the content, and the date, time, and reason the content was removed.

IV. Employees' Personal Social Media Accounts: The line between personal and professional, public, and private can be easily blurred in social media. The following guidelines, in addition to those in the County's Administrative Bulletins, must be followed when using a personal social media account:

- 1) Personal social media accounts cannot be used for page management of County, department, or division profiles. Additionally, staff should not use their personal social media accounts to speak on behalf of the County or to present themselves as County representatives
- 2) Employees with personal social media accounts are prohibited from posting confidential information obtained from the County, such as personnel data, medical information, and attorney-client privileged information.
- 3) When commenting on County business, employees, supervisors, or policies on a personal account, employees should take care to make it clear that their personal opinions are their own and do not represent the official policy position of the County.

APPENDIX A

Contra Costa County's Social Media Comment Policy:

Social media is an important tool that can be used as a channel for disseminating time-sensitive information and as a communications tool which increases the ability of the County to broadcast its messages to the widest possible audience and include new audiences that don't rely on traditional media channels.

Social media can help us build our community, improve knowledge, solve problems, and provide a better understanding of how our work impacts the quality of life for residents. This policy governs all sites and websites of Contra Costa County. Public comments expressed on our social media channels do not reflect the opinions of the County, nor do we approve the content of any public commentary on our social media channels. You, as the commenter, are responsible for the content of your messages. Our social media channels are limited to discussion of matters related to the County and its mission. We welcome all comments, questions, and concerns about these topics that foster discussion and communication.

To further this goal, the County reserves the right to delete, hide comments, without notice, that contain:

- Electioneering for or against candidates or issues, unless such promotion or opposition is inherently related to discussion of an item posted by the County
- Information affiliated with political campaigns
- Confidential information
- Content that is unrelated to the post or work done by the County
- Threats against any person or organization

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- Highly repetitive posts that amount to harassment
- Obscenity, profanity, and vulgar language
- Promotion of discrimination
- Indication or encouragement of illegal activity
- Advocacy of violence
- Spam or links to unrelated sites
- Promotions of services, products or political candidates or organizations
- Infringement of copyrights, trademarks, or other intellectual property
- Information that may compromise the safety, security, or proceedings of public systems or any criminal or civil investigations
- Personal or sensitive information (social security numbers, credit card numbers, medical information, account numbers, banking information, phone numbers, email addresses, postal addresses, and similar materials).

The County's use of external social media is provided as a public service.

By commenting, you are subject to the Terms of Service of the host site. Posting comments to this site will grant the County and anyone reading this site permission to copy, distribute, make derivatives, display, or perform the commenter's work.

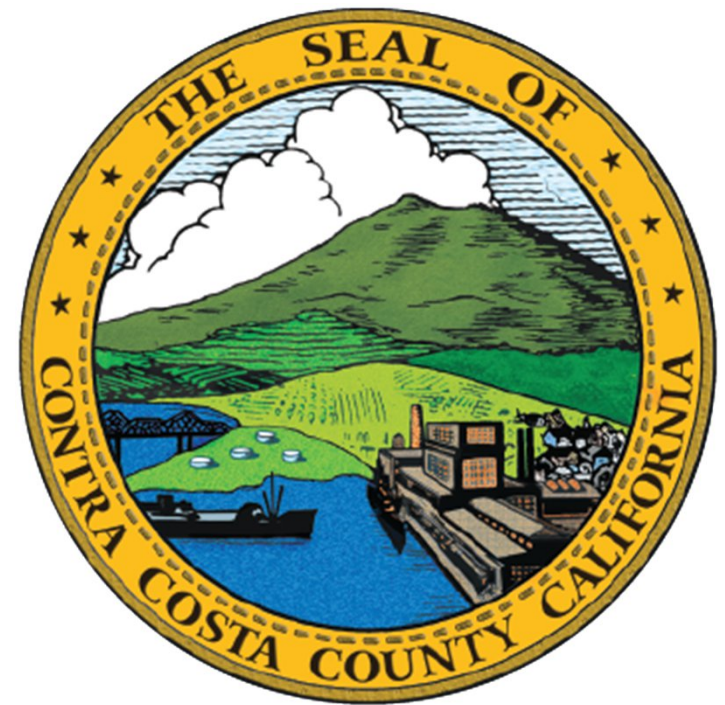
The comments posted on this site do not reflect the views of Contra Costa County or its elected officials and employees. Reference in any comment to a viewpoint, product, service, entity, or organization is solely attributable to the individual commenter. Comments may not be reproduced for the purpose of stating or implying County endorsement or approval of any viewpoint, product, service, entity, or organization. Inappropriate comments may remain posted for a significant amount of time prior to being noticed and deleted by an administrator; however, this should not be construed as an approval of the comment or an exception to the comment policy.

Comments made through the County's online locations will in no way constitute a legal or official notice or comment to the County or any County official or employee for any purpose. Additionally, emails or messages sent via this site may not be viewed or responded to. Communications with County elected officials, officers and employees should be made through correspondence to their physical addresses or County email addresses.

This policy is subject to amendment or modification at any time to ensure that use of this site is consistent with its purpose as a limited forum.

Internal Operations Committee – Social Media Updates

Office of Communications & Media
September 11, 2023





Overview

1. TikTok platform
2. Responding to Mis- and Dis- information on social media platforms
3. Artificial Intelligence (AI) generated content



Background & Timeline - TikTok

1. At least 37 states have taking action against TikTok since 2020, either banning use on government devices or filing lawsuits
2. California considering SB 74 (2023 – Dodd)
 - a. Orange County passes ban – March 2023
 - b. Westminster passes ban – April 2023
3. Contra Costa County
 - a. Animal Shelter
 - b. Elections
 - c. Law enforcement agencies



Recommendation - TikTok

- Staff recommendation: Update the social media policy to include language that bans social media platforms that meet the criteria on County-owned or County-issued devices in alignment with the Federal and soon-to-be state government ban.
 - Contra Costa County bans the use of any social media platform controlled by an “entity of concern” or a “country of concern” that holds 10 percent or more of the voting shares of a social media platform, or if the platform uses software or an algorithm controlled by a country of concern.
 - We would define “an entity of concern” or “country of concern” as previously noted.
 - And we would also propose a law enforcement exception.



Responding to Mis- and Dis- Information

- Board of Supervisors discuss adding to social media policy to combat mis- or dis-information
- County PIOs recommend using the strategy used to respond to COVID-19 social media comments
 - Strive to be supportive, education, informative, and show compassion.
 - Just the facts – point to existing, approved information and resources.
 - Never respond to direct opinions or straight comments.
 - Exception - harmful misinformation, something seems to be getting legs of its own, poster has unusually large following



Recommendation – Social Media Inaccuracies

- Staff recommendation: Update the social media policy to include guidance on if/how to respond to inaccurate or misleading public comments and bring back to the Board of Supervisors for approval.



Artificial Intelligence (AI) Generated Content

- May 2023 – President Biden’s administration meets with CEOs of Alphabet, Anthropic, Microsoft, and Open AI.
 - Working on voluntary privacy and security commitments.
 - Office of Management and Budget expected to soon release guidance establishing policies for federal agencies to follow in adopting AI systems.
- SB 313 would enact California AI-ware Act to establish Office of Artificial Intelligence within the Department of Technology.
- City of Boston AI guidance.



Recommendation – AI Content

- Staff recommendation: Draft a set of interim guidelines based on City of Boston's guidance and continue researching reliable ways to identify AI generated content.