



**State of New Jersey**  
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
POST OFFICE BOX 340  
TRENTON, NEW JERSEY 08625-0340

CHRIS CHRISTIE  
*Governor*  
*Commander-in-Chief*

☆  
MICHAEL L CUNNIFF  
*Brigadier General*  
*The Adjutant General*

**DEPARTMENTAL DIRECTIVE**  
**NO. 25.2.7**

**30 August 2012**

**SOCIAL MEDIA POLICY**

**1. PURPOSE.** This directive prescribes the Policy of the Department of Military and Veterans Affairs (DMAVA) for the use of Social Media, Email and Texting by all State employees of DMAVA.

**2. APPLICABILITY.**

a. This policy applies to all State employees of DMAVA. The term employee includes all full-time, part-time, and hourly employees, State-contracted individuals and temporary hires within DMAVA.

b. Employees are discouraged from using Social Media, Texting or personal Email while at work, and such use will be on a *de minimus* basis. This Policy applies to the use of Social Media, Email and Texting by employees when away from work to the extent the content of the communication has any relationship to DMAVA operations.

**3. REFERENCES.**

- a. Health Insurance Portability and Accountability Act (HIPAA)
- b. Identity Theft Prevention Act, NJSA 56:11-44
- c. Privacy Act of 1974; 5 USC §552a
- d. CFR Title 42- Public Health, Chapter IV - CMS, Subchapter G - Standards for Certification, Paragraph 438.10 - Resident Rights
- e. N.J.A.C. 8:39- Standards for Licensure, Subchapter 4 - Mandatory Resident Rights, Paragraph 4.1- Resident Rights
- f. DMAVA Departmental Directive 25.2.3, Information Security Program
- g. DMAVA Departmental Directive 25.2.4, Safeguarding Confidential and Privacy Act - Protected Data

- h. DMAVA Security Policies and Procedures Guide
- i. DoD Directive 5400.11 Department of Defense Privacy Program
- j. NJ Department of Treasury Circular Letter 03-10-ST, Managing Electronic Mail: Guidelines and Best Practices, dated July 11, 2002
- k. NJ Department of Treasury Circular Letter 97-03-OTS, Guidelines for Acceptable Internet Access and Use for New Jersey Government, dated August 30, 1996
- l. AR 25-1 Army Knowledge Management and Information Security

**4. DEFINITIONS.**

a. As used in this Policy, the term “Email” means a method of exchanging digital messages from an author to one or more recipients across the Internet or other computer networks.

b. As used in this Policy, the term “Social Media” means all forms of Internet-based applications used to turn communication into interactive dialogue, such as Internet forums, weblogs, social blogs, microblogging (such as Twitter), wikis, podcasts, content communities (such as YouTube), photograph or picture sharing, video (such as Skype), rating and social bookmarking, social networking (such as Facebook), etc.

c. As used in this Policy, the term “Texting” means the exchange of brief written text messages between fixed-line phone or mobile phone and fixed or portable devices over a network.

**5. POLICY STATEMENT.** Whether or not an employee chooses to participate in online social networks or use Social Media is his or her own decision. However DMAVA recognizes that emerging online collaboration platforms are changing the way individuals communicate. This policy is designed to give direction, practical guidance and restrictions on the use of Social Media, Texting and Email by the employees of the DMAVA.

**6. GUIDING PRINCIPLES.**

a. The same guidance, regulations and standards of professionalism that apply to employee daily activities in the workplace apply to employee activities online.

b. Employees shall maintain professional boundaries in the use of Social Media and Texting. Contact with residents or their families through Social Media, Email and/or Texting is prohibited. Use of non-work related Email to communicate with residents and/or their families also is prohibited

c. What an employee does during off time is that employee’s affair. However, activities inside or outside of work that affect job performance, the performance of others or operate against the best interests of the DMAVA is the business of the Department.

d. Everything posted to the Internet lives indefinitely, and once, sent should be considered public record.

**7. STANDARDS AND POLICY.**

a. Employees are expected to sign and adhere to the terms of the Employee Notice and Agreement Form at Appendix 1 to this Policy.

b. Employees may not disclose any confidential or proprietary information of or about the DMAVA, its affiliates, vendors or suppliers, including, but not limited to, business and financial information through the use of Social Media, Email and/or Texting.

c. Employees may not use, share or disclose any resident identifiable information of any kind including photographs of the residents through the use of Social Media, Email and/or Texting. The only exception to this Policy is if an employee is communicating with a resident's family via Email for a work-related matter, in which the identity of the resident may be disclosed in the Email, Even if an individual is not identified by name within the information an employee may wish to use or disclose, if there is a reasonable basis to believe that the person could still be identified from the information, then its use or disclosure could constitute a violation of the Health Insurance Portability and Accountability Act (HIPAA) and Protected Health Information (PHI).

d. Employees may not provide any content through the use of Social Media, Email and/or Texting that contains any secret, classified and/or sensitive information or any content that may be construed as proprietary work product or confidential work related material. This is a violation of operational security and violates current State and Federal policy.

e. Employees may not provide any content through the use of Social Media, Email and Texting that contains any Personal Identity Information (PII) which would constitute violation of Privacy Act of 1974; 5 USC §552a, Identity Theft Prevention Act; NJSA 56:11-44 and/or Departmental Directive 25.2.4.

f. Use of a Disclaimer.

(1) Whether an employee publishes a blog or participates in another blog, it must be made perfectly clear that what they say is representative of their views and opinions and are not necessarily the views and opinions of the DMAVA. At a minimum, the employee blog should include the following standard legal disclaimer:

*"This is a personal WEB site, produced in my own time and solely reflecting my personal opinions. Statements on this site do not represent the views or policies of my employer, past or present, or any other organization with which I may be affiliated. All content is copyrighted."*

(2) The use of a standard disclaimer does not, by itself, exempt employees from a special responsibility when making social media disclosures

g. This policy does not inhibit social media interaction which would be considered a protected activity under Sections 7 and 8(a)(1) of the Labor Relations Act of 1935

**8. MANAGEMENT RESPONSIBILITIES.**

a. To ensure that employees are provided this policy and are aware of and comply with the guidelines set forth in the provisions of this policy.

- b. To enforce this policy within their area(s) of responsibility.
- c. To ensure that appropriate action is taken if an employee violates this policy.
- d. The standard disclaimer addressed above does not, by itself, exempt DMAVA managers and executives from special responsibility when blogging. By virtue of the position, managers and executives must consider whether personal thoughts published may be misunderstood as expressing the position(s) of the DMAVA. A manager should assume that their fellow employees will read what is written. A Social Media site is not to be used to communicate DMAVA's policies to employees.

**9. EMPLOYEE RESPONSIBILITIES.**

- a. To become knowledgeable with the contents of this Policy.
- b. To adhere to the contents of this Policy.
- c. To sign, at the in-service orientation and annually, the Employee Notice and Agreement Form.
- d. To promptly report a breach of confidentiality or privacy.

**10. VIOLATIONS OF POLICY.**

- a. This Policy will be enforced in the same manner as other departmental policies, which is to say that violations of this Policy may result in formal disciplinary actions.
- b. The failure of DMAVA supervisors to take appropriate corrective action when they observe or discover that a subordinate employee has violated this Policy will be enforced in the same manner as other Departmental Policies, which is to say that failure to enforce this Policy may result in formal disciplinary action against the supervisor.

The proponent for this Directive is the Information and Administrative Services Division, DMAVA. Users are invited to send comments and suggestions for improvements to NJDMAVA, ATTN: IASD, PO Box 340, Trenton, NJ 08625-0340.

OFFICIAL:



DAVID S. SNEDEKER  
 Chief Information Officer  
 Director, Information and  
 Administrative Services Division

MICHAEL L. CUNNIFF  
 Brigadier General, NJANG  
 The Adjutant General

Attachment: Social Media – Employee Notice and Agreement (Acknowledgement)

DISTRIBUTION: A, D, E, F

# DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

## SOCIAL MEDIA POLICY

### Employee Notice and Agreement (Acknowledgement)

As an employee of the Department of Military and Veterans Affairs (DMAVA) I AGREE to the following TERMS pertaining to the use of Social Media, Email and Texting, as those terms are defined in the DMAVA Social Media Policy:

1. I have READ and UNDERSTAND the DMAVA Social Media Policy.
2. I understand that I am PROHIBITED from disclosing any content that is considered Personal Identity Information (PII) or Protected Health Information (PHI) including Veteran Memorial Home (VMH) resident or staff photographs, pictures and/or video when using Social Media, Email or Texting.
3. I understand that I am PROHIBITED from providing medical advice or medical commentary or using Social Media to recommend or increase referrals to physicians.
4. I AGREE that I WILL NOT violate any local, State, Federal or international laws including, but not limited to, copyright and property laws, HIPAA, Patriot Act, Privacy Act, NJ Data Theft Prevention Act, etc. when using Social Media, Email or Texting.
5. I AGREE that when using Social Media, Email or Texting, I WILL NOT transmit any material, to the extent the content of the communication has any relationship to DMAVA operations, that is:
  - Unlawful, disruptive, threatening, abusive, harassing, embarrassing, tortuous, obscene;
  - An invasion of another's privacy;
  - Hateful, defamatory, libelous; or
  - Racially, ethically or personally demeaning.
6. I AGREE that when using Social Media, Email or Texting, I WILL NOT:
  - Impersonate any person or entity falsely or otherwise misrepresent my affiliation with a person or entity;
  - Express views or opinions of DMAVA or VMHs and its offices, or express views that I represent as being those that are endorsed by DMAVA or the VMHs;
  - Evaluate or otherwise discuss the performance of the organization, any facility or any staff member.
7. I AGREE that when using a Social Media site, I WILL NOT import into the State network or use the State network to transmit (by uploading, posting, email or otherwise);
  - Unsolicited or unauthorized advertising or promotional material;
  - "Junk mail, "spam," chain letters," pyramid schemes," or any other form of solicitation
  - Any material that contains software viruses, worms, disabling codes or any other files or programs designed to interrupt, destroy or limit the functionality of the DMAVA network or telecommunications systems.
8. I AGREE that I WILL NOT use electronic devices, such as Blackberries, smart phones, cell phones, etc., when I am attending to clients, residents or their families or use Social Media or Texting to contact VMH residents or their families at any time. In addition, I WILL NOT use non-work related Email to communicate with VMH residents or their families.
9. I AGREE that I WILL NOT intentionally use a Third Party as a means to circumvent the terms and conditions of this policy.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Print: First Name, Middle Initial, Last Name

\_\_\_\_\_  
Title