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Description of document: Securities and Exchange Commission (SEC) Social Media Program Policy, 2019

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Source of document: Freedom of Information Act Request
SEC
100 F Street NE
Washington, DC 20549
Fax: (202-772-9337)
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Online: [Request for Copies of Documents](#)

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UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

September 16, 2020

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **20-01762-FOIA**

This letter responds to your request, dated July 25, 2020 and received in this office on July 27, 2020, for access to "the SEC Twitter Clearance Process/Policy and the Social Media Clearance Process/Policy for posting content on the SEC's Twitter or other Social Media accounts."

The enclosed seven (7) pages are being released to you with the exception of certain information that is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(7)(E). Under Exemption 7(E), the withheld information is protected since its release could reveal specific techniques or procedures or would provide guidelines for law enforcement investigations, the release of which could reasonably be expected to risk circumvention of the law.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request_appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

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Furthermore, you may wish to review the information located on the SEC's [Privacy Impact Assessments](#) page. These assessments provide information on the SEC's various social media platforms.

If you have any questions, please contact Joel Hansen of my staff at hansenjo@sec.gov or (202) 551-8377. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,

A handwritten signature in black ink, appearing to read "L Katilius". The signature is fluid and cursive, with the first letter "L" being large and prominent.

Lizzette Katilius
FOIA Branch Chief

Enclosures

ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at ogis@nara.gov. Information concerning services offered by OGIS can be found at their website at [Archives.gov](https://www.archives.gov). Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.

SEC ADMINISTRATIVE REGULATION

**U.S. Securities and Exchange Commission
Office of Public Affairs
Washington, D.C. 20549**

**SECR 18-3
May 8, 2019**

SOCIAL MEDIA PROGRAM

This regulation prescribes the requirements and procedures for the creation and use of Securities and Exchange Commission (SEC) social media accounts for official purposes related to general public affairs, outreach, and communications. This regulation applies to all SEC employees, interns, fellows, detailees, secondees, and contractors. This policy will be reviewed at least once every three years to ensure the contents remain relevant and reflect current SEC regulations.

//Signature on file//

John Nester
Director
Office of Public Affairs

SEC ADMINISTRATIVE REGULATION SOCIAL MEDIA PROGRAM

1. Purpose and Scope

This regulation provides requirements and procedures for the creation and use of SEC social media accounts for official purposes related to general public affairs, outreach, and communications.

2. Policy

The SEC uses social media to foster a more effective and transparent government by educating investors and promoting an understanding of the SEC's mission and work among the public. SEC staff create and use SEC social media accounts in accordance with this regulation. SEC social media accounts are not used to: gather personal information; distribute SEC Nonpublic Information to the public; collect public comments in Commission rulemaking; or publish official notice of SEC regulatory actions in the first instance.

3. General Procedures

3.1 Implementation of Social Media Technologies and Creation of Accounts.

- The Office of Public Affairs (OPA), in consultation with the Office of the General Counsel (OGC) and Office of the Chairman, shall approve and implement all SEC social media accounts in accordance with this regulation, SECR 18-2, Media Relations Policy, and any related guidance. All social media accounts must be used in a manner consistent with the SEC's statutory mission, this regulation, and any related guidance. Any division or office seeking a new social media account must demonstrate a business need for the account and demonstrate that the account will be used at all times in a manner consistent with the SEC's statutory mission, this regulation, and any related guidance.
- Divisions or offices that are interested in establishing a social media account or adding users to an existing account should have a Senior Officer email a request to the Director of OPA.
- OPA, in consultation with OGC and the Office of the Chairman, may from time to time issue written guidance regarding approval, implementation, administration, and use of SEC social media accounts consistent with this regulation and SECR 18-2, Media Relations Policy. Supplemental written guidance related to SEC social media issued by any other division or office must be consistent with this regulation and written guidance issued by OPA, and must be authorized in advance by OGC and the Office of the Chairman.
- Before implementing a new social media technology or service, OPA coordinates review of the technology or service with the Office of Information Technology (OIT) and OGC to ensure that applicable IT security and legal requirements are satisfied. Any required contracts or terms of service are executed on behalf of the SEC only by individuals with legal authority to bind the agency (typically, a

contracting officer). These requirements apply to both paid and free technologies and services.

- OPA coordinates with the requesting division or office to establish a communication plan for each social media account that ensures appropriate and timely content is published on the social media account, defines the process for review and approval of social media content, addresses account monitoring frequency, and addresses how non-SEC user comments and interactions will be moderated. The communication plan must be submitted for review and approved before a social media user account may be used. OPA, in consultation with OGC and the Office of the Chairman, shall approve all communication plans.
- For all social media accounts, OPA, in consultation with OGC, ensures that there is appropriate use of the SEC brand and a content disclaimer and ownership information on the account profile page.
- OPA ensures that all persons with authorized account access to SEC social media and social media tools complete initial and annual training on the appropriate use of SEC social media.
- OPA reviews SEC social media accounts established prior to this regulation and coordinates with Individual Account Holders and others as needed to bring such social media accounts into compliance with this regulation and any related guidance.

3.2 Account Management

- OPA coordinates with OGC and OIT to ensure the management of social media accounts meets legal requirements.
- OPA manages the user IDs and passwords for all SEC social media accounts and has responsibility for ensuring the accounts follow SEC security protocols.
- Each social media account is assigned a Primary Account Manager in OPA. The Primary Account Manager is responsible for maintaining the primary account password, managing all Individual Account Holder accounts, ensuring password procedures are followed, and coordinating with OIT to ensure the account is monitored regularly for any security issues.
- The Primary Account Manager does not share the primary account password with individual users. Social media tools that facilitate use of social media without direct user access to social media accounts are used if available. Alternatively, additional Individual Account Holder accounts are created with appropriate levels of account access and controls for each individual user's role.


- Individual Account Holders are prohibited from sharing passwords. OPA shall maintain a clear record of the Primary Account Manager, Individual Account Holders, and others who maintain passwords for each approved social media account.
- OPA will assist and/or coordinate with Individual Account Holders and the SEC Office of Records Management Services to ensure that official SEC social media records are preserved in accordance with applicable Federal records management laws and regulations.

3.3 Social Media Content

- SEC staff creating, posting, or approving content on SEC social media must comply with this regulation and referenced authorities, applicable contract and terms of use requirements, and any guidance issued by OPA. Staff must exercise sound judgment commensurate with the task of issuing public statements associated with a federal agency when creating, posting, or approving content on SEC social media. Content posted must be directly relevant to the SEC mission and/or directly support a valid SEC business purpose, with emphasis on programmatic issues of the SEC.
- SEC social media accounts must not be used to gather personal information; publish official notice of SEC regulatory actions in the first instance; or collect public comments in Commission rulemaking. In addition, use of SEC social media accounts must comply with all laws, regulations, and SEC policies governing the handling of Personally Identifiable Information (PII) and SEC Nonpublic Information. No content that contains a recognizable image of SEC staff or discloses the identity of SEC staff will be posted externally without providing notice or making reasonable efforts to first obtain the staff's permission.
- Use of SEC social media accounts, and the use of personal social media accounts, by SEC employees, contractors, and other personnel, must comply with all applicable provisions of the Standards of Ethical Conduct for Employees of the Executive Branch, federal conflicts laws, and the Hatch Act.
- Content posted on SEC social media must not endorse or appear to endorse any commercial product, service, or entity; any political candidate or group; or other private interest. Additionally, SEC social media content must not make a direct appeal to the public to contact Congress in support of, or in opposition to, pending or potential legislation or policy.
- All content posted by SEC staff on SEC social media platforms must be approved by OPA, in consultation with OGC, prior to being made public. Specific content approval procedures for each social media account will be determined as part of the initial account approval and implementation and reflected in the communication plan.

- SEC staff must not task contractors or other third parties with posting content on behalf of the SEC that the SEC staff could not post under this regulation.
- SEC staff must not use personal social media accounts to communicate SEC-related content when acting in an official capacity, as such use may confuse the public and may lack necessary security, records-management, and other controls.

3.4 Social Media Security

- OPA coordinates with OIT to ensure the management of social media accounts follows SEC information security policies.
- SEC Nonpublic Information and Personally Identifiable Information must not be posted to the SEC's social media accounts. See SECR 23-2, Safeguarding Nonpublic Information, for additional information regarding protection of SEC Nonpublic Information.
- Drafts of official SEC announcements and other Nonpublic Information must not be stored on social media accounts prior to their official release by the SEC.
- (b)(7)(E) 
- OPA will maintain a list of helpdesk contacts and resources for each social media account and make the list available to OPA leadership and the OIT Security Team.
- If any unauthorized communications (or other communications inconsistent with this regulation) are posted on an SEC social media account, the Primary Account Manager will archive copies of the communications and delete them from public display as soon as reasonably possible after becoming aware of the communications. Then, the Primary Account Manager will notify the Director of the Office of Public Affairs and OGC.
- The Director of the Office of Public Affairs, in consultation with OGC, will determine the appropriate communications response to such unauthorized communications. The response may include actions such as issuing an alert on the social media channel, issuing an alert through other channels (SEC.gov, press release, email to SEC mailing lists, direct communication with the media), or providing notification to SEC staff, among others.

- Account users will not connect with third-party applications or games available within social media accounts, use webmail or private messaging applications available within social media accounts, post unapproved communications, or engage in any other unauthorized activities described in OIT's Rules of the Road, OP [24-04B](#).
- Use of SEC social media that is unauthorized, or otherwise not in accordance with this regulation or guidance issued by OPA, may result in revocation of social media user accounts and other appropriate disciplinary action up to and including removal from employment.

4. Authority

- SECR [18-2](#), Media Relations Policy
- SECR [23-2](#), Safeguarding Nonpublic Information
- SECR [24-04](#), Information Technology Security Program
- SECR [24-08](#), Privacy Policy and Compliance
- OP [24-04B](#), Rules of the Road
- [OMB Guidance - Social Media, Web-Based Interactive Technologies, and the Paperwork Reduction Act](#) (April 7, 2010)
- [OMB M-10-23, Guidance for Agency Use of Third-Party Websites and Applications](#) (June 25, 2010)
- [OMB M-13-10, Antideficiency Act Implications of Certain Online Terms of Service Agreements](#) (April 4, 2013)
- [Standards of Ethical Conduct for Employees of the Executive Branch](#) (Jan. 1, 2017)
- Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission, [17 C.F.R. Part 200, Subpart M](#)

5. Applicability

This regulation applies to all SEC staff, as defined below.

6. Definitions

Brand - Use of the SEC seal, agency name, colors, fonts and/or graphics to indicate an official communication of the SEC.

Individual Account Holder - Staff member(s) in SEC offices or divisions responsible for publishing content on a social media account, ensuring all content is properly approved prior to publication, monitoring the account for possible security issues, and other duties contemplated by this regulation.

Personally Identifiable Information (PII) - Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important for an agency to recognize that non-PII can become PII whenever additional information is made publicly available — in any medium and from any source — that, when combined with other available information, could be used to identify an individual.

Primary Account Manager - The staff member in OPA responsible for administering a social media account with the account provider, providing passwords and technical guidance to Individual Account Holders, ensuring the account is regularly monitored for security issues, and other duties contemplated by this regulation.

Profile Page - A webpage on a social media channel that displays details about a specific user, their activity, and their content.

SEC Nonpublic Information - SEC information described in SECR 23-2, Safeguarding Non-Public Information, that may not be disclosed outside the SEC without authorization.

SEC Staff - SEC employees, interns, fellows, detailees, and secondees; and contractors performing work under contracts with the SEC.

Social Media - Third-party digital technologies and platforms that allow communication and collaboration among personal or professional networks.

Social Media Tools - Third-party applications such as Hootsuite that assist with the management, administration, or use of social media.

User Account - The account created with a social media channel in order to post or manage content.