Set up and operation of the KTH online services with user-generated content

Internal regulation no. 3/11

Applicable from 07-03-2011

- President's decision no. UF-2011/0109, ref. no. V-2011-0126, dossier 10, appendix 2

Background

The present regulation is a supplementation of the KTH rules regarding online publishing, but with emphasis on the channels with user participation. The regulation contains provisions regarding the considerations to be made in setting up a digital area with user participation, as a part of the KTH activities. The regulation is not intended for use in cases where an individual employee is assigned to represent KTH in social media, outside the areas defined in this regulation, or for employees using social media as private individuals.

The internet and the web have developed in recent years, to become increasingly interactive. Due to the increased supply of "social media", new communication platforms have been created, making it easier for private individuals to make themselves heard in various contexts. Companies and organizations often allow internal and external interested parties to contribute content to different types of online services.

Through the use of such social services, KTH has the opportunity to bring the organization closer to the world around us and to create new possible contacts, services and understanding for its activities. At the same time KTH must, in its capacity as a public authority, consider the public-law regulations that surround its activities. The relevant provisions pertaining to the participation in social media are primarily: The Freedom of the Press Act (TF), which regulates the principle of the public nature of official documents; the Instrument of Government (RF); and the Fundamental Law on Freedom of Expression (YGL), which guarantees freedom of expression for the citizens; the Archives Act, regarding archive regulations; the Administrative Procedure Act (FL) regulations on the service-duties and administration of authority matters; as well as the Public Access to Information and Secrecy Act (OSL), regarding the keeping of records and confidentiality. These regulations are applicable and shall be adhered to irrespective of the channel chosen by KTH for its communication. In addition, KTH must consider the responsibility resulting from non-KTH employees publishing information within the framework of KTH and ensure the protection of user integrity and security within the framework of the supplied platforms, a responsibility which results from the regulations of the Personal Data Act (PUL) pertaining to the

management of personal data and the Act on Responsibility for Electronic Bulletin Boards (BBS Act).

Definitions

'Areas', in this regulation, refer to services, platforms, and websites with KTH as the sender, but built on user participation, i.e., where persons other than the ones appointed by KTH may publish material. These areas may on the one hand be technically provided by KTH, but KTH may also set up such areas within the framework of external services. An area may consist of a technical platform/service at KTH, a group in a social network, websites with commentary functions or similar. It shall be possible to moderate areas i.e., remove posts and comments. There are two special forms of areas, for which a more limited set of regulations apply.

- Student areas: Areas which are exclusively intended for internal discussions between students, as part of the learning process, where only the students may participate. Teachers at KTH may not participate in such areas. It must, in these cases, be perfectly clear that this is the purpose of the area, and that is not a channel for communication with the authority.
- Staff areas: Areas which are exclusively intended for internal discussions between employees at KTH. Persons not employed at KTH may not participate in such areas.

'Maintenance manager' refers to the person responsible for monitoring the area to ensure that it functions in accordance with legislation and guidelines. The maintenance manager shall be employed by KTH.

'User', in this regulation, refers to any person not commissioned by KTH, or in possession of permission to publish information on behalf of KTH. Users employed by KTH are considered as internal users, while non-employees are external users.

Public-law regulatory aspects

Service-duties

KTH has a service-duty vis-à-vis the individual in accordance with FL and is obligated to promptly handle any matter and request directed to KTH. This includes messages to KTH published on an area provided by KTH with user participation. Such services must therefore be monitored on a regular basis in order that any matters and requests are dealt with accordingly. Monitoring shall be conducted every working day, including in connection with holidays.

Any matters and requests received shall be answered promptly, and handled in accordance with KTH routines with regard to records and archiving.
KTH does not have a service-duty within the framework for student areas or staff areas.

The administration of public documents

In accordance with TF, a document is a representation in written or image form, as well as a record which can be read, heard or otherwise understood solely with the use of technical aids. A public document refers to a document kept with an authority, and which is to be considered

as having been received by, or drawn up by that authority. Public documents are included in the principle of the public nature of official documents, and shall either be registered (entered into records) or be kept in order in a different manner. The fundamental basis is that all public documents are public and thereby accessible to everyone, however, such public access may be limited through confidentiality, as regulated in OSL.

All posts made by users in areas provided by KTH are to be considered as public documents. The posts must be kept in order at all times, and also be monitored by the authority on a daily basis. Public documents shall always be available for disclosure. Posts in a staff area, which cannot be read by others than the KTH employees, as well as posts in student areas are, however, not normally considered as public documents.

Public documents may be disposed of (removed from the area), as long as it is conducted in accordance with the provisions of the National Archives. KTH has decided, supported by the provisions of the National Archives, that posts and comments in areas provided by KTH may be removed once obsolete. This means that posts and comments may be removed once the maintenance manager deems the information no longer useful for the activities. Unsuitable or illegal information must be removed from an area immediately, please refer to the section on moderation and monitoring. Information which has been removed in this manner does, however, still constitute public documents and must be made available for disclosure. This is regarded as disposal of the published information, but may thus also entail a requirement that the information is transferred to a different format.

If the information needs to be saved over a longer period of time, it shall be transferred to a different format or other data carrier and be archived prior to removal. This is regulated in KTH's document management plan.

Personal integrity

Search engines are very efficient with regard to indexing open websites. Information regarding names and associated posts are easily searchable and it is possible to quickly map out the online activities of an individual if such activity takes place on open websites. Therefore, KTH shall be clear in stating the location where the information of a user is published and to which extent such information is available to search engines, as well as inform the users thereof.

Published information from a user may never be moved to a lower level of confidentiality, e.g., from being accessible only through a login to being put on public access websites, without prior consent from the person concerned.

Set-up and maintenance

Set-up

Prior to the set-up of any area with user participation, it is important that the purpose of that area, along with routines, principles and resources for updates and monitoring are established. It is also important to consider how to decommission the area or service in the event that it

cannot be maintained in a satisfactory manner, or does not fulfil its function. Any area which is set up shall have a purpose in line with the activities and values of KTH.

An area with user participation may be set up by an organisational unit within the framework of its responsibilities in terms of the activities. Any organisational unit within KTH that sets up such an area shall ensure that monitoring and moderation is implemented at all times, during which the area is active. Maintenance and moderation shall be possible to implement even in the absence of the maintenance manager.

If the area is established with a service not monitored by KTH, the user terms and conditions must be checked to verify that they are not contravening the guidelines of KTH.

The responsible head shall appoint or approve maintenance managers who, on behalf of KTH, shall publish on, and moderate the area. The maintenance manager shall be familiar with the policies, guidelines and regulations of KTH.

When an area is being set up, the following shall be documented:

- The name of the service
- The purpose of the service
- The internet address of the service
- A description of the service
- The responsible organisational unit and the operational area supported by the area.
- Date of approval of the authorized manager, as well as the name of the person appointed.
- Maintenance manager
- Routines to ensure daily monitoring and access in the event of the [maintenance manager's] absence.
- Information regarding the manner in which to evaluate the area, once it is to be decommissioned, and how to do so.

The document shall be submitted to the Department of Communication and International Relations.

Official KTH areas which are deemed to meet the requirements of these provisions shall be listed on the KTH website. This list is the user's guarantee that the area is representative of KTH. The listing is included in the description of the authority's general documents.

The area shall, at each given time, fulfil KTH's requirements for the area. If this is not possible, the area shall be decommissioned.

Information for the users

When an area is set up by KTH, it shall be made clear that such an area is at the disposal of KTH.

In addition, the following information shall be available in connection to the area. The exact formalities may vary depending on the format of the area.

- Information regarding the purpose
- Contact information for the maintenance manager.
- Information regarding the fact that KTH is not accountable for the content of posts and comments published by users, but that the responsibility lies with the user who published the information; as well as the fact that the posts are not to be considered as factual information from KTH, nor do they communicate the standpoints of KTH.
- Information explaining that the area is moderated and that posts and comments may be removed.
- Information pertaining to the persons who may access the posts, e.g., if it is a closed group or an open publication on the internet.
- If the format of the area entails that posts will be published on open websites, users shall be notified that information published in such areas will be searchable in search engines.
- Information that published posts constitute public documents.
- If the area is a student area, this shall be clearly stated, along with information that the area is not a channel for communication with KTH.

The information may be drawn up in accordance with the aforementioned points or as part of more extensive terms of use, depending on the nature of the area. The information may be published directly in the area or in a separate document, clearly linked from the area. The publication shall, however, be conducted in the clearest possible manner on the basis of the conditions of the area.

Moderation and monitoring

Moderation means that the maintenance manager erases illegal, inappropriate or irrelevant content from areas allowing user participation, or alternatively, approves content prior to publishing, monitors and ensures that no confidential material is published in the area, and monitors the area in compliance with the provisions of FL as well as Principle of Public Access.

KTH strives towards a balanced and constructive dialogue. In the event of moderation, KTH shall not consider whether a post is positive or negative. Posts that comply with applicable legislation, the regulations and guidelines of KTH, the regulations and guidelines of any external web service; and which are relevant to the context shall be approved. The purpose of the area shall be the deciding factor in what is to be considered relevant or not. This assessment is made by the maintenance manager.

Moderation may take place prior to, or after publication. If posts and comments can be published anonymously, moderation should take place in advance. When moderation is carried out after publication, the contents of the area shall be reviewed on a daily basis during working days.

Moderation constitutes the following:

- Material which is not in accordance with the purpose of the service shall be removed, e.g., irrelevant posts and comments, posts constituting personal attacks, or which take up aspects of a personal or relating to personal characteristics, or which could otherwise be detrimental to a private individual.

- Posts containing any crude profanity shall be removed – KTH strives for correct language in all areas.
- Posts or comments which may constitute a matter shall be transferred to and registered with the appropriate body.
- Material containing any of the following shall be removed with immediate effect: Agitation, incitement to racial hatred, child pornography crime, and unlawful depiction of violence or infringement of intellectual property rights.
- If published material could constitute a breach of the law, a report shall also be made to the police by the maintenance manager. Before the material is removed, a note shall be made regarding the time and place of the publication, along with as much documentation as possible, e.g., screen dump, which can be attached to the police report. The security manager at KTH shall be informed of the incident.
- Posts containing confidential information may not be published in the areas. If any external party writes a post containing information which could be considered as confidential, it shall be administered and registered by transferring it to the Registrar for registration and further processing, after which the post shall be deleted.

For websites with a certificate of publication, the regulations issued by the Swedish Radio and TV Authority shall also apply.

In student and staff areas, where service-duty is not applicable, the regulations in PUL and the BBS Act shall, however be complied with. Reviewing content on a daily basis is not necessary, but monitoring must be adapted to the extent of the activity in the area, and the monitoring must take place at least once a week. Neither is reviewing content on a daily basis necessary, if the amount of posts and comments makes it difficult, with a reasonable work effort, to read all messages. In such cases, monitoring may
be replaced with the possibility for the users to report illegal or inappropriate content, in an easy way. Routines shall be in place to immediately attend to such a report.

Note that if a post has been deleted through moderation, due to it having been considered inappropriate for any reason, the post is still regarded as a public document and any individual has the right to request it from the authority. Once the post has been removed from the area, it must then be transferred into another format so that it is possible to disclose the public document. This shall distinguishable from a post being removed due it being obsolete.

Archiving of external areas

With regard to areas established outside of KTH, screen dumps of the area shall be taken twice per year and in the event of any major changes to the area in question. These screen dumps shall be saved by the individual responsible for the area. The archived files shall be produced and managed in accordance with the KTH document management plan.
If a decision is made, regarding the decommissioning of the area, as much of the area as possible shall be documented in the form of screen dumps, which shall then be managed in accordance with the aforementioned manner.

References

Fundamental Law on Freedom of Expression (1991:1469)

www.notisum.se/rnp/sls/lag/19911469.htm

Freedom of the Press Act (1949:105)

www.notisum.se/rnp/sls/lag/19490105.HTM

Administrative Procedure Act (1986:223)

www.notisum.se/rnp/sls/lag/19860223.HTM

Personal Data Act (1998:204)

www.notisum.se/rnp/sls/lag/19980204.htm

The Act (1998: 112) on Responsibility for Electronic Bulletin Boards

www.notisum.se/rnp/sls/lag/19980112.HTM

Archive Act (1990:782)

www.notisum.se/rnp/sls/lag/19900782.htm

Public Access to Information and Secrecy Act (2009:400)

www.notisum.se/rnp/sls/lag/20090400.htm

National Archives' (Riksarkivet) regulations

www.riksarkivet.se/Sve/RAFS/