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IN REPLY REFER TO
JAG/COMNAVLEGSVCCOMINST 5728.1
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JAG/COMNAVLEGSVCCOM INSTRUCTION 5728.1

From: Judge Advocate General
Commander, Naval Legal Service Command

Subj: GUIDANCE FOR OFFICIAL AND UNOFFICIAL SOCIAL MEDIA PRESENCE WITHIN THE OFFICE OF THE JUDGE ADVOCATE GENERAL (OJAG) AND NAVAL LEGAL SERVICE COMMAND (NLSC)

Ref: (a) DEPSECDEF memo DTM 09-026 of 25 Feb 2010
(b) DoD Instruction 5400.13 of 15 Oct 2008
(c) DoD Directive 5205.02 of 06 Mar 2006
(d) SECNAVINST 5720.44B
(e) JAG/COMNAVLEGSVCCOMINST 5239.2
(f) SECNAVINST 5239.3B
(g) OPNAVINST 5239.1C
(h) DoD 5500.7-R, Joint Ethics Regulation
(i) SECNAV WASHINGTON DC 192014Z Aug 10 (ALNAV 055/10)
(j) SECNAV WASHINGTON DC 192027Z Aug 10 (ALNAV 056/10)
(k) SECNAV WASHINGTON DC 192031Z Aug 10 (ALNAV 057/10)
(l) SECNAVINST 5211.5E
(m) SECNAVINST 5720.47B

Encl: (1) Sample Official Social Media Presence Request

1. Purpose. To establish guidance and oversight for effective and accountable use of Internet-based capabilities (IBCs), including official and unofficial use by the Office of the Judge Advocate General (OJAG) and Naval Legal Service Command (NLSC) activities. IBCs are integral to public affairs and recruiting efforts, but also require adherence to principles of Information Assurance in order to preserve the confidentiality, integrity, and availability of information and to promote operational and information security in accordance with references (a) through (g). Appropriate measures collectively protect against the release of sensitive, classified, or controlled information; personal information; and operations-related information.

2. Applicability. This guidance applies to all military personnel, civilians, and contractors employed by OJAG/NLSC.

3. Definitions. In accordance with references (a), (j), and (k) the following definitions apply:

a. "Internet-based capabilities" (IBCs) are defined as all publicly-accessible information capabilities and applications available across the Internet in locations not owned, operated, or controlled by the Department of Defense (DoD) or the Federal Government. Internet-based capabilities include collaborative tools such as social-networking sites (SNS), social media, user-generated content, social software, e-mail, instant messaging, and discussion forums (e.g., YouTube, Facebook, MySpace, Twitter, and Google Applications).

b. "External official presences" are defined as official public affairs activities conducted on non-DoD sites on the Internet (e.g., the JAG Corps on Facebook, individual NLSC command pages on Facebook, and JAG Corps Twitter account).

c. "Official use" of an IBC includes:

(1) "Official representation," which is defined as activities such as authorized command representatives commenting in an official capacity on Facebook fan pages, military interest blogs, and similar IBCs; and

(2) "Non-public affairs" use of IBC, which is defined as an official use of an IBC permitted to support mission related functions (e.g., use of a wiki or other IBC for collaboration with partners external to the DoD).

d. "Unofficial internet posts" is defined as any content about the JAG Corps or related to the JAG Corps that is posted on any internet site by JAG Corps personnel in an unofficial and personal capacity. Content includes, but is not limited to, personal comments, photographs, video, and graphics. Internet sites include social networking sites, blogs, forums, photo- and video-sharing sites, and other sites, to include sites not owned, operated or controlled by the JAG Corps, DoN, or DoD. Unofficial internet posts are not endorsed by any part of the JAG Corps or reviewed within any official JAG Corps approval process.

4. Responsibilities and Oversight

a. Administration. The OJAG Public Affairs Officer (PAO) is designated the IBC Administrator for official presence and content of all OJAG/NLSC commands, activities, and events in accordance with references (a) and (i). The IBC Administrator

shall be responsible for proper registration of OJAG/NLSC affiliated or sponsored IBC presences or activities on the DoD External Official Presences List per reference (a).

b. Training. The OJAG Command Information Officer (CIO), with support from the IBC Administrator, will ensure Internet-based capabilities are used responsibly and effectively. The OJAG CIO will ensure effective implementation of computer network defense mechanisms as well as the proper use of Internet-based capabilities through the use of existing Information Assurance education, Operational Security guidance, training, and awareness activities as referenced in (a), (c), and (f) through (i).

5. Guidance for Official Use of IBCs

a. All use of IBC shall comply with paragraph 2-301 of chapter 2 of reference (e).

b. OJAG divisions and NLSC commands must have release authority approved in writing by the JAG/CNLSC to establish a unit- or division-level official social media presence. All official presences representing OJAG/NLSC will share administrative rights with the IBC Administrator.

c. Information posted in an official capacity to any internet-based capability must not include:

(1) Classified information, pre-decisional information, proprietary information, business sensitive information, OPSEC indicators, information designated as for official use only (FOUO), or privileged information, under applicable law.

(2) Information protected by the privacy act of 1974 or the health insurance portability and accountability act (HIPAA) of 1996.

(3) Information, other than authorized releases, about casualties prior to official confirmation that next of kin have been notified and a competent authority authorizes publication of specific casualty information. Commanders are reminded that casualty information is to be tightly controlled and heavily scrutinized.

(4) Information, other than authorized releases, regarding events or incidents currently under investigation.

(5) Information that is under copyright or trademark, without permission of the holder.

(6) Unit or other personnel lists/rosters, charts or directories, with the names, addresses and telephone numbers of unit members. This provision does not apply to the name, rank, or business contact information for a CO, XO, CMC, or command ombudsmen or as otherwise required in this directive.

(7) Material that is political in nature or tends to endorse political parties, candidates, campaigns, referendums, ballot initiatives, or other political causes.

(8) Material that endorses/promotes non-federal entity (NFE) products, NFE services, or NFE enterprises other than those officially endorsed by the DoN.

(9) Posted links to commercial content that may imply endorsement. This includes those to commercial entities, charities or causes (except those authorized by statute or references (h) and (m)).

d. Information posted in an official capacity to any IBC must comply with the following standards:

(1) Clearly identify that the post is official in nature and made by an authorized member of the command/activity, to include name, rank, and title of the author (unless the post is made by an administrator).

(2) Individuals posting must make no attempt to disguise, impersonate, or otherwise misrepresent their identities or affiliation with the OJAG/NLSC. Anonymous posts are prohibited.

(3) Information posted must be truthful, accurate, and written in a professional manner, to include correct spelling and grammar.

(4) Not violate applicable U.S. Navy regulations regarding commentary reflecting on a superior or release of information about private individuals.

(5) Correction of a contributor's post to an IBC will be made in a respectful, clear, and concise manner. Personal attacks are prohibited.

d. All commands requesting official social media presence must submit an Official Social Media Presence request to the OJAG/NLSC IBC Administrator for endorsement and JAG/CNLSC for approval. The request should include the requested web address, purpose of the social media presence, and acknowledge the command's responsibility to evaluate the content of posts for release in accordance with public affairs and web policy directives. Additionally, commands must submit external official presences for review and approval to the Navy's Social Media Directory via the OJAG/NLSC IBC Administrator. Enclosure (1) provides the template for an Official Social Media Presence request.

e. Commands must actively monitor and evaluate official use of IBCs for compliance with security requirements and for fraudulent or objectionable use.

6. Guidance for Unofficial Internet Posts

a. OJAG/NLSC personnel are encouraged to responsibly engage in unofficial internet posting. OJAG and NLSC provide a valuable service around the world every day and OJAG/NLSC personnel are frequently in a position to share our success with a global audience via the Internet.

b. When OJAG/NLSC personnel use or permit the use of their military grade or who permit the use of their title or position as one of several biographical details in connection with expressing personal opinions on DoD-, DoN-, or OJAG/NLSC-related policy, OJAG/NLSC personnel should make clear that they are speaking for themselves and not on behalf of OJAG/NLSC. In accordance with section 2-207 of reference (h), a disclaimer shall expressly state: "The statements in this post are the personal views of the author and do not necessarily reflect the views of the Department of Defense, U.S. Navy, or Navy Judge Advocate General's Corps." OJAG/NLSC personnel are reminded to be mindful about the non-DoD-, DoN-, or OJAG/NLSC-related content they post since the lines between personal and professional lives often blur in the online space.

c. OJAG/NLSC personnel are responsible for all JAG Corps-related content they publish on social networking sites, blogs, or other IBC and should ensure that this content is accurate, appropriate and does not compromise mission security or success. In addition to ensuring JAG Corps-related content is accurate and appropriate, it is recommended that OJAG/NLSC personnel be mindful about the non-JAG Corps related content they post since

the lines between personal and professional lives often blur in the online space. Also, OJAG/NLSC personnel must be aware that once they post content to the internet, they lose control of it; many social media sites have policies that give them ownership of all content and information posted or stored on their systems. Thus OJAG/NLSC personnel should use their best judgment at all times and keep in mind how the content of their posts will reflect upon themselves, their service, and the JAG Corps. The following guidelines are established to assist with this responsibility:

(1) OJAG/NLSC personnel engaged in unofficial internet posting about the JAG Corps may identify themselves as JAG Corps personnel by rank, billet, military occupational specialty, and status (active, reserve, civilian, etc.) if desired. However, if OJAG/NLSC personnel decide to identify themselves as a member of the JAG Corps, they must not disguise, impersonate or otherwise misrepresent their identity or affiliation with the JAG Corps. When expressing JAG Corps-related personal opinions in connection with the use of their rank, billet, military occupational specialty, and status, OJAG/NLSC personnel should make clear that they are speaking for themselves and not on behalf of the JAG Corps, and, in accordance with section 2-207 of reference (h), use the required disclaimer previously mentioned in paragraph 6(a).

(2) Use of personal email addresses is strongly encouraged when engaging IBC for unofficial purposes. This includes, but is not limited to, registration with social networking sites and commenting in forums and blogs. When it is not feasible to make use of personal email addresses for these purposes, OJAG/NLSC personnel may use their DoN provided email addresses.

(3) As with other forms of communication, OJAG/NLSC personnel are responsible for adhering to DoN regulations and policies when making unofficial internet posts. OJAG/NLSC personnel should comply with regulations and policies such as personal standards of conduct, operations security, information assurance, personally identifiable information (PII), joint ethics regulations, and the release of information to the public. Violations of regulations or policies may result in disciplinary action. See references (h) and (l).

(4) The posting or disclosure of internal JAG Corps documents or information that the JAG Corps has not officially released to the public is prohibited. This includes classified,

controlled unclassified information (CUI), or sensitive information (for example, tactics, troop movements, force size, weapon system details, etc). This policy applies no matter how OJAG/NLSC personnel come into possession of the information or document. Examples include, but are not limited to, memos, e-mails, meeting notes, message traffic, white papers, public affairs guidance, pre-decisional materials, investigatory information, and proprietary information. OJAG/NLSC personnel are also prohibited from releasing DoN e-mail addresses, telephone numbers, or fax numbers not already authorized for public release other than their own. When in doubt, OJAG/NLSC personnel should contact their operations security officer, intelligence officer, Freedom of Information Act (FOIA) official, or public affairs officer for guidance.

(5) When correcting errors and misrepresentations made about the JAG Corps, personnel are encouraged to be professional and respectful. OJAG/NLSC personnel should refer to the chain of command or public affairs officer for guidance if uncertain about the need for, or appropriateness of, a response.

(6) No JAG Corps seals, logos, and trademarks are approved for non-official use unless written authorization is provided by the Office of Naval Research (ONR).

(7) OJAG/NLSC personnel should be aware that the internet is often used to gain information for criminal activities such as identity theft. By piecing together information provided on different websites, criminals can use information to, among other things, impersonate JAG Corps personnel, steal passwords, and compromise DoN and JAG Corps networks. Therefore, when using the internet and social media, OJAG/NLSC personnel should be cautious and guard against cyber criminals and attackers by adhering to the following security procedures:

(a) OJAG/NLSC personnel should be mindful of releasing PII that could be used to distinguish their individual identity or that of another individual. Examples of PII include social security number, address, birthday, birth place, driver's license number, etc.

(b) OJAG/NLSC personnel should be careful when responding via email to IBC automatic notifications, since this may inadvertently expose personal and work related contact information contained in the email signature line.

(c) OJAG/NLSC personnel should not click links or open attachments unless they trust the source. Cyber criminals often pretend to be people they are not in order to deceive individuals into performing actions that launch cyber attacks, download viruses, and install malware and spyware onto computers. To help mitigate these threats, OJAG/NLSC personnel should install and maintain current anti-virus and anti-spyware software on their personal computers. Military and civilian employees of the DoN may obtain anti-virus software for home use, from https://infosec.navy.mil/av or https://www.jtfgno.mil/antivirus/antivirus_homeuse.htm. Personnel must access these sites from a .mil domain.

(d) OJAG/NLSC personnel should always use the strongest password combinations allowed, comprised of as many of the combinations of lower- and upper-case letters, numbers, and symbols possible. Change passwords frequently. Use different passwords for banking and financial sites and personal web-based email than those for any other site.

(e) OJAG/NLSC personnel should be thoughtful about who they allow to access their social media profiles (e.g. "friends" or "followers" on sites such as Facebook, MySpace, or Twitter) and thus allow access to their personal information. OJA/NLSC personnel should also recognize that social network "friends" and "followers" may potentially constitute relationships that could affect determinations in background investigations and periodic reinvestigations associated with security clearances.

7. Responsible use of IBCs is required by military and civilian personnel assigned to or employed by OJAG/NLSC. Commanders, commanding officers, and officers-in-charge will address any improper use in accordance with applicable instructions and regulations.

8. Coordination. The OJAG PAO is the point of contact for all matters related to this program and may be contacted at (202) 685-5394/5493.

NANETTE M. DeRENZI
Commander, Naval Legal Service Command

JAMES W. HOUCK
Judge Advocate General

Distribution: Electronic only via the Office of the Judge Advocate General Website, http://www.jag.navy.mil

Sample Official Social Media Presence Request

DD MMM YYYY

FROM: (FULL NAME RANK OF REQUESTOR), (TITLE), (COMMAND)
TO: Office of the Judge Advocate General, Public Affairs Office

SUBJ: REQUEST FOR APPROVAL OF OFFICIAL SOCIAL MEDIA PRESENCE FOR (COMMAND OR OJAG DIVISION NAME)

Ref: (a) SECNAVINST 5720.47
(b) SECNAVINST 5720.44B
(c) JAG/COMNAVLEGSVCCOMINST 5728.1

1. (COMMAND/OJAG DIVISION NAME) requests the establishment of a new OJAG/NLSC public social media presence at the URL (DESIRED NAME AND PLATFORM).

2. The purpose of this social media presence is to (STATE REASON(S) FOR ESTABLISHING YOUR COMMAND OR OJAG DIVISION SOCIAL MEDIA PRESENCE - PLEASE LIMIT TO ONE PARAGRAPH).

3. The (COMMAND/OJAG DIVISION NAME) social media (FACEBOOK/TWITTER/BLOG) space will be dedicated to delivering honest, useful, and interesting content. It will also strive to ensure our users rely, in part, on Navy social media sites as a source for the most up-to-date information about (COMMAND/OJAG DIVISION NAME). (COMMAND/OJAG DIVISION NAME) intends to post only content on this social media platform in support of the (COMMAND NAME) mission(s).

4. (COMMAND/OJAG DIVISION NAME) acknowledges that it is responsible for any and all content management of the designated social media presence on (URL). This social media presence will conform to reference (a) and therefore it is the responsibility of (COMMAND/OJAG DIVISION NAME) to have processes in place that ensure all information posted to your publicly-accessible presence is reviewed and approved before posting in accordance with reference (b). This process includes review of content for security, accuracy, privacy, and propriety concerns.

5. IAW reference (c), a representative from (COMMAND NAME) is responsible for maintaining and/or overseeing the command social media presence.

6. The following individuals are the primary and secondary points-of-contact (POC) for the requested social media presence:

PRIMARY POC/ADMIN NAME:
POC EMAIL:
PHONE (DSN/COMMERCIAL):

SECONDARY POC/ADMIN NAME:
SECONDARY POC EMAIL:

ADDITIONAL USERS (NAME, PERMISSION LEVEL AND EMAIL):

COMMANDER/OFFICER-IN-CHARGE/OJAG DIVDIR

Enclosure (1)