

## Iowa DOT Comment Policy

Social media sites allow the Iowa Department of Transportation (Iowa DOT) to share news and information regarding DOT activities and programs. The public comments and opinions expressed by users of Iowa DOT social media sites are theirs alone and do not reflect the opinions of Iowa DOT.

By using or accessing this social media site you agree to all of the following terms:

### **Comment Posting Rules**

Iowa DOT reserves the right to remove any posted comment that is in violation of this policy or is in violation of any state or federal law. Iowa DOT does not guarantee a response to any posted comment.

Iowa DOT will, upon discovery, remove any comments that contain any:

- Content that is profane, threatening, harassing or vulgar;
- Content that depicts or describes graphic violence;
- Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Sexual content or links to sexual content;
- Comments that promote or advertise a business or contain solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Content that violates a legal ownership interest of any other party;
- Comments in support of or opposition to any person campaigning for election to political office; or
- Malicious code that contains a virus, worm, defect, Trojan horse or any other item of a destructive nature that may interfere or disrupt Iowa DOT services, servers, computer systems or networks.
- Personally identifiable information (name, photo, social security number, driver license number, date of birth, address, phone number or any other information or combination of information that uniquely identifies a specific individual).

Iowa DOT reserves the right to block or restrict the access of any user to this social media site upon violation of any of the above terms. In the event such a violation occurs, DOT will attempt to notify the user of the violation and of the action taken by DOT due to such violation.

**WARNING:** All content posted to this social media site is public information and is available to everyone. Do not post any personally identifiable information (name, photo, social security number, driver license number, date of birth, address, phone number or any other information or combination of information that uniquely identifies a specific individual). If you post any such content you do so entirely at your own risk.

### **Privacy Policy**

Iowa DOT automatically collects and stores all content that you post on this social media site. The Iowa DOT is required to comply with Iowa Code Chapter 22 (The Iowa Open Records Act) and all information posted on this social media site is subject to public disclosure under state and federal open records laws. For more information, please see the information located under "Public Examination, Copying, and Disclosure of Information Collected Through This Social Media Site" below.

This information may also be shared with other state agencies for governmental purposes, including improving state government services. The information is not collected for commercial marketing purposes and the Iowa DOT does not sell or distribute the information collected from this social media site for commercial marketing purposes.

### **Personal Information**

“Personal information” is information about a natural person that is readily identifiable to that specific individual. Personal information includes, but is not limited to, such things as an individual’s name, address and phone number. A domain name or internet protocol address is not considered personal information. Personal information is not collected through this social media site.

### **Public Examination, Copying, and Disclosure of Information Collected Through This Social Media Site**

In accordance with the laws of the State of Iowa, the Iowa DOT will insure that government is open and that the public has the right to access public records and information of which the Iowa DOT is the custodian. Iowa Code Chapter 22 provides that the public shall have a right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in such record. At the same time there are certain exceptions under the state and federal laws that may limit the public’s right to examine and copy public records or otherwise protect certain personal information. Personal and other information provided by you through this social media site may, if not protected by state or federal law, be subject to public examination, copying, publication and disclosure pursuant to applicable laws, including, without limitation, Iowa Code Chapter 22 and other applicable laws governing access to public records.

In the event of a conflict between this privacy policy and Iowa Code Chapter 22 or other laws governing access to public records, Iowa Code Chapter 22 or such other applicable laws will control.

### **Questions About This Privacy Policy or Iowa DOT’s Use Policy**

Should you have any comments or questions about this privacy policy or any other part of this Iowa DOT Social Media Sites - Terms of Use document, please submit them to the Iowa DOT through a comment form located at <https://secure.iowadot.gov/contact.aspx>

### **Terms of Use**

When using or accessing this social media site, you shall abide by all applicable federal, state, and local laws, including, without limitation, those pertaining to copyright, trademark and other intellectual property.

You shall not post, transmit or make available in any way through this Iowa DOT social media site any software or other materials which contain a computer virus, Trojan horse, time bomb, worm or other malicious programming (“malicious programming”). The Iowa DOT and the State of Iowa and its agencies have no obligation to detect the presence of any malicious programming. Any downloading of software or other materials or any other use of the information on this social media site is at your risk, and you are advised to take adequate precautions (including use of anti-virus software and file backup procedures) to minimize any loss to your system caused by malicious programming. The Iowa DOT and the State of Iowa assume no responsibility and shall not be liable for any damage to your system, computer equipment, data or other property resulting from your access to or use of this social media site or your downloading of any information from the social media site, or from any malicious programming.

### **Links to Other Sites**

In order to provide visitors with certain information, this social media site may provide links to websites of local, state and federal government agencies, and non-governmental or private organizations. A link does not constitute the Iowa DOT's or the State of Iowa's endorsement of the content, viewpoint, accuracy, opinions, policies, products, services, or accessibility of such websites. Once you link to another website from this social media site you are subject to the terms and conditions of that website, including its privacy policy. When visiting linked sites you may wish to check the privacy policies and terms of use on such websites and be cautious about providing personal information.

This social media site may include hypertext links or pointers to information created and maintained by other public and/or private organizations. The Iowa DOT provides these links and pointers solely for our users' information and convenience. When users select a link to an outside website, they are leaving this social media site and are subject to the privacy, security and other policies of owners/sponsors of the outside website.

The Iowa DOT and the State of Iowa do not control or guarantee the accuracy, relevance, timeliness, reliability or completeness of information contained on a linked social media site.

The Iowa DOT and the State of Iowa do not endorse the organizations sponsoring linked websites, and do not endorse the content or views they possess or the products/ services they offer.

The Iowa DOT and the State of Iowa cannot authorize the use of copyrighted materials containing linked websites. Users must request such authorization from the sponsor of the linked website.

The Iowa DOT and the State of Iowa are not responsible for transmissions users receive from linked websites. The Iowa DOT and its employees are not responsible for any content from or on any linked website.

### **Use of This Social Media Site and Information**

This social media site and all information on it is provided on an "as is" and "as available" basis. Your use of and reliance on this social media site and any information on it is at your own and sole risk. The Iowa DOT and the State of Iowa make no claims, promises, or guarantees about the accuracy, completeness, reliability, or adequacy of the information on this social media site and expressly disclaim liability for any errors or omissions relating thereto.

### **Disclaimer Warranties**

WITH RESPECT TO THIS SOCIAL MEDIA SITE AND ANY INFORMATION ON IT, THE IOWA DOT AND THE STATE OF IOWA MAKE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FOR THIS VERY PARTICULAR PURPOSE, NON-INFRINGEMENT OR TITLE, LACK OF NEGLIGENCE, AND FREEDOM FROM COMPUTER VIRUSES OR MALICIOUS PROGRAMMING.

### **Limitation of Liability**

THE IOWA DEPARTMENT OF TRANSPORTATION AND THE STATE OF IOWA WILL NOT, UNDER ANY CIRCUMSTANCES, BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL OR PUNITIVE DAMAGES OF ANY KIND (EVEN IF AGENCY AND THE STATE HAVE BEEN ADVISED THAT POSSIBILITY OF SUCH DAMAGES ARISING OUT OF AND TO: (1) YOUR USE OF OR INABILITY TO USE THIS SOCIAL MEDIA SITE OR THE INFORMATION, PRODUCTS OR SERVICES MADE AVAILABLE ON OR TO THEM; (2) YOUR RELIANCE ON ANY INFORMATION; OR (3) ANY OTHER MATTER RELATED TO THIS SOCIAL MEDIA

SITE OR THE INFORMATION, PRODUCTS OR SERVICES MADE AVAILABLE ON OR THROUGH THEM.)<sup>1</sup> THESE LIMITATIONS OF LIABILITY SHALL APPLY REGARDLESS OF ANY LEGAL OR EQUITABLE THEORY OF LIABILITY, INCLUDING, WITHOUT LIMITATION, THEORIES OF TORT, CONTRACT OR OTHERWISE.

THE IOWA DOT, ITS EMPLOYEES AND THE STATE OF IOWA ARE NOT LIABLE FOR ANY DAMAGE OR INJURY OF ANY KIND YOU MAY SUSTAIN ARISING OUT OF OR RELATING IN ANY WAY TO YOUR USE OF THIS SOCIAL MEDIA SITE OR ANY LINKS TO OTHER SITES.<sup>2</sup> YOU AGREE TO HOLD HARMLESS AND INDEMNIFY THE IOWA DOT, ITS EMPLOYEES AND THE STATE OF IOWA FROM ANY CLAIM OR DEMAND OF ANY KIND MADE AGAINST IOWA DOT, ITS EMPLOYEES AND THE STATE OF IOWA BY ANY THIRD PARTY THAT ARISES OUT OF OR IS RELATED IN ANY WAY TO YOUR USE OF THIS SOCIAL MEDIA SITE OR LINKS TO OTHER SITES OR ANY CONTENT POSTED ON THEM.

### **Governing Law and Jurisdiction**

These terms of this Iowa DOT Social Media Sites - Terms of Use shall be governed in all respects by, and construed in accordance with, the laws of the state of Iowa, without giving effect to the choice of law principles thereof. Any and all litigation or actions commenced in connection with these terms of use (or your use of the social media site) shall be brought in Ames, Iowa, in Story County District Court for the State of Iowa, if jurisdiction is proper. However, if jurisdiction is not proper in the Iowa District Court for Story County, but is proper only in the United States District Court, the matter shall be commenced in the United States District Court for the Southern District of Iowa, Central Division. This provision shall not be construed as waiving any immunity to suit or liability, in state or federal court, which may be available to the Iowa Department of Transportation or the<sup>3</sup> State of Iowa including sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment of the Constitution of the United States or otherwise.

### **Modification and Discontinuance**

The Iowa DOT and the State of Iowa reserve the right to, at any time modify or discontinue, temporarily or permanently, this social media site (or any portion thereof) without notice for any reason or no reason whatsoever. In addition, the Iowa DOT and the State of Iowa reserve the right at any time to modify or remove any information without notice to you. You agree that the Iowa DOT and the State of Iowa shall not be liable to you or any third party for any of the foregoing actions which may be taken by the agency or the state.

### **Waivers**

Except as specifically provided for in a waiver signed by duly authorized representatives of the Iowa DOT, failure by the Iowa DOT at any time to require performance by you or to claim a breach of any provision of these terms of use shall not be construed as affecting any subsequent breach or the right to require performance with respect thereto, or declare a breach with respect thereto.

### **Modifications to this Iowa DOT Social Media Sites Terms of Use**

The Iowa DOT or the State of Iowa may modify the terms of this Iowa DOT Use Policy at any time without notice to you and such modifications will be binding on you when posted online. Your continued use of the social media site following any such modification constitutes your agreement to the terms of use as modified.

## **Additional Terms and Requirements**

Communications with the Iowa DOT or its employees through this social media site will not constitute legal or official notice to the Iowa DOT, comment on an agency rule, exhaustion of administrative remedies, final agency action or a request for public records under state or federal open records laws.

The following additional policies and statements of the Iowa DOT are incorporated into this Iowa DOT Social Media Sites Terms of Use:

Nondiscrimination Statement: [http://www.iowadot.gov/nondisc\\_stmtnt.html](http://www.iowadot.gov/nondisc_stmtnt.html)

Accessibility Statement: <http://www.iowadot.gov/accessibility.html>

Public Accommodation Statement: [http://www.iowadot.gov/pub\\_accom\\_stmtnt.html](http://www.iowadot.gov/pub_accom_stmtnt.html)

Date of last revision: 4/2/12