

Guide to handling political issues in Getty communications

Getty is a public-facing institution that supports freedom of speech and expression and seeks to engage meaningfully on issues that affect us and the cultural sphere broadly. However, Getty is unusual among cultural institutions because it is a **private foundation**. As discussed further below, all organizations that are tax-exempt under Section 501(c)(3) of the Internal Revenue Code are prohibited from engaging in political campaign activity. In addition, private foundations are prohibited from engaging in lobbying activity. (This is in contrast to public charities, such as LACMA or MOCA, who are allowed to engage in a limited amount of lobbying.) The purpose of these rules is to prevent tax-benefitted funds from being used for political ends. Violation of these rules can result in penalty taxes on Getty and its officers, or even, if the violations are repeated or serious, the loss of Getty's tax-exempt status.

Avoid prohibited political activity

Getty must avoid **political activity**. This means Getty cannot participate or intervene in any political campaign on behalf of or in opposition to any candidate for elected public office, at the local, state, or federal level. Examples of prohibited political activity include:

- Publication or distribution of written or printed statements, or making oral or written statements on behalf of or in opposition to a candidate

Note that under the IRS interpretation of these rules, even **linking to another website** or re-tweeting the content of others can cause the linked content to be attributed to Getty. In other words, if the content is political activity or lobbying that Getty cannot do directly, Getty also cannot link to or retweet it.

Whether an organization is engaged in prohibited political activity, and indeed whether a person is considered a "candidate" (especially incumbent elected officials) depends upon all of the facts and circumstances of each case. Accordingly, Getty should not express opinions in favor of or in opposition to any incumbent elected official without consulting Communications, as discussed further below.

Avoid prohibited lobbying activity

Getty is also prohibited from direct and grassroots **lobbying**.

Direct lobbying is a communication or planning of a communication that (1) refers to specific pending or proposed legislation; (2) expresses a view on that legislation; and (3) is communicated **directly to a legislator** (i.e., a member of a legislative body or any government official or employee who participates in the formulation of the legislation).

Grassroots lobbying is any communication or planning of a communication with the **public** that (1) refers to specific legislation; (2) expresses a view on that legislation; and (3) encourages the audience to take certain kinds of action.

For purposes of these rules, "specific legislation" includes:

- **Legislation** (whether proposed or enacted) at the local, state, or federal level
- **Ballot measures** such as referendums or initiatives that are put up for public vote

Use caution when posting about issues that *could* be perceived as political

Even if content we post, or share from a non-Getty source, is not overtly political and does not engage in overt lobbying, it may give the appearance that Getty is taking position on a political issue.

As an example, in spring 2017 the US President released a proposed budget that would eliminate federal funding for the NEA, NEH, and other agencies. The proposed budget was not yet pending before Congress at this time, so no "specific legislation" was yet involved by the definition used above. However, a social media or blog post in support of the NEA or NEH could easily be perceived as a comment or position by Getty on the proposed budget.

Contact Communications before posting in all cases of uncertainty

Please contact Caitlin Shamberg, head of editorial, for input before sharing or reposting material, on any Getty platform, that may be perceived as political or controversial.

Considerations before posting may include:

- What is the goal of the post?
- Where and when will it be posted? (We try to avoid "hot takes.")
- What, if anything, has Getty said about this before? What was the reaction?
- What is Getty adding to the conversation?
- If it has a byline, who within the organization is taking a position?
- Are there sensitivities to consider, such as the depiction of communities of color?
- Does the post involve an elected public official?

Remember that Getty is not a news organization

Getty is not a news-gathering organization. While it is appropriate for us to explore meaningful issues, even if difficult and controversial, within the scope of our collections and activities, it is *not* typically appropriate for us to take positions on broader social, cultural, or

political issues, or to share news about anything other than ourselves. We particularly want to avoid sharing news that could be perceived as negative or critical about our peer institutions.

Identify your personal opinions as your own

Getty staff who are active on social media are free to post their own views from their personal accounts, including on political topics. However, they *must not* state or imply that they are speaking on behalf of Getty. Alternatively, they may explicitly state that they are speaking only for themselves. This can be done at the bio level ("Views my own"), the individual post level, or both in cases of uncertainty.

Be aware that staff who serve in a leadership or communications function are likely to be perceived as speaking for Getty, despite disclaimers, even if using their personal social media accounts. See the [Getty Policy Governing Use of Social Media by J. Paul Getty Trust Employees](#) for more information. Also be aware that views perceived to be discriminatory or incendiary may generate public controversy that could have an impact on your professional life.

This document was developed from a meeting with representatives of the Getty Programs, Trust Legal (Stephen Clark and Mikka Gee Conway), Trust Communications (Ron Hartwig and Julie Jaskol), and Getty Digital, and revised and approved by Legal and Communications.