Text & Instant Messages

Are texts and IMs government records?

Yes, if a message is created or received in the course of doing government business, it is a government record.

Text and instant messages allow for real-time communication that can be quick and convenient. It is important that all staff have a clear understanding of acceptable use guidelines and their recordkeeping responsibilities when texting or messaging.

Definitions

The Archives and Recordkeeping Act (ARA) defines a **record** as "information in any form, including electronic" and goes on to define a **government record** as "a record created or received by, or for, a government body in carrying out its activities." The ARA uses a broad definition for the term 'record' to ensure that different formats resulting from new technologies and platforms are governed by the Act.

Recordkeeping requirements

Departments are responsible for records and information management and all staff have a responsibility to create, capture and manage the records of their activities.

Government records need to be captured in a recordkeeping system and managed according to the rules identified in approved records schedules in order to:

➢ find and use records and information, when and for as long as needed
➢ minimize duplication of work
➢ make informed decisions based on up-to-date information
➢ provide accessible and improved service delivery
➢ meet business, audit, legal and accountability requirements (e.g. access to information requests, litigation and reporting obligations)
➢ ensure records are retained and disposed of in an authorized way in accordance with policies and legislation

Understanding risks and creating a policy

The methods we use to communicate are not always the best methods to capture records as evidence. Using text messaging might be convenient in the moment for sending or receiving information. However, the convenience may be overshadowed by the effort involved in converting messages into an appropriate record if required.

As with all recordkeeping issues and decisions, risks should be assessed in the context of: activities performed, recordkeeping requirements, and business/public expectations of accountability and good governance. Policy decisions about the use of messaging should be documented and clearly communicated by management to all staff. Some program areas may decide that certain activities can be conducted via text, instant or social media messaging, whereas other areas may determine that the risk is too high to allow even transitory use.

A few things to keep in mind when determining whether or not staff should be using text or instant messaging to conduct government business:

✓ All staff are responsible for managing the records they create or receive.

✓ Each program area or work group should determine what records must normally be created and what records are transitory. These decisions should be outlined in up-to-date records schedules and internal procedures. Text and instant messages will fall into these already established protocols.

✓ Government systems, devices and standard, secure messaging applications should be used at all times to conduct government business. In exceptional circumstances where personal accounts or devices are used, the records created are still government records and must be managed as government records.

✓ All government records, including transitory records and regardless of device or application used, are subject to other pieces of legislation including the *Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Act,* and the *Electronic Records as Documentary Evidence Act*, to name a few*.*

✓ Even the lowest value records for one government employee or official may be considered high-risk/high-value for another, depending on the role in government and the activities and decisions made. Consider the context of creation.

✓ Questions about government authorized mobile devices and the appropriate use of technology should be directed to Business, Transformation and Technology.

> *The Government Records Office recommends that the use of text and instant messaging be limited to transitory messages only, particularly where the functions of the office are high-risk/high-value.*
>
> *This should be considered the default policy when there is no department or program-specific policy in place for the use of text and instant messaging.*

What to do when texts or IMs need to be captured

A text message or an instant message left in its application poses a number of recordkeeping, privacy, access, and security risks. Convert the message to a format that can be captured as soon as possible and managed in accordance with *The Archives and Recordkeeping Act*.

There are a number of procedural or technical ways to capture a series of text messages:

Step 1
- ❖ follow the Business, Transformation and Technology (BTT) instructions for Government of Manitoba staff on exporting a text message (see: *Using Text Messages - Quick Reference Guide* located on the BTT intranet site).
- ❖ write a memo, note or email summarizing the exchange; or
- ❖ take a screenshot of the exchange.

Step 2
- ❖ ensure the new format includes key metadata such as names, dates, context for the discussion, and the decision/transaction that resulted;
- ❖ if a government decision/transaction grew out of a non-government conversation, include some basic information about that conversation to provide adequate context.

Step 3
- ❖ capture the reformatted and contextualized information in an approved recordkeeping system for the program area.

The goal is to create an authentic, reliable, trustworthy record that is captured in a formal recordkeeping system. This will enable it to be managed with other related records in the usual and ordinary course of business and according to the provisions of an approved records schedule.

Once the record has been converted and captured, the original message may be treated as transitory.

References:

Archives New Zealand, *Text Messages* (16/F3 v1.1, September 2018),
https://www.archives.govt.nz/manage-information/resources-and-guides/systems/text-messages

CAN/CGSB-72.34-2017 National Standard of Canada. *Electronic Records as Documentary Evidence.*
This standard is available at no cost from the Canadian General Standards Board:
http://www.publications.gc.ca/pub?id=9.839939&sl=0

ISO/TR 18128:2014 – *Information and documentation – Risk assessment for records processes and systems.* https://www.iso.org/standard/61521.html

New South Wales, *Managing Text Messages as Business Records* (2016)*,*
https://www.records.nsw.gov.au/managing-text-messages-business-records

U.S. National Archives and Records Administration (NARA), *Bulletin 2015-02: Guidance on Managing Electronic Messages*, https://www.archives.gov/records-mgmt/bulletins/2015/2015-02.html

Updated April 2020