

Advice on the use of messaging applications (apps) for local government councillors



Are you using messaging applications (apps) to conduct council business?

Messaging apps such as Signal, WhatsApp, WeChat, LinkedIn Messenger, Telegram and Facebook Messenger are now commonplace. They are used in business on a regular basis as they are user-friendly, convenient, and many allow for group communications. These attractive qualities have seen their growing use by local government councillors.

However, councillors are provided with information communication and technology (ICT) systems to conduct council business. These systems have been designed to be easy to use, secure and to facilitate the capture and retention of public records. While council-provided systems should be used at all times, this guide will outline what actions you need to take should you become involved in a conversation about council business on a messaging app and how to avoid some pitfalls.



When can you use a messaging app?

Councillors can use messaging apps for personal communications, networking and campaigning.

When is the use of messaging apps a problem?

If you use a messaging app to undertake council business, you may well be creating a public record.

There are rules around how public records must be captured and stored. Using messaging apps can be a problem if you fail to create a public record that complies with the *Public Records Act 2002*.

What is a public record?

If a record is created or received in relation to a councillor's role in the administration of council business, then it is a public record under the *Public Records Act 2002*.

Council CEOs are required to have processes and procedures in place that assist councillors to make, manage and keep public records.



What are the consequences if you use messaging apps to conduct council business?

- You will commit an offence against the *Public Records Act 2002*, if you do not make a record of the communication (e.g. by taking a screen shot) and send it to the council chief executive officer (CEO) or other nominated council employee to be captured in council systems.
- The use of messaging apps for council business may constitute inappropriate conduct as it breaches the Code of Conduct for Councillors in Queensland.¹
- Using these apps may also breach one or more local government principles² and constitute misconduct as a breach of the trust placed in you as a councillor.
- You may breach the *Information Privacy Act 2009* as many messaging apps hold or re-route data off-shore.

Why is it a problem to use messaging apps to conduct council business without capturing the communication in council systems?

- There will be no formal paper trail recording council decision-making.
- You will not be able to use the communication to defend yourself in the event of a controversy or investigation, without exposing your own commission of an offence against the *Public Records Act 2002*.
- Third-party disclosure of the use of these apps by councillors undertaking council business may result in reputational damage for the council.
- Use of these apps for council business may create the perception of a deliberate avoidance of public scrutiny and/or corruption.

¹Code of Conduct behavioural standard 1.3 Use only official council electronic communications accounts (e.g. email accounts) when conducting council business.

²Consider the following local government principles: S4(2)(a) transparent and effective processes and decision making in the public interest; S4(2)(d) good governance of, and by, the local government; S4(2)(e) ethical and legal behaviour of councillors

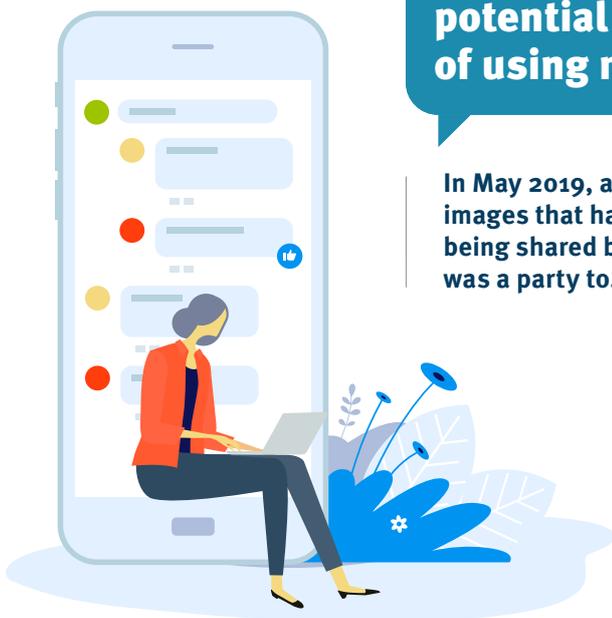
Is anyone ever going to know if you use a messaging app for council business if the communication isn't captured in council systems?

The use of a messaging app to conduct council business can leave you vulnerable to exposure in the following ways:

1. Other people involved in the conversation can create their own record of it by screenshotting or photographing the communication before it is deleted.
2. Relationship dynamics in a messaging group can shift creating a risk of a third-party disclosure of messages, including at a time most likely to compromise a group member such as the lead-up to an election.
3. The capacity for third-party compromise increases a councillor's vulnerability to bribery or coercion.
4. Law enforcement access to or the targeted hacking of any phone in a messaging group may result in exposure of members of the group.
5. No matter what security capabilities a messaging app has, they become ineffective if all members of the group have not enabled end-to-end encryption.

An example of other potential consequences of using messaging apps

In May 2019, a British man faced court after being found with explicit images that had been automatically downloaded to his phone after being shared by others on a rugby club WhatsApp group chat that he was a party to.

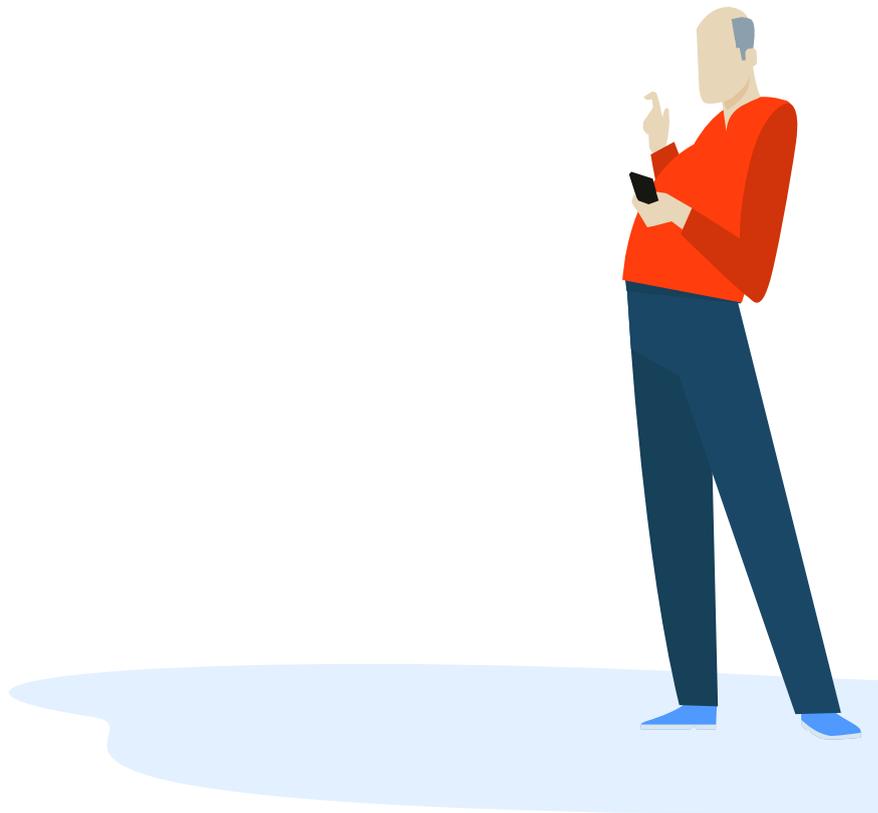


For guidance on your recordkeeping responsibilities see: [Recordkeeping guidelines for local government](#)

Key takeaways

Use council provided information, communication and technology (ICT) systems to conduct council business.

If you find that you stray into council business when communicating on a messaging app, screenshot the communication and forward it to the CEO or other nominated council employee for capture in council systems.



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