

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend, on an emergency basis, section 7 of the District of Columbia Public Records Management Act of 1985 to require preservation of communications created or received on electronic applications, and to prohibit the use of electronic applications that do not allow communications to be appropriately preserved.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fidelity in Access to Government Communications Emergency Amendment Act of 2022”.

Sec. 2. (a) On February 15, 2022, a concerning report regarding the Executive’s use of WhatsApp Messenger was published online.

(b) WhatsApp Messenger is an internationally available, cross-platform centralized instant messaging and voice-over-IP service owned by Meta Platforms (formerly Facebook). The application allows users to send text messages and voice messages, make voice and video calls, and share images, documents, user locations, and other content. Among many features available within the application is the ability to auto-delete messages after a set period of time.

(c) As reported, the Mayor’s Office did not respond to inquiries as to whether the administration prohibits use of this automatic delete feature.

33 (c) Use of applications, such as WhatsApp, with their ability to destroy or delete
34 communications or keep them hidden or obscured, is contrary to the District’s emphasis on
35 governmental transparency, and makes public access to these records significantly more difficult,
36 if not impossible (in cases where certain communications are deleted).

37 (d) In order to ensure that public’s access to official government communications is not
38 being diminished or compromised, it is necessary to approve emergency legislation.

39 Sec. 3. The Council of the District of Columbia determines that the circumstances
40 enumerated in section 2 constitute emergency circumstances making it necessary that the Fidelity
41 in Access to Government Communications Emergency Amendment Act of 2022 be adopted after
42 a single reading.

43 Sec. 4. This resolution shall take effect immediately.