



Councilmember Anita Bonds

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A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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To declare the existence of an emergency with respect to the District of Columbia Public Records Management Act of 1985 to clarify that communications created or received electronically in the course of official business are subject to existing record-retention obligations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fidelity in Access to Government Communications Emergency Declaration Resolution of 2024”.

Sec. 2. (a) This measure closes a gap in the law. The District does not currently have a consistent, government-wide policy regarding electronic communications.

(b) On March 1, 2024, the Council unanimously passed the Fidelity in Access to Government Communications Clarification Second Temporary Amendment Act of 2024, effective March 1, 2024. The temporary act will expire on January 25, 2024.

(c) The temporary act was passed after a concerning report regarding the Executive’s use of WhatsApp Messenger was published online. Among many features available within the application is the ability to auto-delete messages after a set period of time.

30 (d) Emergency legislation is therefore necessary to ensure that existing record retention  
31 guidelines continue to apply to a wide variety of electronic communications and to ensure public  
32 access to information is not diminished or compromised.

33 Sec. 3. The Council of the District of Columbia determines that the circumstances  
34 enumerated in section 2 constitute emergency circumstances making it necessary that the Fidelity  
35 in Access to Government Communications Emergency Amendment Act of 2024 be adopted after  
36 a single reading.

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