

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2012-102
July 10, 2012

SUBJECT: Use of Private Email to Transact Public Business

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22 (11) (2011 Supp.), it is hereby **ORDERED** that:

I. PURPOSE

The purposes of this Order are to:

1. Establish District-wide policy and procedures concerning the use of private email accounts to transact public business; and
2. Ensure that all emails sent or received by District employees in which those employees are transacting public business are captured on servers managed by subordinate departments or agencies, or by the Office of the Chief Technology Officer ("OCTO") and available to Freedom of Information Act ("FOIA") requests as well as to investigative demands, litigation-related requests, and all other email search requests made by persons within and outside the District of Columbia government.

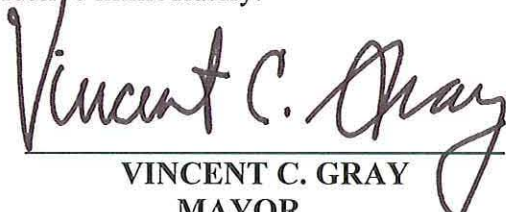
II. DEFINITIONS


1. For purposes of this Order, "public business" means any matter over which a public body has supervision, control, jurisdiction or advisory power.
2. For purposes of this order, "transact public business" or "transacting public business" means the conducting of District government business by a District employee as a result of his or her official position.
3. For purposes of this Order, "public body" means the Mayor, a subordinate agency, or an independent agency.

III. POLICY

1. It is the policy of the District of Columbia that District employees are strongly discouraged from using private email accounts to transact public business and should do so only in rare instances where access to their District provided email account is, for practical reasons, not available.
2. In instances where private email accounts are used to transact public business, whether the email is sent or received, an employee shall ensure that a courtesy copy (cc) or blind courtesy copy (bcc) is sent to the employee's District provided email account. It shall not be a violation of this policy for an employee of the District to receive at a private email address an email regarding public business so long as that employee ensures that a cc or bcc is sent to the employee's District-provided account.
3. This order is not intended to restrict or prohibit individual employees from exercising their rights under statutes or rules requiring the disclosure or reporting of criminal activity, waste, fraud, abuse or other wrongdoing, or expressing opinions in which the employee is not transacting public business.
4. This order is not intended to apply to the Council of the District of Columbia.
5. Violations of this Order may result in disciplinary action.

IV. EFFECTIVE DATE: This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA