**From:** Thomas Susman

**Sent:** Monday, February 28, 2022 5:41 PM

**To:** pmendelson@dccouncil.us; kmcduffie@dccouncil.us; abonds@dccouncil.us; Elissa Silverman (esilverman@dccouncil.us) <esilverman@dccouncil.us>; White, Robert (Council) <rwhite@dccouncil.us>; chenderson@dccouncil.us; Nadeau, Brianne K. (Council) <bnadeau@dccouncil.us>; mcheh@dccouncil.us; kmcduffie@dccouncil.us; bpinto@dccouncil.us; Lewis-George, Janeese (Council) <jlewisgeorge@dccouncil.us>; callen@dccouncil.us; twhite@dccouncil.us; vgray@dccouncil.us

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**Subject:** SUPPORT FOR Fidelity in Access to Government Communications legislation

Dear Chairman Mendelson and Members of the D.C. Council:

Over two years ago (in November 2019) the D.C. Open Government Coalition wrote Mayor Bowser observing that use of messaging apps like WhatsApp by D.C. government officials was inconsistent with both archiving and public-access requirements of District law. (A copy of our letter and its attachment are attached.) We recommended:

The D.C. Open Government Coalition strongly urges you to immediately prohibit the use of WhatsApp and other text messaging apps by District employees for public business while procedures are developed or solutions are acquired to ensure that any such use results in the forwarding of messages for retention by the government.

We have followed up more than once over the past 2 years, but still have received no response to this letter or our recommendation.

As you know, the use of messaging for public business, which avoids the potential for public access or archiving for future reference, has become epidemic in many jurisdictions. We appreciate your recognition of the importance of the District’s Freedom of Information law and applaud your initiative to put D.C. in a national leadership position in addressing this challenging problem. The D.C. Open Government Coalition looks forward to the Council’s enactment of permanent legislation on the subject.

Sincerely,

/s/

Tom Susman

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