


**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE**

1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: February 24, 2022

RE: **Request to Place Measure on the Agenda for March 1, 2022 Legislative Meeting**

Please place the following measures on the agenda for the March 1, 2022 Legislative Meeting:

- **Fidelity in Access to Government Communications Emergency Declaration Resolution of 2022**
- **Fidelity in Access to Government Communications Emergency Amendment Act of 2022**

This legislation would require that all District government written communications, including those conducted via applications such as WhatsApp be appropriately preserved for Freedom of Information Act (FOIA) purposes.

There has been recent reporting that the Executive has made use of WhatsApp Messenger, an internationally available American freeware, 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. As reported, the Mayor's Office did not respond to inquiries as to whether the administration forbids use of this specific feature.

Use of methods and applications that make government communications that inhibit, or disallow, public inspection under FOIA runs counter to the spirit of the District's FOIA law, and flies in the face of the District's commitment to government transparency. In order to ensure that the public's access to official government communications is not being compromised, emergency action must be taken to preserve these records.

Copies of the measures are attached. Please call me or Christian Washington, Special Counsel, if you have any questions at (202) 724-8083.

cc: Members, Council of the District of Columbia
Council Officers