

Circular Title: Policy on the Use of Private Email and Other Private Messaging Services

File reference: DPE197-013-2019

I am directed by the Minister for Public Expenditure and Reform to say that the following will apply in relation to the use of private email or other private messaging services to conduct official government business.

Circular Number: 09/2019

Purpose: To set out the requirements relating to the use of private email or other private messaging services to conduct official government business.

Circular Application: All civil servants and anyone else working on behalf of a Civil Service organisation.

Relevant Law/Circulars: This includes, but is not limited to, provisions in the following:

- Official Secrets Act
- Freedom of Information Act
- National Archives Act
- Ethics in Public Office Acts
- Data Protection Acts
- Internal IT, records and data management policies and procedures
- Civil Service Code of Standards and Behaviour.

Effective From: 8 April, 2019

Responsibility for Implementation: HR Units/Heads of Departments

Please bring this Circular to the attention of all bodies under the aegis of your organisation.

Louise McGirr

Civil Service HR Policy Unit

5 April, 2019

1. This Circular is issued pursuant to Section 17 of the Civil Service Regulation Act 1956 (as amended).

Background

2. Government information must be handled in accordance with the requirements of the relevant legislation, including but not limited to provisions relating to the Official Secrets, Freedom of Information, National Archives, Ethics in Public Office and Data Protection Acts.

3. Official email accounts or other related services issued by or on behalf of a Civil Service organisation to its staff and others working with or for the organisation¹, are provided for the purposes of supporting the organisation in achieving its business goals and objectives. All persons using such services are subject to relevant legislation including but not limited to the Acts named in paragraph 2 above. Other frameworks of relevance include the Civil Service Code of Standards and Behaviour and the Civil Service Disciplinary Code.

4. The use of private email accounts or other private messaging services by staff to conduct official government business (a) may prevent correct maintenance of records which are covered by the relevant legislation and/or policies and procedures such as those referenced in paragraph 2 above and (b) could pose a security threat to government services.

Purpose

5. This Circular sets out requirements relating to the use of private email or other private messaging services to conduct official government business and the consequences of a failure to comply with these requirements. Queries relating to this Circular can be made by individual civil servants to their own HR Unit and/or FOI Unit. HR Units can raise queries to cshrddivision@per.gov.ie. FOI Units can raise queries with DPER FOI Policy Unit.

6. Organisation policies, in particular as they relate to email and records management, and adherence to those policies within Civil Service organisations are ultimately matters for each organisation.

7. These policies are important because they help to ensure the correct preservation of official correspondence; to protect both the organisation's staff and systems from any risks that might result from misuse of email or other messaging services; and to protect organisation data and systems from malicious content.

8. To ensure the integrity of the system, civil servants are required to use their organisation issued email account to conduct official government business.

9. The FOI Act implications for any official information held in non-official systems, email accounts and devices are set out in the Freedom of Information Central Policy Unit Guidance

¹ The references to *staff* throughout this Circular also includes anyone working with or on behalf of the organisation whether they be permanent, temporary, on contract, seconded, external contractors or otherwise.

Note 24². The FOI Act does not require records ‘held’ by a public body to be physically stored in any particular location. If the records relate to official functions and/or business activities of a public body, and if the public body has a legal right to procure the records, these records are subject to the FOI Act, regardless of whether they are held in official or non-official systems (including web-based email such as Gmail and Hotmail). As stated in section 7 of the Note, other than in exceptional circumstances, the use of private email accounts or other private messaging services to conduct official government business should be avoided. (See exceptions below).

10. Any communications relating to official government business issued or received through a private email account or other private messaging service must be forwarded from such account or service to an organisation issued email account or service as soon as is practicable. This will ensure that any such communications can be readily accessed by the organisation should the record fall within the scope of a particular FOI request or for other records management purposes. This is consistent with civil servants’ obligations under the National Archives Act.

11. If an official email is received by a civil servant to his/her private email account, that email must be forwarded to his/her organisation issued email account and the organisation issued email account must be used if a response is required.

12. Failure to adhere to the requirements set out in this Circular may result in disciplinary action under the Civil Service Disciplinary Code (Circular 19/2016).

Exceptions

13. In exceptional circumstances (e.g. extended loss of ICT systems, national emergency or where a civil servant has no access to his/her organisation issued email account or service), it may be necessary to use a private email account or other private messaging service to conduct official government business. Resulting correspondence must be forwarded to the civil servant’s organisation issued email account and be deleted from the private account.

In such circumstances, civil servants should take particular care not to communicate confidential or sensitive information including personal data.

² <https://foi.gov.ie/download/official-information-held-in-non-official-systems-email-accounts-and-devices/>

