



Government of Newfoundland and Labrador
 Office of the Chief Information Officer
 Application and Information Management Services Branch

DIRECTIVE – INSTANT MESSAGING

Directive (Definition): OCIO Directives derive from Information Management and Protection Policy, TBM 2018-111 (replaces TBM 2009-335). The OCIO directives are mandatory for users to follow. Directives are supported by Standards and Guidelines, where applicable

Authority	Treasury Board Approval TBM 2018-111 (replaces TBM 2009-335)
Issuing Branch	Application and Information Management Services Branch Information Management Services Division
Target Audience	This Directive applies to all staff, contractors, consultants, partners, students, temporary workers, volunteers, vendors, agents, third parties and other persons working on behalf of the Government of Newfoundland and Labrador (hereafter referred to as individuals).
Compliance Level	Mandatory
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OCIO Reference	DOC00967/2012

APPROVAL AND SIGN OFF

Office of the Chief Information Officer	Julie Moore, Executive Director Application and Information Management Services
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VERSION 3.0

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1.0 Overview

Instant messaging technologies are designed to support real-time conversational interactions and are commonly used to facilitate the flow of business. Typically, they replace a conversation that previously occurred in person or over the phone. These technologies provide a temporary space for an electronic conversation (instant message) to occur. Instant messages are subject to legal, audit and responsive to access to information requests and must be managed appropriately. Therefore, where they record government business activities, instant messages must be retained. The information owner must ensure it is converted to a recordkeeping format and managed appropriately.

2.0 Purpose

This Directive provides individuals (as defined later in section 6.0), OR information owners with information management requirements for the use of instant messaging technologies including:

- Applications or tools accessible through the Government of Newfoundland and Labrador's Information Technology (IT) network.
- Any device capable of generating instant messages (e.g., computers, smart phones, tablets and other mobile communication devices).

3.0 Scope

This Directive applies to all staff, contractors, consultants, partners, students, temporary workers, volunteers, vendors, agents, third parties and other persons working on behalf of the Government of Newfoundland and Labrador (hereafter referred to as individuals).

4.0 Directive Statements

- a) Instant messages must be treated like any other information resource and managed according to the *Management of Information Act*.
- b) Individuals are responsible for managing the information they create, receive, or transmit in instant messages.
- c) Instant messages are subject to legal, audit and responsive to *Access to Information and Protection of Privacy Act, 2015* requests.

- d) Instant messages that do not record government business are transitory, and must be deleted as soon as possible, unless an information request has been received.
- e) It is the responsibility of the information owner to transfer instant messages to a proper government recordkeeping system where required.

5.0 Roles and Responsibilities

Individuals

- Understand requirements for managing and protecting information.
- Appropriately use instant messaging technologies supported by the OCIO.
- Ensure that instant messages are regularly deleted from devices which retain them.
- Transfer any instant messaging communication that constitutes a government record to an appropriate recordkeeping format so that it can be managed according to the requirements for managing government records set out in the *Management of Information Act*.

Office of the Chief Information Officer (OCIO)

- Support authorized instant messaging technologies.
- Maintain the Instant Messaging Directive and any associated supporting materials.
- Provide education and awareness on the use of instant messaging technologies.

Managers and Directors within a Public Body

- Ensure all individuals within the program or service area of responsibility are aware of this Directive and related guidelines.
- Ensure individuals have proper approval and training on this Directive.

Information Management Division or Equivalent within a Public Body

- Provide direction on this Directive.
- Provide direction to individuals on appropriate storage of converted instant messages in the records management system or in other approved locations.

Deputy Minister or Permanent Head of a Public Body or Designate

- Administer this Directive across their Department or Public Body.

6.0 Definitions and Acronyms

Individual (as it relates to this document)– all staff, contractors, consultants, partners, students, temporary workers, volunteers, vendors, agents, third parties and other persons working on behalf of the Government of Newfoundland and Labrador, including all public bodies as defined under the *Management of Information Act*.

Instant Message - An instant message is a form of real-time direct text-based communication also known as an electronic conversation between two or more people using personal computers or other devices and conveyed over a network, such as the Internet.

Government Record - Government records are records created by or received by a public body in the conduct of its affairs and includes Cabinet records, transitory records and abandoned records. Disposal of a government record must be sanctioned by a records retention and disposal schedule that has been approved by the Government Records Committee (GRC).

Transitory Record - A transitory record is a government record of temporary usefulness in any format or medium having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record. Transitory records can be securely destroyed when no longer of value without authorization of the Government Records Committee (GRC).

Public Body (as defined under the *Management of Information Act*)

- i) a department created under the *Executive Council Act* or a branch of the executive government of the province,
- ii) a corporation, the ownership of which, or a majority of shares of which, is vested in the Crown,
- iii) a corporation, commission, board or other body, the majority of the members of which, or the majority of members of the board of directors of which, are appointed under an Act of the province, the Lieutenant-Governor in Council or a minister of the Crown,
- iv) a court established under an Act of the province, and
- v) the House of Assembly and committees of the House of Assembly;

7.0 Compliance and Enforcement

Mandatory compliance - OCIO directives are mandatory for individuals to follow and dictate uniform ways of operating.

Compliance monitoring - Compliance monitoring of this Directive is the responsibility of the Public Body.

Penalty for failure to comply - Failure to comply with this Directive, or contravention through negligence, may result in disciplinary action, up to and including termination of employment or other disciplinary action as per the policies and procedures established by Treasury Board. Human Resource Policies can be accessed through the following link: http://www.exec.gov.nl.ca/exec/hrs/working_with_us/policies.html.

8.0 Monitoring and Review

The Application and Information Management Services Branch is responsible for monitoring and reviewing this Directive in accordance with processes set forth as per the Information Management and Protection Policy.

9.0 References

Management of Information Act

<https://www.assembly.nl.ca/Legislation/sr/statutes/m01-01.htm>

Information Management and Protection Policy, TBM 2018-111 (replaces TBM 2009-335)

https://www.ocio.gov.nl.ca/ocio/im/im_ip_policy.pdf

Human Resource Policies

http://www.exec.gov.nl.ca/exec/hrs/working_with_us/policies.html

Executive Council Act

<http://assembly.nl.ca/Legislation/sr/statutes/e16-1.htm>

Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)

<http://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm>