

## **For all staff:**

You may be aware that there has been a lot of media coverage over the past few months around the government's use of non-corporate communication channels (NCCCs). The Cabinet Office recently published a policy on the use of NCCCs and in response we have produced the following guidance to outline the Commission's approach.

### What are NCCCs?

NCCCs, or non-corporate communication channels, are communication channels which are not overseen by the Commission. This primarily includes private email accounts, text messages, and WhatsApp, although other communication channels can also fall within this definition. This guidance applies to both work and personal devices.

### Can we use NCCCs for Commission business?

If there is a legitimate and compelling reason to do so, then NCCCs can be used for Commission business in limited and specified circumstances. However, NCCCs should not be used if the same outcome can be achieved using corporate communication channels such as Teams or GC email.

### What does "Commission business" include?

This means any activity which is necessary for the Commission's daily functions, or which contributes to the performance of its statutory duties.

It does not include informal communications like team chats which don't involve work related information.

For example, if someone uses their team's WhatsApp group chat to let their team know that they've been delayed getting to the office and to ask for their early morning meetings to be moved, this does not relate to Commission business and would not need to be kept as an official record.

However, if someone identifies a regulatory breach outside of their working hours and uses their team WhatsApp chat to ask a colleague to take action, this does relate to Commission business and would need to be transferred to a Commission system to be kept as an official record.

### What do we need to consider if we're using NCCCs?

If you need to use NCCCs for Commission business, it is preferable to do so on a work device if you have one.

If any of the information that's held in the NCCC is used to inform decisions or can provide evidence of a decision that's been made, then this information will need to be kept as a record. Any information in this category must be transferred into a Commission system as soon as possible. This can be done by forwarding the information, copying and pasting the

content, or creating a note containing the details of the information. A note should also be made of the date and time of the message being sent or received, if this is pertinent to the content.

Please be aware that all Commission information is subject to the Freedom of Information Act and the Data Protection Act, and may need to be disclosed in response to an information request.

### **For Commissioners:**

The following guidance outlines the Commission's approach to use of non-corporate communication channels and the circumstances in which this is acceptable. This has been produced in response to a new policy that was recently published by the Cabinet Office and is particularly relevant in light of recent events and media coverage around use by government of channels such as WhatsApp.

It is recognised that Commissioners may need to make use of their personal email accounts for Commission business purposes from time to time, although this use should be kept to an absolute minimum. In these instances, any emails or attachments which originate from outside the Commission and which need to be kept as records must be forwarded to a nominated Commission staff email address as soon as possible.

Any information which originates from the Commission will be deemed to be already held by the Commission and will not need to be forwarded.

Any emails which are Commission records and any downloaded attachments should be deleted as soon as they're no longer required and must be deleted before the Commissioner's term of appointment ends.

### **For Advisory Group members:**

It is recognised that members may need to make use of their personal email accounts for Commission business purposes. It is considered to be unlikely that any records will be generated in this manner as it is expected that these channels will mainly be used to set up meetings and distribute meeting minutes or papers.

Any saved copies or any downloaded attachments, for example of meeting minutes, should be deleted when the member ceases to work with the group.