

General Data Protection Regulation (GDPR)

WhatsApp Guidance v1.1

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DRAFT



Nottingham
City Council



WhatsApp guidance

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1. Introduction

- 1.1 WhatsApp is a popular personal messaging app that is free to download from application stores. Typically users access the app via a mobile device. WhatsApp is owned by Facebook. There are other messaging apps available but for many WhatsApp is the app of choice.
- 1.2 Increasingly, council staff (mainly within the Children and Adults department) are using WhatsApp to communicate with each other and with citizens. Unfortunately, the informality of the app means that generally, it is not a suitable way of conducting these contacts on behalf of the council.
- 1.2 Clearly, WhatsApp meets a need that council staff may otherwise find difficult to fulfil. It offers a personal and informal method of communicating with difficult to reach citizens. However, known issues around security, privacy and legal risks mean that it should only be used in limited circumstance and only then with caution.
- 1.3 It should only ever be necessary to use WhatsApp in circumstances where a clear need to utilise its immediacy arises and no other alternative method is going to be effective.

2. Purpose

- 2.1 The purpose of this guidance is to ensure that council staff are aware of the dangers of using WhatsApp and to provide advice on how to minimise the associated risks.

3. Scope

This guidance is limited circumstance where council staff (all employees, contractors, vendors and agents operating on behalf of the council) use of WhatsApp (or any similar non approved 3rd party messaging app) **as a means of communicating with citizens.**

4. Risks when using WhatsApp (or similar 3rd party messaging app):

- WhatsApp is for licensed for personal use only. Using it for business purposes breaches the license. Consequently, WhatsApp will not accept any liability for any breach or loss stemming from a data breach. Even if they are clearly at fault.
- The council may not to be able to block unauthorised use of WhatsApp if a device is stolen or lost. This is because the app may have been being used on a personal device.
- WhatsApp is not integrated into the council's IT systems and is unsupported. As a result, any business data contained in the app will not be reflected in the authority's (client) records.

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- The council's business data held within WhatsApp is not controlled, protected or backed up.
- WhatsApp does not fulfill current data protection requirements. There is a risk that personal, confidential corporate, partner and citizen data may end up with Facebook.
- Use of WhatsApp for business purposes is likely to lead to unexpected data breaches of confidential corporate as well as personal data. Leakages are difficult to track down as use of the app by staff is largely unknown.

5. Limiting risks when using WhatsApp

- WhatsApp must only be used in circumstances where it is not possible to reach a citizen by any other means. In such cases the app should only be used to arrange contact by some other verifiable means, e.g. a meeting or phone call.
- All use of WhatsApp must be consistent with the Council's policies and procedures of ethical conduct, safety, compliance with applicable laws and proper business practices.
- All personal and council related business data contained within WhatsApp must be secured in accordance with the provisions for protecting personal data in line with GDPR 2016 /679 and the Data Protection Act 2018.
- WhatsApp should not be used to communicate with children under the age of 13 in line with the Information Society Service (ISS) provisions (Article 8) of the GDPR.
- Messages relating to council business must be retained as part of the organisation's business record. This may involve staff entering details of a message into a council approved case management or other system.
- Messages identified as a council business record will be retained in accordance with the council's Record Retention Schedule.
- At no time will council staff use WhatsApp for the creation or distribution of any disruptive or offensive messages, including offensive comments about age, gender, race, disability, sexual orientation, religious beliefs and/or practice, political beliefs or nationality. Staff who receive any messages containing this type of content from any other member of staff should report the matter to their manager immediately.

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- Users should not automatically forwarding messages to a third party. Any individual messages which are forwarded must not contain council confidential or personal information.
- Users should not use WhatsApp to create or record any binding transactions or to store or retain email on behalf of the council. Such communications and transactions should be conducted through proper channels using council approved documentation.

6. Compliance

On an ad hoc basis the council may verify understanding and adherence to this guidance through various methods, including but not limited to staff interview and staff surveys.

7. Non-compliance

An employee found to have disregarded this guidance resulting in a data breach may be subject to disciplinary action, up to and including termination of employment.

8. Related policies and processes

- Data Protection Policy
- Freedom of Information Policy
- Records Management Policy
- IT Acceptable Use Policy

9. Review

This guidance will be reviewed in December 2019 and then annually thereafter.

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