

FREEDOM OF INFORMATION CASE NOTES

Are Text Messages government records? *Information Act s.4*

Many Government employees have mobile telephones which are used for a mix of business and personal tasks. A number of FOI applications have been made for access to text messages. A text message may or may not be a government record, depending on whether it is 'required to be kept as evidence of the activities or operations of the organisation'. Most text messages are intended as ephemeral communication, and will not be required to be kept, and hence are not government records and cannot be obtained under FOI. However, it is possible that important decision making could take place via text message and hence would be required to be kept, at least until other records of the decision-making process were created.