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Ephemeral Message Apps & Government: Technology Outpacing the Law

**CAC Intern Article on
Ephemeral Message Apps &
Government Published in
the DuPage County Bar
Association Brief**

**EPHEMERAL MESSAGING
&
GOVERNMENT
ACCOUNTABILITY**

Congratulations to CAC Intern Sofia Terenzio, from the University of Michigan Ford School of Public Policy! Ms. Terenzio's article was published in the DuPage County Bar Association (DCBA) Brief and **focuses on government officials' use of messaging apps that automatically delete messages, and how this intersects with two Illinois laws that are in place to ensure government transparency and accountability.**

Ms. Terenzio's article reviews core provisions of Illinois' Freedom of Information Act (FOIA) and State Records Act (SRA) and evaluates scenarios in how ephemeral messages may circumvent accountability. The article analyzes questions such as:

- Given the definition of "public records" in the FOIA and recent case law, can a text message on an ephemeral messaging app be considered a "public record"?
- If accountability under the statute involves "knowingly" deleting a public record, does the use of a service that automatically deletes the text message meet that threshold?
- Examples of the challenges under current law in analyzing transparency issues, such as a text message sent on a government-owned device that does not automatically disappear vs. sending text messages on a government-owned device that disappears.
- Recommendations for reform of Illinois' FOIA.

Ms. Terenzio's article is timely given that Illinois' legislative season is in full swing. Will the Illinois General Assembly strengthen Illinois' transparency laws?

Are you a government official or a community member who interacts with a government entity and have an opinion about ephemeral messaging apps?

We want to hear from you! Email us at cac@citizenadvocacycenter.org!

Congrats Ms. Terenzio! 🎉🎉

[Click HERE to Visit the DCBA Brief Website to
Read the Full Article](#)

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