

## NICS Guidance: Official information held in non-corporate communications channels

### Document Control

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1. NICS departments must comply with a range of information governance policies and legislation, including the Freedom of Information Act (FOIA).

*“For the purposes of this Act, information is held by a public authority if— (a) it is held by the authority, otherwise than on behalf of another person, or (b) it is held by another person on behalf of the authority”, the “authority” being the Department.*

Point (b) above means that, in circumstances where another person holds information on behalf of a public authority, the information is considered to be held by the authority for the purposes of FOIA. This includes information held in non-corporate communications channels (i.e., any unofficial application or platform).

**The definition of information:** For the purposes of FOIA, “information... means information recorded in any form.”

2. Ensuring that information relating to departmental business is recorded on official record keeping systems (the official repository for NICS currently being

*circumstances you may be legally obliged to hand over devices and passwords.”*

### **What does this mean for me?**

8. You should always ensure that you use corporate channels for official business. Where this is not possible, you must ensure the official information is saved onto corporate systems as quickly as possible, e.g., Outlook or Content Manager, and removed as quickly as possible from the non-corporate channels.

You should be aware of the potential for a private conversation on non-corporate channels to ‘drift’ into a discussion about official matters. For example, a discussion about a social event drifting into a discussion about a work meeting. At the point that the discussion becomes about official business, you should use official communication channels, or at the very minimum, forward the official part of conversation to an official system if it needs retained as record.

### **Where do I go for help?**

If you require any further information about FOIA, Records Management and the use of non-corporate channels, you should contact your Information Management Unit.

Contact details are available at this link, and from the ICO: [Official information held in non-corporate communications channels | ICO](#)