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Mobile messaging applications and non-corporate technology usage: Deputy First Minister's statement - 17 December 2024

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Statement by the Deputy First Minister Kate Forbes to the Scottish Parliament on 17 December 2024 on the announcement of the Martins Report into the use of mobile messaging applications and non-corporate technology in Scottish Government.

Presiding Officer

My Statement today is to respond on behalf of the Scottish Government to the publication of the Martins Report into the use of mobile messaging applications and non-corporate technology in Scottish Government.

I would like to thank the Reviewer, Emma Martins, for undertaking this significant and important piece of work for us, and Scottish Government staff for participating in the review with integrity and candour.

The use of WhatsApp in government and the subsequent management of these messages was scrutinised heavily during Module 2A of the UK Covid-19 Inquiry and thereafter in this Chamber.

To be clear, the use of mobile messaging applications during the pandemic, a time of unprecedented and particularly difficult circumstances, which required quick decisions and actions to support the response and protect the people of Scotland, was understandable in such pressing times. Like many workplaces, Ministers and staff adapted, at rapid pace, to deliver what was required during an emergency response. And at that time, a national lockdown was declared, restricting in person contact.

The Scottish Government's policy on mobile messaging applications states that any material relevant to decisions has to be recorded in the corporate record, as all Ministerial decisions are. Scottish Government staff were acting within that policy, but with hindsight, we have reflected and I will set out a revised position today.

In January of this year the Former First Minister Humza Yousaf commissioned an externally-led review into the Scottish Government's use of mobile messaging applications and non-corporate technology.

I am absolutely committed to the highest standards of transparency, and accountability and openness in the way that we govern on behalf of the people of Scotland. I welcome this report and commend it to Parliament. The Report highlights that everything we do should be underpinned by our service to the people of Scotland and commends the Scottish Civil Service vision which is entitled, "In the Service of Scotland".

The report contains recommendations that are far reaching across many aspects of how the Scottish Government operates, and many of those recommendations are specifically for the independent, non-partisan civil service. Others are for Ministers. I will address both categories in this statement. The Government is committed to ensuring the highest standards of transparency, integrity, accountability and honesty are adhered to at every level of leadership.

The positive work that we've done to support our relationship with the people of Scotland is emphasised in the Martins report, such as the comprehensive Information Management Strategy of the Scottish Government. Work like this will increase trust over time and our response to this report provides opportunities to further build on that trust.

Specifically for Ministers, the First Minister published his updated Ministerial Code earlier today. The Code sets out the standards expected of all Ministers. Standards that the people of Scotland deserve of their leaders. It enshrines the commitment we all make to uphold the Seven Principles of Public Life and to adhere to the values and the principles of service.

The changes that the First Minister has introduced in his edition of the Code mark the most fundamental developments to the Code since the introduction of Independent Advisers in 2008 and is furthered by the appointment of three new Advisers into the role as announced on 6 December. In publishing this edition of the Code, the Government has also published the Terms of Reference for the Advisers for the first time, that sets out the detail of their strengthened role and the process of independent scrutiny and advice that they can provide to the First Minister.

The new Code has also been restructured into three distinct sections: Ministers' Standards of Conduct; Ministers' Interests; and Ministers and the Procedures of Government. This brings ethical standards and public service values to the forefront of the new Code, and ensures that the Code reflects the governing rules and procedures that underpin guidance to Ministers, including for the first time an explicit commitment around the use of corporate communications channels.

The Scottish Ministerial Code is only one aspect of the standards required in relation to public life that Ms Martins' Report mentions. She also addresses the Civil Service Code. That is not within the power of Scottish Government Ministers. So, I am writing to the UK Government to draw their attention to the report, and to ask for their assistance on recommendations relating to the Civil Service Code, which are within their powers.

Civil Servants within the Scottish Government have undertaken work to develop a clear vision and a set of values for the organisation. The vision, "In the Service of Scotland" and the underpinning values of integrity, inclusivity, collaboration, innovation and kindness, are promoted internally to all staff through all communications and leadership, and targeted externally towards those who wish to work for the Scottish Government and serve the people of Scotland.

We are leading with our ambition to be an Ethical Digital Nation. Our vision is for a society where people can trust public services and businesses to respect privacy and to be open and honest in the way that data is being used. A place where children and vulnerable people are protected from harm. Where digital technologies adopt the principles of privacy, resilience and harm reduction by design and are inclusive, fair and useful.

We recognise that access to information is a key pillar of enabling democratic scrutiny and participation. The FOI Improvement Plan is already making improvements. It has developed comprehensive training programmes and detailed guidance, and it supports staff to respond more quickly and more effectively to requests. The Scottish Information Commissioner has highlighted the response rate of the Scottish Government's current level of performance, which has been maintained in the context of a continued increase in request numbers. We are now responding to over 95% of FOI requests on time. That reflects this government's commitment to transparency.

We have also made progress when it comes to the productive outcome to the Progress Update Review undertaken in 2023 by the National Records of Scotland in relation to the Records Management Plan. The outcome of the 2024 review, which we have submitted, is expected early in the new year and we will publish this on the Scottish Government's website, as we have done in previous years.

One of the key questions asked in the review was around the use of mobile messaging apps such as WhatsApp. The report provides a clear recommendation in this regard. We have taken the decision to end the use of mobile messaging applications across the Scottish Government. That will happen by Spring 2025.

Government business should happen on government systems which are secure, searchable and allow the appropriate sharing of information, in line with our statutory duties. Scottish Government Ministers and staff will not be permitted to use WhatsApp, or any other non-corporate communications channel, to conduct government business. To give effect to this, non-corporate mobile messaging applications will, by Spring, be removed from devices and our technical environment will be configured so that they cannot be used.

Clearly, in our modern world, we also need to ensure that we have robust business continuity arrangements in place including the ability to communicate in the event of a cyber attack removing access to corporate technology. For these circumstances, very clear guidelines will be produced to ensure that every person in the Scottish Government knows what is permitted.

We will take time to put this in place, to ensure that all necessary actions required to give effect to this decision are achieved.

The UK and the Scottish Covid-19 Inquiries are currently ongoing. These Inquiries are of vital importance, to ensure that we learn lessons from the Covid-19 pandemic which will enhance our preparations for any future health emergencies.

We have already received the UK Covid Inquiry's Module 1 report and will provide detailed responses to its recommendations in due course, within the timescales set out by the Chair. And of course, we will engage fully with the UK and Scottish Inquiries' future reports.

This review is part of our commitment to learning from our response to the pandemic, and improving our practices.

This decision aligns secure, open, transparent governance, underpinned by sound records management policy and practice and the wellbeing of staff, with the values and vision of the Scottish Government.

In closing, I believe the review will continue to see public services being improved as the recommendations, on which we have already taken tangible actions, will improve records management practice and processes and improve trust in government.

The report will be available on the Scottish Government's website from this afternoon.

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