NOTE FOR THE ATTENTION OF

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Subject: The use of communication tools such as text and instant messages in EU professional context – scoping note

I refer to the meeting held on 9 December 2022 regarding the use of text and instant messages in professional context with EU institutions and bodies (summary record of the meeting is attached to this letter).

Following the conclusions of this meeting, we would like to share with you the attached scoping note and invite you to a further reflection to gather your input in view of arriving at a shared approach on the use of modern tools of communication.

We would appreciate receiving your views on the general principles outlined in the note by 31 March 2023.

Pascal Leardini

Enclosure: 1
SCOPING NOTE ON THE USE OF COMMUNICATION TOOLS SUCH AS TEXT AND INSTANT MESSAGES IN EU PROFESSIONAL CONTEXT

1. Policy objective

The use of communication tools such as text and instant messages has become commonplace in modern society. They offer advantages over more ‘traditional’ means of communication such as email as they are quicker, less formal, and cost less effort. But their use in a professional context has also generated questions about security, data protection and the integrity and trustworthiness of such messages.

For these reasons, it is necessary to reflect on the use of these communication tools in a professional context.

The objective of this process is to agree on a common framework for the use of text and instant messages by staff of the European institutions and bodies, by setting up principles and supplying guidance. They should reflect a mutual understanding of this topic by the EU institutions and bodies.

2. Scope

Each institution is free to develop and adapt its own rules and guidance. This scoping note is meant to provide a joint framework but does not restrict any of the participating institutions.

Based on the earlier exchanges, it can be assumed that there is a collective understanding that:

- this concerns any technical means of communication that allows for text and instant messaging (instant messages, chat applications and social media)
- all corporate devices are in the scope
- each institution should decide whether and under what conditions the use of private devices could be allowed for text and instant messaging for professional purposes.

To whom does it apply?

The guidance and rules should apply to the staff of the institutions that as governed by the Staff Regulations and the Conditions of Employment of other servants of the European Union. The Staff Regulations are of application, notably Articles 12, 17, 17a. Other categories of external staff including service providers should be also bound by this guidance under specific framework contracts.

Institutions that have concerns that the rules may restrict the independence of their Members, should carefully consider the scope and decide to whom else than staff it would apply.
3. Outline of proposed content

Principles

- As a general principle, text and instant messaging should not be used for professional purposes with external correspondents.

- If, exceptionally, any text and instant messaging application is used in a professional context, and if the message meets registration criteria, then the rules applicable to registration should apply.

- In accordance with the rules and conditions to be defined by each institution, text and instant messaging can be used for internal communication purposes between staff members. In this case the institutions concerned should provide guidance for such use.

Rules

- Rules apply to corporate devices provided by each institution or body to its staff. Use of private devices are not included in the scope.

- A distinction is made between different instant messaging applications. To take account of information security, cybersecurity and data protection concerns, only corporate applications or those clearly indicated by the Institution concerned will be allowed. Unless stated otherwise, the use of any other application is strongly discouraged or prohibited.

- The institutions and bodies will cooperate to agree a list of recommended and prohibited applications.

- The institutions and bodies should define the conditions and rules, with respect to both internal and external messaging:
  - to manage content, including measures to ensure security, and data protection.
  - to set the rules and conditions for the deletion of such content, including the retention periods.

- These rules should be in line with the retention policy of the institution.

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1 For example, the Commission has only approved the use of one instant messaging application, i.e. Signal, in its Guideline for Acceptable Use of Public Instant Messaging (IM) Applications. It was stated that Signal applications are free, easy to install, easy to use and have a growing population of security and privacy concerned users. The Commission also uses Skype for business and Teams for messaging and chats inside the institution.
**Guidance**

All staff using electronic devices for work should be able to understand how to handle content on such devices. For instance, they should know how to extract and transfer text and instant messages from messaging apps or platforms to the relevant document management system, should it exceptionally become necessary to register such messages.

Institutions and bodies should therefore issue clear guidance on how text and instant messages that meet the criteria for capture or registration as a record, should be extracted, transferred, and kept. There should also be clear instructions on how to manage text and instant messages that do not need to be kept as a record, including when and how to eliminate such content.

**4. Technical solutions**

Institutions may choose to provide a technical solution to allow staff to easily capture and keep texts and instant messages as a corporate record in case the content of the texts and instant messages justifies this. They may explore what is needed in terms of IT development and the possible time limit for deployment of such features.

Any such solution must ensure the integrity, security, and traceability of such content.