



NICOLE R. GALLOWAY, CPA
Missouri State Auditor

October 21, 2019

The Honorable Michael L. Parson
Office of the Governor
201 W. Capitol Avenue, Room 216
Jefferson City, Missouri 65101

Dear Governor Parson:

I recently wrote local and county governments to encourage them to prohibit using self-deleting applications while conducting public business. Specifically, political subdivision officials and employees should not use applications or programs that automatically destroy, delete, or otherwise render unreadable public business communications. These applications allow for public business to be conducted in secret and prevent taxpayers from holding government accountable.

The purpose of my correspondence was to inform political subdivisions of the State Records Commission guidelines for electronic communications, that we as members of that body adopted on May 13, 2019.¹ I was encouraged that the vote was bipartisan and pleased to join the Secretary of State and Attorney General in supporting greater transparency.

As you are aware, if a message references public business or official duties, then it is a record and falls under the appropriate retention schedule. A public record is any "document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business."² Such records must be capable of being preserved. As described in the guidelines, an application that automatically deletes communications prevents retention of a record.

As a result of these guidelines, my office updated our internal policies for electronic communications. I trust that you have done the same in your office. This past legislative session, the House approved legislation prohibiting the use of self-destructing messaging technology for use in public business.³ Unfortunately, that measure died in the Senate. With this

¹ Missouri Secretary of State Records Service Division, *Electronic Communications Records Guidelines for Missouri Government, for State and Local Government*, May 14, 2019.

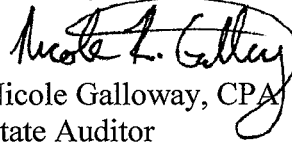
² The State and Local Records Law, Section 109.210(5), RSMo.

³ H.B. 445 (2019)

in mind, I hope you will join me in challenging the General Assembly to get this done. We can all agree that transparency in government is a nonpartisan issue.

Missourians expect government to be honest when conducting public business. Banning self-destructing text messaging by public entities, officials, and employees is another step to ensuring transparency, and is the best antidote to any perceived or actual government impropriety. It is not only a best practice, it is just good common sense.

Sincerely,



Nicole L. Galloway, CPA
State Auditor

C: Speaker of the House Elijah Haahr
Minority Leader Crystal Quade
President Pro Tem Dave Schatz
Minority Leader Gina Walsh



NICOLE R. GALLOWAY, CPA
Missouri State Auditor

October 21, 2019

The Honorable Mike Kehoe
Office of the Lieutenant Governor
201 W. Capitol Avenue, Room 224
Jefferson City, Missouri 65101

Dear Lieutenant Governor Kehoe:

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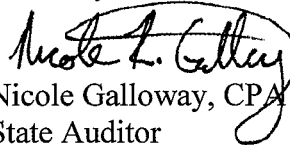
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Sincerely,

A handwritten signature in black ink, appearing to read "Nicole L. Galloway", written over a circular scribble.

Nicole Galloway, CPA
State Auditor

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Minority Leader Crystal Quade
President Pro Tem Dave Schatz
Minority Leader Gina Walsh



NICOLE R. GALLOWAY, CPA
Missouri State Auditor

October 21, 2019

The Honorable John R. (Jay) Ashcroft
Missouri Secretary of State's Office
201 W. Capitol Avenue, Room 208
Jefferson City, Missouri 65101

Dear Secretary of State Ashcroft:

I recently wrote local and county governments to encourage them to prohibit using self-deleting applications while conducting public business. Specifically, political subdivision officials and employees should not use applications or programs that automatically destroy, delete, or otherwise render unreadable public business communications. These applications allow for public business to be conducted in secret and prevent taxpayers from holding government accountable.

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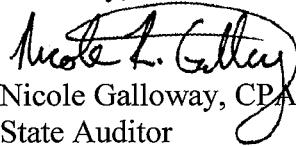
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Missouri State Auditor

October 21, 2019

The Honorable Scott Fitzpatrick
Missouri State Treasurer's Office
201 W. Capitol Avenue, Room 229
Jefferson City, Missouri 65101

Dear Treasurer Fitzpatrick:

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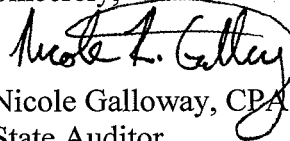
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NICOLE R. GALLOWAY, CPA
Missouri State Auditor

October 21, 2019

The Honorable Eric Schmitt
Missouri Attorney General's Office
Supreme Court Building
207 W. High Street
Jefferson City, Missouri 65101

Dear Attorney General Schmitt:

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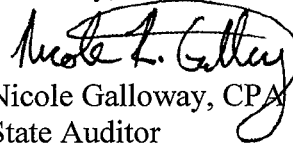
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