



MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION

INVESTIGATIVE SUMMARY | 23 – 0009 - I

Findings Regarding The Alleged Misuse Of A Messaging Application To Conceal Official Communications By The Maryland State Department of Education’s State Superintendent of Schools.

The Office of the Inspector General for Education (OIGE) conducted an investigation into allegations concerning Mohammed Choudhury, former Superintendent of the Maryland State Department of Education (MSDE), and his executive team’s use of the Signal application for government policy discussions and vendor contract decisions. The probe was initiated following a complaint alleging Choudhury allegedly utilized the Signal application (Signal) to discuss government policy and vendor contract decisions. Our investigation confirmed that Choudhury, along with key members of the MSDE executive team, utilized the Signal application¹ for communications relating to both personal and work-related matters.

Choudhury stated he utilized Signal to communicate with members of the MSDE executive team and that occasionally, work-related matters got “mixed in” with personal issues. He explained that he was familiar with the messaging platform and utilized it for its ease and security features. Choudhury stated he was not provided with any official training on state communication policy when he assumed the role of State Superintendent of Schools. Choudhury further said he was aware of the MSDE Records Retention and Disposition Policy and considered the messages sent via Signal to be miscellaneous records that could be discarded as he saw fit. Choudhury believed the state should develop policies regarding encrypted messaging applications.

Interviews with MSDE personnel revealed a pattern of using Signal to discuss work topics. Despite a former executive team member’s concern regarding the optics and potential implications of using such an application, the practice continued until public scrutiny increased. A review of relevant Maryland statutes and MSDE policies did not uncover any rules explicitly prohibiting the use of encrypted or ephemeral² messaging applications for governmental communications. However, this finding does not necessarily mitigate concerns regarding transparency, accountability, and the proper retention of governmental records, especially given Signal’s features that allow for the automatic deletion of messages.

Messaging applications (Apps) have become a universal form of communication, with billions of users worldwide. They have changed how we communicate and share information with others, such that employees now routinely use messaging apps to conduct business. Our investigation

¹ Signal is a messaging app with privacy at its core. It is free and easy to use, with strong end-to-end encryption that keeps your communication completely private. Source: apps.apple.com/us/app/signal-private-messenger.

² Ephemeral is a messaging application that causes the sent message or video to disappear in the recipient’s device after a short duration. Source: pcmag.com/encyclopedia/terms/ephemeral-message-app.

found that messaging applications are challenging to keep up with due to continuous technological changes.

The OIGE recommends that MSDE update its internal policies to address the use of encrypted or ephemeral messaging applications and develop retention requirements for all new and existing messaging data employees generate to conduct work-related business.

The OIGE has completed its investigation.

Unless otherwise noted, the OIGE applies the preponderance of the evidence standard in determining whether local school system personnel have committed misconduct.