

## KDLA Trustee Tip: The Library Trustee's Guide to Using Email for Library Business

Transparency is at the heart of the statutes that comprise Kentucky's Open Meetings and Open Records Acts. While email has made communications between library board members and library staff more convenient and timely, emails can easily become public records subject to public inspection, or worse, become a board "meeting," one conducted in a way that prevents the public from the open access that is their right by law. Using email responsibly can help trustees and staff from inadvertently violating the law or subjecting their personal email accounts to public inspection.

Just as minutes, financials and other documents generated by a library board are subject to public inspection under the Open Records Act, so are emails sent to and from library board members in the course of conducting the library's business, including those sent to and from a library board member's personal email accounts. Furthermore, when public officials communicate with each other about agency business via email, these communications can be construed as private "meetings" and may therefore violate KRS 61.810(2), which prohibits using "a series of less than quorum meetings" to avoid the requirements of the Open Meetings Act (see also 09-OMD 093).

There are a number of ways that library trustees and staff can enjoy the convenience of email while keeping their private accounts private and staying within the bounds of the law:

- limit messages conveyed via email to one-way communication. Examples of one-way communications include reminders and board meeting information sent to trustees from the director or board president. Avoid "reply all" whenever possible;
  - use an online portal or Dropbox to deliver board packets or other information. Use of these portals limits the use of possibly-discoverable emails;
  - set up official library email accounts for board members using the library's domain, or set up a separate email account just for receiving library messages and board meeting information;
  - Refrain from back and forth conversations between board members via email. Any conversation could be construed as a "private meeting" and should be avoided.

This is not legal advice. If you feel you need legal advice about this topic, please consult an attorney.