

KDLA March 2012 Trustee Tip of the Month

Is a trustee's personal email account subject to open records requests?

Email is a quick way to communicate information, but a little bit of caution is required to make legal use of this tool.

Remember that information can be shared via email, but that library business can only be conducted in an open meeting. Examples of sharing information would be a reminder of the board meeting, a preview of information that will be presented in a board meeting (a board packet), and information about events and programs.

Records generated by the board are public records, and in most cases must be made available upon request. The term "public record" includes emails, databases, and other records electronically generated and/or stored.

However, before you can send notification via email of a special meeting you need to make your desire known. *Your Duty Under the Law* states:

"Written notice of special meetings may be transmitted by electronic mail to public agency members and media organizations that have filed a written request with the public agency indicating a preference to receive email notification. The written request must include the electronic mail address of the agency member or media organization." You can simply sign a piece of paper stating your wishes.

Trustees who receive email to their personal email address also need to be aware that a personal email account would be subject to open records inspection, but only to the extent to which it had received library-related email. Unfortunately, this could open email which was intended to remain private to inspection, since it was at the same address. For instance:

1. An email from the library director about library business would be "official."
2. An email from the trustee to the director discussing library business would be "official."
3. An email from the trustee to a friend discussing the terrible service the trustee received when last in the library would normally not be "official", but since it is at the same email address as "official" emails are present it would likely be subject to examination.
4. An email from the trustee to her friend discussing the fact the trustee thinks the children's librarian may not be doing a very good job would be "official" for the same reason as above.
5. An email from the trustee to her friend about what is on sale at the grocery store would not be subject to examination, as it does not relate to the library.

Library trustees should, when possible, keep personal and "official work-related" email separate. Trustees may want to consider having an official email address just to receive library documents.

This is not legal advice and I am not an attorney. If you feel you need legal advice you should consult an attorney.

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