

## **Info on CA Supreme Court Ruling: Private Emails Potentially Subject to the CA Public Records Act**

### What happened?

On March 2, 2017, the CA Supreme Court unanimously ruled that government officials may be required to release communications made about official business on *private devices and personal email accounts* pursuant to the CA Public Record Act.

### Who does this ruling apply to? Should I be worried?

Though this case law could be applied to any public employee, including teachers, if you simply continue to conduct yourself professionally as you engage in your work, a public records request (PRR) won't be a concern.

### What types of communications are now subject to a PRR?

Anytime you communicate in writing to CONDUCT WHAT COULD BE CONSIDERED DISTRICT BUSINESS, you could be compelled to release these records if a public records request is made. District business would include things like conversations with parents, other teachers, or other PUSD employees regarding students or regarding other school site/district matters.

### What if I use my private device or personal email account to conduct district business?

Anytime DISTRICT BUSINESS IS CONDUCTED via a private device or personal account, it could now be subject to a Public Records Request. The type of device does not matter (home computer, personal iPad, personal cell phone), nor does the format (personal email, texting messaging). The information we have at this time says employees will be allowed to conduct their own searches of private accounts, so it stands to reason the employee would be asked to search for the requested records, would be legally bound to comply, and would self-submit the emails, texts, etc. if requested in a PRR. (This could change, so just consider any district business you conduct in writing subject to a PRR).

### What if I use a District device?

It is particularly risky to have your personal accounts (like email and text messaging) attached to a district device like an iPad or a cell phone, because the content is searchable by the district at any time. (I don't believe they are conducting these searches but we should be aware that it's possible). They don't need to have the device in their possession to be able to search the content on the device. This includes searching your personal email or text messages on a district paid device. On a district device, *everything* is considered subject to a PRR.

### How do I protect myself?

**RECOMMENDATION:** Conduct all district business via PUSD email and consider the content a public record. Do not attach personal email or text message accounts to district devices.

**REMEMBER:** Anytime you conduct district business in writing, consider it a public record that could be requested through a PRR.