31 August 2013

RE: District email communications

Dear Colleagues,

There have been recent email communications among employees and statements made about confidentiality and privacy regarding email communications. The purpose of my communication is to provide information and clarification in this matter.

As a public institution, the Hartnell CCD is subject to the California Public Records Act (Government Code § 6250 et seq.). The PRA requires that all communications related to public business "regardless of physical form or characteristics, including any writing, picture, sound, or symbol, whether paper, magnetic or other media" be made available to the public. This means that any member of the public can request copies of email communications that have been produced by any employee of the District. There are exemptions for disclosure of public records and they generally include personnel records, investigative records, drafts, and material made confidential by other state or federal statutes. Setting aside these few exemptions, the vast majority of email communications are available through a PRA request. Therefore, email communications among employees are not confidential or private. Placing a "confidential statement" at the end of an email does not control whether a communication is exempt from the PRA. Email communications related to HCCD business can be distributed and/or forwarded without permission of the sender. However, I certainly urge good judgment and discretion in doing so.

Regards,

Willard Lewallen, Ph.D.
Superintendent/President

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