

BOARD MEMBER USE OF EMAIL

The State of Wisconsin Open Meetings Law requires that public bodies, including the School District of West Allis-West Milwaukee School Board, conduct its business in public. In addition, the Wisconsin Public Records Law requires these same bodies provide, upon request of the public, records maintained by the public body. Email messages are a form of communication that is subject to both the Open Meetings Law and the Public Records Law.

Board members shall be provided with a district email account. It is the Board Member's discretion as to the frequency with which they check their district email account.

1. Wisconsin Open Meetings Law

In order to comply with the Wisconsin Open Meetings Law, email is to be used only for the purposes of communicating:

- a. Messages between school board members or between a board member and employee that do not involve District matters pending before the Board;
- b. Possible agenda items between the Superintendent and Board President;
- c. Times, dates, and places of regular or special board meetings;
- d. The board meeting agenda or public record information concerning items on the agenda and agenda items from board members to committee chairpersons or Board President;
- e. Information between the Board President and committee chairpersons and administrators and other information used at board meetings;
- f. Responses to individual questions posed by members of the public, administrators or school staff.

School board members are not to use email to discuss among themselves Board business that can only be discussed in an open meeting of the Board, as part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party. When communicating by email, complying with the law is complicated by the concept of a "walking quorum" and exchange of almost real time information.

2. Public Records Law

All email communication on official school board matters is subject to public records law.

In order to comply with the Public Records Law, senders and receivers of email that utilize the School District of West Allis-West Milwaukee's Communications Systems for email, shall do so with the understanding that there can be no expectation of privacy for any messages sent or received. In addition, messages that have been deleted from such an individual's mailbox may still be accessible on the District's system. Accordingly, unless an exemption applies, such email messages, deleted or otherwise, may be subject to disclosure under the Public Records Law. Therefore, there should be no expectation of privacy for any messages sent by electronic mail.

LEGAL REF.: Sections 19.31-19.39 and 19.81-19.98 Wisconsin Statutes

APPROVED: October 27, 2014