

Re: [schoolboard] Complaints from Public Records

From: Megan Pillsbury (mpillsbury@piedmont.k12.ca.us)

To: hstitan@yahoo.com

Cc: amalsmith@piedmont.k12.ca.us; aswenson@piedmont.k12.ca.us; csmegal@piedmont.k12.ca.us; spearsen@piedmont.k12.ca.us; RBooker@piedmont.k12.ca.us

Date: Tuesday, September 8, 2020, 04:56 PM PDT

Dear Hari,

On behalf of the school board, thank you for sharing your thoughts.

Regards,
Megan Pillsbury
Trustee, Piedmont Board of Education

On Tue, Sep 8, 2020 at 1:49 PM 'Titan, Hari' via Schoolboard <schoolboard@piedmont.k12.ca.us> wrote:

Dear Superintendent Booker and School Board,

In my recent survey of Piedmonsters, a substantial majority ranked transparency of inputs to school board decision making of great importance. Emails sent to influence public officials are part of the public decision-making record and subject to disclosure under the US Freedom of Information Act (FOIA) at the federal level and the California Public Records Act (CPRA) for state and local governments.

In order to get a full view of parent and teacher opinions about school reopening, I submitted a public records act request for emails to the school board on that topic in the months of June and July. The request was made before I became a candidate. Recently some criticized me for wasting PUSD resources on this request, but PUSD fulfills these requests when they anticipate having the time to do so.

I received a PUSD response which contained 647 pages of emails to the school board from parents, teachers, and students who were very concerned with the outcome of school board meetings during the months of June and July. I'm sure it took a while for the board to read those emails over the course of those months.

I didn't want to be the only person with access to the raw data from which I planned to report public sentiment and other pearls of wisdom. I decided to share the public response with other parents on my website (using settings to prevent Google indexing) and a Piedmont Parents Facebook page. A couple of parents remembered that they had written about their student's special education plans and found that information unredacted in the public record. A few parents were surprised that their emails to the school board were a matter of public record. Some were calling for canceling all public record requests because of the burden of redacting all the confidential information. I stopped sharing those files within hours of the email below.

The answer to these misunderstandings is not to reduce government transparency but rather, increase transparency of the process to virtually eliminate the redaction workload and parent surprise. Superintendent Randy Booker should email parents explaining that emails sent to the school board are part of the public record and should not contain sensitive or confidential information while clarifying what legally requires redaction. Randy can add a reminder that emails to a teacher or counselor or principal regarding your child are quite different and would remain confidential and not subject to public scrutiny.

A warning should also be given to a recipient of a public records act request that the files delivered might contain confidential information despite the best efforts of the district to redact that information. I for one have decided against sharing any public record emails going forward until this process has been better socialized with parents.

Hari Titan

----- Forwarded Message -----

From: Sylvia Eggert <seggert@piedmont.k12.ca.us>
To: Hari Titan <hstitan@yahoo.com>
Sent: Tuesday, September 1, 2020, 01:48:58 PM PDT
Subject: Complaints re Documents of Website

Hari,

We have received numerous complaints about the emails you obtained through the CPRA. Specifically, community members have advised us that if they zoom into a redacted area they can still make out student names. I think you should know that community members are not happy that you placed the documents on your website. I know that at least one complaint has been filed with the FDC online.

Per District Counsel The law does allow documents provided under a CPRA to be rescinded by a Ca Supreme Court ruling made under *Ardon v. City of Los Angeles*. The inadvertent disclosure of privileged records by a public entity responding to a California Public Records Act (CPRA) request does not waive the confidentiality of those records. It's not a matter of the author of the e-mail rewriting their e-mail to exclude information they later felt was too sensitive, but rather a matter of the public entity inadvertently disclosing information that they shouldn't have.

We would like to rescind the documents you received under the CPRA and further redact the student names which are already redacted so that it is not legible no matter how much they zoom in. Additionally, we will redact any references to special education services received, or special challenges.

Please let me know when you have deleted the documents from your website. I will send you an updated version as soon as I can.

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Sylvia F. Eggert
Executive Assistant to
Randall Booker, Superintendent
Piedmont Unified School District

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