



## **Email Communications Policy for all**

### **Members of all Committees of the Town of Sudbury**

Email is an expedient and easy means of communication, but must be used carefully, both to avoid conflicts with the Open Meeting Law and the Public Records Law and to insure that the public and members of committees can rely on the fact that deliberative discussions will always be held at public meetings. Email communications deprive the public of the chance contemporaneously to monitor a Committee's discussion. Therefore, the Board of Selectmen has established the following policy, which is meant to augment and emphasize the importance of the laws of the Commonwealth of Massachusetts.

#### **GENERAL POLICY**

- All Email use by the any member of any committee, board or commission of the Town of Sudbury will comply with the requirements of the Open Meeting Law. A copy of this statute is given to all committee members by the Town Clerk when they take the oath of office.
- Email communications by, between, or among Committee members will not address substantive policy issues, decisions, or deliberations. Email may not be used to discuss policy issues on an item coming before the Committee for discussion, to make decisions, or carry on deliberations.
- Email communication by, between or among Committee members may only be used to schedule meetings, send informative messages, request information or similar administrative type communications.
- The Town will establish a committee group email address for receipt and sending of all Committee related email. All committee members must use this email address for email related to the Committee and may not create their own email list for Committee related correspondence. The Town will be responsible for retaining copies of these emails in accordance with the Public Records Law (see below). The Town cannot be responsible for retaining or producing any Committee email which is sent using other than the group email address, and members of Committees should be prepared to allow access to their own personal computers if they choose to bypass the Town committee group email address for email correspondence.
- The Town Manager (or her designee) and one member of the Board of Selectmen will be included on the Town created email distribution list for all committees created or appointed to by the Board of Selectmen, and they will monitor email correspondence to insure this policy is followed. Committee members who violate any part of this policy will be cautioned on the first violation if unintentional and

may be asked by the Board of Selectmen to leave the committee if there are repeated violations.

#### **PUBLIC RECORDS APPLICABILITY**

The term “public records” is defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by an officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption (M.G.L. C.4, S.7). Therefore, the Secretary of the Commonwealth advises that the Public Records Law clearly applies to government records generated or received electronically. All electronic mail sent, and all electronic mail received by principal addressees (not received as a “cc”) at a Town-issued address, or any address when in an official capacity, should be considered a public record subject to inspection and disclosure and scheduled retention and disposition. ***Employees and committee members acting in their official capacity should have no expectation of privacy in their use of electronic mail.***

Adopted by the Board of Selectmen July 11, 2006

*Please note: Sections of the material in this policy were adopted from guidelines established by the Middlesex District Attorney's Office for committees' use of electronic mail*