


MEMORANDUM

TO: Todd Carusillo

FROM: Charles E. Roraback 

RE: FOIA/Email Addresses

DATE: April 23, 2024

At your request I have performed preliminary research on the question of whether email addresses, including personal addresses, constitute public records under the Freedom of Information Act ("FOIA") and are therefore subject to public disclosure.

Although I have not found any case law directly on point, there is no question that the content of any emails relating to town business qualifies as a public record subject to disclosure under FOIA. Therefore, town-related email messages located in personal email accounts are subject to FOIA.

I have conferred with Freedom of Information Commission Director of Education and Communications Russell Blair regarding the question of whether personal email addresses themselves constitute public records. I concur with his conclusion that the addresses of any email account through which town-related business is conducted are public records subject to disclosure under FOIA. None of the statutory exemptions to the FOIA disclosure requirements apply to email addresses. I am not aware of any other federal or state statutory exemptions that would apply to email addresses.

Mr. Blair provides education and training regarding the applicability and implementation of FOIA. I suggest that the Town invite him to give Goshen's elected and appointed officials a presentation on the applicability of FOIA to personal email accounts. I also advise that anyone conducting town business via email establish a separate email account dedicated solely to town business.