

# Supreme Court Considers CPRA Disclosure Of Private Emails

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On December 7, the California Supreme Court heard oral arguments in a case which could decide if emails sent by public officials and employees through private devices/accounts are subject to disclosure under the California Public Records Act (CPRA). The case involves a CPRA request to the City of San Jose for emails sent by city councilmembers using their private phones and email accounts.

At oral argument, several of the justices raised questions about the many privacy and practical issues which would be raised if the Court were to hold that such otherwise private messages were subject to public disclosure under the CPRA. At the same time, the justices also expressed concern that, absent such a ruling, public officials and employees could use private devices and accounts to shield communications about public business from public disclosure.

It is difficult to know how a majority of the Court will decide this issue, but once issued, the decision is likely to have a substantial impact on how school districts and community college districts respond to public record requests under the CPRA. The Court has 90 days to issue its decision, and we will provide an update when it does.

For more information about the case, please see our previous bulletins:

[Electronic Communications Through Private Accounts/Devices Are Not Public Records](#)

[California Supreme Court Puts Ruling Exempting Private Electronic Communications from Public Records Act on Hold](#)

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