



Message

Apr 29, 2014 4:30 PM

14-023

From: Jeremy J Hargus ✓

To: Katherine Braun

Subject: FOIA Request

To the SD81 FOIA Officer

This is a multiple part FOIA request

The first request is for all Emails sent from a district E-Mail address to [redacted] to include any emails that were originally sent to [dstachura@sd81.org](mailto:dstachura@sd81.org) and then forwarded to [redacted] for the time period between august 1st 2012 to May 1st 2014.

My second request is for any sent emails from David Stachura's personal email account [redacted] that originated from [dcstachura@sd81.org](mailto:dcstachura@sd81.org) or any other [@sd81.org](mailto:@sd81.org) email address. Or any Emails sent from [redacted] that pertain to board business during the period between august 1st 2012 to may 1st 2014

The Illinois Attorney General has stated that  
"Electronic records relating to the transaction of public business  
are "public records" subject to disclosure under the Freedom of Information  
Act (FOIA), even if they are generated on a public official's personal  
electronic device or e-mail account."

See also public access opinion No.11-006  
<http://foia.ilattorneygeneral.net/pdf/opinions/2011/11-006.pdf>

"In addition to FOIA disclosure, destruction prohibitions in Illinois law and rules for discovery in litigation impose more legal obligations on the records stored on your phone that pertain to your duties as a board member.

The Local Records Act prohibits destruction or deletion of any public record without written approval of the Local Records Commission. *Public record*, for purposes of the Local Records Act, is much broader than the definition in FOIA. Deleting a record without permission of the Local Records Commission violates the Local Records Act."

~ <http://www.iasb.com/askthestaff/ma12.cfm>

Public record, under the FOIA, means: "all records, reports, forms, writings, letters, memoranda, ... electronic communications, recorded information and all other documentary materials *pertaining to the transaction of public business*, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.

Therefor any email forwarded to someones personal email account from a district email relating to business and what was done with it from there would remain "public record" and subject to this request, and also deletion of these public records without permission would be a violation of the Local Records Act.

This request should be fulfilled digitally and can be sent VIA E-Mail

Jeremy Hargus