

File: BHE

ELECTRONIC MESSAGING

As elected public officials, School Committee members shall exercise caution when communicating with each other electronically so as not to violate the Open Meeting Law by deliberating matters in private.

The Open Meeting Law defines deliberation as ñan oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.ö Electronic exchanges between or among a quorum of members of a public body discussing, either collectively or serially, matters within the body's jurisdiction may constitute deliberation, even if the sender does not ask for a response from the recipient(s).

Distributing a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at the meeting will not constitute deliberation, so long as the material does not express the opinion of a member of the public body.

Under the state Open Meeting Law, electronic messages between public officials about public business are considered to be public records.

Legal Refs.: M.G.L. 4:7, Public Records
M.G.L. 30A:18-25, Open Meeting Law
M.G.L., Inspection of Public Records
940 CMR 29 Open Meeting Regulations

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