

## **Governor Shumlin Email**

The Governor expects that the vast majority of the approximately 7,000 emails in his inbox, and his approximately 2,500 sent messages, will be available to the public in six years according to the MOU with the Secretary of State and Attorney General. This memorandum outlines the limited categories of emails that may continue to be exempt from public inspection in six years, and describes the organization and management of the Governor's email account.

Certain emails have been segregated into folders in the Governor's account to expedite legal review for the application of exemptions to the Access to Public Records Act other than executive privilege.

- Attorney client communications involving matters that may continue to have legal significance to the State have been segregated into a folder marked Attorney Client. These may continue to be exempt pursuant to 1 V.S.A. 317(c)(3). (The Governor has waived attorney-client privilege on communications from his counsel, Sarah London, and previous counsel, Beth Robinson, on matters that present no on-going legal concern to the State.)
- Certain communications contained in a folder marked Personnel, Personal and Proprietary may continue to be exempt pursuant to 1 V.S.A. 317(c)(1), (c)(7) and (c)(9). This folder contains personnel-related information, such as: the identities of candidates who applied or were considered for appointments and ultimately not appointed or hired; employment terminations or transfers; discussions of pay and performance; the identities of judicial candidates who applied through the judicial nominating process in Chapter 15 of title 4. This folder also contains identifying information of people with non-public health conditions and/or non-public deaths or suicides, non-public information about conduct and DCF-related matters, and non-public information about businesses.
- Copies of emails under the various litigation holds of the Attorney General's Office will reside with the Attorney General's Office. The Governor expects that these records will be publicly released when deemed appropriate by the Attorney General's Office.

The following types of Governor emails have been managed pursuant to GRS 1000.1000 (Transitory):

- Daily media clips containing publicly available state, local, and national news stories; emails containing discussion of media clips have been preserved.
- Emails containing draft speeches, op-ed's, and certain statements shared for purposes of editing and wordsmithing; communications regarding the formulation of policy have been preserved.
- Routine communications involving the Governor's scheduler, Shana Trombley, or other staff assisting with scheduling. These relate to the time of appointments on the Governor's schedule.
- Routine emails involving the Governor's executive assistant Lisa Kunin regarding email passwords, software updates, or similar matters.

Finally, records not "produced or acquired in the course of public agency business" (1 V.S.A. 317(b)) have not been retained. Examples include emails from the Governor's family members not related to agency business, invitations to weddings or other social events not involving agency business, and certain emails related to the Democratic Governors Association that do not involve the formulation of state policy.