Overview of Vermont Public Records Act

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Background of PRA
Climate Council as “public agency”
What is a “public record”?
Transitory documents
Personal devices & accounts
Statutory timeframe
Common exemptions to the PRA
Q&A
Provide for “free and open examination of records”

In the public interest to be able to review and criticize government decisions

PRA is to be “liberally construed” to implement this policy

Statement of Policy of PRA

1 V.S.A. § 315
“[A]ny agency, board, department, commission, committee, branch, instrumentality, or authority of the State [or political subdivision thereof].” 1 V.S.A. § 317(a)(2)
DEFINITION OF “PUBLIC RECORD” OR “PUBLIC DOCUMENT”

“Any written or recorded information, regardless of physical form or characteristics, which is procured or acquired in the course of public agency business.” 1 V.S.A. § 317(b)
“[O]nly needed for a limited period of time in order to complete a routine action or prepare or update a formal or ongoing record.”

General Records Schedule
1000.1000

Transitory Records
USE OF PERSONAL DEVICES AND ACCOUNTS
Use of Personal Devices and Accounts

The Public Records Act applies to public records that are stored in private accounts or on personal devices.

Public records must be produced “promptly” upon request.

“Prompt” means 3 business days.

1 V.S.A. § 318(a)
Calculating the Deadline
Records which, if made public, would cause the custodian of the record to violate any statutory or common law privilege.

1 V.S.A. § 317(c)(4)
When Is a Communication Protected by Attorney-Client Privilege?

Existence of **attorney-client relationship**

Communication made for the purpose of facilitating the rendition of professional legal services

Client sought lawyer’s “skill and training”

Client reasonably would have expected communications to be confidential
Personal documents relating to an individual.

1 V.S.A. § 317(c)(7)
What Makes a Document “Personal”?

Trombley v. Bellows Falls Union High School
Privacy of an individual is involved.

Reveal intimate details of a person’s life.

Might subject individual to “embarrassment, harassment, disgrace, or loss of employment or friends.”

Information is personal if it would normally not be shared with strangers.

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Q & A