

July 25, 2018

Jennifer Colangelo
Georgia Attorney General's Office
40 Capitol Square, SW
Atlanta, GA 30334

Sent via email to jcolangelo@law.ga.gov on July 25, 2018

Ms. Colangelo,

Please consider this my formal response to the Evans County Board of Education's response to you on July 13, 2018.

I am challenging most of the positions taken by the Board attorney in the most recent letter to your office based on additional Open Records Requests filed and other information that came to light in a public meeting on July 17, 2018. That meeting was recorded in its entirety and I have included the link in the email with this letter. I am asking for your continued assistance on this matter.

AllOnGeorgia filed an additional Open Records Request with the Evans County Board of Education on July 10 with regard to the email hosting service the school system uses. The response from the BOE indicates that 'Microsoft Office 365' is used for email services, a user friendly, electronically searchable email provider.

At the Board of Education meeting on July 17, 2018, Superintendent Dr. Martin Waters told a crowd that every time an email is sent, it is 'threaded' and when those people respond, 250+ emails are linked together, which is how the 97,000 figure was computed. I refute this claim for two reasons:

- a. Microsoft Office 365, regardless of plan, allows you to 'unthread' emails in the search, therefore ignoring duplicates. This service is offered by 'EDiscovery' at no cost to current plan holders.
- b. The Open Records Request is related to Human Resources, a topic the BOE maintains can only be discussed by a select few employees. That is, in fact, why the superintendent and Board attorney claimed the highest paid person in the office must fulfill the request by AllOnGeorgia from June 28, 2018.
- c. Instead of searching through the email server, it would be more efficient and less costly for each inbox to be searched, and include only the employees in the district office who are qualified to be having the discussion related to the sole employee in question. I find it difficult to believe that the Board of Education is sending personnel-related discussion emails to 250 employees in the school system. At most, the discussion should include four employees, and possibly Board members - however, it is my understanding that BOE member emails are used rarely.

Dr. Waters' remarks with regard to the emails specifically begin at the 34:00 minute mark.

Additionally, Board of Education members at the July 17 meeting held that student data was included in the emails and must be redacted before it's provided to me. I'll reiterate that no student data as been requested and everything requested relates to employees at the district office. If the Board is transmitting personal information about students in emails, that is a violation of federal FERPA laws.

Further, if the email quote Superintendent Waters provided was accurate, and only the employees who are legally permitted to discuss the issue I am seeking information about were the ones to send emails, that would mean 1.5 emails were sent about the issue for six whole months. I don't find that to be reasonable.

Additionally, the Board of Education maintains that the search term used to compute the 97,000 email estimate was 'Threatte,' however, AllOnGeorgia explicitly said in the original request that emails should NOT include those sent FROM Sharon Threatte and those sent TO Sharon Threatte. At the meeting on July 17, 2018, Waters said those emails were included in the estimate.

I maintain that the Board of Education is aware of the time period in which the discussion over personnel demotions and pay classifications took place. The employees are choosing not to offer information that would narrow the scope and they're refusing to use their discretion to search within the timeline they know exists.

In his letter on July 13, 2018, Attorney Ron Hallman affirmed the high cost of items 2 and 3 in my original request, saying data has to be accessed in order to provide these documents. I understand that the Board is under no obligation to 'create a document,' but I have already asked for more simplistic documentation of this, as approved by the Board, and the information provided to me included no names of employees, nor did it include what classification employees were deemed, which would have allowed me to cross reference and create my own document. The lack of information provided in a request in June is what prompted my request for salaries. This is already my second attempt to obtain this information by wording the request differently.

I still refute that it will cost \$350+ to provide documents that indicate how much DISTRICT OFFICE employees are paid annually for 2 school years.

Attorney Hallman also said the employees selected to fulfill the request were chosen in order to 'avoid conflict among employees,' but the law is clear that it must be the lowest paid person who is qualified to fulfill the request, not the one who creates the least drama. Additionally, once approved, the salaries are posted on OpenGeorgia.gov, as it is *all* public information.

Finally, in the initial response by Waters and in the follow-up to your office by attorney Hallman, the Board of Education says it will be November 4, 2018 before the request can be fulfilled, but in the Open Meeting, in his attempt to refute the public outcry over the cost estimate for this request. Dr. Waters provided a timeline for fulfillment that only reached until August 28, not November 4. That is a nine week difference, which furthers the continued inconsistencies coming out of the Board Office with regard to this request.

It remains my position on this matter that the Evans County Board of Education is not working to fulfill this request in the most efficient or least expensive manner. The request is neither 'massive' as described by Mr. Hallman, nor is it 'broad' as deemed by the Superintendent. It is merely a personnel file, the salaries of a few employees at the district office for 2 years, and the emails relating to the change in pay of one employee.

Any assistance your office is willing to provide in this matter would be greatly appreciated. Please let me know if you have any questions.

Sincerely,

Jessica Szilagyi