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**From:** London, Sarah  
**Sent:** Wednesday, October 04, 2017 4:58 PM  
**To:** 'Alicia Freese' <alicia@sevendaysvt.com>  
**Subject:** Your Request

Dear Alicia,

I write in response to your September 29, 2017 request below. As you may know, the Vermont Supreme Court is currently considering legal questions related to the Vermont Access to Public Records Act and personal communication accounts. The Act recognizes that state employees have privacy rights that must be protected. The Office of the Attorney General has asked the Court to balance the issues raised by a request that an agency search personal accounts by following an emerging line of federal cases applying a rebuttable presumption that agencies are not required to search personal accounts. The presumption could be rebutted by evidence that the accounts were used to conduct state business. Although the Court has not yet resolved the questions posed by your request, as a courtesy at this time and without waiving any arguments set forth in the pending litigation, attached please find potentially responsive records.

Contact information of those other than the Attorney General has been withheld pursuant to 1 V.S.A. 317(c)(7). Two potentially responsive texts between TJ Donovan, Josh Diamond and John Treadwell have been withheld as confidential by statute, including under 1 V.S.A. 317(c)(1). One potentially responsive voicemail of Jason Gibbs has been withheld as an attorney client communication pursuant to 1 V.S.A. 317(c)(3) & (4).

To the extent you feel any information has been wrongfully withheld or if you have any other questions or concerns, you may follow up with Attorney General Donovan. We hope the above information is helpful to you.

Sincerely,

Sarah

Sarah London  
Chief, General Counsel and Administrative Law Division  
Vermont Attorney General's Office