



Contract Tip: Your UVM Email is Not Private

Employees of the University should remember that any electronic communications made using a UVM network (including your UVM email accounts) remain subject to disclosure through a simple Freedom of Information Act (FOIA) request. Private, non-UVM email messages are not subject to information requests, though they may be discoverable during a legal proceeding.

While you may feel there is no need for concern given the mundane content of most of your messages, the CAC is aware that some organizations have engaged in campaigns to undermine higher ed by “exposing” views they find objectionable using FOIA requests.

Although there are some restrictions on FOIA requests, the Contract Administration Committee recommends that members consider all UVM email communications public. Furthermore, The CAC recommends that all members communicate with United Academics using a non-UVM email account.

Background: Recently, a national newspaper made a FOIA request for the emails of a UVM faculty member. The University alerted the faculty member and worked with that member in fashioning the response to the request. After learning of this request, the CAC also sought legal counsel to help protect our member. We have asked the university to work with us on developing a coordinated response. If you are notified of a Freedom of Information Act request, contact the Contract Administration Committee immediately at contract@unitedacademics.org.

Our contracts are silent on this matter, but the University’s policy on “Computer, Communication, and Network Technology Acceptable Use” can be viewed here: <http://www.uvm.edu/policies/cit/compuse.pdf>

Among the relevant sections of the policy, these two are particularly important:

3.c The University cannot and does not guarantee the confidentiality of electronic information. In addition to accidental and intentional breaches of security, the University may be compelled to disclose electronic information as required by law.

6.c The University supports and respects the principles of free expression and the exchange of ideas. However, in the content of electronic communications, users must distinguish personal views from those that they are authorized to express on behalf of the University. When offering personal views in ways that may reasonably be construed as implying the support, endorsement, or opposition of the University, the material shall be accompanied by a disclaimer, such as the following: “The opinions or statements expressed herein are my own and do not represent a position, opinion, or endorsement of the University of Vermont.” Guidance as to

when a disclaimer is necessary or desirable may be obtained from the Office of the Senior Vice President or the Office of the General Counsel.