

SUPREME JUDICIAL COURT OF MAINE

Michael A. Doyle v. Town of Falmouth et al.

Doyle, 2014 ME 151 (Supreme Judicial Court of Maine 2014) · No. Cum-14-227 · Decided December 23, 2014

SUMMARY

The Maine Supreme Judicial Court affirmed judgment for the Town of Falmouth and Falmouth School Department in a Freedom of Access Act dispute concerning redacted cellular telephone records of a former school superintendent. The court held that work-issued cellular telephone numbers of public employees, records of calls unrelated to government business, and telephone numbers of students' parents were properly redacted under applicable statutory and federal confidentiality provisions. The court also affirmed the denial of the appellant's request to review information submitted for in camera inspection.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Alexander, J.; Mead, J.; Gorman, J.; Jabar, J.; Hjelm, J.
JURISDICTION	Maine
DECIDED	December 23, 2014
DOCKET	Cum-14-227
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court judgment affirming the partial denial of a request under Maine's Freedom of Access Act for unredacted cellular telephone records.
STANDARD OF REVIEW	The court reviewed the statutory interpretation and FOAA disclosure issues on appeal from the Superior Court's judgment; the opinion does not state a separate formal standard-of-review formulation.
PRECEDENTIAL VALUE	Published Maine Supreme Judicial Court opinion; precedential.
PARTIES	Michael A. Doyle v. Town of Falmouth, Falmouth School Department

TOPICS

statutory interpretation administrative law municipal law appellate procedure
judicial review of agency action

PRACTICE AREAS

Freedom of Information

administrative law

municipal law

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether personal cellular telephone numbers of public employees, including numbers for work-issued cellular telephones that may be used for personal purposes, are exempt from disclosure under 1 M.R.S. § 402(3)(O).
2. Whether records of telephone calls unrelated to public or governmental business are public records subject to disclosure under the Freedom of Access Act.
3. Whether telephone numbers of Falmouth students' parents are confidential and exempt from disclosure under the Freedom of Access Act because of the Family Educational Rights and Privacy Act and related Maine law.
4. Whether the Superior Court erred by denying Doyle access to the redacted information submitted for in camera review.

HOLDINGS

1. Personal cellular telephone numbers of public employees are exempt from disclosure under 1 M.R.S. § 402(3)(O), including work-issued cellular telephone numbers that employees may use for personal purposes.
2. Records of telephone calls unrelated to the transaction of public or governmental business are not public records under FOAA and may be redacted.
3. Telephone numbers of Falmouth students' parents were properly redacted because they were confidential by statute and therefore exempt from FOAA disclosure.
4. The Superior Court did not err in denying Doyle access to the redacted information submitted for in camera inspection.

KEY QUOTATIONS

“The burden of proof is on the agency or political subdivision from which the information is sought to establish just and proper cause for the denial of a FOAA request.” (¶ 8)

“The exceptions to the Act’s disclosure requirement are strictly construed to promote the Act’s underlying policies and purposes.” (¶ 10)

“Reviewing section 402(3)(O) with this legislative history, we conclude that public employees’ work-issued cellular telephone numbers are exempt from the disclosure requirements of the Act.” (¶ 13)

“That the Town and School Department provided some employees with cellular telephones does not convert all of the calls made on those telephones into public records pursuant to the Act.” (¶ 14)

FACTUAL BACKGROUND

Doyle sought the former superintendent's school-issued cellular telephone bills, which were paid for by the School Department. The records identified call dates, times, durations, and charges, but the superintendent and School Department redacted telephone numbers and information concerning personal calls, employee contact information, and calls involving parents and students. The School Department had no policy prohibiting personal use of government-issued cellular telephones and had adopted a policy excluding telephone numbers from directory information.

PROCEDURAL HISTORY

Doyle requested the former Falmouth School Department superintendent's cellular telephone bills for July through September 2013. The Town and School Department produced redacted records, and Doyle appealed under 1 M.R.S. § 409(1). After reviewing unredacted records in camera and receiving briefing and supporting materials, the Cumberland County Superior Court entered judgment for the Town and School Department. Doyle timely appealed to the Supreme Judicial Court of Maine, which affirmed.

DISPOSITION

affirmed

CASES CITED

- *MaineToday Media, Inc. v. State*, 2013 ME 100, ¶ 9, 82 A.3d 104
- *Cyr v. Madawaska School Department*, 2007 ME 28, ¶ 11, 916 A.2d 967
- *Wiggins v. McDevitt*, 473 A.2d 420, 422, 424 (Me. 1984)
- *Moffett v. City of Portland*, 400 A.2d 340, 348 (Me. 1979)
- *Hickson v. Vescom Corp.*, 2014 ME 27, ¶ 15, 87 A.3d 704
- *In re Wage Payment Litigation*, 2000 ME 162, ¶ 4, 759 A.2d 217

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