From: Bruder-Brasseur, Candace L
To: [redacted]
Cc: Cartledge, Wendy B; Rowland, Gillian C; Godley, Molly D
Subject: Freedom of Information Act (FOIA) Request Form
Date: Wednesday, June 28, 2023 11:31:16 AM

Dear Mr. Cook,

The district has already responded by providing the emails that are responsive to your request that are not subject to an exemption under the FOIA because they are confidential student records under the FERPA, and/or are considered information of a personal nature where the public disclosure would constitute unreasonable invasion of personal privacy.

Regards,
Candace

From: David Cook [redacted]
Sent: Wednesday, June 28, 2023 9:22 AM
To: Bruder-Brasseur, Candace L <Candace.Bruder-Brasseur@beaufort.k12.sc.us>
Cc: Cartledge, Wendy B <Wendy.Cartledge@beaufort.k12.sc.us>; Godley, Molly D <Molly.Godley@beaufort.k12.sc.us>; Rowland, Gillian C <Gillian.Rowland@beaufort.k12.sc.us>
Subject: Re: Freedom of Information Act (FOIA) Request Form

Thanks for the information.
I just need the emails between Troy and Rodriguez.
Thank you.

On Tue, Jun 27, 2023, 4:20 PM David Cook [redacted] > wrote:

> Thank you for the update.
>
> On Tue, Jun 27, 2023, 4:16 PM Bruder-Brasseur, Candace L <Candace.Bruder-Brasseur@beaufort.k12.sc.us> wrote:
>
> > Dear Mr. Cook,
> >
> > We have reviewed all emails that are responsive to your request. The attached are the emails that are responsive to your request that are not subject to an exemption under the FOIA because they are confidential student records under the FERPA, and/or are considered information of a personal nature where the public disclosure would constitute unreasonable invasion of personal privacy.
> >
> > Regards,
> > Candace

From: David Cook [redacted]
Sent: Saturday, May 27, 2023 2:34 PM
To: Bruder-Brasseur, Candace L <Candace.Bruder-Brasseur@beaufort.k12.sc.us>
Cc: Cartledge, Wendy B <Wendy.Cartledge@beaufort.k12.sc.us>; Rowland, Gillian C <Gillian.Rowland@beaufort.k12.sc.us>; Godley, Molly D <Molly.Godley@beaufort.k12.sc.us>
Subject: Re: Freedom of Information Act (FOIA) Request Form

Dear Dr Bruder,
Thank you for the update.
Emails to and from ANY board member or district staff, are subject to FOIA and not protected under FERPA unless it's a formal education record. Regardless of the sender or recipient. The intent of the law is to provide transparency. Anyone emailing a board member or staff, acknowledges their emails may be subject to FOIA. It is known all emails are subject to FOIA requests. The law doesn't change because it's a communication with a certain individual,unless it's an education record.
Your application of FERPA and stating student emails are not subject to FOIA is arbitrary and capricious, and without standing.

The information I am requesting is not protected under FERPA. ONLY education records are protected under FERPA as well as personally identifiable information, such as a students email address.
You can protect the students email address by redacting it. But the communication is with a board member unrelated to education records.
In the past, I have seen FOIA requests that included student email addresses fulfilled by your office as well as emails sent to dozens of people regarding disciplinary action on students, which included personally identifiable information distributed to a very large group of people.
The information I am requesting is not considered an "education record" such as grades and reports on performance, or behavioral issues, as defined under that law.

Under state and federal law, I acknowledge your obligation to protect personally identifiable information. However, the body of emails, to and from any board member, that do not contain education records or personally identifiable information, are not protected under FERPA. And if they do, that information only, may be redacted in order to fulfill the request. However, a blanket statement denying the request violate the Freedom of Information Act.

I look forward to a response to my request and expect it to be fulfilled under SC code 30-40-30(C).

The solution is:
Fulfill my request as requested.
Redact the students email address only.
Considering this information is already in an electronic format, there is no cost to

generate the records requested. Email requests are routinely fulfilled without cost.

I look forward to receiving this information in compliance with the statute.

Thank you so much for your assistance. I appreciate you and your staff and all of your hard work!
Regards,
Dave Cook
Sent from my iPad

> On May 26, 2023, at 9:56 PM, Bruder-Brasseur, Candace L <Candace.Bruder-Brasseur@beaufort.k12.sc.us> wrote:
>
> Dear Mr. Cook,
>
> Student emails are not considered public records as defined by FOIA. Further, such emails would be exempt from disclosure under The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) and FOIA sections 30-4-40 (a) (2) and (4).
>
> Regards,
> Candace
>
> ---
>
> **From:** David Cook <[redacted]>
> **Sent:** Thursday, May 25, 2023 8:21 PM
> **To:** Bruder-Brasseur, Candace L <Candace.Bruder-Brasseur@beaufort.k12.sc.us>
> **Cc:** Cartledge, Wendy B <Wendy.Cartledge@beaufort.k12.sc.us>; Rowland, Gillian C <Gillian.Rowland@beaufort.k12.sc.us>; Godley, Molly D <Molly.Godley@beaufort.k12.sc.us>
> **Subject:** Re: Freedom of Information Act (FOIA) Request Form
>
> Dear Dr Bruder,
> I appreciate this email.
> I already received a response to this request on May 10th.
> That's when the the clock starts ticking for compliance.
>
> Thank you.
>
> On Thu, May 25, 2023, 6:18 PM Bruder-Brasseur, Candace L <Candace.Bruder-Brasseur@beaufort.k12.sc.us> wrote:
>
> > Dear Mr. Cook,

The district is in receipt of your May 10, 2023 FOIA request and will respond within the timeframe allotted in accordance with S.C. Code Ann. 30-4-30(C).

Regards,
Candace

From: Jotform <noreply@jotform.com>
Sent: Wednesday, May 10, 2023 7:58 PM
To: Bruder-Brasseur, Candace L <candace.bruder@beaufort.k12.sc.us>; Cartledge, Wendy B <wendy.cartledge@beaufort.k12.sc.us>; Rowland, Gillian C <gillian.rowland@beaufort.k12.sc.us>; Godley, Molly D <molly.godley@beaufort.k12.sc.us>
Subject: Re: Freedom of Information Act (FOIA) Request Form

WARNING: This email originated from outside of Beaufort County School District's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Freedom of Information Act (FOIA) Request Form

Name:	David COOK
Address:	[redacted]
Home Phone Number:	[redacted]
E-mail Address:	[redacted]
Public Records Requested (Description of Documents or Information Requested):	Emails Date range Dede 1, 2022 to May 10, 2023 Isabella Troy to Richard Geier Isabella Troy to Dr Rodriguez Richard Geier to Isabella Troy Dr Rodriguez to Isabella Troy

You can edit this submission and view all your submissions easily.