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MEMORANDUM

TO: Whom it May Concern

FROM: Kristin Bergin
Deputy Director & Counsel, Committee on Open Government

RE: ***Alert: Court of Appeals Decision Regarding Disclosure of Personal Email Addresses in Response to FOIL Request***

DATE: March 2, 2026

In its December 2025 Annual Report, the Committee noted that agencies receiving Freedom of Information Law (FOIL) requests seeking disclosure of personal email addresses of citizens maintained by those agencies had privacy and security concerns about releasing those email addresses. Historically, appellate courts have held that FOIL disclosure of lists of personal email addresses maintained by an agency comprised of data willingly provided to a government agency does not constitute an unwarranted invasion of personal privacy unless the requestor intends to use that information for solicitation or fundraising purposes. The Committee, sensitive to the privacy and other concerns expressed by agencies on behalf of citizens whose data they maintain, proposed an amendment to the non-exhaustive list of statutory examples of what constitutes an “unwarranted invasion of personal privacy” to include personal email addresses that would clarify the law to provide explicit grounds that agencies could withhold those personal email addresses on privacy grounds.

On February 19, 2026, the Court of Appeals made the clarification identified in the proposed amendment to FOIL and held in [*Russell v. Town of Mount Pleasant*, --- N.E.3d ---, 2026 WL 466785 \(2026\)](#), that the names and personal email addresses of Town residents who subscribe to the Town’s “E-news” are exempt from disclosure under FOIL because disclosure would constitute an unwarranted invasion of personal privacy. The Court determined that the Town established that the privacy interests in keeping the information confidential are significant and that disclosure of the requested records would serve no public interest. Of particular relevance, the Court found that it is likely that disclosure of personal email addresses of Town residents could have a negative effect on public engagement, as people across the State would be hesitant to sign up for their municipality’s email alerts due to privacy and security concerns if they knew their email address might be disclosed to third parties upon request and without their consent.