

MICHAEL A. DOYLE

v.

TOWN OF SCARBOROUGH

Submitted on Briefs April 27, 2017

Decided May 9, 2017

Panel: ALEXANDER, MEAD, GORMAN, JABAR, and HJELM, JJ.

#### MEMORANDUM OF DECISION

Michael A. Doyle appeals from a judgment of the Superior Court (Cumberland County, *Wheeler, J.*) arising from his request pursuant to the Freedom of Access Act (FOAA), 1 M.R.S. §§ 400-414 (2016), for access to copies of emails sent between the Town of Scarborough's police chief and certain individuals. Following an in camera review of the emails, the court ordered that many were exempt from disclosure pursuant to FOAA. Doyle argues that FOAA mandates disclosure of the emails as public records because the emails were sent via Town-owned computers and email addresses and pertain to Town business.

Contrary to Doyle's contention, the fact that emails were sent on Town-owned computers using Town-issued email addresses does not, without more, render those emails "public records" subject to disclosure pursuant to FOAA. *See* 1 M.R.S. §§ 402(3), 408-A; *Doyle v. Town of Falmouth*, 2014 ME 151, ¶ 14, 106 A.3d 1145 (holding that "records of personal telephone calls made by [a town employee on a government-issued cellular phone] that were unrelated to the transaction of public or government business" were not public records pursuant to 1 M.R.S. § 402(3)).

Furthermore, we conclude that the court's order contains no error warranting modification of the provisions of the order. *See* M.R. Civ. P. 61. We find no merit in Doyle's remaining arguments and decline to address them.

The entry is:

Judgment affirmed.

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Michael A. Doyle, appellant pro se

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Portland, for appellee Town of Scarborough

Cumberland County Superior Court docket number CV-2014-149  
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