



May 4, 2018

Mr. Sundar Pichai, CEO
Google LLC
1600 Amphitheatre Parkway
Mountain View, CA 94043

Mal Leary, President
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Florida First Amendment Foundation

Jeff Roberts, Director
Colorado Freedom of Information
Coalition

Justin Silverman, Director
New England First Amendment
Coalition

Thomas M. Susman, Director
Governmental Affairs Office, ABA

Dear Mr. Pichai:

The decision by Google to release a Gmail version that has the option for users to have their emails “self-destruct” has serious unintended consequences.

As more local and state governments and their various agencies seek to use Gmail, there is the potential that state public records laws will be circumvented by emails that “disappear” after a period of time. The public’s fundamental right to transparency and openness by their governments will be compromised.

Most states have clear record retention laws aimed at making sure the public has access to government records, particularly records of how their tax money is spent and records of electronic communiques between and among officials regarding public policy deliberation.

While existing laws may protect communications from government agencies, it will not assure public access to emails by individuals and companies to government agencies. The potential for abuse is astounding.

While there are few email platforms that have similar capacity, none even begin to compare to the ubiquitous nature of Gmail. In 2009, Google launched “Google for the Public Sector.” The company’s announcement touted “a one-stop shop of tools and tips that local, state and federal government officials can use to help promote transparency and increase citizen participation.”

Technology that allows the self-destruction of official, electronic public communications is not promoting transparency, and under most state open government laws, is illegal. We urge you take steps to assure the “self-destruct” feature be disabled on government Gmail accounts and on emails directed to a government entity.

Thank you for your consideration,

Malcolm J. Leary
President, NFOIC Board of Directors

c: Flint Waters, Strategic Executive -State and Local Government