

October 10, 2017

VIA E-MAIL ONLY

Jon DiPeitro
jon@jondipietro.com

RE: Request Pursuant to NH RSA 91-A

Dear Mr. DiPietro,

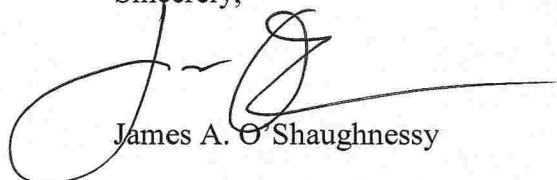
I write to respond to your September 26, 2017 letter requesting governmental records pursuant to RSA 91-A. In your letter you request all documents related to the alleged breach of confidentiality by a member of the Board of School Committee, including the legal opinion provided by Attorneys James O'Shaughnessy and Matthew Upton. After consulting with our client and reviewing the minutes from the relevant Board of School Committee meetings, we are denying this request on behalf of the Manchester School District. The legal opinion provided by the District's attorneys is a communication protected under the attorney-client privilege which falls within the exemption for "confidential information" under RSA 91-A:5, IV. It is well established law in New Hampshire that legal advice is protected from disclosure unless the privilege is waived by the client. At its meeting on September 25, 2017, the Board of School Committee voted in public session not to waive the privilege with respect to the legal opinion letter, thereby preserving the confidentiality of that letter.

With regard to the email that was the subject of your request, that email is an internal personnel record relating to several employees of the School District. Documents which pertain to internal personnel practices, such as the compensation, investigation, discipline, and performance of public employees are categorically exempt from disclosure per RSA 91-A:5, IV. Additionally, at that same meeting the Board of School Committee voted in public session to file the email in question with the non-public minutes that were sealed at the previous meeting. Therefore, the email in question is now under seal with the non-public minutes and only the Board of School Committee can unseal the minutes and authorize the disclosure of the document you requested. Finally, other than the legal opinion provided by the District's attorneys and the email

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in question, to my client's knowledge there are no other documents responsive to your request, in electronic form or otherwise. Accordingly, on behalf of the Manchester School District, your request for documents is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. O'Shaughnessy". The signature is stylized with a large initial "J" and a long horizontal flourish extending to the right.

James A. O'Shaughnessy

JAO/dmf

cc: Bolgen Vargas, Superintendent
Maura Wellington, Clerk of the Board of School Committee