



## CLIENT UPDATE

### *Freedom Foundation PRA Following Janus Decision*

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In *Janus v. AFSCME*, the U.S. Supreme Court recently determined that public employees cannot be compelled to pay fees associated with union representation. Following the Court's decision, the Freedom Foundation ("Foundation")—a conservative group generally opposed to public sector unions—began issuing Public Records Act ("PRA") requests to school districts throughout the state. In their requests, the Foundation demands a list of all employees and the name of their corresponding union, in addition to other demographic information.

Some of our clients have received a letter from the California Teachers Association ("CTA"), objecting to the disclosure of the records the Foundation has requested. A copy of the letter is attached. It is likely other unions will follow suit.

There is an argument that school districts are not obligated to provide all of the information the Foundation has requested. Determining whether to do so, however, requires a careful consideration of risks. Accordingly, we recommend that our clients delay any response or disclosure until they have had the opportunity to assess their options in consultation with legal counsel. Such a delay is permissible under the PRA, provided certain procedural requirements are met.

If your district has received the Foundation's PRA request, or if you have already responded to the request and require support in addressing CTA (or any other union) concerns, please contact our office immediately to discuss the next steps.