

[David Olson](#) replied (Mon, 18 Sep at 11:06 PM)

to : pdc@pdc.wa.gov

Hello Micaiah and/or PDC Support,

Please consider this email as my response to the PDC complaint filed against me on Sept 14th.

It has been common practice, and encouraged, for many years for Peninsula School Board Directors to attend various school events and functions. Regarding Mrs. Platt's allegations, I did not have special access to school property on the opening day of school nor was I taking advantage of public office hours. As you can see from the photos attached to the complaint, there were hundreds of parents attending these opening day events and taking photos of their children and the children around them. I was in common areas in front of the school and in the hallway. Other school board members also attended opening day ceremonies and posted photos of students on their Facebook pages – again, this is a standard practice. Additionally, it is known that my opponent also had photos of student's posted on her campaign page, however she was notified in advance of the complaint against me to take her photos off her site.

Once the School District was notified about the photos on various campaign pages, I immediately removed the photos from my Facebook page. It is obvious that the complainant did not care that I removed the photos, since she had taken screenshots of my posts and intended to file the complaint regardless of whether I removed the photos.

The School District Superintendent consulted with the District's legal counselor and it was suggested that since I immediately removed the photos in question, I was not using school resources or school district photos, and I was not taking advantage of special access, that I did not violate school district policy or any RCW. Further, the district counsel stated that "RCW 42.17A.555 has nothing to do with student/family privacy interests in their own photograph being taken or used by a third party. Instead, any potential liability or enforcement action would have to stem from our [District] own policies or common law tort for invasion of privacy, enforceable in court action for damages. Nothing in the Washington State's common law of privacy, state statutes, the District's student privacy Policy 3230, the student's records Policy 3231, or FERPA confer an individual privacy right prohibiting

someone from taking a picture in a public place or using it for their own purposes”.

I apologize to the PDC for having to take up so much of your time on this issue.

Kindest regards,

David Olson