

From: London, Sarah [Sarah.London@vermont.gov]
Sent: Wednesday, August 31, 2016 5:57 PM
To: 'Anne Galloway'
Subject: RE: Your request

Thank you, will do.

From: Anne Galloway [mailto:agalloway@vtdigger.org]
Sent: Wednesday, August 31, 2016 5:46 PM
To: London, Sarah <Sarah.London@vermont.gov>
Subject: Re: Your request

We are willing to pay
Please proceed

Sent from my iPhone

On Aug 31, 2016, at 4:51 PM, London, Sarah <Sarah.London@vermont.gov> wrote:

Anne, attached please find a sample of the records we are working on producing in response to your public records act request. Personal information has been redacted pursuant to 1 VSA 317(c)(7). (The redactions involve the name of a person with a serious health condition, and the names of two family members who contacted our office regarding the death of their child.)

If you feel information has been withheld in error, you may appeal to the Governor's Chief of Staff, Darren Springer.

It took us some time to figure out how to get this many messages to appear on each page. Thank you again for your patience. We will not bill you for that time. Now that we have a better sense of what will be involved in this request, I expect that processing time will be close to 30 hours and will involve costs of between \$600 and \$700. The basis for that estimate is as follows. Purely administrative work of copying and printing will likely be approximately five hours, while review for exempt information as is reflected in this sample will take approximately 15 seconds per message header. The second lowest staff rate under the Secretary of State's public record fee schedule is \$.45 a minute. Approximately 6500 message headers at a review rate of 15 seconds each is 1625 minutes (27 hours). At \$.45 a minute, that is \$731. (This figure does not include the approximately 5 hours of copying and printing.) If we were to bill at the lowest Secretary of State rate for all time involved in this request (\$.33 a minute), my calculations are: 27 hours of review plus 5 hours of copying and printing = 32 hours total. Subtract the first 30 minutes = 31.5 hours, 1890 minutes. 1890 minutes at \$.33 a minute = \$623.70

If you are willing to pay costs in this range for records in the attached format, please let us know and we will proceed with processing this request. We will produce records on a

rolling basis over the coming weeks so that we can continue agency operations, including fulfilling other public record act requests.

Let us know how you would like to proceed. Thanks,
Sarah

From: Anne Galloway [<mailto:agalloway@vtdigger.org>]
Sent: Tuesday, August 30, 2016 5:58 AM
To: London, Sarah <Sarah.London@vermont.gov>
Subject: Re: Your request

Thanks for the update, Sarah.

On Mon, Aug 29, 2016 at 3:43 PM, London, Sarah
<Sarah.London@vermont.gov> wrote:

Anne, apologies for the delay. Wanted to update you on our work on this request. We do now have a way of getting approximately 15 messages to appear on each page. (The format is such that some text common to all messages in the Enterprise Vault will appear next to each message, but you will be able to see the sender, subject line, date, and time the message was sent.) I will send you a sample later this week via email to confirm this is going to work all around. If you have any concerns, let me know. Thanks,

Sarah

From: London, Sarah
Sent: Friday, August 19, 2016 7:46 PM
To: Anne Galloway <agalloway@vtdigger.org>
Subject: Re: Your request

Hi Anne, sounds good. We will be in touch next week with a cost estimate. We have been working on finding ways to print copies of these records so that more entries appear on each page (thereby reducing total page count). At this point, we are hopeful we can get the production to under 500 pages. We will have a better sense of total pages, time involved, and costs by Wednesday of next week. Thanks and have a good weekend,

Sarah

Sent from my iPhone

On Aug 17, 2016, at 8:05 AM, Anne Galloway <agalloway@vtdigger.org> wrote:

Hi Sarah,

Please move forward with the request as you've outlined below.

Thank you.

Anne

On Mon, Jul 25, 2016 at 3:57 PM, London, Sarah <Sarah.London@vermont.gov> wrote:

Hi Anne,

Hopefully this helps correct the misunderstanding. The message headers you are seeking are not viewable without copying and restoring each message. In the Symantec Enterprise Vault system (version 10.0), the only heading information that is viewable to us without opening a message is the subject line, name of sender, and date and time. Approximately ten messages appear per "page," with fewer appearing per screen shot. If we were to copy each digital page to show the sender, subject line, and date of the approximately 6572 messages at issue, it will be at least 657 produced pages, with additional copies being necessary for redactions.

Redactions involved in your initial request could involve personal contact information, the identity of candidates for positions that are confidential by law, or information that identifies constituents who have contacted this office with sensitive, personal information. Examples of these sorts of redactions appear in the over 5500 pages of emails from the account of Alex Maclean and others produced earlier this year. Fewer redactions are likely required for sender name, subject line, and date, though redactions will still be necessary. Examples of redacted information in the subject line of emails also appears in the production referenced above – e.g., the names of constituents who have contacted this office with sensitive, personal information. In addition, as previously explained, there are records not produced or acquired in the course of agency business in

this account – e.g., emails between Alex Maclean and her family or friends not involving agency business. Those would be separated from production.

The records you are seeking exist only in an electronic, truncated format. See 1 VSA 316(i). Processing a request that involves this volume of records will involve costs. If you are interested in receiving copies of the message heading information described above (subject line, sender, and date) and are willing to pay associated costs, please let us know and we will be in touch with a more detailed cost estimate. I would expect costs to run in the minimum range of \$350 to \$600.

I hope the above information is helpful to you,

Sarah

From: Anne Galloway [mailto:agalloway@vtdigger.org]

Sent: Wednesday, July 20, 2016 3:53 PM

To: London, Sarah <Sarah.London@vermont.gov>

Subject: Re: Your request

Hi Sarah,

I think there is a misunderstanding here. I am requesting to inspect the message headers for Alex's emails. I think that you can simply provide this by clicking "all" message headers and taking screenshots.

I am only looking for the message headers for emails Alex authored.

Please provide me with the number of pages that would satisfy my request.

Please also provide a justification for redaction of message headers and associated metadata.

Thank you,

Anne

On Thu, Jul 7, 2016 at 4:57 PM, London, Sarah
<Sarah.London@vermont.gov> wrote:

Anne,

You are welcome to come to our office and inspect the new records we create for you in response to your request or the copies of the portions of the restored electronic records you seek. Please be aware, however, that the associated costs will likely be the same or similar to the minimum costs quoted to you below. The explanation and statutory authority for charging in this context is the same as that outlined to you below.

If you are interested in paying the costs quoted below, please let us know and we will explore the additional personnel and software options that will allow us to comply with your request while maintaining agency operations.

Thank you,

Sarah

Sarah London

Counsel to the Governor

[802-828-3333](tel:802-828-3333)

sarah.london@vermont.gov

From: Anne Galloway [mailto:agalloway@vtdigger.org]

Sent: Friday, July 01, 2016 9:41 AM

To: London, Sarah <Sarah.London@vermont.gov>

Subject: Re: Your request

Dear Sarah London,

Thank you for your response.

Pursuant to the Vermont Public Records Act, I am requesting an opportunity to inspect the metadata of emails authored by Alex MacLean from January 2011 through the last day of October 2012.

I anticipate that there would be no cost associated with this request. Judge Geoffrey Crawford ruled in Washington Superior Court in January 2011 that “the burden of inspection is part of the cost of government to be borne by the polity at large and not imposed upon individuals or organizations seeking information.” Here is a link to the decision: <http://vtdigger.wpengine.com/wp-content/uploads/2011/01/PRRcrawford.pdf>

Thank you again.

Anne Galloway

Editor, VTDigger

On Fri, Jun 24, 2016 at 3:53 PM, London, Sarah
<Sarah.London@vermont.gov> wrote:

Anne, I write in response to your public record act request dated June 21, 2016. You have asked for six data fields from all of Alex Maclean's sent emails. As previously discussed, your requests related to Alex Maclean's sent messages involve over 5,000 emails. On closer review (to the best of our ability to sort her messages in this way), it appears Alex Maclean's sent messages number just over 6500 (likely 6572). To comply with your most recent request, this office would need to make a new record of the six datafields you have requested by copying portions of Alex Maclean's sent messages into a new record for you, or by making a copy of each email without its contents.

As we have previously discussed, Alex Maclean's emails are stored in a truncated electronic format. To view each message, including the complete information for the six data fields you are seeking (including CC and BCC fields), each email must be copied into a restored view. Relevant costs are outlined below. Please be aware that the work involved exceeds the resources of this office, and that production in response to your request will disrupt our ability to comply with the regular flow of more targeted public record act requests we are receiving and fulfilling weekly.

It is therefore likely that complying with your request will require this office to hire additional staff. For relevant provisions of law, please see the following: 1 VSA 316(i) ("[i]f an agency maintains public records in an electronic format, nonexempt public records shall be available for copying"; agency not required to create a public record or provide copies in a nonstandard format); 1 VSA 316(h) (defining "standard format" for electronic records as "the format in which the record is maintained"); 1 VSA 316(g) ("nothing in this section shall be construed to require the public agency to provide or arrange for copying service, to use or permit the use of copying equipment other than its own, [or] to permit operation of its copying equipment by other than its own personnel"); 1 VSA 316(j) (public agency may make reasonable rules to prevent disruption of operations).

A reasonable estimate of the time required to restore and copy each record is 30 seconds per page, with an additional one minute per page to review and copy the six datafields you are requesting. (Additional time is generally required for redactions. Such work may or may not be applicable to your request, depending on the volume of nonpublic contact information at issue. Here, I have not included costs related to redactions, but please be aware such costs may exist.) Given that the heading information you are seeking is contained on the first page of each record, we expect that your request involves approximately 6572 pages. Copying and reviewing 6572 pages at one minute per page, excluding the first 30 minutes of work, amounts to a minimum of 6542 minutes of chargeable work. To view the CC and BCC fields, the work is likely to be more like 1.5 minute per page, or 9813 minutes with 9783 chargeable minutes. Using the lowest rate available on the public records fee schedule, this amounts to approximately \$2159 without CC and BCC fields or \$3228 with those fields. In addition, copying these electronic-only records pursuant to 1 VSA 316(i) will require printing a minimum of 6572 pages. (Based on prior productions, the average length of an email is two pages. Here, however, I am limiting costs to the first page of each email.) Charging for only the first page of each email, the paper costs will be at least \$131 (\$.02 per first page of 6572 emails). This amounts to a minimum of \$2290 to \$3359 in costs of complying with your request.

However, "senior-level staff time, and information technology specialists' time spent extracting data from databases or performing similar tasks necessary to comply with a request to create a new public record" is charged at \$.57 per minute per the uniform public records fee schedule. Charges could therefore also amount to \$3877, or \$3746 (6572 minutes at \$.57 a minute) plus \$131 in printing.

If you are willing to pay \$3000 to \$4000 for the six data fields of Alex Maclean's sent messages you have requested, please let us know. We will then explore our ability to hire additional personnel to comply with your request so as to avoid disruption of agency operations, particularly our ability to process existing and additional public record act requests.

Thank you, and have a good weekend,

Sarah

From: Anne Galloway [<mailto:agalloway@vtdigger.org>]

Sent: Tuesday, June 21, 2016 12:07 PM

To: London, Sarah <Sarah.London@vermont.gov>

Subject: Re: FW: Your public records request

Dear Sarah,

Thank you for your response.

I am seeking to further refine my request. In order to do so, I am requesting the metadata for the emails authored by Alex MacLean, per the Vermont Public Records Act. I am seeking the information from the header of the emails she authored for the 5,000 emails you cite below including the To, From, CC, BCC, Subject Line and Date.

Thanks in advance for your help.

Anne

On Fri, Jun 10, 2016 at 10:32 AM, London, Sarah
<Sarah.London@vermont.gov> wrote:

Anne, Sending you attachments one at a time, as prior attempts have bounced.

Sarah

Anne,

Attached are other public record act productions of Alex MacLean's emails and texts responsive to your request below.

In addition to seeking the above productions, you state that you have narrowed a previous request and now seek all emails authored by Alex Maclean. Your new request appears to call for over 5,000 emails. This exceeds the total number of emails produced on April 29, 2016, which amounted to over 5500 pages. As previously explained, had we charged for the April 29 production, costs would have been approximately \$5,000. We expect that the costs of complying with your most recent request will be in excess of \$5,000. As previously explained, a production of this magnitude exceeds the current public record resources of this office. If you are willing to pay a minimum of \$5,000, please let us know and we can discuss receiving payment in advance of work on your request. Our hope is that receiving payment in advance will allow us to hire the temporary staff and purchase the software licenses that will permit us to make the production on a rolling basis over the coming months. See 1 VSA 316(c).

If you are unwilling to pay this amount in advance, we ask that you consider making a request for Alex Maclean's emails based on a particular topic or involving particular people. To date, we have been able to comply with all such requests at no cost to requesters. For context, the attached productions combined with the productions previously made to you on April 22 and 29, 2016, amount to nearly 2700 pages of emails and texts of Alex Maclean produced by the Governor's Office at no cost to requesters.

Thank you.

Sarah

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Anne Galloway

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<MacLean Sent PRA Sample.pdf>