

From: Mishaan, Jessica
Sent: Friday, May 06, 2016 12:16 PM
To: h@nilesmedia.com
Subject: Re: advance request for emails to be released

Hilary,

Please find the email below from Sarah London.

Thank you,
Jessica

Jessica Mishaan | Paralegal
Office of the Governor
109 State Street
Montpelier, VT 05609-0101
802.828.3333

Hilary,

You have asked for a formal response to your request for all emails slated for deletion. Please be aware that the entire contents of the smallest account, Elizabeth Bankowski's (approximately 660 pages) was produced on April 29, 2016. As you know, we produced approximately 5000 pages of emails from the other four accounts listed below on April 29. The 5000 pages was meant to serve as a representative sample of every email slated for deletion in these accounts from various date ranges.

The April 29 production required in excess of 200 hours of staff time. Had we charged for that production, the cost would have been about \$5,000. A breakdown of how we arrived at that estimate is below. As for the number of records you have requested – every sent, received, and deleted (stored in trash) email from four former staff accounts from 2011 to 2013, we estimate total responsive records to exceed 30,000. To comply with this request, we would need four to five more productions similar to the one we made last week, which would put us in the \$20,000 range.

The uniform fee schedule for public record act requests is available here:

<https://www.sec.state.vt.us/archives-records/certifications-fees/uniform-fee-schedule.aspx>

200 hours (176 for Sarah London and paralegal Jessica Mishaan, 25+ of additional office staff) x 60 = 12,000 minutes

Half of the total time was spent duplicating the records – copying them from the enterprise vault so that they are fully readable and could be redacted:

That is 6000 minutes at .33 a minute (minus the first 30 mins per statute) = \$1970.1

The other half of the time was spent redacting information so as not to reveal personal information of constituents, personnel information of employees, attorney-client communications, etc.

That is 6000 minutes at .45 a minute = \$2700
\$2700 + 1970 = \$4670

Printing costs (to allow for redactions) totaled around \$300.

Total = \$5,000

Again, we are happy to continue processing the broader request if that is how you would like to proceed, though please understand we will need to charge, likely contract for or hire additional staff, and purchase additional software licenses as our existing resources for public record act requests are inadequate to process your request. For additional information that may be helpful to you, please see 1 VSA 316(b) & (c) (ability of agency to charge for requests), (g) (limitation on agency requirements regarding additional copying services and personnel in complying with public record act requests), (j) (agency may make reasonable rules to prevent disruption of operations in complying with public record act requests).

Alternatively, we ask that you consider making a more targeted request. We have a good history of not charging for manageable requests and we are hopeful that we can stick to that practice if the requests are targeted and manageable given the staff resources we currently have.

Other requesters have already made more targeted requests for emails contained in these accounts, and other staff accounts. We are happy to provide you with productions in response to those requests if you would like. We continue to process pending requests every day, and have produced a few hundred pages of various staff emails since April 29, 2016.

Finally, you have asked for additional information about your public record act request for the Governor's calendar. We have been processing requests in the order in which they are received, and will be providing more information to all requesters of the Governor's calendar today.

We hope the above information is helpful to you,

Sarah

Sarah London
Counsel to the Governor
802-828-3333
sarah.london@vermont.gov

From: Hilary Niles [<mailto:h@nilesmedia.com>]
Sent: Thursday, May 05, 2016 11:51 PM
To: Coriell, Scott <Scott.Coriell@vermont.gov>
Cc: Mishaan, Jessica <Jessica.Mishaan@vermont.gov>
Subject: Re: advance request for emails to be released

Hi Scott and Jessica,

I've read news reports and heard from some fellow journalists that the rest of the emails are not exactly forthcoming for various reasons. I'm writing here to ask for an official response to my request for the emails that were to have been deleted. If you need a more formal request to respond to, here you go:

Pursuant to Vermont's public records laws, I am writing to request copies of the emails that Gov. Shumlin's administration recently requested be destroyed. Specifically, I am requesting all archived email for the following individuals: Alex MacLean, Bill Lofy, Bianca Slota, Ariel Weingroff, and Elizabeth Bankowski.

Because this request is in the public interest for journalistic purposes, I request that any fees for filling it be waived. If fees are to be assessed, please notify me before proceeding. If, after that conversation, fees are to be charged, please provide a detailed receipt explaining the purpose of each fee charged.

If some of this material will take longer to provide than other portions, please provide any segments of the requested information as soon as it is available. If this information is available in native electronic format please provide it in that manner. If any or all of the information can be provided by email, please do so.

Please let me know if you have any questions about this request. I trust you will respond to my request for the records within the timeframe set out in the Public Records Act, and I would appreciate your recognition that this request was originally submitted on April 27.

Should access to any of the records I am requesting be denied, please provide me with a list of those records ("Vaughn index") indicating the specific exemption that applies to each record or portion of the record being withheld. If a record has a portion that is exempt from disclosure, the law [1 VSA 318 (e)] requires that only the exempt portion be redacted, and that a copy of the rest of the document be released, together with a notation of the specific exemption that applies to the portion withheld. In that event, please also indicate the name and title of the person responsible for the denial and, as the law requires, please inform me of the appeal procedures available to me, and the name of the person to whom appeal may be made.

Thank you for your assistance.

Sincerely,
Hilary Niles

Hilary A. Niles

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h@nilesmedia.com

802-798-2535 cell