



FOUNDATION

AMERICAN CIVIL LIBERTIES UNION FOUNDATION
OF
ALABAMA

P.O. BOX 6179
MONTGOMERY, AL
WWW.ACLUALABAMA.ORG

July 22, 2021

VIA EMAIL & U.S. CERTIFIED MAIL

Office of the Governor
State of Alabama
600 Dexter Avenue, Room N-103
Montgomery, AL 36130
openrecords@governor.alabama.gov

Alabama Department of Corrections
Attn: Research & Planning Division
P.O. Box 301501
Montgomery, AL 36130-1501
public.records@doc.alabama.gov

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State Auditor's Office
State Capitol, Room S-101
600 Dexter Avenue
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hope.scarborough@auditor.alabama.gov

Alabama Department of Environmental
Management
Public Records Officer
P.O. Box 301463
Montgomery, AL 36130-1463
records@adem.alabama.gov

Ben Baxley
Assistant Attorney General
Office of the Attorney General
State of Alabama
501 Washington Avenue
Montgomery, AL 36104
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Walter Thomas
Secretary of the Commission
Alabama Public Service Commission
P.O. Box 304260
Montgomery, AL 36130
walter.thomas@psc.alabama.gov

Re: Alabama Open Records Act Request

Dear Records Custodian(s):

Pursuant to the Alabama Open Records Act, Ala. Code §§ 36-12-40 et seq., the American Civil Liberties Union Foundation of Alabama (ACLU) makes the following request for records. ACLU is a citizen of Alabama that maintains its offices in the city of Montgomery.

Access to public records is an important right of Alabama citizens, and open records request backlogs negatively impact state agencies and open records requesters alike. The ACLU seeks records with the potential to shed light on the volume and nature of the open records request backlog faced by state agencies, particularly those listed above.

Requested Records

The ACLU requests that your office promptly produce the following records:

All policies, procedures, practices, or guidelines created or maintained by your office regarding:

- i. The handling, processing, or organization of open records requests, including but not limited to intake, correspondence with requesters, disposition, searches, processing, and production of responsive records.
- ii. Whether and how open records requests are classified by complexity, type of record(s), and/or topic or subject matter area of requests.
- iii. The handling of open records requests deemed to be frivolous, purely speculative or from idle curiosity, or otherwise likely or intended to interfere with government operations, including the identification, handling, and disposition of such open records requests.

Records responsive to this request may include, but are not limited to, handbooks, guidance documents, reports, memoranda, letters, training or onboarding materials or presentations, job descriptions, email communications (including attachments), or other informal communications.

Please provide all responsive records created and/or in effect from January 1, 2020, through July 22, 2021.

Please notify ACLU of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, ACLU provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.¹ We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails,

¹ See Ala. Code § 41-13-1.

facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to the ACLU, please do not hesitate to contact us to discuss this request. **Contact may be made through our counsel, American Oversight; please see the final paragraph of this letter for contact information.** We welcome an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to ACLU, P.O. Box 6179, Montgomery, AL 36106-0179. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

Conclusion

The ACLU is a private, non-profit membership organization dedicated to advancing civil liberties. We therefore share a common mission to promote transparency in government. We look forward to working with your agency on this request. **If you do not understand any part**

of this request, please contact our counsel, Mehreen Rasheed, of American Oversight, at records@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Tish Gotell Faulks

Latisha "Tish" Gotell Faulks

Legal Director

ACLU of Alabama Foundation