

Relief Sought

**GRAMA Notice of Appeal to State Records Committee**  
**Utah State dept of Health #3**

Requester's information:

Roger Bryner

Appeal to:

Nova Dubovik  
346 South Rio Grande Street, Salt Lake City, Utah 84101  
[ndubovik@utah.gov](mailto:ndubovik@utah.gov)

Notice to the entity:

Utah Department of Health  
288 North 1560 West/PO Box 141000, Salt Lake City, Utah 84114-1000  
[joeminer@utah.gov](mailto:joeminer@utah.gov),

Explanation of Relief Sought, facts, reasons, and legal authority

I am appealing the decision attached as Exhibit A which is dated 3/10/2016. The original request is attached as Exhibit B, the original partial production as Exhibit C.

I am asking for the following relief:

- 1) A decision as a matter of law databases and sql queries are not covered by copyright and thus the reason for the denial is wrong.
- 2) As a matter of law and fact that as the raw database entries in my own case impact my rights and I am impuncious I qualify for a fee waiver.
- 3) As a matter of fact that an estimate of 20 man hours is outrageous and a bald faced lie, and likely effort would fall under the 15 minute minimum if reasonably quoted.

**ARGUMENT**

The US supreme court in *FEIST PUBLICATIONS, INC. v. RURAL TELEPHONE SERVICE CO., INC.*, 499 U.S. 340(1991) held that databases are not protected by copyright. DUHH. Neither are SQL queries or in other words the "customization" of individual consumers of database software. To top it all off all major database formats can be read by "freeware" and have patents that are expired.

The response of the Department of Health is not just unreasonable, it is so unreasonable to be evidence on it's face of bad faith and improper motive. The Department of health simply can't be believed when it uses effort as an excuse to not provide a record.

Where the response true, it would indicate that for the 1500 cases a year going through the lab at 20 hours each to "extract" the number, name, case number, and address of the requesting agency would take 30,000 man hours per year. That is 15 man years. A

full time staff of 15 people would be required to process the 6 requests a day, and it would take 2-3 days to "extract" the few pieces of data above. In fact it takes seconds not even 5 minutes to write SQL queries to extract the data and I can probably write it myself from public records request responses about the type of database and design documents.

Given that fact, that the single blood alcohol number is contained in a relational database and may be trivially stripped of all identifying data, a prior response (which is not yet being appealed here) is extremely dishonest. It would take seconds, and even less time than the current request, to writ an SQL query to dump all 1500 blood alcohol levels for 2015 into a list. But for the current grama request, the dishonesty of Utah State in their prior response would escape notice and their completely dishonest prior answer hiding the existence of the relational database would have escaped notice. It is simply a lie to say that all the data for 2015 is not easily and readily available with personal identifiers stripped.

For that reason this disclosure benefits primarily the public, as it is clear that a highly dishonest attitude pervades the department of health and they have no ethical or even rational bounds in "stretching" the truth.

WHEREFORE I ask that the denials be overturned and all responsive documents be provided.

Dated March 10, 2015

A handwritten signature in cursive script, reading "Roger Bryner", written in black ink. The signature is positioned above a horizontal line.

Roger Bryner