#2017-61

REC'D JUN 30 2017

State Records Committee: 6-28-17

Re: Utah Attorney General's Office GRAMA Appeal

On 4-27-17 I sent a GRAMA request to the Attorney General's Office for emails sent from the Utah State Prison Contract Attorney's to Matthew Anderson. On May 31, 2017 I was notified by Mr. Lonny Pehrson that my request was denied because the records were created or maintained for civil, criminal, or administrative purposes and release of the records would interfere with an ongoing investigation. I then appealed the denial to the Chief Administrative Officer for the AG's Office. On June 22, 2017 Mr. Parker Douglas denied this appeal.

The Contract Attorney's (Mr. Freestone, Mr. Cundick, and Ms. Wright) do not work for the AG's Office, or even the State. They are contracted by the State to represent inmates, in a limited capacity, in lawsuits challenging the legality of their confinement, the conditions of their confinement and general legal needs which may arise out of the incarceration of inmates. As such, these records were not created <u>solely</u> for that purpose. See Southern Utah Wilderness Alliance v. Automated Geographic Reference Center, 200 P.3d 643, 652, ¶ 25 (Utah 2008). I am only seeking emails sent to, or received from, the Contract Attorney's. I'm not asking, or requesting, emails sent to UDC, or other investigative personnel employed by the State.

Next, the Contract Attorneys represent me; not UDC or the State. Therefore, under the Attorney-Client Privilege I'm entitled to copies of any correspondence where I'm the subject. They are (the Contract Attorney's) an extension of myself. This is tantamount to the AG's Office saying they can't release emails which I

myself, sent to them/their employees. This makes absolutely no sense and the AG's Office cannot back their own argument with any valid legal citation.

Finally, even if these records are protected, the AG's Office is required to release the portions of them which are public, per Utah Code § 63G-2-(Segregation of Records) which clearly details that an entity must redact information which a requester isn't entitled to inspect, but provide portions which a requestor is entitled to inspect. In the case of emails, the header information showing the date/time an email is sent and the name and email address of a government employee is all public. Therefore, at a minimum, the AG's Office is required to release those portions of the records.

I'd like to request a hearing before the State Records Committee to challenge the records request denial.

Respectfully,

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