
From: Alicia Freese <alicia@sevendaysvt.com>

Sent: Friday, September 29, 2017 2:02:46 PM

To: Donovan, Thomas

Cc: Silver, Natalie

Subject: Public records request

Dear Attorney General Donovan,

Pursuant to Vermont's Access to Public Records Act, 1 V.S.A. §§ 315-320, I hereby request all communications relating to state business that you have sent or received from September 14, 2017, to September 28, 2017, with the exception of those sent or received from your official state email account.

For the purpose of this request, "communications" includes but is not limited to letters, emails, email attachments, text messages, voicemail messages, social media direct messages or documents.

If no responsive records exist, then state this fact in your response. If any part of these requests is denied, please list the specific criteria you are relying on for the denial, as well as the name and title of the person responsible for the denial.

The Vermont Public Records Act is to be "liberally construed ... and the burden of proof" is on the agency to justify any refusal to produce records. 1 V.S.A. § 315. Absent a valid legal exemption, this law compels the production of documents and correspondence relating to official state business, regardless of what email or text messaging system is used. If such records exist and you do not intend to comply with this request, please inform me immediately so that I may pursue an appropriate legal remedy. Meantime, you should ensure these public records are preserved. 1 V.S.A. § 320 (Destruction of public records is prohibited by law).

Pursuant to the Public Records Act, please also do the following:

- Produce these documents promptly or certify within two business days why you are denying me access to them or any particular documents (this time limit may be extended only under certain conditions as outlined in 1 V.S.A. § 318);
- If you believe an otherwise public record is exempt from disclosure, produce a log with the page numbers of the documents, the date of the document, the people or entities who received copies, the authors of the document and a specific explanation (citing to the applicable exemption) for why a document has not been produced;
- If an otherwise public record has a portion that is exempt from disclosure, redact any exempt portion and release the redacted document together with a log (as described in the previous bullet);
- Inform me of the appeal procedures available to me if you withhold any documents;
- If you are unable to copy any material, identify the material and notify me when it will be available for my inspection; and
- Provide a written reply to this request.

If you refuse to produce any responsive records to me, it would be helpful to Bates Number any such documents for easy reference and to avoid confusion in future proceedings regarding the failure to produce records.

I am willing to pay reasonable production fees, if necessary, but please call or email me first with an estimate as to the costs to produce these documents.

Thank you for your assistance with this matter. I look forward to your response. If you have any questions, I can be reached at (802) 343-8047 or alicia@sevendaysvt.com.

Sincerely,

Alicia Freese

// SEVEN DAYS //
:: Alicia Freese
:: Staff Writer
:: <http://sevendaysvt.com>
:: 802.343.8047
:: twitter: @aliciafreese