

From: McDougall, Robert
Sent: Friday, January 31, 2020 4:02 PM
To: MatthewDHardin@protonmail.com
Subject: Vermont Public Records Act Request

Dear Mr. Hardin: Please see the attached.

Sincerely,

Robert F. McDougall
Assistant Attorney General

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
CHIEF ASST. ATTORNEY
GENERAL



TEL: (802) 828-3171

<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

January 31, 2019

Matthew D. Hardin
Executive Director
Energy Policy Advocates

By e-mail to: MatthewDHardin@protonmail.com

Re: Vermont Public Records Act Request

Dear Mr. Hardin:

I write in response to your Vermont Access to Public Records Act request dated January 24, 2020 and received by this office that same day. In that request you seek:

"...all electronic correspondence, and any accompanying information ... including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) i. Nick Persampieri and/or ii) Robert McDougall, that b) includes, anywhere, whether in the sent, to, from, cc, bcc, or Subject fields, or otherwise, including also in any attachments, body of an email or anywhere in an email "thread", i) @googlegroups, ii) docs.google.com, iii) drive.google.com, iv) dropbox.com, v) box.com, vi) SharePoint, and/or vii) sharefile.com and is c) dated from July 22, 2019 through the date you process this request, inclusive."

By letter dated January 29, 2020, this office invoked its right to additional time to respond.

Please be advised that a preliminary search of our records has identified approximately 65 records which may be responsive to your request, some of which have attachments. Included in the potentially responsive documents from the State of Vermont's Agency of Digital Services (ADS), which provides IT support to state

agencies, including our office. ADS routinely uses SharePoint in its communications. For example, the standard signature block from the ADS “Service Desk” includes the ADS intranet address, “http://vermontgov.sharepoint.com/sites/ADS-IT”. As a result, many of the potentially responsive records are communications to or from ADS. Further, some of the potentially responsive records may be privileged and exempt from disclosure under the Vermont Public Records Act.

By way of this letter, we are (a) asking you to confirm that you are willing to pay costs associated with fulfilling your request; and/or (b) asking you to consider narrowing your request.

To provide you with further background as you consider the above, we estimate the costs to fulfill your request may be expected to be between \$100 and \$150 dollars. This is based on a conservative estimate of the total number of pages and the estimated time needed to review and possibly redact these records, billed at the lowest possible rate under the Secretary of State’s fee schedule (\$.33 per minute). This office has already expended 30 minutes performing its preliminary review.

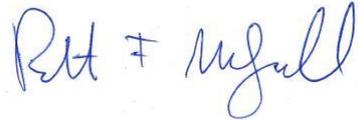
Our preliminary review of the potentially responsive records show the following (all totals are approximate):

- 8 emails between ADS and Attorneys Persampieri or McDougall regarding expired passwords/password resets;
- 7 emails regarding ADS notice that the account of a former employee will be archived;
- 5 emails regarding ADS providing access to emails of former employee;
- 8 emails from ADS to all state employees regarding IT technology;
- 6 intra-office emails concerning availability of a new ADS conference call line;
- 10 intra-office emails concerning a support staff training (training included plan to train on SharePoint);
- 5 intra-office emails utilizing a SharePoint financial document;
- 1 intra-office e-mail announcement of a Vermont Law School event commemorating “Stonewall at 50”;
- 15 attorney-client communications (these include communications between this office and its state agency clients as well as communications between this office and its outside counsel in *State of Vermont v. 3M et al*, Docket No. 547-6-19 Cncv (filed 6/26/19); *State of Vermont v. 3M et al*, Civil Action No. 2:19-cv00134 (filed 6/26/19); *In re Springfield Hospital, Inc.*, United States Bankruptcy Court for the District of Vermont, No. 19-10283; and *In re Springfield Medical Care Systems, Inc.*, United States Bankruptcy Court for the District of Vermont, No. 19-10285.

Given the above, we will await further instruction before we process your request further.

Please also be aware that I will be away from the office the week of February 3-7.

Sincerely,

A handwritten signature in blue ink that reads "R F McDougall". The letters are cursive and somewhat stylized.

Robert F. McDougall
Assistant Attorney General