

From: Colin Meyn <cmeyn@vtdigger.org>

Sent: Friday, May 8, 2020 2:55 PM

To: Clark, Charity <Charity.Clark@vermont.gov>

Subject: Re: PRR for communications with Comcast about laptops

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Thanks for the explanation, Charity.

Best,

Colin

On Fri, May 8, 2020 at 2:54 PM Clark, Charity <Charity.Clark@vermont.gov> wrote:

Hi, Colin,

As I am sure you know, AGO employees are working from our homes while balancing any obligations of providing child care and home schooling and potentially caring for sick relatives. I know it has been a challenging time for everyone, and we are doing all that we can to ensure our service to Vermont continues seamlessly.

The Vermont Public Records Act contemplates that “unusual circumstances” may arise preventing a public office from providing public records within the 3-business-day timeframe of 1 V.S.A. § 318(a)(1). To the extent a global pandemic and the type of quarantine orders the Governor has issued are not explicitly addressed in the PRA, they are certainly in keeping with the spirit of the law. Moreover, 1 V.S.A. § 318(b)(5)(A), which you quote in part, applies. That section explicitly considers separate offices as qualifying as an unusual circumstances.

I hope this is helpful to you.

Charity

From: Colin Meyn <cmeyn@vtdigger.org>

Sent: Friday, May 8, 2020 11:03 AM

To: Clark, Charity <Charity.Clark@vermont.gov>

Subject: Re: PRR for communications with Comcast about laptops

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Charity,

Thanks for getting back to me. Is there a particular reason you are invoking the 10-day extension? The PRA requires that your office "set forth the reasons for the extension" and allows for such an extension only in the following circumstances:

(A) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(B) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; or

(C) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein, or with the Attorney General.

Which one is it? By my calculation — and understanding of what constitutes a "voluminous" request — your response is due by EOD today (if we say the clock started on Wednesday, the first full day after this request was filed).

Thanks for your attention to this matter,

Colin