

From: [Clark, Charity](#)
To: [Jeremy Borden](#)
Subject: Request for public records, dated April 22, 2020
Date: Friday, May 22, 2020 4:36:59 PM
Attachments: [Borden clarification letter.pdf](#)

Please see attached.

Charity R. Clark
Chief of Staff
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609
802-828-3171

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

May 22, 2020

via email to [REDACTED]

Jeremy Borden

[REDACTED]
Durham NC 27701

Re: Vermont Public Records Act request dated April 22, 2020

Dear Mr. Borden:

I write in response to your request for public records, dated April 22, 2020, and further clarified by email on April 23, 2020. Our office has now received your payment for the January 10, 2020 request you made and which we responded to on February 19, 2020, and we may proceed with work on your April 22, 2020 request.

Your request had a date range of January 1, 2018 to April 22, 2020 and had four parts:

1. All communications between Apple representatives, lobbyists or any of its subsidiaries for the timeframe requested to and from the attorney general, chief deputies and senior staff only. Apple emails typically end in @apple.com, @apple-inc.com and/or @email.apple.com. All reasonable search methods to provide communications from other or private addresses or other means – text message or otherwise – should also be employed only as it relates to communications between Apple and its representatives.

By email on April 23, 2020, you specified that by “attorney general, chief deputies and senior staff” you mean the following individuals: the Attorney General, Deputy Attorney General, Chief of Staff, Chief Assistant Attorney General, Attorney General’s Scheduler, Communications Director, and Assistant Director of Communications. Regarding texts between these individuals and Apple representatives or lobbyists, you declined to provide the names of any Apple representatives or lobbyists. Without names or phone numbers, we are unable to search for texts made by telephone. We can search, however, for the platforms you mentioned,

Slack and Teams, which use email addresses ending in [@apple.com](mailto:apple.com), [@apple-inc.com](mailto:apple-inc.com) and/or [@email.apple.com](mailto:email.apple.com).

Please let me know if further clarity is warranted, or whether the above accurately describes the scope of this request.

2. All communications with Apple lobbyists Fred Zeytoonjian, John Hollar, Rebecca Lewandowski, Lucie Garand, Patricia Komline, Gabrielle Malina, Andrew Brewer for the timeframe requested.

By email on April 23, 2020, you clarified that you request communications between these individuals and those Attorney General's Office staff members listed above in No. 1. Further, you confirmed that you want all communications during the requested date range, regardless of topic or relation to Apple.

3. All contracts, Memorandums of Understanding and bid proposals retained by the above-named agency or any informal responses to contracted Requests for Proposal from Apple Inc. or any of its subsidiaries.

By email on April 23, 2020, you refined your request to eliminate references to subsidiaries. Further, you clarified that by "above-named agency" you mean the Vermont Attorney General's Office.

4. All calendars from the attorney general, chief deputies and senior staff only where the subjects of tech companies or Apple-related subjects were discussed. I ask that calendars where these meetings are mentioned be produced in their entirety and that this office narrowly construe any allowed exemptions in the state records' statute.

I sought clarity about this request. Specifically, on April 23, 2020, I emailed you to confirm, as in Nos. 1 and 2 above, who you mean by "attorney general, chief deputies and senior staff." I also asked, "which 'tech companies' you are referring to. Finally, by 'Apple-related subjects,' please let me know if you mean something other than 'Apple.'"

That same day, you emailed a response, but did not address all of my questions. You wrote:

RESPONSE: To clarify, all meetings (regardless of subject) with Apple Inc, or known tech-related lobbying organizations including but not limited to representatives of the Vermont Technology Alliance.

To process your request, I will need to know whether by "attorney general, chief deputies and senior staff," you mean the following: Attorney General, Deputy Attorney General, Chief of Staff, Chief Assistant Attorney General, Attorney General's Scheduler, Communications Director, and Assistant Director of Communications. In addition, with regard to calendar entries

“where the subjects of tech companies or Apple-related subjects were discussed,” we can search calendar entries mentioning certain companies or topics. However, you will need to provide those companies or topics. You have named “Apple” and “Vermont Technology Alliance.” If you would like any additional company or topic, you will need to specify it.

We will wait to hear answers to these clarifying questions before further processing your request.

Sincerely,

/s/
Charity R. Clark
Chief of Staff

From: Jeremy Borden <[REDACTED]>
Sent: Monday, May 25, 2020 12:48 PM
To: Clark, Charity <Charity.Clark@vermont.gov>
Subject: Re: Request for public records, dated April 22, 2020

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

I hope you're having a good weekend. Please see below and attached response to your letter for clarification - thanks so much for your thoughtful attention to this request.

May 25, 2020

Vermont Attorney General
Via email to Charity Clark
Chief of Staff
Charity.Clark@vermont.gov

Vermont Clarification Response to May 22, 2020 letter

Ms. Clark:

Thanks for your response and letter dated May 22, 2020, and the opportunity to clarify my original April open records request to your office.

As you have broken down your response by sections of the request, I'll do the same here to answer your questions and clarify where necessary.

Text of your letter is provided in bold.

1. Please let me know if further clarity is warranted, or whether the above accurately describes the scope of this request

A: Regarding communications, please search for Apple communications among the offices/positions you have provided.

In addition, please also provide communications from the following people/groups as further research has yielded more parties that should be searched for communications as they pertain to this request aside from those who work directly at Apple Inc. Those include:

- Representatives of CompTIA, whose emails typically end in [@comptia.org](mailto:comptia.org), including but not limited to lobbyist Kevin Callahan (kcallahan@comptia.org);
- Representatives of TechNet, whose emails typically end in [@technet.org](mailto:technet.org).

You have otherwise described the request accurately.

2. By email on April 23, 2020, you clarified that you request communications between these individuals and those Attorney General's Office staff members listed above in No.

1. Further, you confirmed that you want all communications during the requested date range, regardless of topic or relation to Apple.

A: Yes, you have accurately described my request, please proceed as you have outlined. Please include all forms of communication with the Apple lobbyists listed, including text messages.

3. By email on April 23, 2020, you refined your request to eliminate references to subsidiaries. Further, you clarified that by “above-named agency” you mean the Vermont Attorney General’s Office.

A: Yes, you have accurately described my request, please proceed as you have outlined.

4. To process your request, I will need to know whether by “attorney general, chief deputies and senior staff,” you mean the following: Attorney General, Deputy Attorney General, Chief of Staff, Chief Assistant Attorney General, Attorney General’s Scheduler, Communications Director, and Assistant Director of Communications. In addition, with regard to calendar entries “where the subjects of tech companies or Apple-related subjects were discussed,” we can search calendar entries mentioning certain companies or topics. However, you will need to provide those companies or topics. You have named “Apple” and “Vermont Technology Alliance.” If you would like any additional company or topic, you will need to specify it.

A: As for the calendar search, I would like to include all of the positions you have listed **as well as all assistant attorneys general**. As for topics and companies, please search the following in addition to Apple and Vermont Technology Alliance, making a reasonable search to include both the following topics and companies/organizations:

- CompTIA
- TechNet
- State Privacy and Security Coalition (SPSC)
- Data privacy
- Data broker
- Tech
- Technology
- Tim Cook
- H. 157, sponsored by Rep. Barbara Rachelson, “adopting minimum security standards for connected devices.”
- PR 3, sponsored by Sen. Joseph Benning, “declaration of rights; right to privacy.”

Thanks for your attention to this request and please let me know if I can help clarify anything else.

Sincerely,

Jeremy Borden

[REDACTED]

[REDACTED]

[REDACTED]

Durham, NC

27701

Jeremy Borden

Durham, NC
27701

May 25, 2020

Vermont Attorney General
Via email to Charity Clark
Chief of Staff
Charity.Clark@vermont.gov

Vermont Clarification Response to May 22, 2020 letter

Ms. Clark:

Thanks for your response and letter dated May 22, 2020, and the opportunity to clarify my original April open records request to your office.

As you have broken down your response by sections of the request, I'll do the same here to answer your questions and clarify where necessary.

Text of your letter is provided in bold.

- 1. Please let me know if further clarity is warranted, or whether the above accurately describes the scope of this request***

A: Regarding communications, please search for Apple communications among the offices/positions you have provided.

In addition, please also provide communications from the following people/groups as further research has yielded more parties that should be searched for communications as they pertain to this request aside from those who work directly at Apple Inc. Those include:

- Representatives of CompTIA, whose emails typically end in @comptia.org, including but not limited to lobbyist Kevin Callahan (kcallahan@comptia.org);
- Representatives of TechNet, whose emails typically end in @technet.org.

You have otherwise described the request accurately.

- 2. By email on April 23, 2020, you clarified that you request communications between these individuals and those Attorney General's Office staff members listed above in No. 1. Further, you confirmed that you want all communications during the requested date range, regardless of topic or relation to Apple.***

A: Yes, you have accurately described my request, please proceed as you have outlined. Please include all forms of communication with the Apple lobbyists listed, including text messages.

3. *By email on April 23, 2020, you refined your request to eliminate references to subsidiaries. Further, you clarified that by “above-named agency” you mean the Vermont Attorney General’s Office.*

A: Yes, you have accurately described my request, please proceed as you have outlined.

4. *To process your request, I will need to know whether by “attorney general, chief deputies and senior staff,” you mean the following: Attorney General, Deputy Attorney General, Chief of Staff, Chief Assistant Attorney General, Attorney General’s Scheduler, Communications Director, and Assistant Director of Communications. In addition, with regard to calendar entries “where the subjects of tech companies or Apple-related subjects were discussed,” we can search calendar entries mentioning certain companies or topics. However, you will need to provide those companies or topics. You have named “Apple” and “Vermont Technology Alliance.” If you would like any additional company or topic, you will need to specify it.*

A: As for the calendar search, I would like to include all of the positions you have listed **as well as all assistant attorneys general**. As for topics and companies, please search the following in addition to Apple and Vermont Technology Alliance, making a reasonable search to include both the following topics and companies/organizations:

- CompTIA
- TechNet
- State Privacy and Security Coalition (SPSC)
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- PR 3, sponsored by Sen. Joseph Benning, “declaration of rights; right to privacy.”

Thanks for your attention to this request and please let me know if I can help clarify anything else.

Sincerely,

Jeremy Borden

Jeremy Borden

Durham, NC
27701

Durham, NC
27701

From: Clark, Charity <Charity.Clark@vermont.gov>
Sent: Tuesday, May 26, 2020 8:47 AM
To: Jeremy Borden <[REDACTED]>
Subject: RE: Request for public records, dated April 22, 2020

Thanks, Jeremy. I am preparing a summary of your request, but first wanted to raise one question with you regarding part 4 of your request. You may or may not realize how many Assistant Attorneys General (AAGs) there are. Just a rough estimate – I think we have in the ballpark of 80. We can prepare the cost estimate for all of these AAGs to search their communications, but the cost is going to be high just for them to perform this search, regardless of whether there are any responsive records. Perhaps you would prefer to narrow your request to AAGs in certain divisions? If so, a list of our divisions can be found on [our website](#) under the About drop-down menu.

I will wait to hear from you before I prepare the summary.

Charity

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

May 26, 2020

via email to [REDACTED]

Jeremy Borden
[REDACTED]

Durham NC 27701

Re: Vermont Public Records Act request dated April 22, 2020

Dear Mr. Borden:

I have received your May 25, 2020 letter and May 26, 2020 email with further clarifications of your request for public records, dated April 22, 2020, and further clarified by email on April 23, 2020. Based on your further clarification, and using a date span of January 1, 2018 to April 22, 2020, the Attorney General's Office will proceed with preparing a cost estimate for the four parts of your request as follows:

1. All communications, including emails, texts, and messaging platforms like Slack and Teams, of Apple, CompTIA, or TechNet representatives, lobbyists or any of its subsidiaries to and from the Attorney General, Deputy Attorney General, Chief of Staff, Chief Assistant Attorney General, Attorney General's Scheduler, Communications Director, and Assistant Director of Communications.

You have noted that Apple emails typically end in @apple.com, @apple-inc.com and/or @email.apple.com; CompTIA emails typically end in @comptia.org, including but not limited to lobbyist Kevin Callahan (kcallahan@comptia.org); TechNet emails typically end in @technet.org.

2. All communications, including texts and regardless of topic, of Apple lobbyists Fred Zeytoonjian, John Hollar, Rebecca Lewandowski, Lucie Garand, Patricia Komline, Gabrielle Malina, Andrew Brewer to and from the Attorney General, Deputy Attorney General, Chief of Staff, Chief Assistant Attorney General, Attorney General's Scheduler, Communications Director, and Assistant Director of Communications.

3. All contracts, Memorandums of Understanding and bid proposals retained by the Vermont Attorney General's Office or any informal responses to contracted Requests for Proposal from Apple Inc.
4. All calendar entries, in their entirety, of the Attorney General, Deputy Attorney General, Chief of Staff, Chief Assistant Attorney General, Attorney General's Scheduler, Communications Director, Assistant Director of Communications, and Assistant Attorneys General from either the Civil or Public Protection Divisions in which the following subjects were mentioned and/or the calendared meeting was scheduled with one of the following companies.
 - Apple;
 - Vermont Technology Alliance;
 - CompTIA;
 - TechNet;
 - State Privacy and Security Coalition (SPSC);
 - Data privacy;
 - Data broker;
 - Tech;
 - Technology;
 - Tim Cook;
 - H. 157, sponsored by Rep. Barbara Rachelson, "adopting minimum security standards for connected devices;"
 - PR 3, sponsored by Sen. Joseph Benning, "declaration of rights; right to privacy."

Please let me know if you have any questions. We will now proceed with preparing a cost estimate for the above request.

Sincerely,

/s/
Charity R. Clark
Chief of Staff