

Robin Brigode

From: Sharon Bronson
Sent: Tuesday, June 14, 2016 9:24 AM
To: Robin Brigode
Cc: Kiki Navarro; Anissa Ramirez; Jennifer Cabrera
Subject: Agenda item for June 21, 2016 BOS Meeting
Attachments: Follow-up, Records Request from the Arizona Daily Star (May 23).pdf; Pima County's ongoing lack of response to public records requests.pdf

June 14, 2016

To: Robin Brigode
From: Sharon Bronson

Please place the following item on the BOS agenda of June 21, 2016:

Immediate release/provision of all documents to the Arizona Daily Star, the Tucson Sentinel and the Tucson Weekly or any other entity or individual pursuant to the public records requests related to Timothy DeJarlais made by same. Discussion/Action

From: [Ferguson, Joe](#)
To: [Ally Miller](#); [Ramon Valadez](#); [Richard Elias](#); [Sharon Bronson](#); [District4](#)
Cc: [Chuck Huckelberry](#); [Robin Brigode](#)
Subject: Follow-up, Records Request from the Arizona Daily Star (May 23)
Date: Monday, June 13, 2016 9:13:47 PM

Good evening.

It is distressing that the County has not formally responded to my appeal of the estimated cost for a records request involving various electronic documents from last week. To specific, the Arizona Daily Star is unwilling to pay for electronic records that have been printed out – altering electronic documents by printing them out is a clear violation of your own adopted media policy as well as state law.

With this request now more than three weeks old and recent statements by Supervisor Miller suggest that the documents we have requested are still not ready, these inactions demonstrate that Pima County is not even trying to make a good-faith effort to provide documents that are clearly in the public interest and not, to my knowledge, protected or exempted speech under ARS.

While I've made clear above and before today my unwillingness to pay for the records in a paper format, I wanted to alert the entire board to other concerns I continue to have.

Supervisor Miller has complained on social media and recently on a radio program that she lacks formal training in terms of public records. I find it disconcerting that an untrained person is redacting public records that focuses on her and one of her staff members. Additionally, Miller once stated she has prepared 7,000 or 8,000 pages of emails, yet my request only yields around 3,300 pages. Who, if anyone, decided what is responsive to my request?

The county has opted to have Supervisor Miller handle the public records request rather than the department that truly holds the information – Pima County IT's department. As far as I know, at the very least the email servers are under control of the County's IT department.

Additionally, why did it take nearly three weeks for the County's IT department to gather at least some of information? This practice, if correct, demonstrates the county was not taking the request for information seriously and valuable public documents may have been deleted.

In closing, I would like the County to formally respond to my request in terms of when I can expect a full and complete response to my request of May 23.

The county's actions show a willful disregard for the state's public records laws and expose the county to a serious and very real legal threat. Those interested in this issue, including myself, are willing to pursue legal action if the county does not take immediate steps to release these records.

Thanks for your time.

Joe Ferguson
Arizona Daily Star

From: [Dylan Smith/TucsonSentinel.com](mailto:Dylan.Smith@TucsonSentinel.com)
To: [Robin Brigode](#); [Publicrecords](#); [Mark B. Evans \(Communications\)](#); [Chuck Huckelberry](#)
Cc: [Sharon Bronson](#)
Subject: Pima County's ongoing lack of response to public records requests
Date: Monday, June 13, 2016 10:29:27 AM

On May 18, TucsonSentinel.com requested a number of electronic files relating to the office of Pima County Supervisor Ally Miller.

To date, the county has been unresponsive to that request — the county's continuing actions and inaction are verging on a constructive denial to comply with Arizona's public records law.

We have multiple outstanding public records requests with the county. A small subset of them have been fulfilled, but the county is failing to live up to its legal responsibility to properly and promptly make public documents available for inspection.

When do you anticipate that Pima County will comply with the law and make the requested records available? I'm sure I don't need to remind you that continuing noncompliance with the law opens up Pima County to considerable legal liability — but I'll do so anyway.

Further, the county's partial compliance to the request of May 18 has been thoroughly insufficient.

We requested access to and copies of certain computer files in Miller's office.

It is our understanding that county information technology staffers did not go to Miller's office until Tuesday, June 7, to make copies of that information.

Some data was provided to us on June 9, although not in an original electronic format, but in a proprietary commercial format.

Further, the files for one computer — assigned to now former staffer Timothy DesJarlais, according to the file naming convention used by the county — contains web history data only for June 3 and June 6. We had requested such browser history data weeks previous.

While several other computers in Miller's office contain extensive browser histories, the DesJarlais computer is remarkably different.

Thus, the question is raised: Why was Pima County's response to our public records request delayed by weeks, thus apparently allowing DesJarlais or someone else with access to his computer to delete nearly all of his browser history ?

How are individual browser histories , and other files, backed up for computers in supervisors' offices?

Does Pima County's computer system maintain access logs for computers? Do those logs include tracking which actions were taken on a computer — i.e., deleting browser history items, cookies or other files?

Who deleted browser history items, tracking cookies and other files from the computer

assigned to DesJarlais?

Finally, when will Pima County make a full and complete response to our request of May 18, and the ensuing public records requests from TucsonSentinel.com?

many thanks for your assistance in this matter,

Dylan

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Dylan Smith
Editor & Publisher
TucsonSentinel.com

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From: Dylan_Smith/TucsonSentinel.com
To: [Sharon Bronson](mailto:Sharon_Bronson)
Subject: Fwd: Public records request - Web access logs
Date: Tuesday, June 14, 2016 9:41:15 AM

fyi

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Dylan Smith
Editor & Publisher
TucsonSentinel.com

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----- Forwarded message -----

From: **Dylan Smith/TucsonSentinel.com** <dylansmith@tucsonsentinel.com>
Date: Mon, Jun 13, 2016 at 8:31 PM
Subject: Public records request - Web access logs
To: Robin Brigode <Robin.brigode@pima.gov>, Publicrecords <publicrecords@pima.gov>, "Mark B. Evans (Communications)" <mark.b.evans@pima.gov>

Hi all,

Pursuant to the state open records act, I request access to and copies of:

The filtering logs, backups and other files, in the Websense system or otherwise, maintained by the Pima County Information Technology Department relating to the online and/or internal web browsing activities conducted by Supervisor Ally Miller and/or each member of her staff, including but not limited to each computer, laptop, phone or other device capable of web access, on or from which Pima County business has been conducted, whether used in her office or outside of it, for the period March 14, 2016-June 13, 2016, inclusive.

It is our understanding that such files are associated with internal identification numbers or codes assigned to each employee. Such numbers/codes are not known to us. Please segregate each set of records by device and employee, and provide the real name identity associated with each set of records. If it eases you ability to provide the records, please provide the individual ID number/code with each set of records, but this provision is not a specific part of this request. If this or any portion of this request is unclear, please contact me immediately at [520-271-8203](tel:520-271-8203) and dylansmith@tucsonsentinel.com to discuss the matter.

If your agency does not maintain these public records, please let me know who does immediately and include the proper custodian's name and address. For this and any other

communication necessary and/or requested in connection with this public records request, please communicate via email to dylansmith@tucsonsentinel.com.

Please provide these documents in their original electronic form via email to dylansmith@tucsonsentinel.com.

I understand that the requested records may contain privileged or nonpublic information. Please provide all parts of the requested records that are public.

This request is for noncommercial purposes, and copies of the records will not be used for a commercial purpose.

I agree to pay reasonable duplication fees for the processing of this request. Such fees should amount to no more than \$1 (one dollar) in total. If the cost would be greater than this amount, please notify me immediately. Please provide a receipt with a breakdown of any and all charges for providing this information.

If you refer me to a website containing the information requested, please specify the precise URL(s) of the web page(s) on which the information may be found.

If you choose to deny this request in whole or part, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

Please be advised that I am prepared to pursue whatever legal remedy necessary to obtain access to the requested records. I would note that willful violation of the open records law can result in the award of legal costs, including damages and reasonable attorney fees. See Ariz. Rev. Stat. Ann. Sec. 39-121.02.

I request your response within 1 (one) business day. Given that time is of the essence regarding this issue of pressing public concern, please ensure that the entire set of requested records is made available, in an electronic format, in accordance with the law within 24 hours. If you are unable to complete this request within that time, please contact me immediately with your progress and expected completion date. When you do complete the request, please immediately advise me that the records are ready.

Many thanks you for your assistance in this matter.

Sincerely,

Dylan Smith

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Dylan Smith
Editor & Publisher
TucsonSentinel.com