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From: Lenora Anderson <Lenora.Anderson@pcao.pima.gov>
Sent: Thursday, July 21, 2016 2:58 PM
To: Sharon Bronson; Ally Miller; Ramon Valadez; Ray Carroll; Richard Elias; Chuck Huckelberry; Robin Brigode
Cc: Maura Kwiatkowski; Thomas Weaver; Julie Castaneda; Kiki Navarro; Sherry Potter; Jennifer Eckstrom; Jennifer Wong; Keith Bagwell
Subject: CONFIDENTIAL: ATTORNEY/CLIENT PRIVILEGE - Memo from PCAO regarding what constitutes "County business" for public records purposes

Good afternoon:

Please see the email below from Chief Civil Deputy Tom Weaver. Please do not reply to this email.

I've been asked by Supervisor Bronson to address what constitutes "County business" for public records purposes. County business includes any record "made or received by any governmental agency in pursuance of law made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained in the record, and includes records that are made confidential by statute." A.R.S. § 41-151.18. It doesn't matter whether the record is on an official or private device or whether it is on in official or private email account. Purely personal communications, even on County-owned devices, are not public records.

There have been numerous questions raised recently by the Board about public records law, including what must be turned over in a request, what can be lawfully withheld, and what the County's policies should be.

While the County as a whole has been dealing with public records requests successfully for decades, it appears that many of these issues are new for the Board. Accordingly, I am providing a link to a government website which includes Chapter 6 from the Attorney General's Arizona Agency Handbook. It constitutes the best short primer on the subject that I know of. The first 13 pages contain the basics and, if you have the time, I would urge everyone to read it. Even for those of you already familiar with the law, it might be useful. The rest of the document is a list of types of records that must be withheld by law. A number of those have application to the County. Here is the link:

<http://www.azoca.gov/open-meeting-and-public-records-law/overview/>

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