A Practical Approach to Managing Public Records Requests:

HERE'S WHAT WORKS FOR SCOTTSDALE

The International Municipal Lawyers Association
Niagara Falls, Ontario, Canada
October 14-18, 2017

WHAT IS A PUBLIC RECORD IN ARIZONA?

- Easier to ask what isn't
- Defined in A.R.S. § 41-151.18
- Made or received by agency
- Pursuant to law or in connection with transaction of public business
- Preserved or appropriate for preservation as . . .

What is a public record (continued)?

. . . 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.

BUT WAIT, THERE'S MORE

- A.R.S. § 39-121 also requires "other matters" in the custody of a public official to be disclosed.
- According to *Salt River Pima-Maricopa Indian Community v. Rogers*, 168 Ariz. 531, 815 P.2d 900 (1991), this includes documents that are not required by law to be kept as public records.

HOW MANY PRRs DOES THE CITY PROCESS EACH YEAR?

- The City receives about 15,000 PRRs each year
- The majority of these, around 12,00, are Public Safety, primarily police reports
- Another 2,500 are land use records
- Most of these are handled routinely, although some can be quite complicated
- That leaves around 500 that are out of the ordinary and may require a lot of digging

WHAT IS THE TIME FRAME FOR PRODUCING PUBLIC RECORDS?

- When there has been a request to examine or be furnished copies of public records then, "The custodian of such records shall promptly furnish such copies, printouts or photographs . . . " A.R.S. § 39-121.01(D)(1).
- "Prompt" is not defined in the statute.
- Case law guidance . . . "IT DEPENDS"

SCOTTSDALE'S APPROACH

- Appoint a Public Records Request Administrator and PRR Coordinators in each department, division or office
- Adopt Administrative Regulation 296
- Create proprietary software to track PRRs
- Acquire software to provide for:
  - Searching documents
  - Deduplication
  - Report production

PRR ADMINISTRATOR

- Part of City Attorney's Office's staff
- Coordinates multi-department and high profile requests
- Provides training to coordinators
- Maintains the City's PRR database

Administrative Regulation 296

- Copy with the materials
- Defines “prompt” in terms of starting the process of responding when the PRR is received
- Redaction addressed
  - Required by law
  - “Best interest of the government”

AR 298 (CONTINUED)

- Each department to have one or more PRR Coordinators
- Coordinators responsible for knowing where the records are actually kept in each department
- Coordinators work with custodians to make sure they understand their responsibilities

PRR DATABASE WORKFLOW - CITY'S WEBPAGE

Public Records Request Directory

Many public documents are available on our website. You can search for available documents online. You may also fill out and submit a public records request. Forms are available below to request:

- General Public Records (PDF) (NOT FOR PUBLIC SAFETY, PERMITS & PLANNING REQUESTS)
- City Court Records
- Planning and Development Records
- Public Safety Records (Fire and Police)
- Crime Analysis Reports

GENERAL PUBLIC RECORDS REQUEST

Please Note: Public records are maintained in various locations and some records may contain private or sensitive information that requires additional review and possible redaction. Additional time may be needed to process requests involving these types of records and an estimated time frame will be communicated to the requestor.

- General Public Records Request (PDF)
- Non-Commercial Fee Schedule (PDF)

PRR DATABASE WORKFLOW CITY'S WEBPAGE (CONTINUED)

CITY COURTS RECORDS REQUEST

- Scottsdale City Court records are available to the public. To request copies of records, submit a completed form to the Scottsdale City Court in person, by mail or facsimile.
- Courts Records Request form (PDF)
- This form may be filled out and then printed. Depending on your version of Adobe Acrobat, you may not be able to save the filled form. To test, fill in one or two fields and then click > Save.

PLANNING AND DEVELOPMENT PUBLIC RECORDS REQUEST (NON-COMMERCIAL USE)

- Submit a request for Planning and Development Records online.

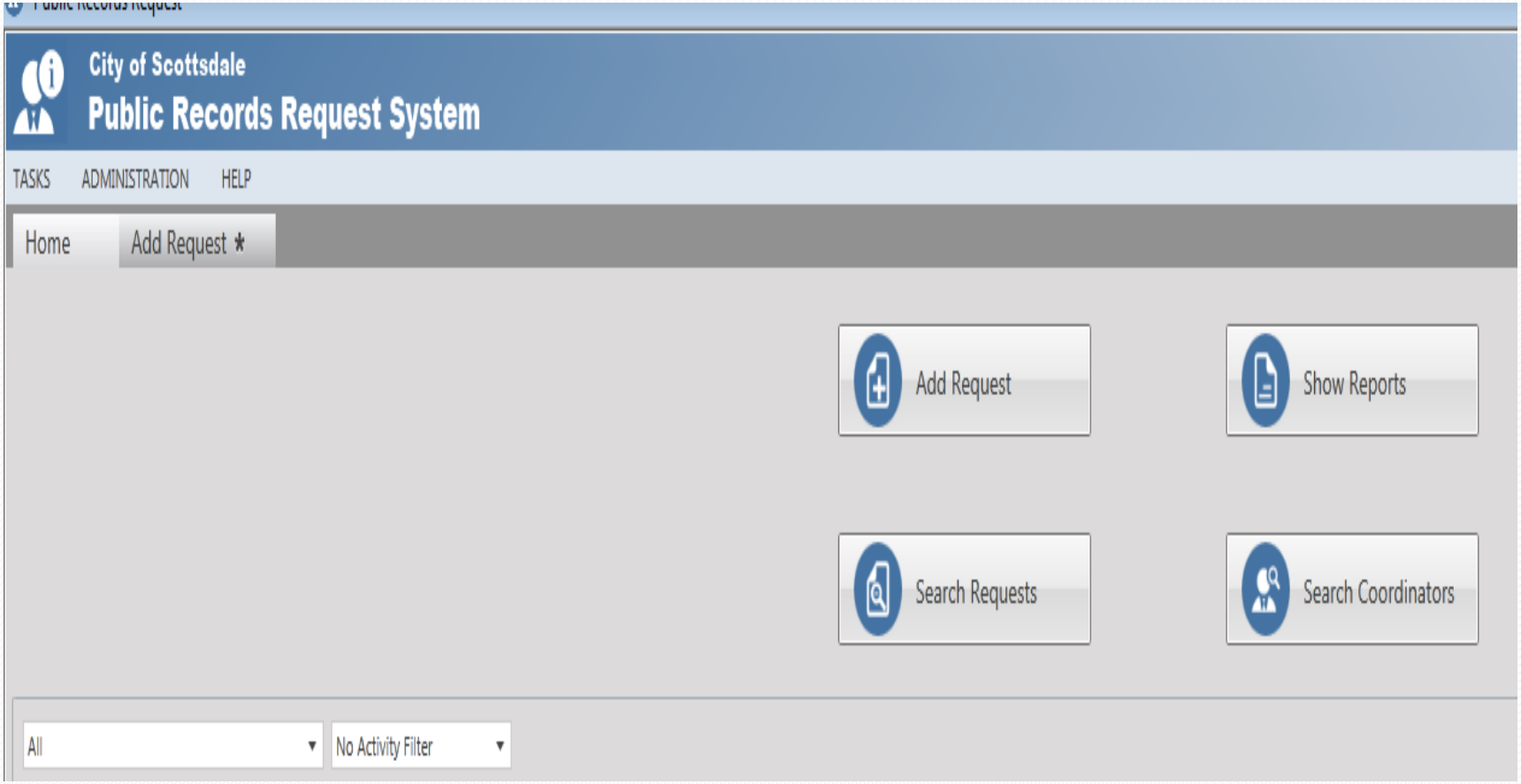
POLICE & FIRE PUBLIC RECORDS REQUEST (FIRE AND POLICE)

- Complete an online public records request form (telephonic, phone, or fax requests are not accepted except from Government Agencies).
- Police Department Records
- Fire Department Records

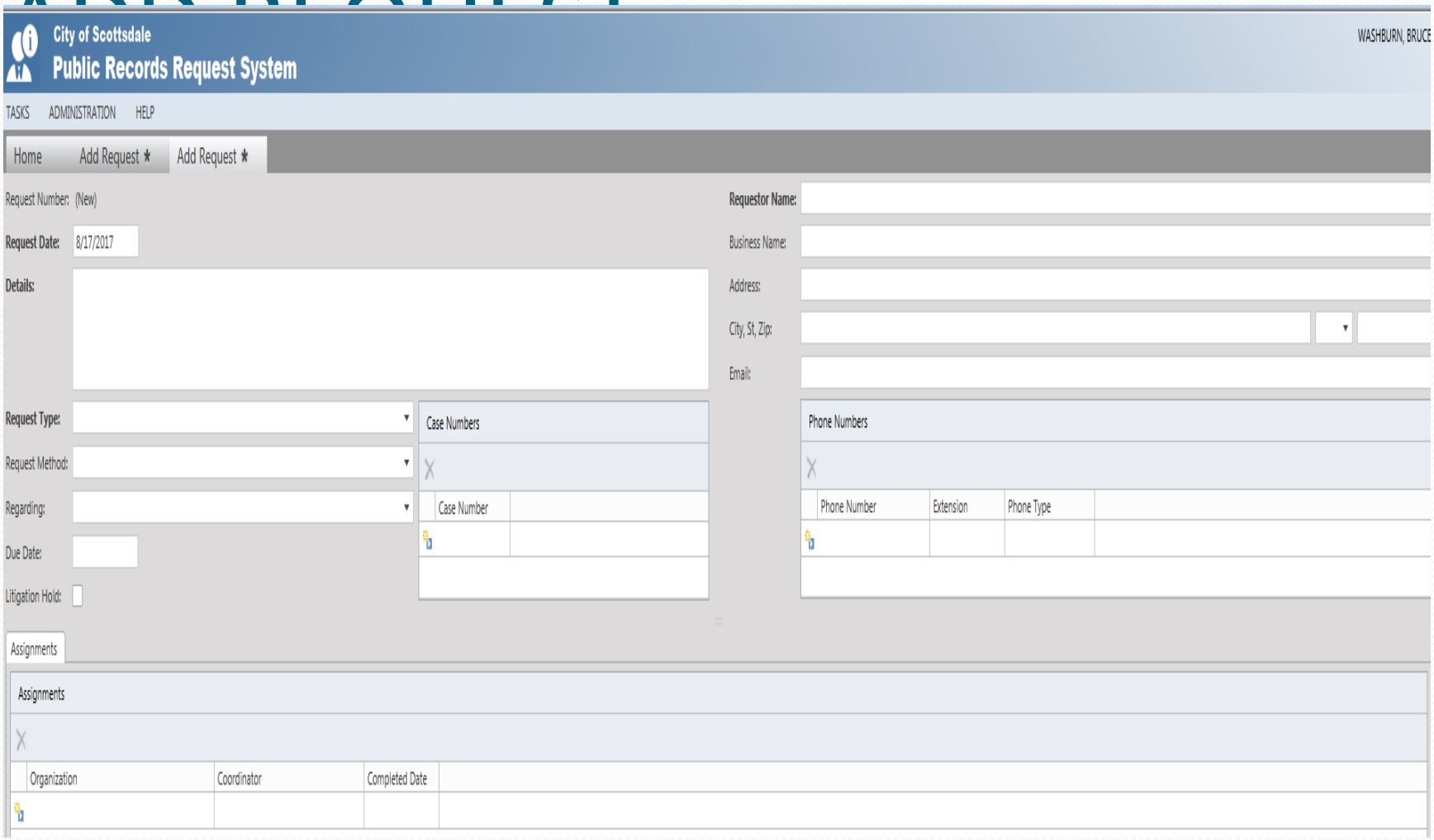
REQUEST A CRIME ANALYSIS REPORT

- Download/ Print Crime Analysis Request Form (PDF)

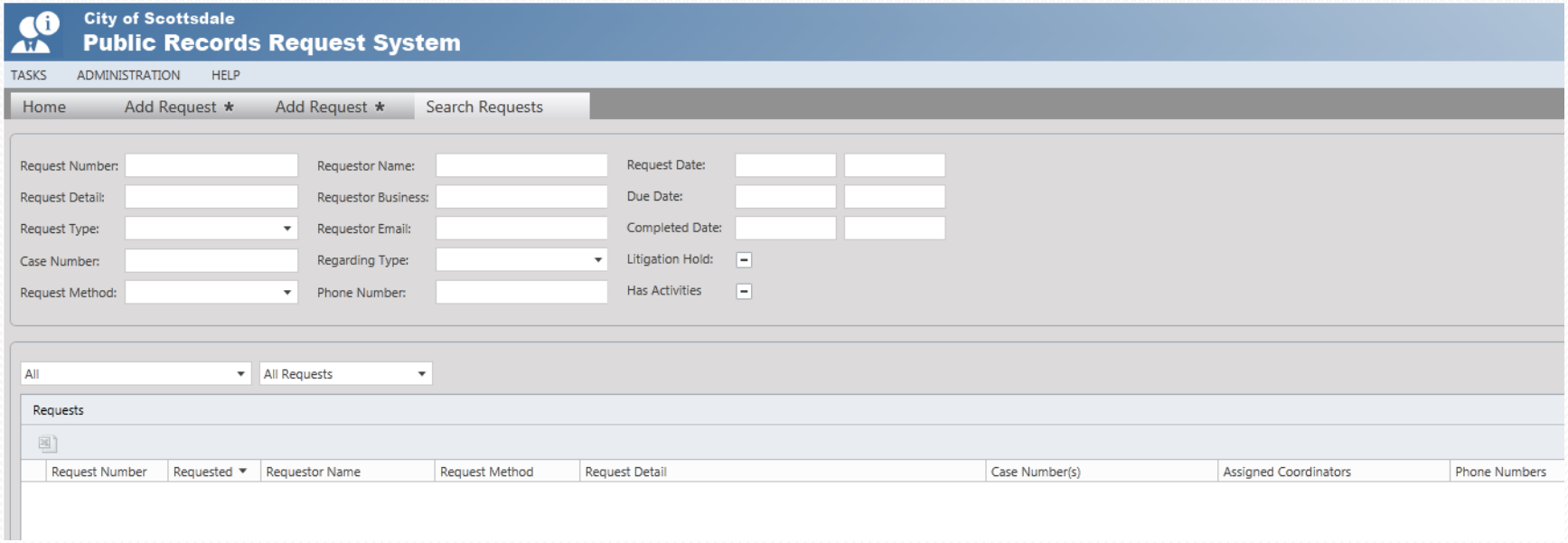
THE CITY'S PRR DATABASE OPENING PAGE



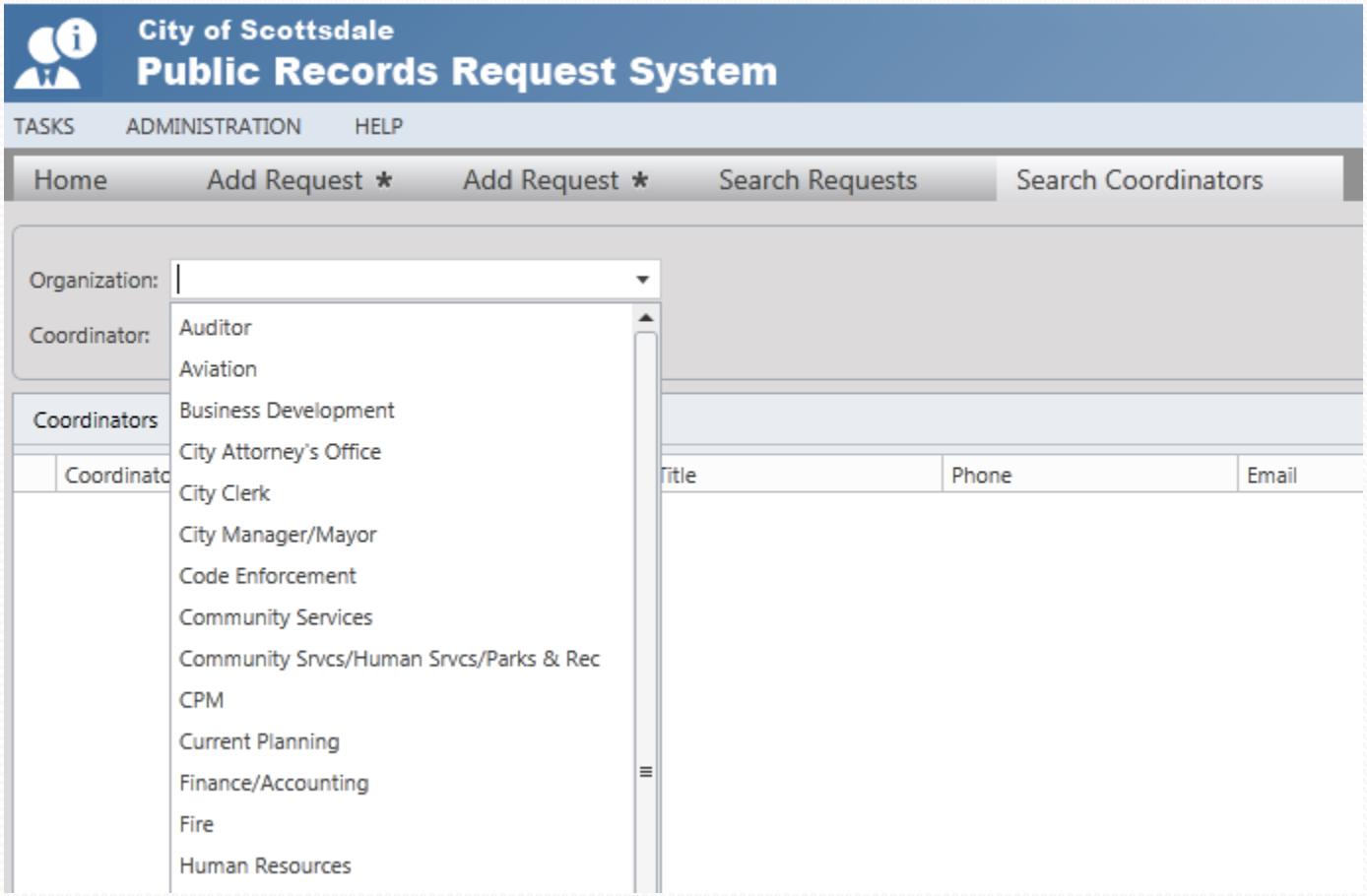
ADD REQUEST


City of Scottsdale
Public Records Request System
WASHBURN, BRUCE
TASKS
ADMINISTRATION
HELP
Home
Add Request *
Add Request *
Request Number: (New)
Request Date: 8/17/2017
Details:
Request Type:
Request Method:
Regarding:
Due Date:
Litigation Hold:
Case Numbers
Case Number
Requestor Name:
Business Name:
Address:
City, St, Zip:
Email:
Phone Numbers
Phone Number
Extension
Phone Type
Assignments
Assignments
Organization
Coordinator
Completed Date

SEARCH REQUESTS



SEARCH COORDINATORS - ORGANIZATION



SHOW REPORTS – PARTIAL LIST

reports/ReportServer - /City Attorney's Office/Civil/PRR

[To Parent Directory]

Wednesday, February 13, 2013 4:15 PM	46792	Active Requests
Friday, March 29, 2013 1:28 PM	38076	Active Requests Activities
Wednesday, February 13, 2013 4:15 PM	35382	Active Requests by Organization
Friday, May 24, 2013 1:29 PM	49902	Active Requests Over 30 Days
Friday, April 10, 2015 11:04 AM	49978	Active Requests Over 60 Days
Friday, March 29, 2013 1:37 PM	32533	Archive Tracking
Wednesday, November 23, 2016 11:18 AM	27800	Commercial Requests
Tuesday, July 12, 2016 7:55 AM	418334	Copy of OriginalRequest
Monday, May 06, 2013 1:10 PM	45266	COS Employees
Wednesday, March 17, 2010 10:22 AM	<dir>	Data Sources
Thursday, February 07, 2013 8:19 AM	<dir>	Datasets
Wednesday, February 13, 2013 4:15 PM	60277	Days to Close
Monday, November 16, 2015 10:38 AM	<ds>	DM
Tuesday, August 25, 2015 1:38 PM	31162	FIRE Active PRRs
Tuesday, February 19, 2013 3:19 PM	39477	Incoming PRRs
Thursday, December 03, 2015 10:22 AM	39764	Incoming PRRs - CAO
Thursday, December 03, 2015 10:36 AM	43875	Incoming PRRs - CAO - Cumulative
Friday, November 04, 2016 1:03 PM	39717	Incoming PRRs - CAO - Daily
Thursday, December 24, 2015 9:27 AM	32823	Litigation Hold - Cumulative
Thursday, February 21, 2013 1:20 PM	55736	Media
Monday, March 11, 2013 11:36 AM	116124	Metadata COSEmp and LitHold
Thursday, May 11, 2017 7:57 AM	27885	OneStopShop-FHD

HANDLING LARGE PRRs

- Did RFQ for a system for large PRRs
- Also use it for:
  - Subpoena responses
  - Litigation holds
  - eDiscovery
- My personal favorite things:
  - Automatically OCRs everything
  - Finds duplicates and near duplicates
  - Searches audio files for words

HERE'S HOW IT WORKS

- PRR Administrator opens new matter, identifies key words and key record holders and transmits to IT
- IT searches those people's Inboxes, Sent items and Deleted items and inputs all responses on a U drive
- PRR Coordinators are informed of PRR through City's PRR database and transmit all other documents to PRR Administrator
- PRR Administrator scans documents and puts all documents received on same U drive

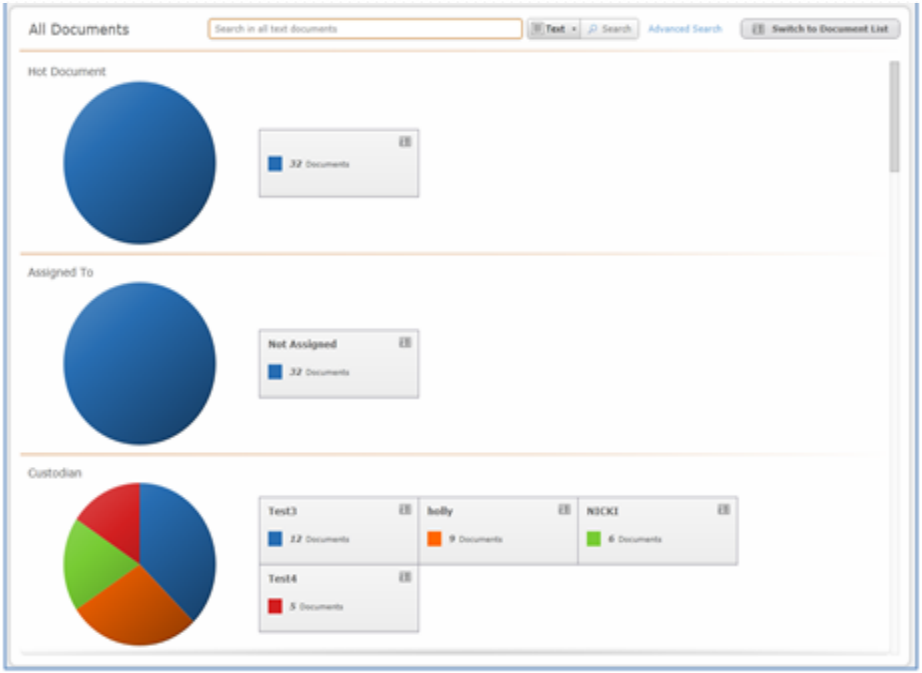
NEXT STEPS

- All documents identified by PRR number are brought together from U drive
- System automatically OCRs everything, including writing going in any direction
- Embedded objects are extracted
- System identifies duplicates and near duplicates and assigns a percentage of similarity
- Documents are now ready for legal review

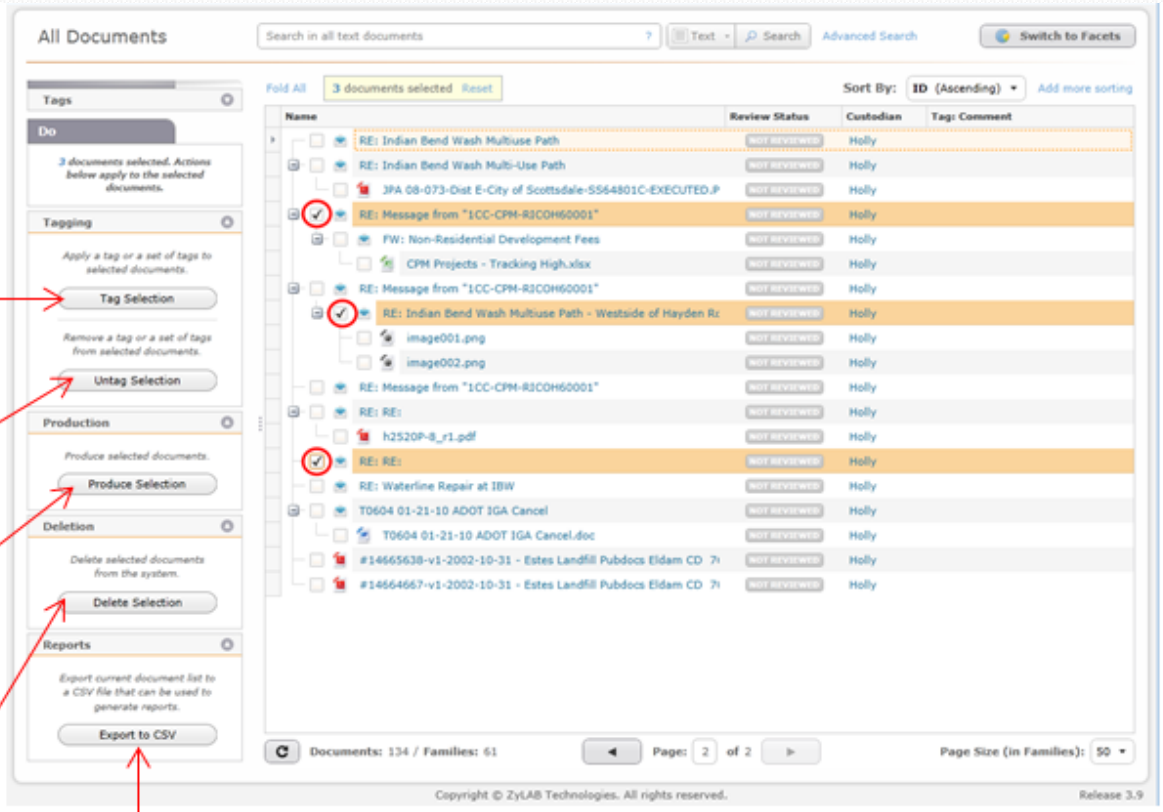
LEGAL REVIEW PROCESS



FACETS


All Documents
Search in all text documents
Text
Search
Advanced Search
Switch to Document List
Hot Document
32 Documents
Assigned To
Not Assigned
32 Documents
Custodian
Test3
12 Documents
holly
9 Documents
NICKI
6 Documents
Test4
5 Documents

DO ACTIONS



Bulk tags all selected documents

Remove tags from all selected documents

Produce only those documents selected

Delete the family associated with the selected documents (only available for admins)

Exports selected documents and displayed fields to Excel

TAGGING

1. Available Tags

   a. PRR Responsive – document is responsive to the public records request

   b. PRR Not Responsive – document is NOT responsive to the public records request
      NOTE: may only select one; either PRR Responsive or PRR Not Responsive

   c. Do Not Disclose/Release – document is NOT to be disclosed; must enter a reason in the textbox

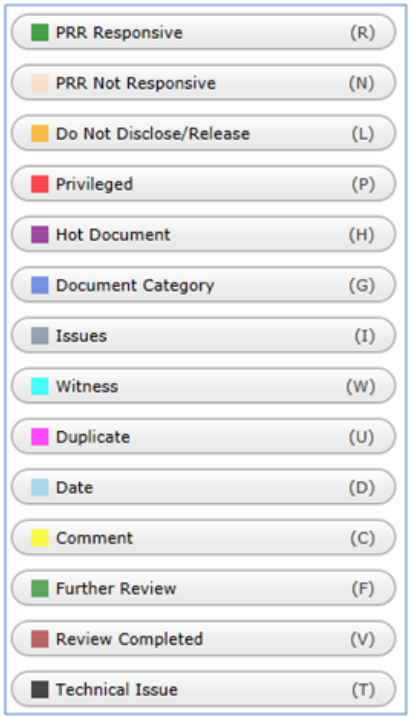
   d. Privileged – the document or part of the document is privileged
      i. Redacted – document is redacted but may still be disclosed
      ii. Withheld – document is to be withheld and not disclosed
      iii. Privilege Log Reason – must select a reason for the redaction or withholding from the dropdown list or enter a custom reason in the textbox

   e. Hot Document – document is critical or frequently used

   f. Document Category – choose a category from the list

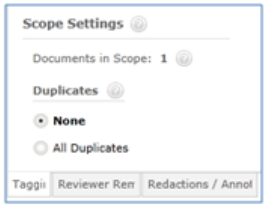
   g. Issues – enter the issue raised in the document, or select one from the custom list

   h. Witness – enter the witness relating to the document, or select one from the custom list



SCOPE SETTINGS

a. Duplicates
    i. If a document is marked as a system duplicate, you will have the following scope settings available
        1. None – only the current document and not any duplicates will receive the tag
        2. All – All duplicate documents will be tagged the same (this is the default scope setting)



b. Email Conversations and Families
    i. Email Conversation
        1. None – only the current email will receive the tag; when selected the Family and Duplicate scope settings are available
        2. Current Branch – the current branch of the email with receive the tag; when selected the Family and Duplicate scope settings are no longer available
        3. Entire Conversation – the entire conversation of emails will receive the tag; when selected the Family and Duplicate scope settings are no longer available
    ii. Family
        1. None – only the current email in the family will receive the tag
        2. Children – only child emails from that point forward will receive the tag (no higher level emails in the family)

AUTO-REDACTION

Samples include:

a. SSN = [0-9][0-9][0-9]-[0-9][0-9]-[0-9][0-9][0-9][0-9]

b. Date variances
   i. [0-9][0-9]-[0-9][0-9]-[0-9][0-9][0-9][0-9]
   ii. [0-9][0-9]-[0-9][0-9]-[0-9][0-9]
   iii. [0-9]-[0-9][0-9]-[0-9][0-9][0-9][0-9]
   iv. [0-9]-[0-9]-[0-9][0-9][0-9][0-9]
   v. [0-9][0-9]/[0-9][0-9]/[0-9][0-9][0-9][0-9]
   vi. [0-9][0-9]/[0-9][0-9]/[0-9][0-9]
   vii. [0-9]/[0-9][0-9]/[0-9][0-9][0-9][0-9]

PRODUCTION

- Two methods to produce documents
  - Search query
  - Document list
- Zip file created
- Transmitted by
  - Sending via Secure Mail
  - Burned to CD and mailed or picked up
  - Saved to DM for viewing on site (requestor has choice to review rather than acquire)

Administrative Regulations

AR296 - Records Requests

Tess Daley, City Attorney's Office, x27002

Responsible Department:	**Effective Date:**
City Manager, Main ext. x22800	02/08/2010
Approvals:	**Date Approvec**
David Richert, City Manager	08/04/2010
Carolyn Jagger, City Clerk	08/04/2010
Bruce Washburn, City Attorney	08/04/2010

SEC. 1 PURPOSE

The purpose of this Administrative Regulation ("AR") is to establish standard records request policies and pr state law and City Code. This AR also establishes policies and procedures regarding subpoenas received by t public records requests, and subpoenas shall be referred to as "requests."

This AR shall not apply to the City Court to the extent it conflicts with Arizona Supreme Court Rule 123 relat records.

SEC. 2 POLICY

GENERAL STATEMENT

The Arizona public records laws generally provide that all records created or received in the course of condu an official capacity are considered a public record. Any person may request to examine or be provided copie regular office hours. The requester may request the copy to be mailed.

REQUESTS FOR RECORDS

Written requests are desirable to ensure the requested documents are provided. The City of Scottsdale Publ been created for this purpose and is available at the City Clerk's office and website. If the request is not in v request for public records inspection or copies. However, if a request is not specific enough to identify what scope, the requester should be asked to clarify the request further.

RESPONSE TO PUBLIC RECORDS

The law requires that requests for public records be responded to promptly -- this means that there should l and carrying out the process. To comply with this standard, individuals responsible for completing the reque develop a plan to identify, gather, review, redact (as appropriate) and produce the records. If the records ca the requester must be advised with an estimated time the records will be available. A response to each requ practical given available resources.

When the request is to examine records in person, rather than for copies, the employee must determine if r necessary prior to allowing inspection. An employee must be present and within view of the records being ir documents are manipulated. At no time shall the public be allowed to remove or take city records offsite for be no charge for inspection or for the time and copies used in redacting the records prior to inspection.

The public records laws do not require the City to prepare a record, document, or material that is not in exis However, an effort should be made to identify existing records reasonably related to the subject of the requ

RESPONSE TO SUBPOENAS
When a subpoena has been received, employees shall provide all records that are the subject of the subpoe established by the City Attorney's Office. All questions should be directed to the City Attorney's Office.

DENIALS, REDACTION AND REVIEW
Some records (or portions of records) are confidential by statute and requests for those records must be de deny access to certain kinds of information if release of the information impinges on privacy interests, or the government. Examples for denying access:

- **Confidentiality.** Confidentiality is usually created by statute, which makes some subject matter or ir subject to disclosure. It is the responsibility of employees to be aware of which statutes apply to reco Social Security numbers are an example of confidential information not subject to disclosure.
- **Privacy**. Privacy determinations are made on a case-by-case basis. The City may deny access to cert privacy interests outweigh the public's right to know (Carlson V. Pima County, 141 ARIZ. 487, 687 P. personal and financial information relating to employees or private citizens, such as birth date, driver dependants, medical and insurance information, credit card numbers, and information relating to ban
- **Best interests of the government.** The City is not required to disclose information when to do so w interests and would interfere with its ability to carry out legitimate government functions. Draft inves disclosure of the information might interfere with the validity or utility of the final report, are example

In those instances in which the law requires denial of access to certain confidential information, that informa addition, when these records are requested the documents must be reviewed to determine if removing certa requester should be notified of that requirement, and if there will be a delay in providing the records. Acces cannot be denied when only portions of those records need to be redacted. Records must be made available When redacted documents are provided, a general explanation should be given stating what types of conter

FEES
The law permits the City to recover certain costs incurred in producing copies of public records.

NON-COMMERCIAL REQUESTS
For non-commercial requests, the amount is limited to the cost of copying and mailing the records. Costs ca spent in retrieving or redacting the requested documents or materials.
A fee schedule for records requests has been established to identify standard fees and is available from the This schedule is applicable citywide unless an exception has been specifically approved by the City Council, s Department or Police Department's fee schedules.
The City charges a fee per standard page (letter and legal size paper) approximately equal to the cost of rep (double-sided documents are counted as two pages). The fee to provide materials on a CD or DVD is a set f can be used).
There shall be no fee for:

- Viewing requested material in person, even when the material requires copying and redaction prior tc
- Requests of less than twenty-five (25) pages (standard page letter or legal size, black and white copi
- Records that are maintained in an electronic format and that are provided via e-mail. In instances wh capacity is set below twenty (20) MB, a CD or DVD can be provided and may be charged.
- Requests from governmental agencies for official business.

If a requester desires that records be provided in an electronic format (e-mail or CD), and those records are then a per-page and CD charge if applicable, will apply.
Applicable fees shall be paid prior to the release of copies. Purchased records are non-refundable.

COMMERCIAL REQUESTS
Commercial Requests are, requests for records used for the purpose of sale or resale, or obtaining names a solicitation, or for the sale of names and addresses to another for any purpose that can reasonably anticipat from the indirect or direct use of the name or address. Commercial requests are treated differently in terms the amount of fees that may be charged. The requester must provide a statement setting forth the commer printouts or photographs will be used. In addition, the City may charge a reasonable fee for the cost of time making the copies, and the value of the reproduction on the commercial market.

SEC. 3 RESPONSIBILITIES
All City officials, employees and representatives shall adhere to all records management policies and proced

Charter Officers and direct reports to the City Manager are responsible to ensure the overall management of requests within their respective divisions, departments or offices. Charter Officers and direct reports to the C Records Management Coordinators ("Coordinators") as required by the Records Management Manual. The d Coordinator is suggested for larger divisions to ensure adequate back-up.

The City Attorney shall appoint a staff member to serve as Public Records Requests Administrator ("Adminis responsible for working with Coordinators from each division, department, or office to ensure compliance wi city policies relating to public records requests and responses. The Administrator shall develop a system or s and response to requests.

Each employee who has custody of a public record ("Custodian") is responsible for locating and producing or response to a request. The Custodian is responsible for documenting the actions taken to respond to such re

SEC. 4 PROGRAM/PROCESS CONTROLS

The process for responding to all public records requests or requests for information shall be established by

Coordinators will work with Custodians to promptly locate, process, collect fees, and provide records in resp will also work with Custodians to coordinate requests for onsite access to review documents, and responses non-routine, complex, subpoenas, and/or involve private, confidential, or sensitive information. Request(s) f employees shall be directed to Human Resources.

Coordinators shall contact the Administrator prior to release of records if the request:

- includes communications of any kind involving the City Attorney's Office
- relates to criminal or civil investigations led by other agencies where the City, or a current or former the investigation
- is made in anticipation of litigation involving the City
- involves records gathered by three (3) or more City divisions, departments, or offices
- includes metadata imbedded in an electronic record

The Coordinator shall also advise the Administrator of all denials of requests for copies or inspection.

The Administrator shall coordinate and respond to requests which span three (3) or more City division, depa

SEC. 5 PROCEDURES

Each division, department and office shall prepare written procedures concerning the release and tracking of Each division, department, or office which receives a public records request for records not in its custody sh (s) to the Coordinator of the division, department, or office maintaining those records. Written procedures s to each department's records in its custody.
All employees shall receive training concerning this AR and specific division, department or office records po to their assigned duties. In addition, all employees shall comply with written policies and procedures, includi manual, for the release of public records.

Employees will be knowledgeable of and utilize the following:
- Applicable state statutes and City Code provisions
- Approved citywide and department-specific fee schedules
- All applicable records retention schedules and forms
- City Records Management Manual
- Public Records Request forms (non-commercial and commercial)
- Division, department or office policies and procedures

Employees in violation of this AR are subject to discipline up to and including termination.

SEC. 6 DEFINITIONS/GLOSSARY

AR296 Records Requests

AR296 Form Commercial Purpose Record Request Form

AR296 Form Non Commercial Purpose Record Request Form

AR296 Form Public Record Request Fee Schedule

AR296 Form Redaction Guidelines

ATTACHMENT -2

Arizona Public Records statute, ARS § 39-121 et seq http://www.azleg.gov/arsDetail/?title=39