



FOUNDATION

AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
OF  
ALABAMA

P.O. BOX 6179  
MONTGOMERY, AL  
WWW.ACLUALABAMA.ORG

July 22, 2021

**VIA EMAIL & U.S. CERTIFIED MAIL**

Office of the Governor  
State of Alabama  
600 Dexter Avenue, Room N-103  
Montgomery, AL 36130  
[openrecords@governor.alabama.gov](mailto:openrecords@governor.alabama.gov)

Hugh Evans  
General Counsel  
Office of Secretary of State  
P.O. Box 5616  
Montgomery, AL 36103-5616  
[Hugh.Evans2@sos.alabama.gov](mailto:Hugh.Evans2@sos.alabama.gov)

Hope Scarborough  
Executive Assistant  
State Auditor's Office  
State Capitol, Room S-101  
600 Dexter Avenue  
Montgomery, AL 36130-0200  
[hope.scarborough@auditor.alabama.gov](mailto:hope.scarborough@auditor.alabama.gov)

Ben Baxley  
Assistant Attorney General  
Office of the Attorney General  
State of Alabama  
501 Washington Avenue  
Montgomery, AL 36104  
[ben.baxley@alabamaag.gov](mailto:ben.baxley@alabamaag.gov)

Alabama Department of Corrections  
Attn: Research & Planning Division  
P.O. Box 301501  
Montgomery, AL 36130-1501  
[public.records@doc.alabama.gov](mailto:public.records@doc.alabama.gov)

Lindsey Hughey  
Open Records & Policy Specialist  
University of Alabama  
172 Rose Administration Bldg.  
Box 870144  
Tuscaloosa, AL 35487  
[lindsey.hughey@ua.edu](mailto:lindsey.hughey@ua.edu)

Alabama Department of Environmental  
Management  
Public Records Officer  
P.O. Box 301463  
Montgomery, AL 36130-1463  
[records@adem.alabama.gov](mailto:records@adem.alabama.gov)

Walter Thomas  
Secretary of the Commission  
Alabama Public Service Commission  
P.O. Box 304260  
Montgomery, AL 36130  
[walter.thomas@psc.alabama.gov](mailto:walter.thomas@psc.alabama.gov)

**Re: Alabama Open Records Act Request**

Dear Records Custodian(s):

Pursuant to the Alabama Open Records Act, Ala. Code §§ 36-12-40 et seq., the American Civil Liberties Union Foundation of Alabama (ACLU) makes the following request for records. ACLU is a citizen of Alabama that maintains its offices in the city of Montgomery.

Access to public records is an important right of Alabama citizens, and open records request backlogs negatively impact state agencies and open records requesters alike. The ACLU seeks records with the potential to shed light on the volume and nature of the open records request backlog faced by state agencies, particularly those listed above.

### **Requested Records**

The ACLU requests that your office promptly produce the following records:

Records sufficient to identify the budget allocated to the handling of open records requests received by your office for FY 2020 and FY 2021.

Please notify ACLU of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, ACLU provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.<sup>1</sup> We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

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<sup>1</sup> See Ala. Code § 41-13-1.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to the ACLU, please do not hesitate to contact us to discuss this request. **Contact may be made through our counsel, American Oversight; please see the final paragraph of this letter for contact information.** We welcome an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, we can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to ACLU, P.O. Box 6179, Montgomery, AL 36106-0179. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

### **Conclusion**

The ACLU is a private, non-profit membership organization dedicated to advancing civil liberties. We therefore share a common mission to promote transparency in government. We look forward to working with your agency on this request. **If you do not understand any part of this request, please contact our counsel, Mehreen Rasheed, of American Oversight, at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 848-1320.**

Sincerely,

/s/ Tish Gotell Faulks

Latisha "Tish" Gotell Faulks

Legal Director

ACLU of Alabama Foundation