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DEPARTMENT OF JUSTICE



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April 23, 2015

*** Sent via e-mail only**

Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109

Attn: Dave Maass
dm@eff.org

RE: Public Records Act Request

Dear Mr. Maass:

In a letter dated April 16, 2015, you made a request under the California Public Records Act ("PRA") seeking "records related to the Attorney General's California Electronic Interceptions Report." Specifically, your letter indicated that you are "seeking the data contained in the 2014 Electronic Interception report in an alternate format, such as a spreadsheet or CSV file." You explained that much of the information in this report "is presented in the form of tables and statistical data" and that the "PDF version" of this report "makes it difficult to extract the data for analysis." You further indicated that a "Word version of the 2014 report would satisfy [your] request" as well.

Government Code section 6253.9 concerns the dissemination of public records that are maintained in an electronic format. As you are already aware, subdivision (a) of that code section provides in pertinent part:

(a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

«Addressee Full Name»

«Today: July 4, 1996»

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(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies.

(Gov. Code § 6253.9, subd. (a).)

Additionally, subdivision (f) of that code section further provides:

(f) Nothing in this section shall be construed to require the public agency to release an electronic record in the electronic form in which it is held by the agency if its release would *jeopardize or compromise the security or integrity of the original record* or of any proprietary software in which it is maintained.

(Gov. Code § 6253.9, subd. (f), italics added.)

As noted in your letter, you made a similar request last year, and on December 1, 2014, we provided you with electronic copies of the Electronic Interception report for the years 2009 through 2013. Specifically, the copies of the reports we sent to you were in a Microsoft Word (.doc) format. We did so because, at that time, the Electronic Interception reports that were available to the public on our Office's public website were in an unlocked PDF format and could easily be downloaded and converted by any member of the public into a Word format.

Since that time, our Office has changed its security protocol regarding reports and other documents that are made available electronically to members of the public on our public web site. Now, all such reports and documents appearing on our public website are only made available to members of the public in a locked PDF format. We have made this change in order to better protect the security and integrity of the data in our public records.

Unfortunately, given our new procedure, we are unable to provide you with an electric copy of the 2014 Electronic Interception report in a Microsoft Word format. We apologize for any inconvenience that this new change may cause for you.

Sincerely,

/s/ Michael Dolida

MICHAEL DOLIDA
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General