Bolger, Katrina

From: Bolger, Katrina
Sent: Tuesday, May 31, 2022 7:30 AM
To: Patrick Malone
Cc: Ortley, David; Stuart Segrest; Cantrell, Emilee; Nerison, Kyler; Lockerby, Bryan; Schultz, Laura; Gilbertson, Eric
Subject: RE: Public Records Request: POST certification database
Attachments: Response to Seattle Times.zip

Mr. Malone,

In response to your April 11, 2022 records request to Montana POST, attached is a zip file with several .csv files, including code tables for each group of spreadsheets.

Because of the Right to Privacy guaranteed to all Montanans in Article II, Section 10 of the Montana Constitution, opposition of the Montana Attorney General, and hundreds of Montana peace officers who are in good standing, the Montana POST Council has voted to only produce the records of Montana peace officers whose certification has been sanctioned by POST. This position represents the balancing of the public's right to know against the individual officers' right to privacy in the absence of disciplinary action having been taken against them.

The names and information of four officers whose discipline involved mental health issues have been redacted. *See* Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191 ("HIPAA"); 45 C.F.R. § 160.103.

The following columns have been redacted from the attached files:

1. Social Security Numbers - Mont. Code Ann. § 2-6-502; Mont. Const. Art. II, §10 (Right to Privacy)
2. Dates of Birth - Mont. Const. Art. II, § 10 (Right to Privacy); Art. II, § 9 (no merit to public disclosure)
3. Add ID and Chg ID, which contain POST Staff's system login IDs - Mont. Const. Art. II, §§ 9-10 (no merit to public disclosure, private, security risk)

The attached spreadsheets contain export information from all tables for POST's active and archived records for sanctioned officers. Please note that officers' records remain in the active records for one year after they have become inactive, meaning that some officers who show up in the "active" files may not be actively working today.

Katrina Bolger, ACP
Advanced Certified Paralegal – Discovery
Montana Public Safety Officer Standards and Training Council
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From: Patrick Malone <pmalone@seattletimes.com>
Sent: Monday, April 11, 2022 5:35 PM
To: Gilbertson, Eric <Eric.Gilbertson@mt.gov>; Bolger, Katrina <KBolger@mt.gov>
Subject: [EXTERNAL] Public Records Request: POST certification database

Hello, Mr. Gilbert and Ms. Bolger,

Please accept this request for public records, described below. Don't hesitate to call me with any question about. I'd respectfully request you reply to this email with an acknowledgement that it was received.

1) An export of all fields and records from the State of Montana's Public Safety Officer Standards And Training Bureau database/databases reflecting certification, employment and training.

   This request seeks the information for all individuals in the database(s), including peace officers, tribal officers, corrections officers, private investigators, private security guards, and any other categories.

   If there is a field for exempt information, such as social security numbers, please redact (exclude) the field from the export and indicate which fields were excluded, and the legal reason(s) for redacting a field. But otherwise, include all fields and all records.

   This request seeks data on all statuses of individuals in the database, including: certified officers currently working in law enforcement or corrections, certified officers not currently working, officers with inactive certifications, decertified officers, and any other category I may not have listed.

2) A "data dictionary," record layout, metadata, and any other documentation explaining the meaning of the fields and codes in the database(s)

Requester is employed full-time as a journalist by The Seattle Times, whose sole interest in seeking disclosure of the requested public records is to advance the public interest by informing the public of the actions and activities of government. Requester has no commercial interest that would benefit from disclosure of the requested public records. As such, requester respectfully seeks a waiver of all costs and fees associated with this request, as well as expedited processing of this request due to high public interest in the topic it focuses on: Police accountability.
Respectfully,

Patrick Malone
Seattle Times :: Investigative Reporter
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pmalone@seattletimes.com :: @pmalonedc

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