

Police Officer David Lind Employee #1983- Auburn, Washington - [EMAIL RECORDS YEAR 2020] 08-05-2022

To Whom It May Concern:

Pursuant to the Washington Public Records Act, I hereby request the following records:

Police Officer David Lind Employee #1983 - Auburn, Washington - [EMAIL RECORDS YEAR 2020] REQUEST DATE: 08-01-2022

REQUEST FOR EMAIL RECORDS (REVERSE CHRONOLOGICAL FORMAT) FOR TIME PERIOD 1/1/20 - 12/31/20

I request all Email messages of any kind addressed to, copied or "CC'd" to, and/or sent from Auburn Police Officer David Lind (Employee ID #1983) or any alias of Officer Lind, via personal or work-specific devices operated by or otherwise under the control of Officer Lind or any other person for the time period January 1, 2021 through December 31, 2021.

#### RECORDS INSTALLMENTS

If production of these email records will be completed in multiple installments, please begin by producing responsive email records in REVERSE chronological order by date, producing the most recent messages and records first.

#### SEARCH FOR RESPONSIVE RECORDS

Your agency's search for responsive email records should involve a good-faith search of all public employee personal devices reasonably believed to contain requested responsive records regardless the type of device or account from which the communication was generated or where the device or data is stored (including personal devices such as personal cell phones, laptops, tablets, and/or computers etc. used from home to conduct public business during the COVID-19 Pandemic). *Nissen v. Pierce County*, 183 Wa.2d 863 (2015).

Also, please provide a reasonably detailed, nonconclusory affidavit attesting to the nature and extent of any search of any privately owned public employee computer, device, or account.

#### FORMAT OF PRODUCTION OF RESPONSIVE RECORDS

Please provide all requested email records in their NATIVE electronic format. Please do not instead create new records by printing electronic files then scanning and printing the newly scanned prints.

Please provide all email records as stored in their NATIVE .pst (personal storage table) format as stored on agency email servers.

If these email records cannot be produced in this NATIVE .pst format, explain in

exact technical and procedural detail under the Washington State Public Records Act (RCW 42.56) WHY these electronic records cannot be produced as the electronic records are NATIVELY stored.

#### COMMUNICATIONS - NO 3rd PARTY PORTAL

Washington State Law is clear that the use of 3rd party "portals" for a public records request is optional for the requestor. Respectfully we decline. Please provide records electronically via direct email attachment.

#### NO 3RD PARTY OBLIGATION

Do not transmit or share any portion of this public records act request with any 3rd party outside your agency without written legal consent. Do not direct us to use, register for, or communicate with your agency via any 3rd party company portal including but not limited to FOIA Online, GovQA, Next Request, FOIA Express, Just FOIA FOIA Direct, Web Form, or any other online service. If you provide a web based link to publish records, please make them completely public without any login, registration, sign-in, or any other end-user restriction.

#### EXEMPTION LOGS

Please ensure any agency redactions or exemptions claimed in the production of responsive records are accompanied by a complete and detailed exemption log noting the valid legal reason for each exemption at each redaction location in the record as well as the specific number of pages if any that your agency redacts or withholds in their entirety. Every redaction must be keyed by footnote or by other clear reference to the specific justification for that redaction, and only the minimal exempt portion of any record may be withheld.

#### FEES

In the event that there are fees, please inform me of the total charges in advance of fulfilling my request in strict compliance with all provisions of the Washington State Public Records Act.

#### INVALID FEES FOR "ELECTRONIC PAGES"

Recently, it has come to our attention that certain employees at various Washington State agencies are engaging in a scheme to defraud the public and public records requestors by inflating public records fees.

Fees for production of electronic records produced via email, cloud storage service, or other electronic delivery systems are calculated @ \$.05 for every four (4) electronic files or attachments uploaded as well as a possible application of an electronic transmission fee of \$.10 per gigabyte.

It is NOT permissible for a Washington State agency to calculate public records fees based on an individual public records officer's fabricated "per electronic page" basis. ELECTRONIC public records are not measured "per electronic page" (only

for paper format pages scanned from a paper source into an electronic file). For the purposes of calculating fees, electronic records are measured in kilobytes, megabytes, or gigabytes as per Washington State Law.

#### IMPROPER REQUESTS FOR A COMMERCIAL PURPOSE DECLARATION

Recently, it has come to our attention that certain employees at various Washington State agencies are engaging in a scheme to defraud the public and public records requestors by demanding public requestors sign a "commercial purpose declaration" when no such declaration is required.

The Washington State Public Records Act prohibits the disclosure of "lists of individuals" for a commercial purpose (RCW 42.56.070(8)).

While the documents requested in this public records request will be made available to the general public, this public records request is not being made for commercial purposes.

Again, this public records request does not seek a LIST OF ANY KIND and this public records request is NOT FOR A COMMERCIAL PURPOSE.

No commercial purpose declaration will be completed for this public records request for any reason.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.