



MEDIA RESPONSE

March 19, 2010

Matt Cunningham of RedCounty.com filed a public records act request seeking e-mails between County employee Hieu Nguyen and various individuals and/or e-mail addresses from Jan. 1, 2008 through March 8, 2010. A list of names and individuals was provided by the requestor. In addition, the request sought copies of Mr. Nguyen's Form 700 for 2008 and 2009.

In consultation with County Counsel, Clerk of the Board and CEO/IT, the requestor was informed that one e-mail was located in the County's active e-mail database that is responsive to the request. This record is attached.

In order to conduct a search of the County's servers for other responsive records that may have been removed from the active e-mail database but may still be maintained on backup tapes, if any such records exist, the County's CEO/IT division advises that it would be necessary to retain a private contractor at a cost of \$5,000 - \$10,000. This cost reflects the lengthy time period and the large number of individuals covered by the request, as well as the need not only to retrieve responsive documents, but also to filter them to identify material that is exempt from public disclosure (e.g. attorney-client privileged material). Particularly at this time of budget crisis, such an expenditure of taxpayer funds could not be justified. Accordingly, the requestor was informed that we do not believe the County is legally required to provide the requested e-mails other than the e-mail that is attached. The public interest in doing so is clearly outweighed by the public interest in not doing so. Gov't Code § 6255.

The requestor was also provided copies of Hieu Nguyen's Form 700 for the requested years.