

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

February 10, 2015

Mike Masnick
Techdirt.com
MuckRock News
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Dear Mr. Masnick:

This letter is in response to your e-mail dated February 4, 2015, seeking a more detailed explanation of our office's estimate of costs to respond to your January 9, 2015, public records request. It is my understanding from our IT department that the five hours of time estimated to conduct the search includes searching e-mail accounts for all of our nearly 300 employees during the time period in question, and the time to export and setup the documents for review. A preliminary, non-exhaustive search indicated the existence of nearly 900 e-mails potentially responsive to your request. It is unknown how many of those e-mails may also have attachments. Assuming a conservative average of two minutes per e-mail, we estimate that it will take 30 attorney hours to review the potentially responsive documents.

Without having seen the potentially responsive e-mails, it is difficult to say what exemptions may apply. However, we anticipate that many of the e-mails do not fall under the definition of "public records" as defined by Miss. Code Ann. § 25-61-3(b), or constitute investigative reports pursuant to Miss. Code Ann. § 25-61-3(f), and/or attorney work product pursuant to Miss. Code Ann. § 25-1-102. Because each potentially responsive e-mail must be reviewed for these exceptions, there are not any categories that are clearly releasable without review.

As for narrowing the request, it would be helpful if you could provide us with specific search terms or some other identifying information regarding the subject or target of your request. Additionally, you might consider narrowing the scope of the search to specific employees or divisions in this office, if possible.

As indicated previously, we will revise the estimate as necessary after the search is completed and we have a better idea of how many documents must be reviewed, and we will refund any of the unused estimated costs to you. However, it is not the general policy of this office to waive the prepayment of fees associated with public records requests.

Please feel free to contact me if you have any questions, or if you would like to discuss this matter further.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary Jo Woods', with a long horizontal flourish extending to the right.

Mary Jo Woods
Special Assistant Attorney General