



**REQUEST UNDER THE MINNESOTA DATA PRACTICES ACT**

December 26, 2018

Lori Swanson, Esq.  
or Public Records Officer  
Minnesota Attorney General  
1400 Bremer Tower  
445 Minnesota Street  
St. Paul, MN 55101

VIA EMAIL: [attorney.General@ag.state.mn.us](mailto:attorney.General@ag.state.mn.us)

**RE: Certain OAG correspondence**

To Whom It May Concern:

On behalf of Energy Policy Advocates (EPA), a non-profit public policy institute incorporated in Washington state, and pursuant to Minnesota Data Practices Act, Minn. Stat. Chapter 13, I request copies of all electronic or hard-copy correspondence as described below, and its *accompanying information*,<sup>1</sup> including also any attachments:

- a) sent to or from **Karen Olson** (including also copying, whether as cc: or bcc:), which *also*
- b) contain *any* of the following, anywhere in the correspondence of which it is a part, whether in the To or From, cc: and/or bcc: fields, the Subject field, and/or the email body or body of the thread or in any attachment thereto: i) @Googlegroups.com, ii) “Google doc” (including also in “Google Docs”, iii) @ucsusa.org, iv) Dropbox, v) box.com (including as used in any url containing box.com), and/or vi) SharePoint.

These terms are not case sensitive.

Records responsive to this request will be dated from **July 1, 2018** through the date you process this request. We request the entire thread in which any email responsive to the above description appears regardless if portions of the thread(s) pre-date **2018**.

**This request contemplates** such information sent or received on official as well as non-official email addresses used at any time for work-related purposes, text and other instant messaging on any phone or device used at any time for work-related correspondence.

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<sup>1</sup> See discussion of SEC Data Delivery Standards, *infra*.

Please consider as responsive entire email “threads” containing any information responsive to this request, regardless whether any part of that thread falls outside the cited search parameters.

Given the nature of the records responsive to this request, all should be in electronic format, and therefore there should be no photocopying costs. If there is any cost associated with the searching, copying or production of these records, however, please also notify me in writing immediately. Please provide an estimate of anticipated costs in the event that there are fees for processing this Request.

Energy Policy Advocates requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee’s own machine or account. We do not demand your Office produce requested information in any particular form, instead **we request records in their native form, with specific reference to the U.S.**

**Securities and Exchange Commission Data Delivery Standards.**<sup>2</sup> The covered information we seek is electronic information, this includes electronic *records*, and other public *information*.

To quote the SEC Data Delivery Standards, “Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. *(Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)*” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your Office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, *and* accompanied by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

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<sup>2</sup> <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

We look forward to your timely response within a reasonable time, as required by law. If you have any questions, or would like to discuss this matter further, do not hesitate to contact me by email. I look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew D. Hardin". The signature is written in a cursive style with some loops and flourishes.

Matthew D. Hardin  
Executive Director  
Energy Policy Advocates