

	<b>CITY OF ATLANTA</b>	<i>Control ID</i>	CTO-002
		<i>Effective Date</i>	August 5, 2019
<b>EMAIL SEARCH AND RETRIEVAL PROTOCOL</b>		<i>Revision Number</i>	1
		<i>Revision Date</i>	Jan 20, 2021
		<i>Approved By</i>	Chief Transparency Officer
		<i>Department Policy Owner</i>	Office of the Mayor, Chief Transparency Officer

## Purpose

The purpose of this protocol is to standardize and document the process for retrieving, reviewing, and producing email records that are requested from the City of Atlanta (“City”) under the Georgia Open Records Act (“GORA”) and as part of internal investigations by the Office of the Inspector General (“OIG”), the Office of the Independent Auditor (“Audit”) or the City of Atlanta Ethics Officer (“Ethics”).

**This protocol does not apply to the collection, gathering, and production of email records in conjunction with the ongoing (as of Jan 20, 2021) Department of Justice investigation.**

## Background

The City’s email data is currently managed by Sullivan Strickler, a third-party vendor. Sullivan Strickler provides email data directly to AIM when it is needed to respond to public record requests or for other internal processes.

## Email Records Requested Pursuant to the GORA

When email records are requested from the City, the following steps should be taken:

1. Requests received in departments other than AIM. Department open records coordinators must request the retrieval of email data through AIM (**current contact: Tenisha Kyler**). The retrieval request must include ALL of the following: 1) email address(es) for all email accounts to search; 2) date range within which to perform a search; and 3) at least one search term or “key word” to facilitate the search. Where the original request does not include all of this information the department open records coordinator must immediately contact the requester to obtain it. AIM will complete the ORR Request Form with the required information and transmit the completed form to Sullivan Strickler to obtain a preliminary “hit count” of the number of email records that respond to the search criteria (Time required to produce hit count: 24-48 hours).
2. Requests received directly by AIM. GORA requests received directly by AIM should be handled in the same manner as the requests described above in paragraph 1, except that

the ORR Request Form will be filled out by AIM staff who will consult directly with the requester to obtain required information if needed.

3. Receipt of “Hit Count”; Segregation of Potentially Privileged Records. Within 24-48 hours of the submission of a completed ORR Request Form, Sullivan Strickler will provide a count of the number of email records that are potentially responsive to the request. This count will be broken down into two (2) components: 1) “Potentially Responsive”; and 2) “Potentially Responsive – Privileged”. “Potentially Responsive – Privileged” emails will include all emails responsive to the search parameters that also include a member of the Department of Law as a sender, recipient or copy.
4. Response to Requester within Three (3) Business Days. The appropriate persons in the initiating department will respond to a request for email records within three (3) business days as required by the GORA using the hit count from Sullivan Strickler to generate an estimate of time and cost to retrieve, review, and produce responsive records. This response will consider the following:
  - Once a requester indicated their willingness to incur the estimated charges, Sullivan Strickler requires 24-48 hours to download and provide responsive records to the City. Whenever the initial “hit count” is less than 1,000 emails, Sullivan Strickler will provide the links to the “Potentially Responsive” and “Potentially Responsive – Privileged” emails to AIM along with that initial “hit count” to shorten the turnaround time on less voluminous requests.
  - A link to emails that are designated as “Potentially Responsive” will be delivered by AIM directly to the open records coordinator in the initiating department for review by the open records coordinators to determine relevancy as described in Paragraph 6, below. The department must determine the number of hours that will be required to review these records and the hourly rate that will apply.
  - A link to emails that are designated as “Potentially Responsive – Privileged” will be delivered directly to the Department of Law (**current contact: Amber Robinson**) for an expedited privilege review. Emails that are determined to contain exempt attorney-client privileged communications or confidential attorney work product will be redacted or withheld in their entirety as appropriate. The Department of Law will provide the open records act coordinator in the initiating department with an estimated number of hours required for this review upon receipt of the electronic file from Sullivan Strickler. The hourly rate for this legal privilege review is \$25.00 per hour. Following a review by Law, production of responsive non-privileged emails will proceed as described in Paragraph 6, below.
5. Revision of a Request to Narrow the Scope; Requiring Pre-Payment of Costs. A requester may choose to narrow the scope of her/his request upon receipt of the initial estimate of costs. The process described in paragraphs 1-4 of this protocol must be repeated with the new scope to generate a new estimate of costs. In any event where the estimate of costs exceeds \$500, the City can require prepayment by the requester prior to beginning the retrieval and review of records.
6. Review and Production of Responsive Records. Each department open records coordinator is responsible for the review of “Potentially Responsive” email records received via a link from Sullivan Strickler. These records should be reviewed to determine

which are actually responsive to the parameters of the request and which are false-positive hits. Only the emails that are actually responsive to the request should be provided to the requester. The Department of Law will provide the department open records coordinators with any emails from the “Potentially Responsive – Privileged” production that are determined to be responsive and not exempt attorney-client privileged communications or confidential attorney work product.

7. Assistance and/or Questions. Open records coordinators should consult with the Chief Transparency Officer (**current contact: Kristen Denius**) or with their department’s assigned attorney in the Department of Law with questions about the review process or the responsiveness of records.

### **Email Records Requested as Part of an Internal City Investigation or Inquiry by the OIG, Audit, or Ethics**

The protocol for retrieving, reviewing, and producing email records that are requested as part of an internal investigation or inquiry by Audit or Ethics is identical to that described above in paragraphs 1-7, **except** that:

1. There will be no charges assessed for such internal production of records; and
2. Email records that are determined not to be attorney-client privileged communications or confidential attorney work product following a review by the Department of Law will be provided directly to the appropriate recipient in the OIG, Audit, or Ethics.