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August 3, 2017

Jennifer Westerhaus Adams
Associate General Counsel
Indiana University
Bryan Hall 211
107 S. Indiana Avenue
Bloomington, IN 47405

Re: Public Records Regarding Professor L. Jean Camp

Dear Ms. Adams:

We write to you on behalf of our client Alfa Bank in response to your letter of June 26, 2017, which responded to our requests for public records pertaining to Professor L. Jean Camp. We submitted our requests on March 27, 2017, pursuant to Indiana's Access to Public Records Act ("APRA"), a statute that "shall be liberally construed" to provide "all persons" with "full and complete information" regarding public entities, including Indiana University. *See* Indiana Code §5-14-3-1. The APRA requires public entities to respond to written public-records requests within seven days. *Id.* §5-14-3-9(c). After receiving no response to our requests for 91 days, your June 26 letter stated that some of those requests were not "reasonably particular." This letter provides more particularity.

Your June 26 letter asked us to provide more detailed information regarding two of our requests regarding email records. Those email-related requests sought (a) "all emails sent, received, or deleted by Professor Camp from University computers or systems using her University or personal email accounts that include any of the keywords "Alfa," "Alpha," "Alfa Bank," "Alpha Bank," "Trump," "Clinton," "Russia," or "Tea Leaves"; and (b) "all emails sent, received, or deleted by other University officials from University computers or systems using their University or personal email accounts regarding Professor Camp's review of Alfa Bank's DNS records." Citing an opinion from the Indiana Court of Appeals, *see Anderson v. Huntington Cty. Bd. of Com'rs*, 983 N.E.2d 612 (Ind. Ct. App. 2013), your letter suggested that our revised requests "must" include three pieces of information: "up to six sets of to/from email usernames," "a date range of up to six months," and "subject matter keywords or search terms." But those requirements are nowhere to be found in *Anderson*. Rather, the *Anderson* court held only that the particular requests before it, which were blanket requests for all emails to or from a particular individual

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during a particular date range, were not “reasonably particular.” *Id.* at 619. The *Anderson* court did not attempt to establish requirements for all email-related APRA requests, let alone opine on the sufficiency of requests (like ours) that provide narrowly-targeted keywords and search terms.

Moreover, numerous opinions from Indiana’s Public Access Counselor (“PAC”)—which, to be sure, are only advisory—indicate that APRA requests for emails need not comply with all of your requirements. Indeed, the very PAC opinion on review in *Anderson* specifically stated that “a request for all e-mail correspondence from Jane Doe to Jim Smith for a range of dates would be reasonably particular,” without mentioning any obligation to specify email usernames or keywords. *See Op. of Pub. Access Counselor* 12-FC-44 (“*PAC Op.* 12-FC-44”). And many other PAC opinions endorse this low-threshold as well. *See Op. of Pub. Access Counselor* 11-FC-257; *Op. of Pub. Access Counselor* 11-FC-12; *Op. of Pub. Access Counselor* 09-FC-124; *Informal Op. of Pub. Access Counselor* 08-INF-23.

Ultimately, the touchstone in the APRA context is whether the request “enables the [requested] party to identify what is sought.” *Jent v. Fort Wayne Police Dept.*, 973 N.E.2d 30, 33 (Ind. Ct. App. 2012). Our request of March 27 amply satisfies that demand. To avoid any further delay on this matter, however, we provide below more “particularized” requests that identify the email sender’s name, the email recipient’s name, the date range, and relevant keywords:

- a. All emails from June 1, 2016-December 1, 2016, exchanged between L. Jean Camp [redacted] containing any of the keywords “Alfa,” “Alpha,” “Trump,” “Clinton,” “Russia,” or “Tea Leaves”;
- b. All emails from June 1, 2016-December 1, 2016, exchanged between L. Jean Camp [redacted] containing any of the keywords “Alfa,” “Alpha,” “Trump,” “Clinton,” “Russia,” or “Tea Leaves”;
- c. All emails from June 1, 2016-December 1, 2016, exchanged between L. Jean Camp [redacted] containing any of the keywords “Alfa,” “Alpha,” “Trump,” “Clinton,” “Russia,” or “Tea Leaves”; and
- d. All emails from June 1, 2016-December 1, 2016, exchanged between L. Jean Camp [redacted] containing any of the keywords “Alfa,” “Alpha,” “Trump,” “Clinton,” “Russia,” or “Tea Leaves.”

For your convenience, Professor Camp’s email addresses—which are publicly listed on her personal website—include lvcamp@indiana.edu, ljean@ljean.com, and ljeanc@gmail.com. And [redacted]

[redacted] We do not know whether Professor Camp or [redacted]

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other relevant email addresses, nor do we know the email addresses of the remaining individuals identified above. But we also need not provide them. If a responsive email message includes, for example, a "from" line with Professor Camp's name and a "to" line with the University, the University is required to disclose that message under the APRA, subject to only narrow exceptions. *See PAC Op. 12-FC-44* ("[A] request for all e-mail correspondence from Jane Doe to Jim Smith for a range of dates would be reasonably particular."). Indeed, the APRA's purpose of providing access to information would be turned upside down if public email records could be shielded simply because parties were savvy enough to conceal their email usernames.

As with our March 27 request, the University has seven days to respond to this request. We look forward to hearing from you within that timeframe. If you have any questions regarding this request, please call me at 202-879-5017. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Viet D. Dinh". The signature is stylized and cursive.

Viet D. Dinh

Counsel for Alfa Bank