



STATE OF INDIANA

ERIC J. HOLCOMB, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)234-0906
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

October 17, 2017

Mr. Zachary Baiel
124 Connolly St.
West Lafayette, IN 47906

Re: Informal Inquiry 17-INF-13: Metadata

Dear Mr. Baiel:

This is in response to your informal inquiry regarding a request for metadata made to the Tippecanoe County Board of Commissioners.

DISCUSSION

On August 18, 2017, you submitted a public records request (updated from August 2) to the Tippecanoe County Board of Commissioners seeking the following:

A dataset of the To, From, CC, BCC, Subject and Date information for the emails between the County Commissioners Brown, Byers, and Murtaugh for the months of June and July, 2017. This request is not for the bodies of the emails, just the metadata specified above.

The County attorney (copied on this Opinion) cited reasonable particularity as the main justification for denying your request pursuant to Ind. Code § 5-14-3-3(a)(1). As a secondary matter, the County is unsure whether its IT Department is capable of efficiently extracting this data.

You argue the metadata should be disclosable public record and should be a relatively simple matter to pull from the data source, in this case being an email server, and not be a cumbersome or time-consuming task.

METADATA AS PUBLIC RECORD

As you point out, the definition of public record in Ind. Code § 5-14-3-2(q) is very broad and would capture the vast majority of all documented or memorialized information flowing through a public agency. Metadata is defined simply by the Miriam-Webster online dictionary as "data that provides information about other data." To the extent that Tippecanoe captures metadata – which it almost certainly does – metadata would be public record connected to an email but not the email itself.

In addition to the Access to Public Records Act, Ind. Code § 5-15-5.1-1(o) (the Commission on Public Records Statute) is instructive as well. It states:

"Record" means all documentation of the informational, communicative, or decision making processes of state and local government, its agencies and subdivisions made or received by any agency of state and local government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or local government or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

- (1) paper or paper substitutes;
- (2) photographic or chemically based media;
- (3) magnetic, electronic, or machine readable media; or
- (4) any other materials, regardless of form or characteristics.

There can be no doubt that metadata is information documentation made or received by the County in connection with the transaction of public business or government function.

METADATA VS. UNDERLYING EMAIL

This Office has opined to a significant degree the standards of specificity in an email message search. I do not dispute the County's analysis of a reasonably particular request as it pertains to email *messages*. The point of requiring specificity is to avoid the enormous task of guessing which email messages may be responsive to a request and then what is disclosable under the law. In my opinion, however, a request for email messages is mutually exclusive from their underlying data.

In fact, the disclosure of metadata – which likely does not contain any sensitive deliberative information – would make it easier for a requester to pinpoint a precise message sought. It would ostensibly make it easier for a requester to identify a sender, recipient, date and subject of a particular message.

When an email is sent or received, servers document the underlying data associated with the communication transaction. The when, what, where info is tied to that message and retained by the server in a database. This is sometimes, but not always, evident in a message. Based on my research and anecdotal evidence from other public agencies, the extrapolation of metadata is a relatively simple matter. A query is applied to the database and the information is fetched based upon the search parameter. No extraordinary programming or data culling is necessary.

It is true that the record does not exist before the request. There is not likely an actual document or file with the exact data fields requested. There rarely is for a database. But the beauty of databases is the ability to extract information from them easily. Ind. Code § 5-14-3-3(d) states:

a public agency that maintains or contracts for the maintenance of public records in an electronic data storage system *shall make reasonable efforts* to provide to a

person making a request a copy of all disclosable data contained in the records on paper, disk, tape, drum, or any other method of electronic retrieval if the medium requested is compatible with the agency's data storage system.

Emphasis added.

When it comes to databases, my opinion is that reasonable efforts include simple search queries pulling data. Reasonable efforts is not defined and this Office is not tech savvy enough to make the call, but if the extraction of metadata is indeed as simple as you suggest, it stands to reason the search should be performed and the data released.

Whether Tippecanoe County's IT Department has these capabilities is the unknown quantity in this equation, but I would venture a guess to say it does. If so, then the metadata you seek should be released upon request.

Please do not hesitate to contact me with any questions.

Best regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long horizontal flourish extending to the right.

Luke H. Britt
Public Access Counselor