

**OFFICE OF THE FULTON COUNTY ATTORNEY**

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**R. DAVID WARE**  
COUNTY ATTORNEY



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January 28, 2011

**VIA U.S. MAIL and EMAIL**

Michael B. Pell  
Atlanta Journal Constitution  
223 Perimeter Center Pkwy.  
Atlanta, GA 30346

Re: Open Records Request

Dear Mr. Pell:

The Tax Commissioner's Office received a copy of your Open Records request dated January 14, 2011 on January 18, 2011. In said correspondence, you requested the following information:

The database containing information on all fi fas issued by the county. I am asking for the entire database. This database was referenced by W. Shannon Sams, staff attorney with the Fulton County attorney's office, in a statement issued to The Atlanta Journal-Constitution December 17, 2010. Mr. Sams also referenced the database in a December 20th email: "The computer system used by the Tax Commissioner's Office would have to be manipulated in order to create such a report."

In response to the referenced Open Records Request, the Tax Commissioner's Office indicated in correspondence dated January 21, 2011 that they would not be able to provide an immediate estimate of the volume of documentation to be produced or a timeline and estimated cost of such production due to the exceptional volume of data requested. The Tax Commissioner's Office, however, stated in its original response to your request that such estimate would be available by January 28, 2011. I write today as a follow-up to the referenced correspondence of January 21, 2011.

After consulting with IT and the Tax Commissioner, it has been determined that responsive information exists and can be produced; however, significant portions of the database

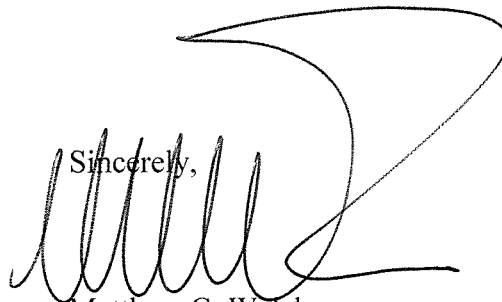
you have requested will have to be redacted in order to comply with the security exemptions set forth under O.C.G.A. § 50-18-72 of the open records act including the addresses, social security numbers and email addresses for judges, public employees, teachers, police officers, EMTs, and other officials or exempt classes. Specifically, these exemptions are set forth in O.C.G.A. § 50-18-72(a)(1); O.C.G.A. § 50-18-72(a)(11.3)(A); O.C.G.A. § 50-18-72(a)(11.3)(E); O.C.G.A. § 50-18-72(a)(13); O.C.G.A. § 50-18-72(a)(13.1); O.C.G.A. § 50-18-72(b)(1); and O.C.G.A. § 50-18-72(e)(3). IT has informed the Tax Commissioner that such exempt information cannot be redacted in electronic form without IT producing a report or creating data tables not currently in existence. As you know, the Open Records Act does not require the creation of reports or documents that are not in existence. As such, the information responsive to this request can only be provided in printed form. IT estimates that a printout of all requested information in the database will comprise approximately 64,800,000 (sixty-four million, eight hundred thousand) pages. Please note that the Open Records Act allows a fee of \$.25 per page for each printed page, meaning that production of the requested documents would cost approximately \$16,200,00.00 (Sixteen Million, Two-Hundred Thousand Dollars). However, please understand that due to the volume and complexity of complying with this request, this estimate may need to be amended during the process of producing the responsive documentation. Of course, we will promptly notify you of any changes in costs as soon as this information becomes available.

Should you elect to request that this data be produced at this juncture, an additional fee will be charged for the time it takes to search, retrieve, print and supervise access to the requested information pursuant to O.C.G.A. § 50-18-71(d) and (f). However, no fee will be assessed for the first fifteen (15) minutes of this search. As indicated in our initial response letter, it is expected that both a system analyst and programming analyst from IT will be needed in order to produce the data requested. An employee in the Tax Commissioner's Office with knowledge of the systems database will also need to be consulted in order to assist in producing the data requested. The applicable hourly fee for the IT system analyst is \$32.36 per hour. The applicable rate for the person in the Tax Commissioner's Office responsible for assisting with your Open Records request is \$50.38 per hour. Given the extreme volume of materials requested, however, it is impossible to estimate the time needed to produce such documents at this juncture.

Should you elect to have the requested documents printed, considerable additional time will be required to redact such documents. As indicated above, the exemptions set forth in O.C.G.A. § 50-18-72(a)(1), O.C.G.A. § 50-18-72(a)(11.3)(A), O.C.G.A. § 50-18-72(a)(11.3)(E), O.C.G.A. § 50-18-72(a)(13), O.C.G.A. § 50-18-72(a)(13.1), O.C.G.A. § 50-18-72(b)(1), and O.C.G.A. § 50-18-72(e)(3) require that the addresses, social security numbers and email addresses for certain classes of individuals be redacted from public records produced in response to an Open Records Request. Again, given the extreme volume of materials requested, it is impossible to estimate the time needed to redact such documents at this juncture.

Please direct all inquiries regarding this request to the Office of the Fulton County Attorney to either my attention or to the attention of W. Shannon Sams, including any requests to modify or narrow this request. You may contact us at 404-612-0246.

Mr. Michael Pell  
January 28, 2011  
Page 3 of 3

Sincerely,  
  
Matthew C. Welch  
Senior Attorney

MCW/deh

xc: Dr. Arthur E. Ferdinand, Tax Commissioner  
Ryan Fernandes, Director of Information Technology  
Terry Noble, Tax Administrator  
W. Shannon Sams, Staff Attorney

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