

November 18, 2003

Rick Wyss
Utah Department of Public Safety
4501 South 2700 West
Salt Lake City, UT, 84119

Re: GRAMA Request

Dear Mr. Wyss,

This is a formal request pursuant to the Utah Government Records and Management Act (GRAMA) § 63-2-101, on behalf of the undersigned, to allow inspection and copying of the following public records,¹ including, but not limited to letters, correspondence, tape recordings, notes, data, memoranda, reports, email, computer source and object code, technical manuals, technical specifications, or any other materials, held by the Utah Department of Public Safety regarding the Multistate Anti-Terrorism Information Exchange (MATRIX).

This request includes, but is not limited to records regarding:

- The specifications for the MATRIX, including, but not limited to documents regarding storage capacities, throughput (e.g. number of identity files processed per hour), types of computers used, and user manuals;
- What personal data is accessed and/or used by the MATRIX, including, but not limited to documents regarding the types of personal data (including, but not limited to drivers' records, financial records, medical information, marriage records, divorce records, Internet usage information, phone records, travel records, voting records, biometric data, educational records, information regarding race, ethnicity, immigration records, criminal justice records and/or gun owners' records) accessed or used by the MATRIX, the contents of any personal information databases related to the MATRIX, the number of individuals whose personal data has been obtained, how that data was obtained, including, but not limited to documents regarding how such data was selected for use in the

¹ The term "record(s)" as used herein shall mean "all documents, papers, letters, maps, books, tapes, photographs, films, recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

MATRIX and any agreements and/or contracts to obtain such personal data, including, but not limited to any agreements and/or contracts with Seisint Inc. (Seisint).

- Any procedures for analyzing the data, including, but not limited to the criteria used by the MATRIX to determine whether someone is a terrorist, including, but not limited to the use of information regarding race, ethnicity, religious background, internet usage, travel patterns, political views, political activities and/or consumer purchasing habits in any way, shape or form;
- The results of any tests, including, but not limited to any logs or other written descriptions of how any such systems is and/or has been used, the accuracy rates of any such systems while in operation and assessments of the individuals whose data was collected and used;
- Who has access to the MATRIX, including, but not limited a complete list of all recipients of data from the MATRIX; any procedures for individuals to find out what information the MATRIX has about them, any procedures for individuals to correct information that the MATRIX has about them, and any procedures for individuals to find out what the MATRIX has determined about them;
- Any procedures in place to protect the privacy of the individuals whose data was accessed and/or used by the MATRIX, including, but not limited to documents regarding oversight boards, login restrictions, pop-up screens at sign-on, data security measures, encryption, reduced use of certain criteria (e.g. race and/or ethnicity) and/or data checking to ensure accuracy of the information, how any of the personal data accessed and/or used by the MATRIX will be destroyed, and documentation of any policies permitting such destruction;
- Details regarding usage of the MATRIX, including, but not limited to the number of times has the MATRIX been used, the cases or circumstances in which the MATRIX has been used (including, but not limited to instances where the MATRIX was used for non-terrorism investigations purposes and/or for non-criminal investigations purposes), the information that was collected in each instance, the results in instances when the MATRIX was used, including, but not limited to whether any terrorists were caught through use of the MATRIX in each instances, how many innocent people were caught through use of the MATRIX in each instance, notes or logs created during any of these instances where the MATRIX was used, and what happened to people identified by the MATRIX as a threat, the number of times the MATRIX has malfunctioned, the cases or circumstances in which the MATRIX malfunctioned, and what happened in each instance that the MATRIX malfunctioned, any procedures are in place for use/testing of the MATRIX, including, but not limited to who decides whether the MATRIX will be used/tested in a given case, procedures for handling requests to use the MATRIX in a given case (including, but not limited to requests from state agencies, Federal agencies and/or private entities), the number of requests to use the MATRIX that have been received so far, the entities and/or individuals who have made requests to use the MATRIX, and the number of such requests that have been rejected,

- Any legal analyses regarding the MATRIX, including, but not limited to documents regarding whether the MATRIX violates international, federal, state and/or local privacy laws, including constitutional protections;
- Organizational details regarding the development and use of the MATRIX, including, but not limited to documents regarding sources of technical and/or financial support for the MATRIX, which federal, state and/or local government agencies are involved and/or cooperating in the MATRIX project, the extent to which such agencies are involved and/or cooperating in the MATRIX project, what companies (including, but not limited to Seisint), consultants and or colleges are involved and/or cooperating in the MATRIX project, the extent to which such companies, consultants and/or colleges are involved and/or cooperating in the MATRIX project, what companies, the amount of money spent on developing the MATRIX system so far, the sources for this money, and budgetary outlays for future development and/or maintenance of the MATRIX; and,
- Records regarding training of people to use the MATRIX, including, but not limited to textbooks, video presentations, contracts and/or agreements to be signed by MATRIX trainees, and the number of people who have been trained to use the MATRIX so far.

This request also includes, but is not restricted to information regarding similar activities being conducted by any public and/or private agency or organization.

Utah's Government Records and Management Act expresses the state's policy that all state records be available at all times for inspection by any person. In accordance with § 63-2-101, we would like the requested records to be made available to us immediately. If, for any reason, any of the requested records will not be made available to us immediately, please advise us in writing as soon as possible at fax number (801) 532-2850.

Pursuant to § 63-2-101 if the person who has custody of a public record contends that the record or part of it is exempt from inspection, such person must state the basis for the exemption that the person contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute. Additionally, if requested by the person who has custody of the public record must state in writing and with particularity the reasons for his conclusion that the record is exempt. We hereby request that any person claiming an exemption state in writing both the statutory citation for any exemption deemed applicable to any requested record and the specific reasons for a conclusion that any requested record is exempt.

As used herein, the term "relating to" is used in the broadest possible sense and means and includes: describing, explaining, analyzing, encompassing, including, containing, embodying, comprising, identifying, constituting, verifying, reflecting, referring to, containing reference to, contradicting, refuting, evidencing, dealing with, commenting on, responding to, supplementing, and/or supporting. The word "relating" is defined to include the common meaning of those terms, and shall include indirect as well as direct references to, description of or commentary on the subject matter set forth in this Request.

The word "documents" is used in the broadest possible sense, and means and includes all written, recorded, or graphic matters, however produced or reproduced,

including computer files, tapes, disks or diskettes and computer generated reports, whether or not privileged, pertaining in any way to the subject matters of this Request. This definition includes, but is not limited to, any and all originals, copies, or drafts of any and all of the following which are in the possession, custody and control of any Department official, employee, agent or representative: records, notes, messages, phone messages, summaries, schedules, contracts or agreements; plans, drawings, maps, specifications, invoices, proposals, quotations, orders or acknowledgments; diaries or desk, pocket or other calendars; reports, forecasts, financing statements, instruments, financial statements, books of account, ledgers, journals, accounting or other work papers; charts, schedules, tabulations or appraisals; memorandum, letters, e-mails, telegrams, telexes, or cables prepared, drafted, received or sent; tapes, transcripts or recordings; photographs, pictures or films; or any other graphic recorded or written material of any nature whatsoever. "Document" shall be deemed to include any summary of a document of documents requested.

The word "communications" means any transfer of information regardless of means of communication, including but not limited to, those by oral, written, electronic, photographic or other means, and includes any record or memorialization of the communication by any means whatsoever.

Please be advised that this Public Records Request is intended to be as broad and inclusive as permitted by law and is intended to apply to all officers, officials, employees, departments, divisions, bureaus, commissions, councils, and any other private agency, person, partnership, corporation or business entity acting on behalf of, or with the knowledge of, the Department.

In accordance with state law and in furtherance of compliance with our GRAMA request, we ask that the custodians of the records hereby requested make an investigation of this request to ensure full compliance with all applicable provisions of § 63-2-101.

We agree to compensate the Department for the cost of duplicating any of the records of which we request duplication, as provided by law. Upon locating the requested documents, please contact us prior to photocopying and advise us of the actual costs of duplication or any necessary staff research time so that we may decide whether a narrowing of the request will be necessary

If you have any questions, please do not hesitate to contact us. Your immediate attention to these matters is greatly appreciated. If this request was directed to you in error, please forward to the person in charge of such requests. Thank you for your assistance.

Sincerely,