

Matt,

I have received your email of October 21, in which you suggest that our office is wrong to raise privacy interests in the context of your request. Without going into unnecessary detail, I note that some FOIA inquiries involve the use of a balancing test. To determine whether such data as telephone numbers would be mandatorily released under FOIA, courts apply a balancing test that weighs the public's interest in getting the phone number against the individual's privacy interest. The public's interest is measured by the extent to which disclosure of the information sought would shed light on how the government body in question is doing its job or otherwise let citizens know what the government body is doing. It is not apparent how the disclosure of a private cell phone number would accomplish this objective. In contrast, it is quite apparent that a statewide officeholder has a non-trivial privacy interest in not having everyone in the state have access to or knowledge of his personal cell phone number, especially because such information could be used for purposes of nuisance or harassment.

I do not believe you are correct to suggest that my privacy interest regarding my personal cell phone number provides no basis for FOIA redaction of our records. Therefore, I have attached a redacted version of the documents you have requested.

Sincerely,

Mark A. Darr