

METADATA GOES PUBLIC

I'm waiting for my flight back to MI right now, so this will be fairly brief. But a court in AZ has ruled that the metadata on public records counts as part of that public record for record requests. (h/t Rayne)

The Arizona state Supreme Court has ruled that the metadata attached to public records is itself public, and cannot be withheld in response to a public records request.

[snip]

In the Arizona case, a police officer had been demoted in 2006 after reporting "serious police misconduct" to his superiors. He suspected that the demotion was done in retaliation for his blowing the whistle on his fellow officers, so he requested and obtained copies of his performance reports from the department. Thinking that perhaps the negative performance reports had been created after the fact and then backdated, he then demanded access to the file metadata for those reports, in order to find out who had written them and when.

The department refused to grant him access to the metadata, and the matter went to court. After working its way through the court system in a series of rulings and appeals, this past January an Arizona appeals ruled that even though the reports themselves were public records, the metadata was not. It turned out that Arizona state law doesn't actually define "public record" anywhere, so the appeals court relied on various common law definitions to determine that the metadata, as a mere byproduct of the act of producing a public record on a computer, was not a

public record itself.

The case was then appealed to the Arizona state Supreme Court, which has now ruled that the metadata is, in fact, a public record just like the document that it's attached to.

This is just one state, of course, so it's only going to help bmaz and his fellow Zoners. But it's an important precedent.

For one, I think it's only fair. After all, the government is snooping in our metadata with its massive surveillance program. So it's only fair we get access to its metadata, along with the content considered public records.

And, as Ars Technica notes, there have been a number of embarrassing disclosures of lobbyist influence on public documents. In our own community, recall that William Ockham used the metadata of the MaxTax health reform proposal to show that Liz Fowler, the former VP of Wellpoint, was the author of that bill. And it's routine for lobbyists (as opposed to nominal staffers, as in Fowler's case) to submit white papers that are adopted in their entirety (it's something Jack Abramoff did with the Bush Department of Interior, for example). So if this standard were to become the federal standard, we'd be able to show those connections more easily.

But there's another reason I'd love to see this become the federal standard. We'd also get to see blind carbon copies—the people secretly copied on key emails, both within and outside of government. Heck, we might even get to see what happened to a key email from the Plame leak if we had the metadata.

Too bad this only works for AZ.