

slug: court hears metadata
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Attorneys argued that denying a public records request for metadata reduces the transparency and accountability of government agencies, in oral arguments heard by the Arizona Supreme Court on Thursday morning.

The five justices of the court questioned both sides in the case is David Lake v. City of Phoenix, et al. Carolyn A. Pilch represented the petitioner, David Lake, and Sandra Hunter represented the City of Phoenix.

Lake, a former city employee, filed a dispute with the City of Phoenix regarding his employment status.

Thursday's hearing was based on a public records request for electronic files on the Lake case. These files were presented as printed copies, rather than electronic files.

Without being in electronic form, the files did not have accompanying data such as timestamps and editing information referred to as metadata.

Pilch, who spoke first, argued that metadata fits the definition of public records and therefore public records law applies to the case.

Hunter argued that the definition did not apply, and that if it did, the burden of compliance with this law would be unreasonable due to the amount and nature of metadata.

The judges asked many questions of both attorneys, and regulated the proceedings.

When Hunter exceeded her allotted time, Pilch was allowed a brief rebuttal.

The opinion of the court will be released when it is complete, a process court clerks said is expected to take a minimum of eight to 12 weeks, but to not exceed the term of the court.

Attorney Daniel Barr, of Perkins Coie Brown and Bain, spoke to journalists at an informal press conference after the arguments, giving background on his involvement in the case and the case in general.

Barr's firm represents the First Amendment Coalition of Arizona, and filed an informational brief with the Supreme Court on behalf of this and two other organizations with concerns about the issues of the case.

These organizations are concerned that the issues of metadata and access involved in the case will have broad application.

Barr described the issue of metadata as complicated.

“If you don’t understand something, it becomes sort of frightening,” said Barr.

Barr considers the current case important because of its potential to set precedent for future cases involving metadata.

“This is the first state court to deal with metadata,” said Barr.

In other court business, the oral argument marked the official sitting of Justice John Pelander and heard oral arguments for the case State of Arizona av. Robert Eugene Allen, Jr.