



September 16, 2015

Sent via U.S. mail

Jerry Dyer, Chief of Police
Fresno Police Department
2323 Mariposa St.
Fresno, CA 93721

Re: Public Records Act Request regarding Social Media Monitoring Software

Dear Chief Dyer:

We work for the ACLU of Northern California. This is a request under the California Public Records Act (California Government Code § 6250 et seq.). This request seeks records¹ regarding software designed to access information from social media services². In every instance where it is used in this request, the term “software designed to access information from social media services” includes, but is not limited to, software branded or marketed under the name Beware.

Records Requested

Please provide copies of the following records created from Jan. 1, 2012, to the present:

1. All records regarding the purchase of, acquisition of, installation of, subscription to, payment for, or agreements concerning software designed to access information from social media services;
2. All records that contain any information about the functioning of software designed to access information from social media services that is used or has been used by the Fresno Police Department;
3. All records regarding correspondence about or with a company that offers software designed to access information from social media services, including but not limited to all correspondence about or with the company Intrado Inc.;

¹ Throughout this request, the term “records” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

² Throughout this request, the term “social media services” describes online services that permit users to create a public or semi-public profile and use this profile to connect or communicate with other users. Such “social media services” include but are not limited to Facebook, Instagram, Twitter, Google Plus, Pinterest, YikYak, reddit, SnapChat, and MySpace.

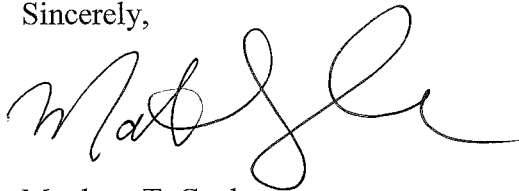
4. All records regarding the policies that govern access to or use of software designed to access information from social media services;
5. All training materials and all records used to instruct members of your agency in the proper use of software designed to access information from social media services or of the information such software is capable of accessing;
6. All records regarding the sharing with entities outside of the Fresno Police Department of information obtained from or obtained by using software designed to access information from social media services;
7. All records referencing social media profiles, comments, posts, messages, or events accessed or retained from social media services through use of software designed to access information from social media services.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, we ask that you redact it for the time being and make the rest available as requested. In any event, please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed. If we can provide any clarification that will help expedite your attention to our request, please contact us at (415) 621-2493.

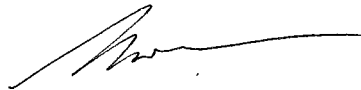
Because this request is on a matter of public concern, we request a fee waiver. We are also requesting that documents be provided in electronic format if at all possible. Doing so would eliminate the need to copy the materials and provides another basis for our requested fee waiver. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$50.

According to the California Public Records Act (California Government Code § 6253(c)), a response is required within 10 days. Thank you for your prompt attention to this matter. Please furnish all applicable records to us at mcagle@aclunc.org if in electronic format or, if in physical form, at 39 Drumm Street, San Francisco, CA 94111.

Sincerely,



Matthew T. Cagle
Technology & Civil Liberties Policy Attorney
ACLU of Northern California



Matthew W. Callahan
Technology & Civil Liberties Fellow
ACLU of Northern California