
Amy Parker

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28 February 2023

Christopher Ralph Martin

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Dear Mr. Martin,

I have read the response you provided on February 28, 2023 to Monica Hanson's Missouri Sunshine Law request (submitted February 27, 2023). I understand that she is providing you with a response as to why your alternative methods of resolution provided are inadequate. I am also providing you with a counter-response to the legal objections you raised.

Your first claim was that Missouri case law (James v. Jackson County Circuit Court, 162 S.W. 3d 53, Mo. Court of Appeals, Western Dist., 2005) exempts this request, as "the plain language of the Sunshine Law does not require a public governmental body to create a new record upon request". While true, this does not apply to this request. Monica's request does not seek the creation of a new record, but rather the provision of existing records (in an unmodified format as far as possible so as to comply with James v. Jackson). These records already exist, as is necessary for the current implementation of network policy; configurations would count as a record in this case. You also claim that they would have to be "formatted in a way that is suitable for public consumption"; this is false, we can handle the formatting of the documents if they are provided as-is.

Your second claim was that the request is exempt under RS.Mo. 610.021(18). This is palpably incorrect. Section 18 only applies when the "guidelines, policies, ..." are "for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health". I can assure you that the records do not meet this standard and thus are not exempt; a list of justifications for why ports/services are blocked does not prevent an active or known upcoming terrorist incident or threaten individual public safety or health.

Your third claim was that the request is exempt under RS.Mo. 610.021(21). This is also palpably incorrect. This section only applies when the records "would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or

telecommunications network of a public governmental body.” The records requested provide no such unauthorized access and thus are not exempt under this section.

Your fourth claim was that the record was exempt under RS.Mo 610.021(22). This is further palably incorrect. None of the items listed are being sought for disclosure.

Your fifth claim is that releasing the records would “impair the University’s ability to protect the security and safety of its systems and networks”. This is not true, as the data on raw blockage already can, as stated previously by Monica, be discovered on the network. This is also security-by-obscurity, which is not a valid method of security. What is also being sought is justifications, which are not applicable under this claim, as they do not impact any security status (even security-by-obscurity).

I would also note that you are supposed to possess this request with lenience and liberality under RS.Mo 610.011(1), which states that the sections “shall be liberally construed and their exceptions strictly construed to promote this public policy.” Your rejections indicate a lack of liberal construeness of the law and a liberal construeness of the exceptions. This is not acceptable under current Missouri law.

If the records are not provided in a timely manner, a violation may be considered to have occurred, subject to RS.Mo 610.027.

If you have any questions or seek any clarification, please contact me at my previously listed telephone number or email address. Thank you.

Sincerely,



Amy Parker

Director of Equity and Diversity - Associated Students of Cerritos College

Founding Member - Open Information Collective

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