



DANIEL C. CEDERBORG
County Counsel

April 30, 2021

VIA U.S. MAIL AND E-MAIL

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RE: *Public Records Act Request dated January 25, 2021*

Dear Mr. McMillan:

This letter is the County of Fresno, County Clerk/Registrar of Voters' Department ("Department") second response to your California Public Records Act request ("PRA Request") dated January 25, 2021. On February 18, 2021, I e-mailed you the Department's first response to the PRA Request, which included responsive records to Items 5, 44, and 47.

This second response includes the Department's response and accompanying records to the following requests in your PRA Request:

14. "Provide those documents, reflecting any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) operational prior to October 15, 2020, which took place in compliance with 2 CCR § 19064(c)(19)."

Response: The Department has identified responsive records and the records are attached to this response. (See attachments titled "ITSD Standards and Preferred Practice" and "Incident Response Plan.")

As stated in the Department's first response, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the

County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

15. "Provide those documents, reflecting training on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020."

Response: The Department has identified responsive records and the records are attached to this response. (See attachments titled "ITSD Standards and Preferred Practice" and "Incident Response Plan.")

As stated in the Department's first response, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

16. "Provide those documents, reflecting roles on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020."

Response: The Department has identified responsive records and the records are attached to this response. (See attachments titled "ITSD Standards and Preferred Practice" and "Incident Response Plan.")

As stated in the Department's first response, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

17. "Provide those documents, reflecting communications on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020."

Response: The Department has identified responsive records and the records are attached to this response. (See attachments titled "ITSD Standards and Preferred Practice" and "Incident Response Plan.")

As stated in the Department's first response, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

18. "Provide those documents, reflecting management oversight on any incident response infrastructure (e.g., plans, defined roles, training, communications, and management oversight) prior to October 15, 2020."

Response: The Department has identified responsive records and the records are attached to this response. (See attachments titled "ITSD Standards and Preferred Practice" and "Incident Response Plan.")

As stated in the Department's first response, given the overbroad nature of the request, the County may be in possession of other responsive records that describe potential vulnerabilities, or otherwise increase the potential for an attack on the information technology system associated with the Department and the County of Fresno. As such, the Department asserts that such records are exempt from disclosure pursuant to Government Code sections 6254.19, 6254(aa), and 6255 and California Code of Regulations, title 2, section 19064.

48. "The number of ballots determined by the county through adjudication for the November 3, 2020 election."

Response: The Department has identified responsive records and the records are attached to this response. (See attachments titled "Adjudication Statistics Report," "Activity Log," and "Quarantined Ballots Report.")

As stated in the Department's first response, to the extent this request seeks production of the ballots themselves, such records are exempt from disclosure under the Public Records Act and will not be disclosed. (See Gov. Code §§ 6254(k), 6255(a); Elec. Code §§ 2300(a)(4), 15370, 15630, 17301, 17302; *Citizens Oversight, Inc. v. Vu* (2019) 35 Cal.App.5th 612; Cal. Const. art. II, sec. 7.)

51. "Those documents that identify the records of ballots adjudicated for the November 3, 2020."

Response: The Department has identified responsive record and the records are

attached to this response. (See attachments titled "Adjudication Statistics Report," "Activity Log," and "Quarantined Ballots Report.")

As stated in the Department's first response, to the extent this request seeks production of the ballots themselves, such records are exempt from disclosure under the Public Records Act and will not be disclosed. (See Gov. Code §§ 6254(k), 6255(a); Elec. Code §§ 2300(a)(4), 15370, 15630, 17301, 17302; *Citizens Oversight, Inc. v. Vu* (2019) 35 Cal.App.5th 612; Cal. Const. art. II, sec. 7.)

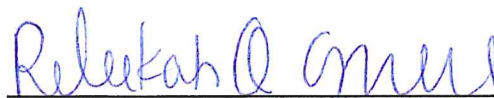
The Department estimates that it will take until June 4, 2021 to produce the next set of non-exempt records responding to Items 53 through 62 of your PRA Request. As previously communicated, disclosable responsive records will be sent to you via e-mail and on a rolling basis. Because Items 53 through 62 of your PRA Request seek a voluminous number of records, please contact me if you wish certain records to be made available before others.

The Department is receipt of your completed Data Application, received March 16, 2021 and your eligibility is confirmed. The Department is in discussions with the Election Information Management System vendor regarding the cost and timing of the development and implementation of novel reports that are responsive to your requests. As soon as these costs are determined, the Department will notify you and await your direction regarding the related requests.

Should you have trouble accessing the disclosed responsive records attached, or if you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

DANIEL C. CEDERBORG
County Counsel



By Rebekah A. Eropkin, Deputy County Counsel