



November 2, 2017

Beverly J. Wilbourn, Executive Director/CEO
Housing Authority of the City of Annapolis
1217 Madison St
Annapolis, MD 21403

Dear Ms. Wilbourn,

This is a public information request on behalf of the Caucus of African American Leaders, the American Civil Liberties Union Foundation of Maryland, and concerned HACA residents (who we are not naming for obvious reasons), pursuant to the Maryland Public Information Act (MPIA), Md. Code, Gen. Prov. §§ 4-101 et seq. This request relates to an item in your Executive Director's Report for the October 24, 2017 Board Meeting of the HACA Board of Commissioners. In the discussion of "legal matters" in that report, you noted the following:

The Annapolis Police Department sought a standing, secret, subpoena of names and addresses of all tenants in all HACA properties earlier this month. The subpoena appeared unconstitutionally vague and overreaching on its face based on my review. Outside counsel concurred and made calls to clarify. We learned that there was little thoughtful consideration exercised on the request, and when outside counsel spoke to the Judge that issued the subpoena, the Judge suspended the order and requested the City to provide supporting authority. The City promptly withdrew the subpoena.

While we applaud HACA's successful effort to resist what appears to be an improper attempt to obtain information about HACA tenants, we are concerned about the fact that the attempt was made, and how it was made, and seek to obtain additional information about the predicate for, and nature of, the demand for information. To that end, on behalf of the requestors, we wish to inspect and copy all records (whether in electronic or paper form) in your custody and control pertaining to the following:

1. The demand for information (whether a subpoena, court order, warrant, request, or however else denominated), and any associated documents received with it or in connection to it (including any warrant application, if any), referred to in the Executive Director's report to the Board of Commissioners for the October 24, 2017 meeting;
2. Any written communication to or from HACA or any of its agents to or from any issuing court, the City of Annapolis, or the Annapolis Police Department concerning the demand for information referred to in the Executive Director's report to the Board of Commissioners for the October 24, 2017 meeting;
3. Any prior requests or demands (including, but not limited to, any court orders, subpoenas, or warrants) for the names and addresses of HACA tenants made by or on behalf of the City of Annapolis or Annapolis Police Department, and any correspondence

AMERICAN CIVIL LIBERTIES
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EXECUTIVE DIRECTOR

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regarding such requests or demands, or documents related to such requests, including any agreements to provide such information, and all information provided.

We are not seeking any communications between HACA and its counsel. We anticipate that we will want copies of some or all of the records sought. Pursuant to Md. Code, Gen. Prov. § 4-206(e), we request that all fees related to this request be waived. The American Civil Liberties Union Foundation of Maryland is a non-profit 501(c)(3) organization. CAAL is an unincorporated association of organizations and leaders in the African-American community. The individual requestors are residents of HACA housing, and are directly affected by the demand for information. We request this information to carry out the ACLU's and CAAL's mission, and to inform the public regarding the actions of the Annapolis Police Department and HACA. This request meets the criteria for a fee waiver under MPIA, and fees associated with similar requests are regularly waived for the ACLU. In addition, the requestors have a limited ability to pay for the copying and other charges associated with MPIA requests. *See generally* Office of the Attorney General, *Maryland Public Information Act Manual*, 7-3 - 7-4 (14th ed. 2015) (discussing criteria for waiver of fees under the MPIA). If the request for a waiver of fee is denied, please advise us in writing of the reason(s) for the denial and of the cost, if any, for obtaining a copy of the requested documents.

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If you determine that some portions of the requested records are exempt from disclosure, we will expect, as the Act provides in Md. Code, Gen. Prov. § 4-203(c)(1)(ii), that you provide us with any portion of the records that are subject to inspection. If all or any part of this request is denied, please provide us with (1) the reasons for the denial, (2) the legal authority for the denial, (3) a brief description of the record that will enable the us to assess the applicability of the legal authority for the denial, and (4) notice of the available remedies. Md. Code, Gen. Prov. § 4-203(c)(1)(i).

It is essential that this request be fulfilled within 30 days, as required by Md. Code, Gen. Prov. § 4-203(a). Further, if you anticipate a delay, we expect a response within 10 days addressing (1) the amount of time that you anticipate it will take to produce the record, (2) an estimate of the range of fees that may be charged to comply with the request; and (3) the reason for the delay. Md. Code, Gen. Prov. § 4-203(b)(2). If we do not receive notice within the required time period, we will treat your failure to respond as a denial and seek appropriate relief.

Thank you for your time and attention to this matter, and we look forward to receiving your response. Please feel free to contact us with any questions or concerns.

Sincerely,



David Rocah
Senior Staff Attorney