

SUPREME COURT OF ARIZONA

Lake v. City of Phoenix

218 P.3d 1004, 222 Ariz. 547 (2009) · No. CV-09-0036-PR · Decided October 29, 2009

SUMMARY

The Supreme Court of Arizona held that when a public entity maintains a public record in electronic format, the electronic version, including embedded metadata, is subject to disclosure under Arizona's public records law. The court also held that a superior court generally may not decline jurisdiction over a properly filed special action seeking access to public records. The judgment was vacated in part and remanded.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Bales, Justice; Ruth V. McGregor; Rebecca White Berch; Andrew D. Hurwitz; Michael D. Ryan; John Pelander; Robert J. Brutinel; Ann A. Scott Timmer
JURISDICTION	Arizona
DECIDED	October 29, 2009
DOCKET	CV-09-0036-PR
DISPOSITION	vacated
PROCEDURAL POSTURE	Lake sought a special action in superior court under A.R.S. § 39-121.02 after the City denied his public-records request for metadata embedded in an electronic document. The superior court denied jurisdiction and relief. The court of appeals affirmed the denial concerning the metadata, and the Arizona Supreme Court granted review.
STANDARD OF REVIEW	Whether a document is a public record is a question of law reviewed de novo. The Supreme Court also reviewed the superior court's jurisdictional ruling under the governing special-action statute.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Arizona, decided en banc.
PARTIES	David Lake v. City of Phoenix, Frank Fairbanks, in his official capacity, Mario Paniagua, in his official capacity, Jack Harris, in his official capacity

TOPICS

municipal law

statutory interpretation

appellate jurisdiction

writ of certiorari

appellate procedure

PRACTICE AREAS

Public records

Municipal law

Administrative law

Appellate procedure

QUESTIONS PRESENTED

1. Whether an electronic version of a public record, including embedded metadata, is subject to disclosure under Arizona's public-records law.
2. Whether the superior court had discretion to deny jurisdiction and relief on a special action brought under A.R.S. § 39-121.02 to challenge denial of access to public records.

HOLDINGS

1. When a public entity maintains a public record in electronic format, the electronic version of the record, including embedded metadata, is subject to disclosure under Arizona's public-records law.
2. When a person properly invokes the special-action procedure under A.R.S. § 39-121.02(A) to challenge denial of access to public records, the superior court lacks discretion to deny jurisdiction and must decide the case on its merits.

KEY QUOTATIONS

“We today hold that if a public entity maintains a public record in an electronic format, then the electronic version, including any embedded metadata, is subject to disclosure under our public records laws.” (218 P.3d at 1004, ¶ 1)

“We accordingly hold that when a public entity maintains a public record in an electronic format, the electronic version of the record, including any embedded metadata, is subject to disclosure under our public records law.” (218 P.3d at 1008, ¶ 14)

“Thus, so long as Lake's special action complied with the applicable procedural rules, the superior court lacked discretion to deny jurisdiction and was required to decide the case on its merits.” (218 P.3d at 1008, ¶ 17)

FACTUAL BACKGROUND

David Lake, a Phoenix police officer, filed an employment-discrimination administrative complaint and federal lawsuit against the City. He also requested notes maintained by his supervisor concerning Lake's work performance. After reviewing paper copies, Lake suspected the notes had been backdated and requested metadata showing creation, access, authorship, and printing information. The City denied the request, asserting that metadata was not a public record.

PROCEDURAL HISTORY

Lake requested metadata from electronic notes maintained by a Phoenix police supervisor after suspecting that the notes had been backdated. The superior court denied jurisdiction and relief in his special action. The court of appeals reversed in part as to other requests but affirmed the denial of metadata production. The Arizona Supreme Court vacated the relevant paragraphs of the court of appeals opinion and remanded to the superior court.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Vacate paragraphs 7 through 23 of the court of appeals' opinion and remand to the superior court for proceedings consistent with the Supreme Court's opinion, including consideration of Lake's request for attorney fees under A.R.S. § 39-121.02(B).

CASES CITED

- Mathews v. Pyle, 75 Ariz. 76, 251 P.2d 893 (1952)
- Lake v. City of Phoenix, 220 Ariz. 472, 207 P.3d 725 (App. 2009)
- Griffis v. Pinal County, 215 Ariz. 1, 156 P.3d 418 (2007)
- Phoenix Newspapers, Inc. v. Keegan, 201 Ariz. 344, 35 P.3d 105 (App. 2001)
- Salt River Pima-Maricopa Indian Community v. Rogers, 168 Ariz. 531, 815 P.2d 900 (1991)
- Carlson v. Pima County, 141 Ariz. 487, 687 P.2d 1242 (1984)
- Williams v. Sprint/United Management Co., 230 F.R.D. 640 (D. Kan. 2005)