



NICOLE GALLOWAY, CPA
Missouri State Auditor

December 8, 2017

Edward D. Greim
GRAVES GARRETT, LLC
1100 Main Street, Suite 2700
Kansas City, Missouri 64105

Re: Missouri Alliance for Freedom Sunshine 11/16/2017 Request

Dear Mr. Greim:

I have attached the second response to the request under Chapter 610, RSMo, sent to the Missouri State Auditor's Office from Missouri Alliance for Freedom (MAF) consistent with the schedule discussed in the last correspondence. As discussed in this letter, we will continue to provide MAF responsive documents and update MAF on the progress by December 21, 2017.

Sincerely,


Paul Harper
General Counsel



NICOLE GALLOWAY, CPA
Missouri State Auditor

December 8, 2017

Kristen Ansley
Missouri Alliance for Freedom
P.O. Box 26777
Kansas City, MO 64196

Re: Missouri Sunshine Law

Dear Ms. Ansley:

On November 16, 2017, the State Auditor's Office received your sunshine law request in which you have 13 requests for information. On November 21, 2017, I notified you that we would provide you with an update of the status of your request by December 21, 2017.

You specifically requested the following documents regarding all State-provided cell phones to the State Auditor:

1. A current forensic image of each cell phone.
2. All backup files of each cell phone, including those stored locally (such as in iTunes) and those stored remotely (such as in iCloud).
3. All billing records and contracts for each cell phone from April 27, 2015 until the date of your response, inclusive.
4. All records, including but not limited to correspondence, relating to preservation, destruction, deletion, or loss of data on any such cell phone.
5. All records of correspondence generated in response to Missouri Alliance for Freedom's (MAF's) May 2, 2017; May 8, 2017; or May 26, 2017 requests concerning records on any such cell phone.

As to your first and second requests, our office has no responsive documents. As to your fourth and fifth requests, we will require further clarification as to the scope of these requests. As to your fourth request, "all records, including but not limited to correspondence, relating to preservation, destruction, deletion, or loss of data on any such cell phone" is vague, confusing, and not clear as to what specific documents you are requesting. As to your fifth request, as our

office generated correspondence with your organization in response to your May 2, 2017; May 8, 2017; and May 26, 2017, requests, are you requesting that we send you another copy of this correspondence?

As to your third request, because of the scope of your request and that it covers approximately 3 years, and that it may potentially include documents which are closed under state law, we will provide you with an update of the status of your request no later than December 21, 2017.

In addition, you requested the following records:

1. All records of policies, practices, or procedures concerning the use of State-provided cell phones.
2. All records of policies, practices, or procedures concerning preservation of records in response to subpoena, public records requests, warrants, or similar documents.
3. All records of policies, practices, or procedures concerning the preservation or destruction of records.
4. All records of preservation letters, litigation hold letters, or similar documents concerning MAF's May 2, 2017; May 8, 2017; or May 26, 2017 requests.
5. All records of correspondence with third parties concerning MAF's May 2, 2017; May 8, 2017; or May 26, 2017 requests.
6. All records of search terms generated to respond to MAF's May 2, 2017; May 8, 2017; or May 26, 2017.
7. All records of instructions given to produce or withhold records in response to MAF's May 2, 2017; May 8, 2017; or May 26, 2017 requests.
8. All records, including but not limited to correspondence, generated in response to this request.

As to your first, second, and third requests, I have attached documents responsive to your request. Also, the state record retention schedules are available on the Missouri Secretary of State's website located at <https://www.sos.mo.gov/records/recmgmt/retention>.

As to your fourth and seventh requests, our office has no responsive documents. As to your fifth request, we will require further clarification as to the scope of this request as our office provided your organization correspondence in response to your May 2, 2017; May 8, 2017; and May 26, 2017. Are you requesting that we send you another copy of this correspondence?

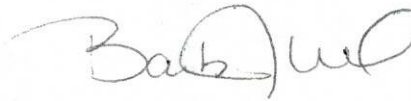
As to your eighth request, as of November 16, 2017, our office had no documents responsive to your request.

As to your sixth request, because it may potentially include documents which are closed under state law, we will provide you with an update of the status of your request no later than December 21, 2017.

Additional responsive documents related to the above requests are confidential under sections 610.021(1) and 610.021(21), RSMo.

If you have any questions, please contact me at barbara.wood@auditor.mo.gov or at 573-751-4268.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Wood".

Barbara Wood
Senior Counsel



MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY

Policy No. 2.1

Policy Title:	Code of Conduct		
Date of Issuance:	January 1, 2011		
Revision Date:	September 1, 2017	Authorized by:	Michael Moorefield

Code of Conduct

OVERVIEW

The State Auditor's Office (SAO) has established the following guidelines that all employees must follow. Please also review the SAO's Conflict of Interest Policy, Harassment and Inappropriate Conduct Policy, and Equal Employment Opportunity Policy.

SAO EXPECTATIONS

SAO employees must maintain the highest level of professionalism. The office expectations include, but are not limited to, the following:

- Treat the general public and auditees' employees in a courteous manner at all times;
- Maintain attention to work responsibilities at all times;
- Maintain professionalism at all times;
- Refrain from sleep, inappropriate conduct, or horseplay during work hours;
- Follow lawful oral and written directives from supervisors or managers, unless they pose a safety risk.
- Prevent disclosure of confidential information;
- Provide true and accurate time records, expense reports, and medical reports;
- Report to managers, supervisors, or the HR Manager any unethical or illegal conduct;
- Refrain from using abusive or threatening language, or racial or ethnic slurs;
- Do no fight, assault, or threaten/intimidate employees or auditees' employees;
- Abide by the SAO's Harassment and Inappropriate Conduct Policy; and
- Pay all state income taxes owed as provided by Section 105.262, RSMo.

EXECUTIVE ORDER 92-04

SAO employees shall comport themselves to the standards set forth in Executive Order 92-04 as set forth below.

Public Confidence and Trust

Executive branch employees shall conduct the business of state government in a manner which inspires public confidence and trust.

- Employees shall avoid any interest or activity which improperly influences, or gives the appearance of improperly influencing, the conduct of their official duties.
- Employees shall act impartially and neither dispense nor accept special favors or privileges which might be construed to improperly influence the performance of their official duties.
- Employees shall not allow political participation or affiliation to improperly influence the performance of their duties to the public.
- Employees shall not engage in business with state government, hold financial interests, or engage in outside employment when such actions are inconsistent with the conscientious performance of their official duties.



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- Employees shall not use or improperly possess an illegal controlled substance or alcohol in the workplace or during working hours.
- Employees of the State are expected to comply with the statutes of Missouri at all times.

Adherence to Federal, State, and Local Law

Executive branch employees shall conduct themselves in scrupulous compliance with applicable federal, state, and local law.

- Employees shall observe all conflict of interest provisions in law applicable to their agencies and positions of employment.
- Employees shall adhere to all laws providing equal opportunity to all citizens.
- Employees shall perform their responsibilities as they are specified in law or other authority establishing those responsibilities.

Financial Compensation

Financial compensation of state employment consists of only authorized salaries and fringe benefits.

- Employees shall not use their public positions in a manner designed to create personal gain.
- Employees shall not disclose confidential information gained by reason of their public positions, nor shall employees use such information for personal gain or benefit.
- Employees shall not directly or indirectly attempt to influence agency decisions in matters relating to prospective employers with whom employment has been accepted or is being negotiated.

Knowledge, Skills, and Abilities

Executive branch employees owe the public the diligent application of their knowledge, skills, and abilities for which they are compensated.

- Employees shall not perform outside employment or other activities not appropriate during hours compensated for state employment and will use leave and other benefits provided by the State only for the purposes intended.
- Employees shall carry out all lawful instructions of designated supervisors, and will report instructions not consistent with law to the proper authorities.

State Property

Equipment, material, and supplies purchased with public funds are intended for the performance of public purposes only.

- Employees shall use and maintain state equipment, materials, and supplies in an efficient manner which will conserve future usefulness.
- Employees shall use state equipment, materials, and supplies solely for purposes related to the performance of state business.



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Respect, Concern, and Courtesy

The work of state government will be conducted with respect, concern, and courtesy toward clients, co-workers, and the general public.

- Employees shall approach their duties with a positive attitude and constructively support open communication, dedication, and compassion.
- Employees shall conduct their duties with courtesy toward clients, co-workers, patients, inmates, and the general public, recognizing the diverse background, characteristics and beliefs of all those with whom they conduct state business.
- Employees shall not engage in any form of illegal harassment or discrimination in the workplace, including on the basis of race, color, religion, national origin, ancestry, sex, age, or disability.
- Employees, in connection with the performance of their duties, shall not seek sexual favors from a client, co-worker, patient, inmate, or member of the public.

Employment-Related Conduct

This code shall provide guidance to the officials and employees of the executive branch of Missouri state government in matters of employment related conduct.

- When questions arise in the application of this code, the public interest will receive primary consideration in any resolution.
- This code is not intended to fully prescribe the proper conduct of employees and the failure to prohibit an employee action in this code does not constitute approval of the action.
- This code is intended as a supplement to the provisions in law that govern employee conduct, and in no instance does it decrease the requirements in law.
- Agency heads are responsible for promoting and enforcing this code of conduct among the employees of their agencies in accordance with their respective agency procedures, and shall supplement it with additional provisions to meet the needs of their agencies.
- This code is intended to provide guidance for employment related conduct and is not intended to create any right or benefit enforceable by law.
- No state agency or appointing authority shall discharge, threaten or otherwise retaliate against an employee for reporting in good faith any violation of this code.
- In applying this code to specific situations, the standard to be used is that of a reasonable person having knowledge of the pertinent circumstances.



MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY

Policy No. 2.4

Policy Title:	Internet Technology Policy		
Date of Issuance:	December 30, 2015		
Revision Date:	September 1, 2017	Authorized by:	Michael Moorefield

Internet Technology Policy

OVERVIEW

The State Auditor's Office (SAO) aims to protect and maintain the confidentiality of all data, computer applications, and computer networks that are part of the SAO's Information Systems. This protection includes, but is not limited to, the SAO network, computers connecting to the network, laptops, database storage, electronic records, electronic mail, and SAO-owned cellular phones.

Additionally, this policy addresses proper use of the internet, electronic mail, and SAO-owned cellular phones.

SAO CONFIDENTIALITY & INFORMATION SECURITY AGREEMENT

All SAO employees are required to sign the SAO Confidentiality & Information Security Agreement before accessing the SAO's Information Systems. A copy of this agreement will be maintained in the employee's personnel file.

PRIVACY RIGHTS

SAO employees do not have any personal privacy rights regarding their use of the SAO's Information Systems and SAO-owned cellular phones. All SAO Information Systems and any matter created, received, accessed, stored, or transmitted via SAO Information Systems are the property of the SAO. Employees should always be aware that any electronic communication in the office could be considered public information and disclosed pursuant to a Sunshine Law request or a court order.

The SAO may override any individual password and access, inspect, copy, and monitor an employee's use of Information Systems including all information transmitted by, received from, or stored on such systems at any time deemed appropriate, with or without notice to the employee or intern.

Internet sites visited may also be recorded, archived, and retrieved and are subject to disclosure to management staff, law enforcement, government officials, or to other third parties through subpoena or other processes as evidence for disciplinary purposes or court cases.

The SAO reserves the rights to access all messages sent and received electronically and to monitor internet activities.

COMPUTER SECURITY

SAO employees are responsible for the computer equipment in their possession and should take reasonable care of it, especially at the audit site or while traveling. Theft of or damage to any of the equipment should be reported immediately to the IT staff.

Passwords are an important aspect of computer security. Employees should not reveal passwords to others, put them in writing, or store them next to their computers. If an employee suspects that his or her password has been compromised, the employee should report the



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incident to the IT staff immediately. Additional information on computer and data security is located in Part I, Chapter 3, of the Audit Manual.

Non-state owned computing devices (e.g., personal laptop, vendor/contractor-owned laptops and whiteboards, iPads, and cell phones) should not be connected to the SAO private network.

ELECTRONIC MAIL AND INTERNET USAGE

Electronic mail and the internet are to be used for work-related reasons only. Examples of inappropriate use includes, but is not limited to, using SAO electronic mail to engage in personal business or conversations; receiving personal electronic mail messages; and sending personal electronic messages to blogs or on-line forums. The reading of online news and use of social media websites should be for work-related reasons only. Posting pictures or information about audit sites or pictures that contain confidential documents is grounds for immediate termination, unless such posting is a part of the SAO's official communication to the public.

SAO employees should treat electronic mail as a formal document following proper business standards, including the use of professional language. The electronic mail system should not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-job-related purposes. Electronic mail and other Information Systems are not to be used in a way that may be disruptive, offensive to others, or harmful to morale. All electronic messages, documents, symbols, logos, or pictures that are discriminatory, defamatory, offensive, romantic, sexual, pornographic, inappropriate, harassing, breaches of confidentiality, or violations of copyright violate the SAO's Harassment and Inappropriate Conduct Policy.

The electronic mail system, including all messages and attachments, is SAO property subject to state record retention guidelines and should not be regarded as personal. Electronic mail and internet logs are discoverable and may be used in litigation or complaints. Unless exempted by their content, they are also subject to public disclosure under the Sunshine Law. For information about steps to take in response to litigation holds or Sunshine Law, see the SAO's Record Retention Policy and Sunshine Law Policy. Electronic mail or attachments that need to be included as part of an official record should be preserved and stored.

SAO employees should not open any suspicious electronic mails or attachments from unknown sources.

Employees found in violation of the electronic mail or Confidentiality Policy are subject to disciplinary or corrective action ranging from a warning to termination.

Employees should also review the Personal Cellphone Use Policy when using personal devices during work hours.

SOFTWARE USAGE

The state of Missouri's policy gives effect to copyrights associated with computer software

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by observing the relevant provisions of federal law, including the U.S. Copyright Act, and applicable licensing restrictions. No unauthorized or unlicensed software should be installed on any computers owned by the SAO. No employee may install software from home on SAO computer equipment. The IT staff are responsible for distributing, safeguarding, and updating all software. Employees should discuss acceptable software usage questions with the IT Manager.

WORKSTATION GUIDELINES

SAO workstations, Information Systems, and technology are to be used in a manner that ensures satisfactory job performance and effective use of work time and may not be used to solicit others for personal monetary interests or gain, commercial venture, or religious or political causes.

**MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY**

Policy Title:	Telephone Use Policy		
Date of Issuance:	December 30, 2015		
Revision Date:	September 1, 2017	Authorized by:	Michael Moorefield

Telephone Use Policy**OVERVIEW**

The State Auditor's Office (SAO) recognizes that employees may need to make calls while at audit locations which may require long distance charges for the auditee. To prevent this, the SAO makes options available for staff to use to make calls to the office while at an audit location.

POLICY

The State telephone system is maintained to conduct state business. If you are in the field and have a phone available, please make all local calls from that phone. When it is necessary to make long distance calls to outside parties, several cell phones are available for checkout from the Fiscal Office. Calls made on the cell phones incur charges for ALL usage -- local calls, long distance, incoming calls, outgoing, etc. They should only be used when the other options are not available.

If you are working in a state agency that has the same phone system that the SAO has, and they will allow you to attach to their network, compatible phones are available for checkout from the IT Section for use at the audit location. These charges are billed directly to the SAO and is the responsibility of the employee to secure the phones when SAO staff is not present.

For all communications with other SAO staff and SAO offices, communicate via email whenever possible. Calls between individuals within the SAO offices and those in the field should be initiated by the person within the SAO office whenever possible, by emailing the person and asking them to call you in the field.



MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY

Policy Title:	Office Property, Equipment and Facilities		
Date of Issuance:	February 1, 2016		
Revision Date:	September 1, 2017	Authorized by:	Michael Moorefield

Office Property, Equipment and Facilities

OVERVIEW

Employees of the State Auditor's Office (SAO) are expected to use SAO property only as intended and authorized for the performance of job duties. The SAO maintains an inventory of all office-owned equipment and will review the inventory annually.

WORK STATION

An employee's work station, area including such items as a desk, file cabinet, storage areas, locker, and the contents therein, are not private and may be searched for work-related reasons or in response to an alleged policy violation or criminal or civil infraction.

LOSS OF SAO PROPERTY

Employees are responsible for reporting promptly the loss of SAO property including, but not limited to, keys, laptop and associated equipment, SAO credit cards, and state I.D. cards. Return of all SAO property upon separation from the SAO is required.



MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY

Policy Title:	Meetings and Open Records Request (Sunshine Law) Policy		
Date of Issuance:	June 29, 2015		
Revision Date:	December 30, 2015	Authorized by:	Michael Moorefield

Meetings and Open Records Request (Sunshine Law) Policy

OVERVIEW

It is the public policy of the State Auditor's Office (SAO) that all records are open to the public, unless they are closed or otherwise confidential. The SAO shall comply with provisions of the Missouri Open Meetings and Records Law, otherwise known as the Sunshine Law.

OPEN RECORDS REQUESTS

If you receive a request, or think you may have received a Sunshine Law request, you must immediately notify the General Counsel.

AUDIT RECORDS AND WORKPAPERS

Under 29.200.17, RSMo, all audit workpapers and related supportive material, including any interpretations, advisory opinions, or other information or materials used and relied on in performing the audit, are closed, confidential, and not subject to an open records request. Please see the SAO's Confidentiality Policy for more information.

CLOSED RECORDS

As provided by Section 610.021, RSMo, the following records are closed and the SAO shall not release them unless otherwise provided by law.

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;



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(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public



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agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health 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. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;



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(c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

(23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business.

PUBLIC MEETINGS

Public meetings, including meetings conducted by telephone, internet, or other electronic means, should be held at reasonably convenient times; accessible to the public; held in facilities that are large enough to accommodate anticipated attendance by the public; and accessible to persons with disabilities. Open meetings may be recorded by audiotape, videotape, or other electronic means. The SAO may establish recording guidelines to minimize disruption to the meeting. The SAO must give its permission before a closed meeting can be recorded by audiotape, videotape, or other electronic means.



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The SAO shall notify the general public of any public meeting as soon as possible, preferably at least a week before the meeting. All open meetings shall be subject to the notice requirements of Sections 610.020 and 610.022, RSMo, and shall be posted a minimum of 24 hours before the meeting on both Room 880 and the website. If exceptional circumstances prevent 24-hour notice, the reasons shall be stated in the minutes.

RECORDS CUSTODIAN

The Equipment and Facility Supervisor is the custodian of records for the SAO. Oversight of SAO open records request is the responsibility of the Equipment and Facility Supervisor. For questions regarding whether records are open, contact the General Counsel.

PUBLIC RECORDS

Access to public records can include inspection and copying of said records, but not removal from the premises. **Requests for access to a public record should be acted on as soon as possible and must be responded to no later than the end of the third business day following the date the request is received by the SAO.**

If access to the public record requested under the Missouri Sunshine Law is not granted immediately, the General Counsel will provide the requester a detailed explanation of the cause for delay and the place and earliest time and date the record will be available for inspection. The explanation will provide a time estimate of the time required for gathering and copying the requested records.

If only part of a record is closed to review, the rest of the record should be made available to the requester. If records are requested in a certain format, the SAO will provide the records in the requested format, if such format is available.

If access to the record is denied, the SAO will provide a written statement of the grounds for such denial, including the specific provision of law under which access is denied. This statement should be provided to the requester no later than the end of the third business day following the date the request for the statement is received.

Upon service of a summons, petition, complaint, or claim in a civil action brought to enforce the provisions of Sections 610.010 to 610.026, RSMo, the SAO shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined.

FEES

Persons or agencies requesting access to or copies of public documents shall, unless specifically exempted, be charged fees as follows:

- For paper copies that are 9 by 14 inches and smaller, the SAO shall charge 10 cents per page. In addition, the records custodian shall charge for time spent duplicating the records and for research time spent fulfilling the request. The charges for time spent on duplication cannot exceed the average hourly rate of pay for clerical staff, and the charges for research cannot exceed the actual cost of research time.



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- For all other types of records, including paper larger than 9 by 14 inches, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, the custodian shall charge for the cost of the materials used for duplication and staff time, which cannot exceed the average rate of pay for the staff. Fees for maps, blueprints or plats requiring special expertise to duplicate shall include the actual rate of pay for the trained personnel making the copies. In addition, if programming is required, fees shall include the actual cost of the programming.

The SAO may reduce or waive costs when it is determined that it is in the public interest because it is likely to contribute to public understanding of the operations or activities of the SAO and is not primarily in the commercial interest of the requestor. If charging a fee, the SAO should provide a written cost estimate to the requestor **before** fulfilling the request.



MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY

Policy Title:	Litigation Hold and Record Retention Policy		
Date of Issuance:	December 30, 2015		
Revision Date:		Authorized by:	Michael Moorefield

Litigation Hold and Record Retention Policy

OVERVIEW

The State Auditor's Office (SAO) will retain and preserve documents, records, and information in the manner required by document retention schedules and applicable law.

GENERAL RETENTION AND DESTRUCTION SCHEDULES

All employees are expected to comply with published records retention and destruction policies and schedules. The SAO's retention schedules can be found on the Secretary of State's website. For additional information about record retention, employees should seek guidance from their supervisor.

LITIGATION HOLD

If the SAO is served with notice that a lawsuit has or may be filed regarding a particular matter, the General Counsel will send an email to employees to notify of a litigation hold. A litigation hold means all documents (including electronic) related to the litigation should not be destroyed and should be preserved. Failure to do so may subject the State of Missouri, the SAO, and individual employees to the risk of legal sanctions and may result in disciplinary action, up to and including dismissal.

Because of the potential that any document we produce may need to be produced in the course of the litigation, our office needs to be sure that we maintain, preserve, retain, protect, and not destroy any documents related to the litigation, including hard-copy and electronic versions of the documents regardless of the type of document. All SAO employees shall not destroy, disable, erase, encrypt, alter, or otherwise make unavailable any documents (both electronic and physical) or evidence relevant to the subject of the lawsuit, and must take reasonable efforts to preserve the documents or evidence.

The records that are subject to the litigation hold include, but are not limited to the following:

- All physical files, paper, correspondence, memoranda, notes, handwritten notes, photographs, video and audio recordings, physical evidence, and any documents of any kind in any medium which may pertain to the issue in question. This includes all records within the care, custody or control of the SAO and any records that an employee has at home or at any location outside the SAO office.
- All information and data in electronic format, including email and electronically maintained records that are kept in electronic form in any information system and in any electronic medium, including all information in any office-wide computer data storage system or local hard drives in computers of SAO employees, and information maintained on CDs, jump drives, cell phones, or other electronic data storage devices. This includes



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any electronic record that may be in the care, custody, and control of the SAO and SAO employees, regardless of their location. This includes any electronic record pertaining to the matter in question that the employee may have on his or her home computer, cell phone, or any other electronic device. Employees should keep employment related files and records on a state provided computer system and are advised not to retain work related materials on their home computers.



MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY

Policy Title:	Confidentiality		
Date of Issuance:	January 1, 2011		
Revision Date:	November 20, 2015	Authorized by:	Michael Moorefield

Confidentiality

OVERVIEW

The State Auditor's Office (SAO) frequently has access to confidential records or information. Each employee is responsible for protecting the confidential information accessed through the course and scope of employment. Any release of confidential information must comport with state and federal law. This practice must be observed in all public places and extended to auditees, to auditees' employees, and to the auditor's family and friends. In public, staff members should volunteer absolutely nothing about potential audit findings and before leaving work areas (e.g., during lunch or at night) should ensure that audit working papers and equipment are properly secured.

Employees that fail to comply with this policy are subject to disciplinary action, including dismissal. Additionally, employees may be prosecuted for divulging confidential information or using confidential information for anything other than audit purposes.

All staff must sign the SAO Confidentiality & Information Security Agreement.

GENERAL GUIDELINES

All employees should be careful not to discuss confidential, sensitive, or personal information. Active measures must be taken by SAO employees to ensure that confidential information is not accessible to anyone other than authorized employees.

Any questions regarding confidentiality may be directed to the HR Manager or General Counsel.

STATUTORY REQUIREMENTS

All documents collected during the course of an audit, including workpapers, are closed records. Section 29.200.17, RSMo, provides that only final audit reports are open records. Under Section 29.070, all auditors must take an oath that the auditor "will not reveal the condition of any office examined by him or any information secured in the course of any examination of any office to anyone except the state auditor." Section 29.080, RSMo, provides that an auditor's violation of his or her oath is a felony punishable with prison and a fine.

If you have any questions regarding the confidentiality of a document or whether it may be discussed, contact your supervisor.



MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY

Policy Title: **Confidentiality**

Date of Issuance: January 1, 2011

Revision Date: November 20, 2015

Authorized by: Michael Moorefield

E-MAILS

All SAO employees' e-mails to entities outside the SAO must include the following confidentiality clause:

CONFIDENTIALITY CLAUSE:

This e-mail and any attachments are intended only for those to which it is addressed and may contain information that is privileged, confidential, and prohibited from disclosure or unauthorized use under applicable law. If you are not the intended recipient of this e-mail, you are hereby notified that any use, dissemination, or copying of this e-mail or the information contained in this e-mail is strictly prohibited by the sender. If you have received this transmission in error, please return the material received to the sender and delete all copies from your system.



MISSOURI STATE AUDITOR'S OFFICE
ADMINISTRATIVE POLICY

Policy Title: **Handling of Auditee Records**

Date of Issuance: December 4, 2015

Revision Date: December 30, 2015

Authorized by: Michael Moorefield

Handling of Auditee Records

OVERVIEW

The State Auditor's Office (SAO) expects that auditee records and confidential documents are maintained in a safe and confidential manner. This policy sets forth the requirements for the proper disposal of documents and appropriate handling and returning of auditee records.

HANDLING OF DOCUMENTS

The SAO recognizes that at any given time employees will have access to or copies of confidential auditee records. Auditee files or records should only be in an employee's possession during the course of an audit and should be retained securely. If the SAO has retained any original documents during the course of the audit, ALL original records, files, and documents should be returned to the auditee in the same condition given to the employee once an audit is complete.

DOCUMENT DISPOSAL

All confidential documents must be disposed of in a locked shred bin. Employees in Jefferson City should dispose of documents by placing them in the locked shred bins next to the supply room. Employees in satellite offices should utilize the designated confidential, locked shred bins in each office.