



October 22, 2021

VIA CERTIFIED MAIL

California Department of Developmental Services
Office of Legal Affairs
1600 9th Street, Room 240 (MS 2-14)
Sacramento, CA 95814

**RE: Records on Email Blocking of Carl Argila's San Gabriel Pomona
Regional Center Blog**

To Whom It May Concern:

This letter is a request under the California Public Records Act (PRA), Cal. Govt. Code § 6250-6276.48, submitted by the Electronic Frontier Foundation (EFF) on behalf of our client, Carl Argila. We make this request to the California Department of Developmental Services (DDS) as part of an inquiry into whether DDS is blocking Mr. Argila's San Gabriel Pomona Regional Center Blog (SGPRC Blog) from reaching DDS officials' and employees' email inboxes.

Mr. Argila distributes the SGPRC Blog via email to several hundred recipients, including people within the developmental disability and Deaf communities, and employees and officials within state agencies and county governments. His records show that, prior to July of this year, DDS officials and employees regularly opened, read, and forwarded the SGPRC Blog. However, no one within DDS opened, read, or forwarded the Blog email of July 16. And only one person within DDS appeared to open the recent Blog email of September 12, though it is unclear whether this in fact occurred. Mr. Argila is aware of only one DDS employee unsubscribing from his SGPRC Blog emails since July, indicating that something else is likely prohibiting his emails from reaching other DDS officials' and employees' inboxes.

We request all records made on or after January 1, 2019, concerning:

1. Communications, including but not limited to emails and memoranda, between officials and employees of DDS or other agencies about Carl Argila, the San Gabriel Pomona Regional Center Blog, or Support Services for the Deaf (SSD);
2. All records describing or reflecting any technical or other block of the SGPRC Blog, or any emails or email addresses associated with Mr. Argila or the SGPRC Blog, including technical logs, emails, and memoranda;

3. Materials, including training manuals, legal guidance, program statements, policy documents, and memoranda on blocking emails.

In accordance with PRA, we request that where available and appropriate, responsive records are provided electronically in their native format (such as an EML file), or as text-searchable PDFs, and that the parent/child relationship between records is preserved.

Fee Waiver

EFF requests that it not be charged search or review fees because it qualifies as a representative of the news media and disclosure of the requested information is in the public interest. The records relate to possible viewpoint discrimination and blocking of a government critic. Mr. Argila has criticized DDS for, in his view, failing to provide adequate care for developmentally disabled Deaf people.¹ Moreover, a fee waiver is appropriate here because EFF has no commercial interest in the disclosure of the requested records. EFF is a 501(c)(3) nonprofit organization and will not derive commercial benefit from the information at issue here.

Thank you for your consideration of this request. As the PRA provides, I will anticipate a determination with respect to the disclosure of requested records within 10 working days. If you have any questions or concerns, do not hesitate to contact us.

Regards,

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¹ See, e.g., <https://sgprc.tumblr.com/post/644753593052823552/britney-spears-isnt-the-only-one>.