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November 22, 2011

Dr. Paul R. Chabot
Coalition for a Drug Free California
12223 Highland Avenue 106-228
Rancho Cucamonga, CA 91739

RE: Request Under the Public Records Act

Dear Dr. Chabot:

We are writing in response to your November 4 request seeking certain records from the Office of the Attorney General under the California Public Records Act (PRA). Specifically, the request submitted through the Office's web site seeks any records showing the "[d]ates and times that Kamala Harris, and/or any of her staff have met with pro-marijuana groups (to include marijuana dispensary groups, marijuana attorneys, marijuana lobby groups, Drug Policy Alliance, NORML, and other similar groups, etc, [sic] to include the names of the groups, the names of the persons from the AG office and the names of the individuals they met with."

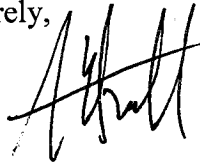
As you know, records of state agencies are subject to disclosure under the PRA unless a statutory provision authorizes confidentiality. As explained below, the records you seek – the dates and times that the Attorney General or her staff has met with any "pro-marijuana groups," along with the names of the persons who attended any of those meetings – are subject to a statutory provision protecting them from disclosure. Accordingly, we will not produce records responsive to your request.

Section 6255 of the Government Code exempts from disclosure documents which are protected by the deliberative process privilege, also known as the executive privilege. (*Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136, 1142 ["The key question in every case is 'whether the disclosure of materials would expose an agency's decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency's ability to perform its functions.'"]) The deliberative process privilege protects "materials reflecting deliberative or policymaking processes" and "factual information . . . including 'predecisional' documents, that is, documents which are prepared to assist an agency decision-maker in making a decision." (*Id.*) The deliberative process privilege allows agencies to withhold documents that reveal advisory opinions and deliberations comprising part of the process by which governmental decisions and policies are formulated. This includes the identity of persons with whom the Attorney General has met and consulted. (*Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1343.)

The Attorney General and her staff meet with a variety of stakeholders as they carry out the mission of the chief law officer for the State of California. A primary purpose of any stakeholders meeting, whether it involves local government officials, members of the law enforcement community, or medical marijuana advocacy groups, is to aid the Attorney General as she arrives at her legal and policy positions. This is a give-and-take process which depends upon a balancing of competing interests and confidential, candid discussion of the matter at hand. This candid discussion would be stifled if the details of those communications, including the dates, times and identities of any participants, were turned over. The deliberative process privilege thus shields the information you seek from disclosure.

Thank you for your request. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Hakl', written over a horizontal line.

ANTHONY R. HAKL
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General