

Ariz. court rules records law covers 'metadata'

October 29 2009, By PAUL DAVENPORT , Associated Press Writer

(AP) -- Hidden data embedded in electronic public records must be disclosed under Arizona's public records law, the state Supreme Court ruled Thursday in a case that attracted interest from media and government organizations.

The Supreme Court's unanimous decision overturned lower courts' rulings and is one of the first decisions by a state appellate court on whether a public records law applies to so-called "metadata" - data about data.

Metadata can show how and when a document was created or revised and by whom. The information isn't visible when a document is printed on paper nor does it appear on screen in normal settings.

"It would be illogical, and contrary to the policy of openness underlying the public records law, to conclude that public entities can withhold information embedded in an electronic document, such as the date of creation, while they would be required to produce the same information if it were written manually on a paper public records," Justice Scott Bales wrote.

A Washington state appellate court ruled last year that metadata in [e-mail](#) received by a city's deputy mayor was a public record under Washington's public records law.

Unlike Arizona's public records law, the Washington law specifically

says the data is subject to disclosure. That case is pending before the Washington Supreme Court.

The Arizona ruling came in a case involving a demoted Phoenix police officer's request for data embedded in notes written by a supervisor. The officer got a printed copy of the records but said he wanted the metadata to see whether the supervisor backdated the notes to before the officer's demotion.

Upholding a trial judge, the midlevel state Court of Appeals in January ruled 2-1 that metadata doesn't constitute a public record subject to disclosure requirements.

When the officer appealed, the League of Arizona Cities and Towns filed a brief citing burdens of complying with requests for metadata and urging the justices to uphold the lower courts' rulings. The Associated Press and other media organizations filed briefs asking the court to rule that the public records law applies to metadata.

The case is Lake vs. City of Phoenix, CV-09-0036-PR.

On the Net: Arizona Supreme Court: <http://www.supreme.state.az.us>

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