

Town Records Review Plan

Introduction

This document serves as an addendum as titled to the Discovery Plan for the Warrenton Commission on Open and Transparent Government ("Commission") and details the procedures for access, review, classification, and public disclosure of Town records, including e-mails, files, text messages, phone mail and any other record, electronic or written, accessible on Town-owned servers or through third-party providers (hereinafter "Review Plan" or "Plan").

The intent of the Review Plan is to provide the Commission, the designated Special Counsel, his third-party information technology expert ("IT Expert") and members of the Commission ("Members") with the widest possible access to all Town records responsive to their requests, with the understanding that full access to Town records is a prerequisite to ensuring a thorough discovery process and maintaining public confidence in the integrity of the investigation.¹

This Plan is also intended to protect the Town's employees, vendors, and the public by safeguarding proprietary or confidential information against unintended release that could compromise their rights to privacy, breach the Town's data systems or violate state law.

Accordingly, the Review Plan provides specific guidelines regarding the monitoring and in-camera review of any record accessed by the Commission, Special Counsel, Members or the Town Attorney prior to their use by the Commission or release to the public.

I: Town E-Mail Access, Review, Monitoring, and Disclosure

The Special Counsel, the IT Expert or Members as may be required from time-to-time shall have full and complete access to any and all e-mail records of current and former Town employees, elected officials, or other individuals stored on the Town's e-mail archive (i.e., the Intradyn third-party archive system).

E-Mail Archive System (Intradyn) Access

The preferred means of access will be that the IT Expert directly access the Intradyn System, to search, select, and retrieve e-mails for initial review. The Town Attorney will determine if Criminal Justice Information Services (CJIS) certification is required for such access. If required, the IT Expert will become CJIS certified to access the system.

Alternatively, as the designated Custodian of Records, the Town Clerk may conduct searches and retrieval of e-mail records in response to requests of the Special Counsel, IT Expert, or Members.

The compiled archives (.ZIP files) resulting from such searches will be transferred to the Town's One Drive system for access by the IT Expert for initial review (see below). Neither the Town Clerk nor any other individual with access to the One Drive System may open or access any archives produced by these searches prior to or after their transfer to the One Drive System.

Initial Review of E-Mail Records (Determination of Relevancy)

¹ The Town Attorney, by virtue of his position, has access to all of the Town's files.

The Expert will conduct an initial search and review of the retrieved e-mail archives, selecting only those e-mails deemed relevant to the land-use applications within the scope of the Discovery Plan.

This search process may include review of individual e-mail messages, batch collections of e-mail messages, and automated text searches of archives. E-mails that fall outside of the scope of the Discovery Plan shall be discarded.

If the Expert reviews any e-mails that are not directly relevant to the scope of the Discovery Plan, or where relevance to a land use application is in doubt, such e-mails will be collectively reviewed by designated Members and the Town Attorney, and the Town Attorney will determine the relevancy or applicability of each e-mail to the scope of the Commission's inquiry.

At all times, such review of e-mail records will be conducted in a secure environment following IT industry best practices to ensure confidentiality.

In-Camera Commission Monitoring of E-Mail Records

Once the IT Expert has produced e-mails relevant to the scope of the Discovery Plan, he will confidentially transfer such records to designated Members, who will conduct an in-camera review. The designated Members will make the final determination as whether these records fall within the scope of land use applications covered by the Discovery Plan, and whether they should be included in the Commission's final report or other work product developed by the Commission.

Additionally, if determined by the Town Attorney, Members can receive CJIS certification to participate in this in-camera monitoring process.

The disclosure of all e-mails retrieved by the Commission will be subject to the Virginia Freedom of Information Act (FOIA).

II: Town Server Backup

The Special Counsel and IT Expert shall be provided with the oldest available backup of the Town server, access to which shall not be denied unless restricted by law (such as FOIA). This backup was made by the Town's IT Director on or about June 4th, 2025, and will be used by the IT Expert to perform data integrity checks on files provided by the Town staff. All access to these backup files will be conducted securely and according to industry best practices.

III: Town Phone Records

The Special Counsel and IT Expert shall be provided with access to requested phone records, including call logs, text messages, voicemails, or any other telephone information possessed by the Town, available from third-party services, or outside telecommunications providers.

The IT Expert will conduct a review of these phone records, and shall provide the records which are relevant to the scope of the Commission's Discovery Plan to the Special Counsel, Town Attorney, and designated Members.

The designated Members will make the final determination of the relevance of phone records to the scope of land use applications covered by the Discovery Plan, and whether such records

shall be included in the Commission's final report or other work product developed by the Commission.

IV: Personnel Records and Other Potentially Sensitive Town Records

If the Special Counsel and IT Expert require access to Town personnel records in either hard-copy or electronic format, such access will be monitored by the Town HR manager and a designated Commission member, and information obtained from these files must be relevant to the scope of the Commission's Discovery Plan. Additionally, access to and dissemination of information from Town personnel files by the Commission will be subject to prior review and approval by the Town Attorney.

Access to and dissemination of information from other Town files deemed sensitive by either the Town Attorney or Special Counsel will be subject to prior review and approval by the Town Attorney on a case-by-case basis.

V: Additional Town Records

If, in the course of their discovery process, the Special Counsel and IT Expert require access to additional Town records, such access shall be granted, subject to prior approval by the Town Attorney.

VI. Retention and/or Disposition of Records After Review

The Special Counsel and his IT Expert shall verify that any and all files downloaded from the Open Drive in their position shall be destroyed in their entirety upon completion of the investigation and the publication of the Commission's report.