# EXHIBIT B

**CCO SUNSHINE LAW DATA TRACKING CY 2010, 2011, 2012, 2013**
**(Data Collected January 1-December 31, 2013)**

**7/15/2014 CCO**
PL/GL

| | **Calendar Year** | **CY 2010** | **CY 2011** | **CY 2012** | **CY 2013** | **4 YEAR TOTALS[1]** |
|---|---|---|---|---|---|---|
| (1) | Number of Hours (and % of an FTE) Expended by CCO Staff on SSL[2] | | | | | |
| | Number of Attorney Hours Expended by CCO on SSL | 394.15 hours | 584.15 hours | 310.15 hours | 335.45 hours | 1624.30 hours |
| | % of an Attorney FTE | .19 FTE | .28 FTE | .15 FTE | .16 FTE | .195 FTE |
| | Number of Paralegal/Support Staff Hours Expended by CCO on SSL | 2636.30 hours | 2976.95 hours | 1609.15 hours | 1652 hours | 8874.50 hours |
| | % of Paralegal/Support Staff FTE | 1.27 FTE | 1.43 FTE | .77 FTE | .794 FTE | 1.07 FTE |
| (2) | Total Number of SSL Requests responded to by MoDOT[3] | 683 requests | 658 requests | 579 requests | 638 requests | 2558 requests |
| (3) | Number of Requests that MoDOT's **first response was a 72-hour letter** | 661 requests | 653 requests | 579 requests | 638 requests | 2531 requests |
| | % of Requests that MoDOT's **first response was a 72-hour letter** | 96.78% | 99.24% | 100% | 100% | 99.01% |
| | Average Days until MoDOT provided **a 72-hour letter[4]** | .065 days | .027 days | .063 days | .248 days | .101 days |
| (4) | Number of Requests that MoDOT's **first response was a substantive response** | 22 requests | 5 requests | 0 requests | 0 requests | 27 requests |
| | % of Requests that MoDOT's **first response was a substantive response** | 3.20% | .75% | 0% | 0% | .987% |
| | Average Days until MoDOT's **first substantive response** | 6.67 days | 7.15 days | 0 days | 0 days | 3.46 days |
| (5) | Number of Requests where **CCO totally denied** access to closed records | 39 requests | 28 requests | 39 requests | 42 requests | 148 requests |
| | % of Requests where **CCO totally denied** access to closed records | 5.71% | 4.25% | 6.56% | 6.55% | 5.77% |
| | Average Days until **CCO totally denied** access to closed records | 5.22 days | 5.00 days | 9.08 days | 4.95 days | 6.06 days |
| (6) | Number of Requests where **CCO partially denied** access to records | 12 requests | 13 requests | 10 requests | 22 requests | 57 requests |
| | % of Requests where **CCO partially denied** access to records | 1.79% | 1.97% | 1.69% | 3.43% | 2.22% |
| | Average Days until **CCO partially denied** access to records | 16.35 days | 20.15 days | 21.57 days | 28.66 days | 21.68 days |
| (7) | Number of **total requests** where all documents determined to be **open record** | 632 requests | 617 requests | 530 requests | 574 requests | 2353 requests |
| | % of **total requests** where all documents determined to be **open record** | 92.43% | 93.77% | 91.76% | 90.03% | 92% |
| (8) | Number of SSL requests **completed by CCO[5]** | 481 requests | 478 requests | 394 requests | 403 requests | 1756 requests |
| | % of SSL requests **completed by CCO** | 70.42% | 72.64% | 68.05% | 63.23% | 68.59% |
| | Average time to final response of SSL requests **completed by CCO[6]** | 7.75 days | 9.01 days | 8.33 days | 9.54 days | 8.66 days |
| (9) | Number of SSL requests completed by **other MoDOT division or district** [7] | 202 requests | 180 requests | 185 requests | 235 requests | 802 requests |
| | % of SSL requests completed by **other MoDOT division or district** | 29.58% | 27.36% | 32.60% | 36.78% | 31.58% |

**NOTES:** "Average days" for all categories are calculated from the date the Commission Secretary received the written request. Average days are business days, rather than calendar days.

[1] These calculations reflect 4 years of data for CYs 2010, 2011, 2012 and 2013.

[2] CCO hours as reported by statewide attorneys, paralegals and other support staff reporting time spent on SSL matters.

[3] Total number of SSL request processed by the Commission Secretary through the Sunshine Request Tracking database.

[4] Most 72-hour letters go out the same day a request is received (e.g., 0 = same day); these are issued by the Commission Secretary. In 2013 reporting all requests received a 72-hour letter.

[5] In 2010, CCO responded to 39 separate requests for additional records after the original SSL requests were closed; requests for supplemental records are typically satisfied without opening new requests and so the 481 does not include these 39. In 2011, CCO responded to 11 separate requests for additional records after the original SSL requests were closed; requests for supplemental records are typically satisfied without opening new requests and so the 478 does not include these 11. In 2012, CCO responded to 11 separate requests for additional records after the original SSL requests were closed; requests for supplemental records are typically satisfied without opening new requests and so the 579 number does not include these 11. In 2013 CCO responded to 8 separate requests for additional records after the original SSL requests were closed; requests for supplemental records are typically satisfied without opening new requests and so the 638 does not include these 8.

[6] The prepayment process increases the final response time. In 2010, districts/divisions issued 30 prepayment letters; CCO issued 81. In 2012, districts/divisions issued 40 prepayment letters; CCO issued 82. In 2013, districts/divisions issued 61 prepayment letters; CCO issued 102.

[7] The documents list was upgraded in 2005, reducing the number of requests processed by CCO and increasing the number of requests processed by MoDOT districts/divisions. A portion of these requests are still filtered through Central Office CCO before they are forwarded to districts/divisions for handling, but do not require counsel review. Some requests statewide are not being tracked through the database.

# EXHIBIT B

**CCO SUNSHINE LAW DATA TRACKING CY 2010, 2011, 2012, 2013**
**(Data Collected January 1-December 31, 2013)**

| | **Calendar Year** | **CY 2010** | **CY 2011** | **CY 2012** | **CY 2013** | **4 YEAR TOTALS[1]** |
|---|---|---|---|---|---|---|
| | Average time to final response of SSL requests **completed by other MoDOT divisions or districts** | 7.96 days | 8.04 days | 8.56 days | 8.73 days | 8.32 days |
| (10) | Number of SSL requests closed due to **no response** from or **withdrawal** by requestor[8] | 38 requests | 38 requests | 38 requests | 39 requests | 153 requests |
| | % of SSL requests closed due to **no response** from or **withdrawal** by requestor | 5.56% | 5.78% | 6.49% | 6.18% | 6.00% |
| | | | | | | |
| (11) | Number of **prepayment letters** issued in response to SSL requests[9] | 111 letters | 124 letters | 122 letters | 163 letters | 520 letters |
| | % of **prepayment letters** issued in response to SSL requests | 16.25% | 18.84% | 21.31% | 25.49% | 20.47% |
| | | | | | | |
| (12) | Number of SSL responses providing/offering documents where **fee was waived** by MoDOT[10] | 573 requests | 534 requests | 457 requests | 475 requests | 2039 requests |
| | % of total SSL responses where **fee was waived** by MoDOT | 83.89% | 81.16% | 78.89% | 74.52% | 79.62% |
| | | | | | | |
| (13) | $ amount collected by MoDOT for providing open records[11] | $14,135.35 | $12,573.82 | $8,392.45 | $11,664.90 | $46,766.52 |
| | $ amount expended for CCO personnel to comply with the SSL (includes attorneys and support staff with fringes)[12] | $135,553.01 | $168,902.63 | $98,681.25 | $108,927.27 | $512,064.16 |
| | $ amount expended for CCO support staff time to comply with the SSL (support staff only without fringes)[13] | $52,963.16 | $70,253.78 | $33,467.57 | $35,721.32 | $192,405.83 |
| | $ amount expended for CCO attorneys to comply with the SSL (attorneys only without | $15,741.60 | $22,953.20 | $11,729.77 | $13,528.33 | $63,952.90 |

[8] These requests are closed due to requestor's failure to respond to requests for clarification or prepayment, or withdrawal of the request by requestor prior to response.
[9] This number reflects the prepayment letters sent to requestors for staff research/reproduction time and paper copies and/or CDs or DVDs. While electronic documents produced in response to requests alleviate hardcopy charges, research time is still charged along with the costs of CDs or DVDs needed to produce mass quantities of electronic files and data.
[10] This number includes requests where no information was located and search fees were waived. It also includes requests where research and/or reproduction fees fell below the $10.00 limit pursuant to MoDOT's Open Records Procedure.
[11] In 2004, the state legislature reduced copying fees that can be charged for SSL requests. MoDOT currently charges $30.00 per hour for professional research time and $15.00 per hour for clerical research/reproduction time. Research and reproduction charges are waived if the prepayment total is under $10.00. In recent years, MoDOT staff has increased the use of email responses and releasing data through an external website linking the requester with documents whenever possible to minimize response time and alleviate postage/printing expense for the department.
[12] These calculations equal the hourly wage including fringe benefits of each CCO employee reporting time multiplied by the number of SSL hours reported by each of those employees.
[13] These calculations equal the hourly wage excluding fringe benefits of each CCO support staff employee reporting time multiplied by the number of SSL hours reported by each of those employees.
[14] These calculations equal the hourly wage excluding fringe benefits of each CCO attorney reporting time multiplied by the number of SSL hours reported by each of those employees.