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ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

April 14, 2020

Ms. Jennifer Pollock  
Senior Vice President and General Counsel  
Arizona Board of Regents (ABOR)  
2020 N. Central Ave., Suite 230  
Phoenix, Arizona 85004

Dear Ms. Pollock:

I am in receipt of your letter dated April 7, 2020, and related press release, regarding my opinion (I20-005), which sets forth permissible public disclosure of COVID-19 related information by government entities, including the universities.

Although your letter and press release go to great lengths to highlight ABOR's response to the COVID-19 pandemic, they do little to explain why the universities refuse to provide more non-identifying information to the public. My opinion makes clear that ABOR is not restricted to making such disclosure on a "case-by-case basis," as is its current practice. Further, the universities have lawful discretion to provide *more* information as necessary.

I issued my opinion in response to a request from a state legislator in accordance with the law. That clear and accurate opinion was carefully researched and authored by a team of public service lawyers with more than 100 years of combined experience in Arizona law. Rather than continue to spin and avoid the issue of not providing actionable information that could serve the public, ABOR should explain why it is not doing more.

Attorney General opinions are exclusively concerned with issues of law. As such, they do not require interviews with external parties to discover or establish facts beyond the question presented. Nothing in your five-page letter would have changed one word of the opinion. While the additional information provided regarding ABOR's response to the Covid-19 pandemic may be interesting and commendable, such information is simply beyond the scope of the legal question presented.

Finally, you express frustration with comments I made during a media interview about the need for more university transparency and characterize my points as simple policy preferences. ABOR's chair then accuses me in the press release of wasting ABOR's "precious time" by addressing issues of transparency related to the COVID-19 pandemic. The public (and the law) favor the timely disclosure of important public information regarding the COVID-19 pandemic. If ABOR believes addressing these important issues is a waste of its time, I couldn't disagree more.

Respectfully,

Mark Brnovich  
Attorney General

cc: Larry Edward Penley, Chair