

PUBLIC RECORDS REQUEST — THE STATE'S ENTERPRISE MICROSOFT 365 EMAIL SYSTEM AND ITS SEARCH CAPABILITY

TO	Public Records Officer, Department of Administrative Services
FROM	Robert Samuel White
DATE	October 27, 2026
RE	Public records request under ORS 192.314, Enterprise Information Services

To the Public Records Officer, Department of Administrative Services:

Under ORS 192.314, I request the following public records of the Department of Administrative Services, including its Enterprise Information Services division. **This request excludes any record concerning me.** It concerns the enterprise Microsoft 365 system on which executive branch agencies' email is hosted, and the means available to search it.

Background. The 2019 budget note on Package 804 directed the Office of the State CIO to migrate all executive branch agencies to “an OSCIO managed and secured Enterprise Office 365 system” and to eliminate “independently hosted and managed email systems by state agencies.”¹ The February 13, 2020 Microsoft 365 progress report to the Joint Ways and Means Subcommittee on General Government listed “Advanced Compliance: Advanced eDiscovery, Advanced Data Governance and Customer Key” in the scope of services, and mapped “Advanced Compliance” to “eDiscovery and Auditing.”² The December 2024 EIS Digest reported that the state’s on-premises email infrastructure was decommissioned on November 21, 2024, and that 46 agencies had been transitioned to the M365 platform.³ The 2025 special procurement for NTT Data support of EIS’s enterprise M365 service lists “Exchange Online” and “eDiscovery” among the supported applications.⁴

Records requested. For the period January 1, 2023, to the date of search, unless stated otherwise:

1. The list of state agencies, boards, and commissions whose email is hosted on the EIS-managed enterprise Microsoft 365 tenant or tenants, as of the date of search, with the date each was migrated.
2. The Microsoft 365 license level or levels assigned to the enterprise tenant (for example, G3, G5, E3, E5, or add-ons), and the records showing which eDiscovery capability (Microsoft Purview eDiscovery Standard or Premium, or their predecessors)⁵ is licensed and enabled on the tenant, as of the date of search.
3. The EIS service catalog entry, service description, rate, and any standard operating procedure, runbook, or request form for an eDiscovery or content search of Exchange Online mailboxes performed by EIS, or by its vendor, at the request of an agency, including for the purpose of responding to a public records request.
4. Every record showing the number of eDiscovery or content searches EIS has performed for agencies since January 1, 2023, by agency and by month, with the stated purpose where recorded (public records request, litigation hold, internal investigation, or other).
5. Every policy, guidance, training material, or communication issued by EIS or DAS to agencies about how to search email in response to a public records request, including any guidance on the use of eDiscovery or content search rather than searches by individual employees of their own mailboxes.

6. The current statement of work, work order, or contract with NTT Data, or any other vendor, for maintenance and operations support of the enterprise Microsoft 365 service, including the portions describing eDiscovery support.
7. The retention policy or policies applied to Exchange Online mailboxes on the enterprise tenant, including any Microsoft Purview retention policies or labels, and the date each took effect.

If any of these records is kept in a system (a service catalog, a ticketing system, a licensing portal, or an administrative console), an export or report from that system is acceptable.

Custody. Records of the enterprise Microsoft 365 service are records of the Department of Administrative Services, wherever they are stored. If you believe another public body is the custodian of any responsive record, please identify that custodian and the basis for the determination in writing, rather than closing the request (ORS 192.311).

The search. Please state in writing the accounts, systems, and archives searched; the exact terms and date range used; the date of the search and the title of the person who conducted it; and the number of responsive records found. The statute does not require you to tell me any of this. I am asking you to. If there are no responsive records for any item, please say so in writing, item by item, with the search described above.

Format and correspondence. Under ORS 192.324(3), please provide records in their native electronic format with metadata intact, by email or secure link. Please conduct all correspondence about this request by email, including acknowledgments, estimates, waiver decisions, and payment instructions. Under ORS 192.324(1), this letter is a complete written request, and it includes a complete fee waiver request. It does not need to be resubmitted on a form.

Redaction. Please redact the names, home addresses, personal phone numbers, and personal email addresses of private individuals. No other redaction is requested for privacy. In any fee estimate, please list redaction time separately from search and production time, with the hours and the hourly rate of the employee performing it. Under ORS 192.324(4)(b), a fee may not include attorney time spent determining the application of the public records law.

Exemptions. For any record or portion withheld, please identify the record, the specific exemption claimed, and how it applies to that record (ORS 192.329, 192.338). Please segregate and release nonexempt portions. A fee estimate is not an exemption assertion. If any portion is withheld as information security material under ORS 192.345 or 192.355, please identify it and release the remainder; a license level, a service description, a rate, and a count of searches are not security configurations.

Fee waiver. I request a waiver of all fees under ORS 192.324(5). Disclosure primarily benefits the general public:

1. *Requester's identity.* I maintain oprdvolunteerabuse.org, a public archive of Oregon state government records. It has published complete public records productions from the Oregon State Police, Department of Administrative Services, and Oregon Parks and Recreation Department, and the Office of the Public Records Advocate.⁶ This request excludes any record concerning me.
2. *Purpose.* To publish, in full and without charge, records showing what email search capability the State of Oregon owns, which agencies it covers, and how it is used to answer public records requests.
3. *Character of the information.* I am asking every state agency in Oregon the same question about its email: what did it write to the State Police press office, and about whom. The first of those requests went out on October 22 and October 27, 2026. Before the day was out, one agency had its twelve staff searching their own inboxes,⁷ and another was drawing up an invoice for "many hours of staff labor"⁸ for a search the state can run in minutes on a system it already owns. The Public Records Advocate's own 2025 survey says agencies with "modernized email search tools" saw "significant improvements," and tells the state to "provide shared software licenses for search tools."⁹ The records I am asking for show whether the state already has that tool for every executive

branch agency, and whether the agencies use it when the public asks for email. That is the administration of ORS 192.311 to 192.478, and it is the fee the public is charged under ORS 192.324(4).

4. *Public domain.* No public record shows which agencies are on the enterprise tenant, what eDiscovery capability it carries, or how often it is used for public records requests. The 2020 progress report and the 2024 EIS Digest are the only published sources, and neither answers those questions.
5. *Ability to disseminate.* The archive has published every production it has received, with original files and metadata, at no charge. Records from this request will be published the same way. I have no commercial interest in them.

If a full waiver is denied, I request a reduction of fees under the same provision. If the waiver is denied or a reduction is granted in part, please give the reasons in writing for each factor, state the amount or percentage of any reduction and its basis, and provide an itemized estimate before any work begins, showing the tasks, the hours for each, and the hourly rate of the employee performing each.

Timeline. Please acknowledge this request within five business days and give an estimated completion date as required by ORS 192.324 and 192.329.

Preservation. Please preserve all records responsive to this request while it and any petition for review are pending.

Respectfully,

Robert Samuel White

✉ rswfire.com

🌐 oprdivolunteerabuse.org

🌐 autonomyrealms.com

Sources

1. Microsoft 365 Progress Report, Joint Ways and Means Subcommittee on General Government, February 13, 2020, p. 2, quoting the budget note on Package 804. <https://olis.oregonlegislature.gov/liz/2020R1/Downloads/CommitteeMeetingDocument/216317>
2. Microsoft 365 Progress Report, February 13, 2020, pp. 4 and 11. <https://olis.oregonlegislature.gov/liz/2020R1/Downloads/CommitteeMeetingDocument/216317>
3. EIS Digest, December 2024, “M365 Program decommissions on-premises email infrastructure.” <https://content.govdelivery.com/accounts/ORDAS/bulletins/3c6649e>
4. EIS NTT Pro Services Special Procurement, posted June 10, 2025, period of performance July 1, 2025 to June 30, 2027. <https://www.highergov.com/sl/contract-opportunity/or-eis-ntt-pro-services-special-procurement-51980448/>
5. Microsoft, “Learn about eDiscovery,” Microsoft Purview documentation. <https://learn.microsoft.com/en-us/purview/edisc>
6. Oregon State Police production under PR27478, <https://oprdivolunteerabuse.org/records/osp/>; Department of Administrative Services, <https://oprdivolunteerabuse.org/records/das/>; Oregon Parks and Recreation Department, <https://oprdivolunteerabuse.org/records/oprd/>; Office of the Public Records Advocate, October 27, 2026, <https://oprdivolunteerabuse.org/record/governor/01M5ZTYWMR1EM9C7R3S815Z4FG/>
7. Employment Relations Board, October 27, 2026. <https://oprdivolunteerabuse.org/record/public-question-1/01M5ZMSTZG2CY6QT8SJTNGPSQW/>
8. Oregon Department of Emergency Management, October 27, 2026. <https://oprdivolunteerabuse.org/record/public-question-1/01M5ZPMTNRMGP3CRR9XYTPXM0H/>
9. Office of the Public Records Advocate, “Findings and Recommendations from the 2025 Oregon Public Records Transparency Survey,” sections 3, “Digital Tools and New Software Improve Efficiency,” and B, “Invest in Modern Record-Management Technology.” <https://www.oregon.gov/pra/SiteAssets/Pages/advisory-council-past-meetings/Findings%20and%20Recommendations%20from%20the%202025%20Oregon%20Public%20Records%20Transparency%20Survey.pdf>