



August 27, 2014

VIA REGULAR MAIL

Francine A. Giani
Executive Director
Utah Department of Commerce
160 East 300 South
Box 146701
Salt Lake City, UT 84114-6701

Re: Appeal Denial of Request for Records Regarding Wake Up Now

Dear Ms. Giani:

I write on behalf of Truth in Advertising, Inc. ("TINA.org")¹ in order to appeal your agency's decision to withhold records regarding any consumer complaints relating to Wake Up Now.

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, TINA.org made a request for such records on August 18, 2014. Your agency denied the request on August 22, 2014, citing two reasons for the denial: First, such records are classified as protected records under Utah Code Ann. § 63G-2-305(10), and second, such records are classified as private records under Utah Code Ann. § 63G-2-302(2)(d).

We understand that, pursuant to these regulations, your agency cannot disclose information that could reveal the identity of a source who is not generally known outside of government or information containing data that, if disclosed, would constitute an unwarranted invasion of personal privacy. However, to the extent any responsive records contain personal identifying information of complaining consumers, TINA.org respectfully requests that this information be redacted from the records instead of wholly barring the disclosure of the responsive documents.

¹ TINA.org is a 501(c)(3) nonprofit organization that strives to educate consumers about false and deceptive marketing. TINA.org achieves this goal primarily through investigative journalism and advocacy. The organization is independently funded and does not accept any advertising dollars to support its work.

Please let me know if you need any other information to process this appeal and renewed request. Thank you for your assistance and your attention to this matter.

Sincerely,



Laura Smith, Esq.
Legal Director
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