

June 15, 2026

VIA EMAIL AND CERTIFIED MAIL

City Clerk – Public Records Officer
City of Bessemer
1700 3rd Avenue North
Bessemer, Alabama 35020
cityclerk@bessemeral.org

RE: Alabama Rivers Alliance Records Request, Failure to Disclose Public Records

To Whom it May Concern:

On July 18, 2025, the Alabama Rivers Alliance (“ARA”) made a public records request to the City of Bessemer (“the City”) pursuant to Ala. Code § 36-12-40 for information pertaining to the proposed hyperscale data center development known as “Project Marvel.” Included in this request was a specific request for any non-disclosure agreements (“NDAs”) signed by city officials. The request reads: “[a]ny non-disclosure agreements entered into by representatives, employees, or elected officials of the City of Bessemer and any person or entity related to the proposed data center, including but not limited to the developer or their representatives.”

After receiving a small set of documents (including mostly meeting minutes of rezoning hearings), ARA requested clarification on whether all documents responsive to its request were included and if not, requested a privilege log indicating documents that were not disclosed and a reason for the non-disclosure. The City failed to respond to this request. On October 23, 2025, ARA limited the scope of the request to the non-disclosure agreements “in an effort to obtain the document expeditiously and avoid any undue burden on the City.” ARA specifically narrowed its request to “[a]ny non-disclosure agreements entered into by representatives, employees, or elected officials of the City of Bessemer and any person or entity related to the proposed data center, including but not limited to the developer or their representatives.”

Despite this, the City continues to fail to disclose the non-disclosure agreement(s) which should be produced pursuant to the Alabama Open Records Act (“ORA”). Under the ORA, a public record must be disclosed unless “otherwise expressly provided by applicable law.”¹ The non-disclosure agreement(s) signed by Bessemer city officials are a public record because they meet

¹ Ala. Code § 36-12-40(a).

the definition in Alabama Code § 41-13-1—*i.e.*, they are written “document[s]” made or received “in pursuance of law by the public officers” of a municipality. Additionally, no exception applies that would shield the NDAs from disclosure.

The Southern Environmental Law Center (“SELC”) has been retained to represent ARA to compel disclosure of the NDAs held by the City of Bessemer. As explained above, these agreement(s) are subject to disclosure under the Alabama Open Records Act as public records for which no statutory exception applies.

Please provide any NDAs covered by the ORA request by Monday, June 22, 2026. If we do not receive all the NDAs responsive to ARA’s July 18, 2025 request, we are prepared to file suit to obtain such records on behalf of ARA.

Thank you for your time and attention to this important matter. Please feel free to contact Ryan Anderson at (205) 745-3060 or randerson@selc.org regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Anderson", with a stylized flourish at the end.

Ryan Anderson, Staff Attorney
Southern Environmental Law Center

CC:

Aaron Killings, Jr., Esq.
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Bessemer, AL 35020
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