



April 8, 2020

VIA EMAIL

Public Information Officer
Attn: Public Record Request
NV Department of Health and Human Services
Director's Office
4126 Technology Way, Suite 100
Carson City, NV 89706
nvdhhs@dhhs.nv.gov

Re: Public Records Act Request

Dear Public Information Officer:

Pursuant to the Nevada Public Records Act, N.R.S. Chapter 239, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your agency produce the following within five business days:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) **sent** by (A) the specified officials in the Department of Health and Human Services **to** (B) representatives of the federal government with **email addresses ending in cdc.gov, hhs.gov, fda.gov, va.gov, or eop.gov**, containing any of the key terms listed below.

Specified Officials:

- a. Director Richard Whitley or anyone communicating on his behalf, such as a chief of staff, executive assistant, or scheduler
- b. Deputy Director for Administrative Services, Deborah Hassett
- c. Deputy Director for Programs, Beth Handler
- d. Division Administrator for Public and Behavioral Health, Lisa Sherych
- e. Chief Medical Officer, Ihsan Azzam
- f. Medical Epidemiologist, Stephanie Woodward
- g. State Epidemiologist, Melissa Peek-Bullock
- h. State Biostatistician, Kyra Morgan
- i. Public Health Emergency Preparedness Program Manager, Amos Hollar

Key Terms:





1. Coronavirus
2. Corona
3. COVID
4. "SARS-cov-2"
5. "2019-nCoV"
6. Test
7. Tests
8. Testing
9. Kit
10. Primer
11. RNA
12. Reagent
13. Swabs
14. EUA
15. "Emergency Use"
16. LDT
17. CLIA
18. 564
19. Defect
20. Vaccine
21. Antiviral
22. Antiretroviral
23. Hydroxychloroquine
24. Chloroquine
25. Plaquenil
26. Epidemic
27. Pandemic
28. Isolate
29. Isolation
30. Contagious
31. Contagion
32. Infect
33. Infection
34. Infections
35. Transmission
36. Asymptomatic
37. Sterilize
38. Sanitize
39. Decontamination
40. Decontaminate
41. Quarantine
42. Quarantining
43. Distancing
44. "face mask"
45. N95
46. Ventilator
47. Ventilators
48. Respirator
49. Respirators
50. ICU
51. Capacity
52. "Hospital bed"
53. "Drive-through"
54. "Drive through"
55. "Drive-thru"
56. "Drive thru"
57. PPE
58. "Medical Supplies"
59. Shortage
60. Shortages
61. Transmission
62. Asymptomatic
63. Contagion
64. Contagious
65. POTUS
66. "Red Dawn"
67. IHME
68. Model
69. DECIPHER
70. ASTHO
71. "Crisis Response"
72. CRA

Please provide all responsive records from February 24, 2020 to March 27, 2020.

American Oversight has limited its request to **sent** messages to reduce the volume of potentially responsive records. American Oversight still requests complete email chains. So, for example, if a government official sent a response to an incoming message containing one



of the key terms above, the email chain containing the initially received message and the response is responsive to this request.

We understand that your office's capacity may be impacted by the COVID-19 outbreak and response efforts. Should that be the case, we would be happy to discuss potential streamlining or narrowing of our request, reasonable delays in processing this request, or other accommodations. Please feel free to contact us at the telephone number listed in the final paragraph of this letter; we look forward to working with you.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure pursuant to N.R.S. Chapter 239, please disclose any reasonably segregable non-exempt portions of the requested records.¹ If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under Nevada Public Records Act, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and you can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of

¹ N.R.S. § 239.010(3).

responsive records to American Oversight, please also provide responsive material on a rolling basis.

Fees and Costs

Pursuant to N.R.S. § 239.052(2) and your agency's fee waiver policy, American Oversight requests a waiver of fees associated with this request for records, except for the items enumerated in the policy, to the extent applicable to this request. Please consult with American Oversight on any fees the agency expects it may assess pursuant to the policy.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.²

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Christine H. Monahan at foia@americanoversight.org or 202.869.5244.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

² American Oversight currently has approximately 15,500 page likes on Facebook and 102,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Apr. 6, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Apr. 6 2020).