



May 28, 2020

VIA ONLINE PORTAL & EMAIL

Jimmy Pan
Associate Counsel
New York City Hall
New York, NY 10007
Via Online Portal: <https://a860-openrecords.nyc.gov/>

New York City Health + Hospitals
125 Worth Street, Room 527
New York, New York 10013
hhcfoil@nychhc.org

Re: Freedom of Information Law Request

Dear FOIL Officers:

Pursuant to the Freedom of Information Law (FOIL), N.Y. Pub. Off. Law §§ 84-90, American Oversight makes the following request for records.

Recent reports suggest that NYC Health + Hospitals head Mitchell Katz will be leading New York City's coronavirus pandemic contact tracing, testing, and isolation strategies at the Mayor's direction.¹ American Oversight seeks records with the potential to shed light on these important matters.

Requested Records

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

All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (1) Mayor Bill de Blasio or Chief of Staff Emma Wolfe and (2) NYC Health+ Hospitals President and Chief Executive Officer Dr. Mitchell Katz.

¹ William K. Rashbaum, et al., *He Saw 'No Proof' Closures Would Curb Virus. Now He Has De Blasio's Trust*, N.Y. TIMES, May 14, 2020, <https://www.nytimes.com/2020/05/14/nyregion/coronavirus-de-blasio-mitchell-katz.html>.



Key terms:

- | | |
|-----------------|---------------|
| 1. Coronavirus | 11. Closure |
| 2. Corona | 12. Immunity |
| 3. School | 13. Subway |
| 4. Fever | 14. Spread |
| 5. Asymptomatic | 15. Reopen |
| 6. Virus | 16. NYT |
| 7. Epidemic | 17. Tracing |
| 8. COVID | 18. Surge |
| 9. Restaurant | 19. Isolation |
| 10. Bar | |

Please provide all responsive records from February 15, 2020 to the date the search is conducted.

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.

Fee Waiver Request

American Oversight requests that your office consider waiving any fees associated with processing this request for records pursuant to 21 NYCRR § 1401.8(g). 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 The public has a significant interest in the actions taken by city health officials and local politicians during one of the most fatal pandemics to hit New York, and the whole country, in living memory. Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the New York City government, including whether steps could have been taken sooner to prevent loss of life.

² American Oversight currently has approximately 15,480 page likes on Facebook and 102,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Apr. 21, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Apr. 21, 2020).

To the extent your agency anticipates charging any fees in connection with this request for records, American Oversight requests that you inform us in advance of doing so.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, since the request seeks “communications,” please search all locations likely to contain communications.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. 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 your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF 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 responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your office on this request. If you do not understand any part of this request, please contact Dan McGrath at records@americanoversight.org or (202) 897-4213. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers
Executive Director
American Oversight