



June 10, 2020

VIA OPRA PORTAL

Department of Human Services
222 South Warren Street
PO Box 700
Trenton, NJ 08625-0700

Re: Open Public Records Law Request

Dear Custodian of Records Officer:

Pursuant to the New Jersey Open Public Records Act (OPRA), NJSA §§ 47:1A-1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that Department of Human Services produce the following records within seven business days:

1. Records sufficient to identify any directive, order, decision, protocols, assessment, or guidance from your agency to care centers regarding the novel coronavirus, including but not limited to measures to prevent or mitigate the virus's spread.
2. All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by any of the officials listed below that include any of the key terms listed below.
 - a) Commissioner Carole Johnson
 - b) Chief of staff Andrea Katz
 - c) Division Director Louise Rush
 - d) Deputy Commissioner Elisa Neira
 - e) Deputy Commissioner Sarah Adelman
 - f) Caregiver Program Specialist Jennifer Rutberg
 - g) Assistant Director William Caldwell
 - h) Policy director Jonathan Chebra

Please provide all responsive records from March 1, 2020, through the date of the search.

Key terms:

- | | |
|-----------------|---------------|
| a) Coronavirus | f) Lincoln |
| b) Corona | g) Veterans |
| c) Asymptomatic | h) Hackensack |
| d) COVID | i) Andover |
| e) Paramus | j) Christian |



- k) St. Joseph
- l) Hammonton
- m) CareOne
- n) Oakland

- o) Atrium
- p) Aristacare
- q) Bergen

In an effort to accommodate Department of Health and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the individuals listed above. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Commissioner Johnson's response to an email with a key term and the initial received message are responsive to this request and should be produced.

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 NJSA §§ 47:1A-1 et seq., please disclose any reasonably segregable non-exempt portions of the requested records. 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 NJSA §§ 47:1A-1 et seq., 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 responsive records to American Oversight, please also provide responsive material on a rolling basis. Please consult with American Oversight on any fees the agency expects it may assess.

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.

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.¹

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 Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,

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

Austin R. Evers
Executive Director
American Oversight

¹ American Oversight currently has approximately 15,500 page likes on Facebook and 102,100 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited June 9, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited June 9, 2020).