



July 17, 2020

VIA EMAIL

Georgia Department of Public Health
2 Peachtree Street, NW
15th Floor
Atlanta, GA 30303-3186
DPH-OpenRecords@dph.ga.gov

Re: Open Records Request

Dear Records Custodian,

Pursuant to the Georgia Open Records Law (O.C.G.A. §§ 50-18-70 et seq.), American Oversight makes the following request for records.

Technology surveillance companies have responded to the pandemic by offering their products to federal, state, and local government agencies. At the same time, many experts have raised concerns about the privacy implications of these collaborations.¹

American Oversight requests records to help the public better understand surveillance companies' role in COVID response efforts.

Requested Records

American Oversight requests that your office produce the following within three business days, or provide a written description of any responsive records with a timetable for their production within three business days:

All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (A) the officials in Column A, and (B) anyone communicating on behalf of the entities listed in Column B, including, but not limited to, anyone communicating with an email address ending in the domain(s) provided.

¹ See, e.g., Nick Paton Walsh, *9/11 Saw Much of Our Privacy Swept Aside. Coronavirus Could End It Altogether*, CNN (May 16, 2020, 1:27 PM), <https://www.cnn.com/2020/05/16/tech/surveillance-privacy-coronavirus-npw-intl/index.html>; Opinion, Christine Wilson, *Coronavirus Demands a Privacy Law*, Wall St. J. (May 13, 2020, 6:58 PM), <https://www.wsj.com/articles/congress-needs-to-pass-a-coronavirus-privacy-law-11589410686>; Sue Halpern, *Can We Track COVID-19 and Protect Privacy at the Same Time*, The New Yorker, Apr. 27, 2020, <https://www.newyorker.com/tech/annals-of-technology/can-we-track-covid-19-and-protect-privacy-at-the-same-time>.



Column A: Government Officials	Column B: Companies
<ul style="list-style-type: none"> i. Commissioner Kathleen Toomey ii. Division of Health Protection Director Patrick O’Neal iii. State Epidemiologist and Chief Science Officer Cherie Drenzek iv. Chief Information Officer Tony McGaughey 	<ul style="list-style-type: none"> i. Palantir Technologies (@palantir.com or @palantirtech.com) ii. Clearview AI, Inc. (@clearview.ai) iii. Vantiq (@vantiq.com) iv. Camber Systems (@cornea.is) v. NSO (@nsogroup.com) vi. AiRISTA Flow (@airistaflow.com) vii. SuperCom (@supercom.com)

Please provide all responsive records from March 15, 2020, to the date of the search.

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.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

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 office 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; your office 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, 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.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office 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.

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 your office 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.

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 you 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 Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

² American Oversight currently has approximately 15,600 page likes on Facebook and 104,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 24, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited June 24, 2020).