



September 1, 2020

VIA EMAIL

Arizona Department of Health Services
150 North 18th Avenue
Phoenix, AZ 85007
webpio@azdhs.gov

Re: Public Records Request

Dear Public Records Officer:

Pursuant to the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., American Oversight makes the following request for records.

State health officials have reportedly been in contact with hospitals advising that the hospitals will be distribution sites for a forthcoming vaccine for the coronavirus, as early as November. This plan is reportedly coming from the federal government.¹

American Oversight seeks records that will shed light on this plan.

Requested Records

American Oversight requests that the Arizona Department of Health Services promptly produce the following records:

1. All records reflecting communications between (a) officials and staff of the Arizona Department of Health Services and (b) hospitals in the state of Arizona and/or operators thereof—including but not limited to Banner Health, Abrazo Community Health Network, Dignity Health, HonorHealth, the Mayo Clinic—regarding plans for distributing vaccines for the coronavirus through hospitals.

Responsive records may include emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications,

¹ Dr. Saskia Popescu (@SaskiaPopescu), Twitter (Aug. 31, 2020, 12:46 PM), <https://twitter.com/SaskiaPopescu/status/1300475035598028800>; Dr. Saskia Popescu (@SaskiaPopescu), Twitter (Aug. 31, 2020, 2:05 PM), <https://twitter.com/SaskiaPopescu/status/1300495019862708225>.



summaries of any oral communications, or other materials exchanged between the entities identified.

For this item, please provide responsive records from August 24, 2020, through the date of the search.

2. All records reflecting communications between (a) officials and staff of the Arizona Department of Health Services and (b) federal officials—including but not limited to employees of the U.S. Department of Health and Human Services, U.S. Centers for Disease Control and Prevention, the U.S. Food and Drug Administration, the U.S. Department of Defense, the U.S. Department of Homeland Security, and the White House—regarding plans for distributing vaccines for the coronavirus through hospitals.

Responsive records may include emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials exchanged between the entities identified.

For this item, please provide responsive records from August 17, 2020, through the date of the search.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding federal and state plans to distribute a vaccine for the coronavirus, including but not limited to through hospitals acting as distribution sites. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including how and when state and federal officials expect to distribute a vaccine for the coronavirus, which has spread widely and killed more than 5,000 people in Arizona alone.²

Because American Oversight is a 501(c)(3) nonprofit, this request is not in American Oversight's financial interest and is not made for a commercial purpose. American Oversight's mission is 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

² *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. Times (Aug. 31, 2020, 12:12 PM), <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.³

Because this request is made for noncommercial purposes, American Oversight requests that any fees charged in connection with processing this request be limited to copying and postage charges, if applicable.⁴ Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

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, because the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.
- 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

³ American Oversight currently has approximately 15,600 page likes on Facebook and 104,700 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Aug. 31, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Aug. 31, 2020).

⁴ A.R.S. § 39-121.01(D)(1); *see also Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (Ct. App. 1980). Furthermore, because this request is for noncommercial purposes, additional fees provided for under A.R.S. § 39-121.03(A) are not applicable and should not be assessed.

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.
- If any records are withheld in full or in part, pursuant to A.R.S. § 39-121.01(D)(2), please provide an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld.
- 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 agency on this request. If you do not understand any

part of this request, please contact Christine Monahan at records@americanoversight.org
or (202) 869-5244.

Sincerely,

A handwritten signature in blue ink, appearing to read "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