



December 4, 2020

VIA EMAIL

Michael Boal, Deputy Legal Counsel
Iowa Office of the Governor
State Capitol
1007 E Grand Ave
Des Moines, IA 50319
michael.boal@iowa.gov

Re: Public Records Request

Dear Custodian of Records:

Pursuant to the Iowa Public Records Law, Iowa Code, Ch. 22, American Oversight makes the following request for records.

The novel coronavirus has infected more than 12 million people and resulted in more than 256,000 deaths in the United States alone.¹ In recent weeks, the speed and volume of infections has increased dramatically in much of the country, reaching nearly 200,000 new daily cases.² Despite the surge in infections, many state governments have declined to impose public health measures such as mask mandates to mitigate the virus's spread, including in states where the rate of infections is highest.³

American Oversight seeks records with the potential to shed light on Iowa's response to the coronavirus pandemic.

Requested Records

American Oversight requests that your office produce the following promptly, or as soon as feasible:

Any polling, assessments, reports, analyses, recommendations, or guidance prepared by, provided to, or otherwise in the possession of your office regarding the public opinion(s) on public health measures to mitigate the spread of

¹ *Coronavirus Map: Tracking the Global Outbreak*, N.Y. Times (updated Nov. 23, 2020, 7:55 AM), <https://www.nytimes.com/interactive/2020/world/coronavirus-maps.html?action=click&module=RelatedLinks&pgtype=Article>.

² Rebecca Halleck & Neil MacFarquhar, *U.S. Passes 12 Million Covid-19 Cases*, N.Y. Times, Nov. 23, 2020, <https://www.nytimes.com/live/2020/11/20/world/covid-19-coronavirus#us-records-12-millionth-case-as-virus-surge-gathers-speed>.

³ Dan Goldberg *et al.*, *Red State Governors Reject Biden on Mask Orders*, Politico (Nov. 13, 2020, 4:30 AM), <https://www.politico.com/news/2020/11/13/republican-governors-reject-biden-mask-orders-436385>.



coronavirus, including but not limited to lockdowns, business closures, capacity or venue restrictions, curfews, mask mandates, travel restrictions, or other similar measures.

Please provide all responsive records from July 1, 2020, through the date the search is conducted.

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

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:

- In conducting your search, please understand the terms “record,” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind, and search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Act.⁴
- 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

⁴ See *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) (“It is the nature and purpose of the document, not the place where it is kept, which determines its status” as a public record).

basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

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.

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.⁵

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 H. Monahan at records@americanoversight.org or (202) 868-5244.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

⁵ American Oversight currently has approximately 15,600 page likes on Facebook and 106,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Nov. 30, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Nov. 30, 2020).