



March 10, 2021

VIA EMAIL

Cortney Kiser,
Open Records Coordinator
Department of Agriculture
Room 227
19 Martin Luther King Jr. Drive SW
Atlanta, GA 30334
openrecords@agr.georgia.gov

Re: Open Records Request

Dear Records Coordinator Kiser:

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

On February 9, 2021, the Georgia House of Representatives passed legislation which would extend civil liability protections to businesses in the event an employee or customer is infected with coronavirus.¹ Opponents of the bill have objected to its perceived insufficient protections for workers who fall ill due to unsafe working conditions.²

American Oversight seeks records with the potential to shed light on the issue of Georgia's liability shield, including whether external entities contacted government officials to advocate for this policy.

Requested Records

American Oversight requests that your agency produce the following within three business days:

All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by the specified Department of Agriculture officials listed in Column A, below, containing any of the key terms listed in Column B.

¹ Mark Niese, *Georgia House Passes Bill to Stop COVID-19 Lawsuits Against Businesses*, Atlanta J.-Const., Feb. 9, 2021, <https://www.ajc.com/politics/georgia-house-passes-bill-to-stop-covid-19-lawsuits-against-businesses/GCHKL7VJTZBKLCCTUSATQTGPOE/>.

² *Id.*



Column A: Department of Agriculture Officials	Column B: Key Terms
<ol style="list-style-type: none"> 1. Commissioner of Agriculture, Gary Ward Black, or anyone communicating on his behalf, such as a scheduler or assistant 2. Director of Operations, Dr. James Sutton 3. Director of Animal Industry Adam Buuck 4. Division Director of Food Safety Natalie Adan 	<ol style="list-style-type: none"> 1. “civil liability” 2. “gross negligence” 3. “liability claim” 4. “HB 112” 5. liability shield” 6. “liability waiver” 7. “SB 359” 8. “willful misconduct” 9. “temporary emergency standard”

Please provide all responsive records from October 1, 2020, through the date the request is received.

In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified officials. 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 a specified official’s response to an email from containing one of the specified key terms and the initial received message are responsive to this request and should be produced.

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:

- 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 Open Records Act.³

- 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.

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.⁴

³ O.C.G.A. §§ 50-18-70(b)(2).

⁴ American Oversight currently has approximately 15,680 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 4 2021); American

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 Khahilia Shaw at records@americanoversight.org or 202.539.6507.

Sincerely,

/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight

Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 4, 2021).