



April 13, 2021

VIA EMAIL

Arizona Department of Health Services
Office of Administrative Counsel
150 North 18th Avenue, Room 200
Phoenix, AZ 85007
acr@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.

On February 1, 2021, the Department of Homeland Security released a statement declaring access to the Covid-19 vaccine “a moral and public health imperative,” including for non-citizens, and indicating that federal immigration enforcement would not conduct operations at vaccine centers or clinics.¹ However, reports have since emerged of individuals improperly being denied vaccines on account of their immigration status,² and some public officials have continued to call for discriminatory vaccine distribution practices.³

American Oversight seeks records with the potential to shed light on vaccine distribution practices in Arizona, including whether or to what extent public officials have considered immigration status as a criterion for eligibility or priority.

Requested Records

American Oversight requests that your office promptly produce the following records:

¹ U.S. Department of Homeland Security, *DHS Statement on Equal Access to COVID-19 Vaccines and Vaccine Distribution Sites*, Feb. 1, 2021,

<https://www.dhs.gov/news/2021/02/01/dhs-statement-equal-access-covid-19-vaccines-and-vaccine-distribution-sites>.

² Andrea Salcedo, *Texas Vaccination Site Turned Away Undocumented Immigrants Over Their Status, Against State Policy*, Wash. Post (Feb. 26, 2021, 7:48 AM),

<https://www.washingtonpost.com/nation/2021/02/26/undocumented-texas-denied-vaccine/>.

³ Sarah Polus, *GOP Arizona Rep Urges Vaccine Priority for ‘People That Are Here Legally*, The Hill (Feb. 16, 2021, 6:45 PM), <https://thehill.com/homenews/state-watch/539103-arizona-gop-rep-urges-covid-vaccine-priority-for-people-that-are-here>.



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

Column A: AZ DHS Officials	Column B: Key Terms
<ol style="list-style-type: none"> 1. Director Cara Christ, or anyone communicating on her behalf, such as a scheduler or assistant 2. Assistant Director Sheila Sjolander 3. Assistant Director Jessica Rigler, or anyone serving as Chief of the Arizona Immunization Program Office 	<ol style="list-style-type: none"> 1. Alien 2. Citizenship 3. Foreigner 4. “foreign national” 5. Immigration 6. Immigrant 7. “legal resident” 8. “law enforcement” 9. Noncitizen 10. Non-citizen 11. “non citizen” 12. “proof of residency” 13. “public charge” 14. Undocumented

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

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 containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding the distribution of Covid-19 vaccines in Arizona. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether or to what extent public officials have considered immigration status as a criterion for vaccine eligibility or priority.⁴

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

⁴ See *supra*, notes 1-3.

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

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.⁶ 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.
- 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

⁵ American Oversight currently has approximately 15,690 page likes on Facebook and 106,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 19, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 19, 2021).

⁶ 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.

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 Khahilia Shaw at records@americanoversight.org or (202) 539-6507.

Sincerely,

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