



October 28, 2021

VIA EMAIL

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.

By late July 2021, the Arizona Department of Health Services (ADHS) identified seven counties—Maricopa, Pinal, Mohave, Yavapai, Gila, Navajo, and Apache—as having high COVID-19 transmission rates.¹ In response to the rise in cases, ADHS announced that Arizona’s mask guidelines would be adjusted to align with CDC recommendations.²

American Oversight seeks records with the potential to shed light on the Arizona Department of Health Services’ response to the COVID-19 pandemic.

Requested Records

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

1. All email communications (including complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by former Arizona Department of Health Services Director Dr. Cara Christ containing the following key terms:
 - i. Mask*

¹ Andrew Favakeh, *Health Officials: Masks Recommended Again for Indoor Use in Many Arizona Counties, All Schools*, Arizona Republic, updated July 28, 2021, <https://www.azcentral.com/story/news/local/arizona-health/2021/07/27/cdc-azdhs-recommend-arizonans-wear-masks-indoors/5394534001/>.

² Allison Steinbach, *‘It’s Really Hard to Leave’: Dr. Cara Christ to Step Down as State Health Director for Job at Blue Cross Blue Shield*, Arizona Republic, updated July 29, 2021, <https://www.azcentral.com/story/news/local/arizona-health/2021/07/28/cara-christ-leaving-arizona-department-health-services-to-join-blue-cross-blue-shield/5404742001/>.



- ii. Mandate
- iii. Mandates
- iv. School
- v. Vaccin*
- vi. Delta
- vii. Ducey
- viii. CDC
- ix. Test*
- x. Hospital*

Please provide all responsive records from July 27, 2021 to August 27, 2021.

Please note that American Oversight is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive records. For example, a search for “separat*” would return all of the following: separate, separates, separated, separation, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

In an effort to accommodate ADHS and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by Dr. Cara Christ. 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 Dr. Christ’s response to an email and the initial received message are responsive to this request and should be produced.

- 2. All email communications (including complete email chains, email attachments, calendar invitations, and calendar invitation attachments) sent by former Arizona Department of Health Services Director Dr. Cara Christ from July 20, 2021 to July 27, 2021.

In an effort to accommodate ADHS and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by Dr. Cara Christ. 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 Dr. Christ’s response to an email 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 Arizona state government officials’ response to the COVID-19 pandemic. Records with the potential to shed light on this matter would contribute significantly to public understanding of Arizona state government operations, including the degree to

which an increase in COVID-19 infections influenced public health decisions by the Arizona Department of Health Services.

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 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:

- 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

³ American Oversight currently has approximately 15,600 page likes on Facebook and 108K followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Oct. 6, 2021); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Oct. 6, 2021).

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.

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 Zachery Morris at records@americanoversight.org or 202.897.4213

Sincerely,

/s/ Zachery Morris
Zachery Morris
on behalf of
American Oversight