



October 25, 2021

VIA ELECTRONIC MAIL

Open Records Custodian
Office of the Governor
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334
Open.records@georgia.gov

Re: Open Records Request

Dear Open Records Custodian:

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

Requested Records

American Oversight requests that your office produce the following within three business days, or provide a written description of any responsive records with a timetable for their production within three business days:

1. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages) between (a) Brian Kemp, and anyone serving as his chief of staff, scheduler, assistant, or legislative director, and (b) any of the following outside individuals and groups (including, but not limited to, at the specified domain names):
 - a. Alliance Defending Freedom (adflegal.org, adfmedia.org)
 - b. America First Legal (aflegal.org)
 - c. American Family Association (afa.net)
 - d. Americans United for Life (aul.org)
 - e. Charlotte Lozier Institute (lozierinstitute.org)
 - f. Concerned Women for America (cwfa.org, concernedwomen.org)
 - g. David Daleiden
 - h. Family Research Council and Family Research Council Action (frc.org; frcaction.org)
 - i. First Liberty (firstliberty.org)
 - j. FreedomWorks (freedomworks.org)
 - k. GOP (gop.com, rnchq.com, msgop.org)
 - l. Hacker Stephens LLP (hackerstephens.com)
 - m. Heritage Foundation and Heritage Action for America (heritage.org, heritageaction.com)



- n. Home School Legal Defense Association (hslda.org)
 - o. Human Coalition and Human Coalition Action (hucoaction.org, humancoalition.org)
 - p. Independent Women’s Forum (iwf.org)
 - q. James Bopp, Jr. (bopplaw.com)
 - r. Janet Porter and Faith to Action (f2a.org)
 - s. Jonathan Mitchell (jonathan@mitchell.law)
 - t. Liberty Counsel (lc.org)
 - u. Life Legal Defense Foundation (lldf.org)
 - v. Live Action (liveaction.org)
 - w. March for Life and March for Life Action (marchforlife.org, marchforlifeaction.org)
 - x. Mark Crutcher and Life Dynamics (lifedynamics.com)
 - y. National Association of Christian Lawmakers (christianlawmakers.com)
 - z. National Pro-Life Alliance (prolifealliance.com)
 - aa. National Right to Life Committee (nrlc.org)
 - bb. Personhood Alliance (personhood.org)
 - cc. Pro-Life Action League (prolifeaction.org)
 - dd. Students for Life (studentsforlife.org)
 - ee. Susan B. Anthony List (sba-list.org)
 - ff. Thomas More Society (thomasmoresociety.org)
 - gg. Troy Newman, Cheryl Sullenger, and Operation Rescue (operationrescue.org)
 - hh. Georgia Life Alliance (georgialifealliance.com)
 - ii. Georgia Right to Life (grtl.org)
2. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages) sent by the specified officials listed in part 1(a) above, containing any of the following key terms:
- a. SB8
 - b. “SB 8”
 - c. “S.B. 8”
 - d. “Heartbeat bill”
 - e. “Heartbeat act”
 - f. “Whole Woman’s Health”
 - g. Waskom
 - h. Dixon
 - i. Roe
 - j. Abortion
 - k. “Pro life”
 - l. “Pro-life”
 - m. “Right to Life”
 - n. Unborn
 - o. “Gestational Age”
 - p. Dobbs

q. “Planned Parenthood”

In an effort to accommodate the Office of the Governor and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 2 of this request to communications sent by the specified officials. To be clear, however, American Oversight still requests that complete email chains and texts be produced, displaying both sent and received messages. This means, for example, that both the Governor’s response to an email or text about SB8 and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from March 11, 2021, through the date the request is received.

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, if 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.
- 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.¹
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of

¹ O.C.G.A. § 50-18-70(b)(2).

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.²

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

² American Oversight currently has approximately 15,630 page likes on Facebook and 108,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 22, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 22, 2021).

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