



July 13, 2022

VIA ONLINE FORM

Oklahoma State Department of Health
123 Robert S. Kerr Ave., Suite 1702
Oklahoma City, OK 73102-6406
OSDHOpenRecords@health.ok.gov

Re: Open Records Act Request

Dear Records Access Officer(s):

Pursuant to the Oklahoma Open Records Act, O.S. tit. 51, §§ 24A.1 *et seq.*, American Oversight makes the following request for records.

Since April 2021, Governor Kevin Stitt has signed five abortion bans into law. Healthcare providers in Oklahoma have indicated concerns about the potential effects of the new abortion laws.¹

American Oversight seeks records with the potential to shed light on state health officials' assessments of recently enacted abortion restrictions.

Requested Records

American Oversight requests that your office produce the following records within five business days:

All formal or informal assessments, reports, analyses, recommendations, or guidance (including memoranda and other written products) prepared by your office, or otherwise provided to your agency by other state or local offices or independent experts, regarding any projected or actual impacts of any potential or existing state legislation limiting access to abortion in Oklahoma, including, but not limited to, Senate Bill 918 (2021), Senate Bill 1555 (2022), Senate Bill 612 (2022), Senate Bill 1503 (2022), and/or House Bill 4327 (2022).²

Please provide all responsive records from February 1, 2021, through the date the search is conducted.

¹ Nicole Einbinder & Caroline Haskins, *Oklahoma Lawmakers Passed 5 Contradictory Abortion Bans. No One Knows Which Laws Will Be Enforced*, Business Insider (June 24, 2022, 9:38 AM), <https://www.businessinsider.com/oklahoma-abortion-ban-sponsors-dont-know-what-law-might-be-post-roe-2022-5>.

² If further identifying information is needed, please see Einbinder & Haskins, *supra* note 1.



Fee Waiver Request

In accordance with 51 O.S. tit. 51, § 24A.5(4), American Oversight requests that your office charge no search fees in connection with processing this request for records. Release of the requested records “is in the public interest,” because American Oversight, in accordance with its organizational mission, makes this request “to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.”³ Specifically, the requested records have the potential to shed light on the potential or actual impacts of abortion restrictions in Oklahoma.⁴ Records with the potential to shed light on this matter would contribute significantly to public understanding of how public servants are fulfilling their duties, including state health officials’ assessments of Senate Bills 612 and 1503.

American Oversight’s work is aimed solely at serving the public interest.⁵ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. Rather, 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. Similar to members of the news media, 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.⁶ American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁷

American Oversight is committed to transparency and makes the responses public bodies provide to public records requests publicly available, and the public’s understanding of the government’s activities—including whether public servants are

³ O.S. tit. 51, § 24A.5(4).

⁴ See Einbinder & Haskins, *supra* note 1.

⁵ See O.S. tit. 51, § 24A.5(4).

⁶ American Oversight currently has approximately 16,000 followers on Facebook and 118,000 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 11, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 11, 2022).

⁷ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see also, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia’s Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>.

honestly, faithfully, and competently performing their duties—would be enhanced through American Oversight’s analysis and publication of these records.

Therefore, in accordance with O.S. tit. 51, § 24A.5(4), American Oversight respectfully requests that you limit any copying fees to the reasonable, direct costs of record copying, or mechanical reproduction, if any such costs are incurred.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

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.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- 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.
- 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.⁸ 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

⁸ O.S. tit. 51, § 24A.5(2).

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 Rachel Baron at records@americanoversight.org or (202) 897-2465.

Sincerely,

/s/ Rachel Baron

Rachel Baron
on behalf of
American Oversight