



May 28, 2020

VIA EMAIL

Public Records Officer
Office of Communications
North Carolina Department of Health
and Human Services
101 Blair Drive
Raleigh, NC 27603
news@dhhs.nc.gov

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to the North Carolina Public Records Act, as codified at North Carolina General Statutes ch. 132, American Oversight makes the following request for public records.

Requested Records

American Oversight requests that the Department of Health and Human Services produce the following as promptly as possible:¹

All email communications (including emails, email attachments, and calendar invitations) between (1) Secretary Mandy K. Cohen, anyone serving as chief of staff to Secretary Cohen, Chief Deputy Secretary Susan Gale Perry, or Assistant Secretary for Policy Walker Wilson and (2) any representatives or employees of the Republican National Convention, the Republican National Committee, or the campaign of President Donald J. Trump (including communications with email addresses ending in gop.com, 2020gopconvention.com, RNCHQ.org, gilesparscale.com, parscale.com, parscaledigital.com, donaldtrump.com, donaldjtrump.com), regarding the coronavirus pandemic and/or the Republican National Convention.²

Please provide all responsive records from April 20, 2020, to the date the search is conducted.

¹ N.C. Gen. Stat. Ann. § 132-6(a).

² To the extent that your agency seeks to implement key terms to identify responsive records, we ask that you use the terms “RNC,” “Convention,” “Covid,” “Coronavirus,” “Safety,” “Social Distancing,” “PPE,” “Superspread,” “Restrictions,” “Protocols,” “Attendance,” “Density,” “Scenario,” “Contingency,” “Cancel,” or “President Trump.”



Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

Please search all records regarding official business. Please do not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.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 it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that 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 your office 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.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, 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 office can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email 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

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 Dan

³ See Atty. Gen. Josh Stein, *North Carolina Open Government Guide* at 22 (2019), <https://ncdoj.gov/download/141/files/17891/2019-open-government-guide> (“Emails about official business are public records even if they are sent using the personal email account of an employee or official.”).

McGrath at records@americanoversight.org or 202.897.4213. If you believe fees in excess of \$100 will be assessed, please contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Austin R. Evers
Executive Director
American Oversight