



October 6, 2020

VIA EMAIL

Deputy Public Information Officer
2005 N. Central Ave
Phoenix, AZ 85004
publicrecords@azag.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.

Press reported that Attorney General Mark Brnovich planned to attend a September 23, 2020 meeting at the White House to discuss using existing state laws to potentially punish acts of anti-conservative bias on social media.¹

American Oversight seeks records with the potential to shed light on the content shared in this meeting.

Requested Records

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

- 1) Any records reflecting the substance and participants of a White House meeting attended by Attorney General Brnovich on or about September 23, 2020, regarding social media bias investigations and prosecutions, including agendas, meeting minutes or summaries (including handwritten notes and informal email summaries), participant lists, and any materials exchanged by parties attending the meeting.

For item 1 of this request, please provide all responsive records from September 1, 2020, through the date the search is conducted.

- 2) All email communications (including email messages, email attachments, complete email chains, calendar invitations, and calendar attachments) between (a) Attorney General Mark Brnovich, and (b) anyone in the

¹ Tony Romm, *Trump Administration Expected to Urge State Attorneys General to Probe Social Media Bias*, Wash. Post (Sept. 22, 2020, 6:22 PM), <https://www.washingtonpost.com/technology/2020/09/22/trump-attorneys-general-social-media-bias/>.



Executive Office of the President (including anyone communicating with an email address ending in eop.gov) or anyone from the U.S. Department of Justice (including anyone communicating with an email address ending in usdoj.gov), and containing any of the following key terms:

Specified terms

- a) “social media”
- b) Facebook
- c) Google
- d) Twitter
- e) YouTube
- f) Instagram
- g) Bias*
- h) Censor*
- i) “Section 230”
- j) “Silicon Valley”
- k) “White House”
- l) “the WH”
- m) POTUS

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 “censor*” would return all of the following: censors, censoring, censored, censorship, 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.

For item 2 of this request, please provide all responsive records from September 16, 2020, through the date the search is conducted.

Statement of Noncommercial Purpose

This request is made for noncommercial purposes. American Oversight seeks records regarding potential use of state government resources to investigate and prosecute perceived political bias on social media.² Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether the Arizona Attorney General agreed to pursue investigations and prosecutions of perceived political bias on social media at the urging of the White House.

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

² *See id.*

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:

- 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.
- 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 105,400 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Sept. 30, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Sept. 30, 2020).

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 Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,



Austin R. Evers
Executive Director
American Oversight