



July 12, 2021

VIA EMAIL

GRAMA Coordinator
Office of the Attorney General
PO Box 140860
Salt Lake City, Utah 84114-0860
Ago_grama_coordinator@agutah.gov

Re: Government Records and Access Management Act Request

Dear Agency GRAMA Responder:

Pursuant to the Utah Government Records Access and Management Act (GRAMA), Utah Code §§ 63G-2-101 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Utah Office of the Attorney General produce the following records within ten business days:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) between (a) Attorney General Sean Reyes, or anyone communicating on Reyes' behalf, such as a chief of staff, scheduler, or assistant, and (b) the former U.S. Department of Justice (DOJ) officials listed below:

DOJ Officials

- a. Deputy Associate Attorney General Brian Pandya
- b. Deputy Assistant Attorney General Daniel Feith
- c. Associate Deputy Attorney General Christopher Grieco
- d. Senior Counselor Brady Toensing
- e. Senior Counselor Gary Barnett

For item 1 of this request, please provide all responsive records from September 20, 2020, through January 20, 2021.

2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) between (a) Attorney General Sean Reyes or anyone communicating on Reyes' behalf, such as a chief of staff, scheduler, or assistant, and (b) the external individuals listed below that (c) contain the key terms specified below.



External Individuals

- a. Elizabeth Murrill, Louisiana Solicitor General
- b. Benjamin Flowers, Ohio Solicitor General
- c. Beau Roysden, Arizona Solicitor General
- d. John Sauer, Missouri Solicitor General
- e. Nicholas Bronni, Arkansas Solicitor General
- f. Lynn Fitch, Mississippi Attorney General
- g. Michelle Williams, Chief of Staff to the Mississippi Attorney General
- h. Ken Paxton, Texas Attorney General
- i. Zina Bash, former Senior Counsel in the Office of Attorney General Ken Paxton
- j. Todd Rokita, Indiana Attorney General
- k. David Johnson, former Chief Counsel in the Advisory Division in the Office of the Indiana Attorney General
- l. Aaron Negangard, former acting Indiana Attorney General
- m. Todd Rokita, Indiana Attorney General
- n. Utah Senator Michael McKell
- o. Utah Senator Curtis Bramble
- p. Utah Representative Brady Brammer

Key Terms

1. "Social media platforms"
2. "model legislation"
3. "Big Tech"
4. Censorship
5. Moderation
6. Moderator
7. "First Amendment protections"
8. Facebook
9. Twitter
10. TikTok
11. YouTube
12. Instagram
13. Zuckerberg
14. Dorsey
15. "S.B. 228"
16. "Senate Bill 228"

For item 2 of this request, please provide all responsive records from September 20, 2020, through March 24, 2021.

Fee Waiver Request

In accordance with Utah Code § 63G-2-203(4)(a), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested information will primarily benefit the public rather than a person, because the requested records will likely contribute to a better understanding of relevant

government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information primarily benefits the public rather than a person.¹ The public has a significant interest in social media legislation that was passed in the Utah legislature. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent Attorney General Reyes' office was involved in the creation of this legislation. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

Furthermore, this request is not for American Oversight's personal or financial interest. As described above, this request is primarily and fundamentally made for the purpose of educating the public and is not made for any commercial purposes. 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. 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.²

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.³ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;⁴ posting records and analysis of federal and state governments'

¹ Utah Code § 63G-2-203(4)(a).

² American Oversight currently has approximately 15,650 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 12, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 12, 2021).

³ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁴ See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, 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>.

responses to the Coronavirus pandemic;⁵ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁶ and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.⁷

Accordingly, American Oversight qualifies for a fee waiver.

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

⁵ See, e.g., *The Trump Administration’s Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *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>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

⁶ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

⁷ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

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. 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. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight