



August 17, 2022

**VIA EMAIL**

Georgia Bureau of Investigation  
3121 Panthersville Road  
Decatur, GA 30034  
[Openrecords2@gbi.ga.gov](mailto:Openrecords2@gbi.ga.gov)

**Re: Open Records Request**

Dear 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.

In April 2022, Governor Kemp signed a bill enabling the Georgia Bureau of Investigation to launch investigations into election fraud and election crimes and to subpoena election-related documents.<sup>1</sup> American Oversight seeks records related to the implementation of GBI's newly established powers.

**Requested Records**

American Oversight requests that the Georgia Bureau of Investigation produce the following within three business days:

1. All records reflecting any guidance, training materials, policies, or procedures concerning any provision of SB 441/Act 717, including, but not limited to, enabling the Georgia Bureau of Investigation to launch investigations into election fraud and election crimes and to subpoena records to further such investigations.
2. Records sufficient to identify all investigations initiated using Georgia Bureau of Investigation's original jurisdiction to investigate election fraud and election crimes.
3. Records sufficient to identify all subpoenas issued using Georgia Bureau of Investigation's subpoena power to further investigations into election fraud and election crimes.

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<sup>1</sup> Greg Bluestein, *New Georgia Law Allows GBI to Investigate Elections*, Atlanta Journal-Constitution, Apr. 27, 2022, <https://www.ajc.com/politics/new-georgia-law-allows-gbi-to-investigate-elections/2JDSHPY4U5FHNJDUKTEUKT35PA/>.



For request items 2 and 3, to the extent this information is aggregated and maintained in a database or spreadsheet,<sup>2</sup> we would accept as responsive a printout from the database.

Please provide all responsive records from June 23, 2022, through the date the request is received by your office.

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, voicemail 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Open Records Act.<sup>3</sup>
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of

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<sup>2</sup> American Oversight requests responsive data in a Microsoft Excel spreadsheet format, to the extent that your office maintains such data in a database or other format that can be readily exported into such format.

<sup>3</sup> 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.<sup>4</sup>

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

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<sup>4</sup> American Oversight currently has approximately 16,000 page followers on Facebook and 118,700 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Aug. 5, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Aug. 5, 2022).

the requested records, please contact Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.539.6507.

Sincerely,

/s/ Khahilia Shaw

Khahilia Shaw  
on behalf of  
American Oversight