August 24, 2022

VIA EMAIL

S.C. Attorney General’s Office
FOIA Office
PO Box 11549
Columbia, SC 29211
foia@scag.gov

Re: Freedom of Information Act Request

Dear Freedom of Information Officer:


Requested Records

American Oversight requests that the South Carolina Attorney General’s Office promptly produce the following records:

All email communications (including complete email chains, email attachments, calendar invitations, and calendar invitation attachments) between (a) any of the individuals listed in Column A below and (b) any of the individuals or entities listed in Column B below, containing any of the following terms.

Please provide all responsive records from May 1, 2022, through the date of the search.

<table>
<thead>
<tr>
<th>Column A: South Carolina Attorney General’s Office officials</th>
<th>Column B: South Carolina Governor’s Office officials</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Attorney General Alan Wilson (or anyone communicating on his behalf, such as an assistant or scheduler)</td>
<td>1. South Carolina Governor Henry McMaster (or anyone communicating on his behalf, such as an assistant or scheduler)</td>
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<td>b. William Jeffrey “Jeff” Young (Chief Deputy Attorney General)</td>
<td>2. Trey Walker (Chief of Staff)</td>
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<td>c. Donald Zelenka (Deputy Attorney General)</td>
<td>3. Alex Harrell (Special Assistant to the Governor)</td>
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<td>d. Barry Bernstein (Chief of Staff and Deputy Attorney General), or anyone acting as Chief of Staff</td>
<td>4. Caroline McKissick (Special Assistant to the Governor)</td>
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<td>5. Sym Singh (Director of Legislative Affairs)</td>
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<td>6. Jordan Marsh (Director of Federal Affairs)</td>
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<td>e.</td>
<td>DeLinda Ridings (Executive Assistant to the Attorney General)</td>
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<td>f.</td>
<td>Trisha Allen (Director, Victim Advocacy Division)</td>
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<td>g.</td>
<td>Harry Bracy (Chief Investigator)</td>
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<td>h.</td>
<td>Jamie Seales (Assistant Chief Investigator)</td>
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<td>7.</td>
<td>Madison Hall (Deputy Director of Legislative Affairs)</td>
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<td>8.</td>
<td>Mark Plowden (Deputy Chief of Staff)</td>
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<td>9.</td>
<td>Leigh LeMoine (Deputy Chief of Staff)</td>
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<td>10.</td>
<td>Grayson Lambert (Senior Legal Counsel)</td>
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<td>11.</td>
<td>Thomas Limehouse (Chief Legal Counsel)</td>
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<td>12.</td>
<td>Tracy Moore (Administrative Coordinator, Division of Legal Affairs)</td>
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<td>13.</td>
<td>Barbara Drayton (Deputy General Counsel)</td>
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<td>14.</td>
<td>Vann Gunter (Deputy General Counsel)</td>
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<tr>
<td>15.</td>
<td>Brian Symmes (Communications Director)</td>
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</tbody>
</table>

**Key Terms:**

1. SafeGraph
2. “Safe Graph”
3. “software development kits”
4. “SDKs”
5. Digitalchemy
6. “Digital Alchemy”
7. “Digital Envoy”
8. “Gravy Analytics”
9. “GP International”
10. “GP investments”
11. “GP app”
12. Placer.ai
13. “Placer ai”
14. Acxiom
15. “Babel Street”
16. Flo
17. “Bloody Health”
18. Drip
19. Glow
20. BabyCenter
21. “Baby Center”
22. “Period Tracker”
23. “P. Tracker”
24. “PG Apps”
25. “Period Calendar”
26. “Simple Design”
27. Sevenlogics
In accordance with S.C. Code Ann. § 30-4-30(B), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. In addition, this request is primarily and fundamentally for non-commercial purposes.

A waiver of fees is “in the public interest because furnishing the information can be considered as primarily benefiting the general public.”¹ The general public has a significant interest in understanding how, and for what purpose(s), government agencies acquire potentially sensitive personal data. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether the South Carolina Attorney General’s Office has attempted to procure such data. 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, American Oversight’s work is aimed solely at serving the public interest. 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

¹ S.C. Code Ann. § 30-4-30(B).
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’ 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

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² 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 27, 2022); American Oversight ([@weareoversight]), Twitter, [https://twitter.com/weareoversight] (last visited July 27, 2022).
³ See generally News, American Oversight, [https://www.americanoversight.org/blog].
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,
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:

- Please search all locations and systems likely to have responsive records,
  regardless of format, medium, or physical characteristics. For instance, if the
  request seeks “communications,” please search all locations likely to contain
  communications, including relevant hard-copy files, correspondence files,
  appropriate locations on hard drives and shared drives, emails, text messages or
  other direct messaging systems (such as iMessage, WhatsApp, Signal, or
  Twitter direct messages), voicemail messages, instant messaging systems such
  as Lync or ICQ, and shared messages systems such as Slack.

- 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.

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- 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.\footnote{S.C. Code Ann. § 30-1-40(b).} 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, have any questions, or foresee any problems in fully releasing the requested records, please contact Khahilia Shaw at records@americanoversight.org or (202) 539-6507.

Sincerely,

\emph{/s/ Khahilia Shaw}

Khahilia Shaw
on behalf of
American Oversight

\footnote{S.C. Code Ann. § 30-1-40(b).}