



June 13, 2023

VIA EMAIL

Jon Ebelt
Office of Public Information
Montana Department of Public Health and Human Services
111 N. Sanders St.
Helena, MT 59620
jebelt@mt.gov

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to Art. II, Section 9, of the Montana Constitution, and the Montana Public Records Act, Mont. Code Ann. §§ 2-6-1001 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records in a timely manner:

1. All formal or informal assessments, reports, analyses, recommendations, or guidance (including memoranda and other written products) prepared by the Department of Public Health and Human Services, or otherwise provided to the Department of Public Health and Human Services by other state or local offices or independent experts, regarding any projected or actual impacts of recent state legislation limiting access to abortion in Montana, including, but not limited to, Senate Bill 154 (2023), House Bill 303 (2023), House Bill 575 (2023), House Bill 625 (2023), House Bill 786 (2023), House Bill 721 (2023), House Bill 937 (2023), House Bill 225 (2023), House Bill 862 (2023), and/or House bill 544 (2023).
2. All records reflecting any directive, order, decision, protocols, or guidance, originating from or provided to the Department of Public Health and Human Services, regarding the implementation of Senate Bill 154 (2023), House Bill 303 (2023), House Bill 575 (2023), House Bill 625 (2023), House Bill 786 (2023), House Bill 721 (2023), House Bill 937 (2023), House Bill 225 (2023), House Bill 862 (2023), and/or House bill 544 (2023).
3. All email communications (including email messages, email attachments, complete email chains, calendar invitations, and attachments thereto) sent by the Department of Public Health and Human Services officials listed in Column A containing any of the key terms listed in Column B:



Column A: Department of Public Health and Human Services	Column B: Key Terms
<ol style="list-style-type: none"> 1. Charlie Brereton, Director (charles.brereton@mt.gov) 2. David Gerard, Deputy Director (David.Gerard@mt.gov) 3. Mike Randol, Medicaid and Health Services Executive Director (michael.randol@mt.gov) 4. Paula Stannard, Chief Legal Counsel (paula.stannard@mt.gov) 5. Phoebe Williams, Executive Assistant (phoebe.williams@mt.gov) 6. Karen Cech, Administrative Assistant (kacech@mt.gov) 	<ol style="list-style-type: none"> 1. "SB 154" 2. "HB 303" 3. "HB 575" 4. "HB 625" 5. "HB 786" 6. "HB 721" 7. "HB 937" 8. "HB 225" 9. "HB 862" 10. "HB 544" 11. SB154 12. HB303 13. HB575 14. HB625 15. HB786 16. HB721 17. HB937 18. HB225 19. HB862 20. HB544 21. Abortion 22. Abortions 23. Viability 24. Unborn 25. "Infant Safety and Care Act" 26. "born alive" 27. Dismemberment 28. "adoption tax credit" 29. "planned parenthood" 30. "Center for Reproductive Rights" 31. ACLU 32. "All Families Healthcare" 33. "Blue Mountain Clinic" 34. Injunction 35. "injunctive relief" 36. "restraining order" 37. "right to privacy"

In an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified individual. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example,

that both the specified individual's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

For all parts of this request, please provide all responsive records from April 1, 2023, through the date the search is conducted.

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

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.
- 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.

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.¹

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 Rachel Baron at records@americanoversight.org or 202.897.2465.

Sincerely,

/s/ Rachel Baron

Rachel Baron
on behalf of
American Oversight

¹ American Oversight currently has approximately 16,000 followers on Facebook and 112,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited June 12, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited June 12, 2023).