



STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
KRISTI L. NOEM | GOVERNOR

January 10, 2022

Hart W. Wood  
Via email only to [records@americanoversight.org](mailto:records@americanoversight.org)

RE: Record Request

Dear Mr. Wood,

This Office is in receipt of your open record request dated December 7, 2021 received by fax. This Office responded on December 20th and December 30th stating that it needed more time to respond.

You are requesting "All ethics guidance or directives provided to Governor Kristi Noem related to the acceptance of gifts, accommodations, and other benefits." Any correspondence, memorandum, guidance, or working paper that expresses a legal opinion is subject to the attorney-client privilege pursuant to SDCL 1-27-1.5(4) or that expresses a policy opinion, recommendation, directive, or decision arising from an official duty is subject to SDCL 1-27-1.7 and the deliberative privilege pursuant to SDCL 1-27-1.9. Therefore, the request is denied. Citing such authority is not a waiver of additional authority.

You are also requesting "Records of all gifts received and/or otherwise accepted by Governor Kristi Noem, including estimated value, date received, and the name of the gifting individual or organization." Regarding the request for records of gifts received and/or otherwise accepted by Governor Noem, no state law requires this Office to maintain records of gifts received or any specific information related to gifts. Any record that may exist is subject to the deliberative privilege pursuant to SDCL 1-27-1.9 and is exempt from disclosure pursuant to SDCL 1-27-1.5(12). Regarding the request for the name of the giver, that request is also denied pursuant to SDCL 1-27-1.5(22) as it would be an unreasonable release of personal information. Therefore, the request is denied. Citing such authority is not a waiver of additional authority.

Public record procedures are found at SDCL ch. 1-27.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katie Hruska".

Katie Hruska  
Deputy General Counsel

KH:mn