



February 29, 2024

VIA EMAIL

Jaclyn Klintoe, University Records Director
University of Nebraska
1400 R Street
Lincoln, NE 68588
jklintoe@nebraska.edu

Re: Public Records Statute Request

Dear Record Custodian:

Pursuant to the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within four business days:

1. All formal or informal final assessments, reports, or analyses (including memoranda and other written products) prepared by University of Nebraska Medical Center (UNMC), or otherwise provided to UNMC, concerning the provision of gender-affirming medical care.
2. All records reflecting any formal or informal final guidance, recommendations, or directives created by or issued to UNMC regarding state law restricting gender-affirming medical care, including, but not limited to Legislative Bill 574 (2023).¹
3. All official and unofficial dissent memoranda and complaints (such as formal memoranda, ethics complaints, or informal email communications) submitted to UNMC regarding state legislation, regulations, policies, and guidance related to restrictions on gender-affirming medical care, including, but not limited to Legislative Bill 574 (2023).

For part 3 of this request, American Oversight requests all such memoranda and complaints received from employees, appointees, board members, or contractors of UNMC. To be clear, American Oversight is not seeking the

¹ For further identifying information, please see Aaron Sanderford, *Judge Dismisses LB 574 Lawsuit, Says Abortion and Gender Care are Health Care*, Neb. Examiner (Aug. 12, 2023, 12:28 AM), <https://nebraskaexaminer.com/2023/08/12/judge-dismisses-lb-574-lawsuit-says-abortion-and-gender-care-are-health-care/>.



release of the names of any individuals who have submitted responsive documents and does not object to withholding the name of any individual expressing dissent.

For all parts of this request, please provide all responsive records from June 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. Pursuant to Neb. Rev. Stat. § 84-712(3)(b), we further request that any fees are limited to the actual costs and exclude fees for search time in excess of four hours.

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.
- 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.² 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

² Neb. Rev. Stat. § 84-712.06.

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.com.³

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.

Sincerely,

/s/ Emma Lewis

Emma Lewis
on behalf of
American Oversight

³ American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 28, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Feb. 28, 2024).