



April 24, 2024

VIA EMAIL

Iowa Department of Health and Human Services
Lucas State Office Building
321 East 12th Street
Des Moines, IA 50319
hhsopenrecords@idph.iowa.gov

Re: Public Records Request

Dear Custodian of Public Records:

Pursuant to the Iowa Public Records Law, Iowa Code, Ch. 22, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records promptly, or as soon as feasible:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed below and containing any of the key terms listed below.

Department of Health and Human Services Officials:

1. Kelly Garcia, Director
2. Sarah Ekstrand, Chief of Staff
3. Carrie Malone, Government Relations
4. Robert Kruse, State Medical Director
5. Janeé Harvey, Director of Family Well-Being and Protection
6. Andrew Allen, Health and Human Services Council (HHSC) Member
7. Kay Fisk, HHSC Member
8. Monika Jindal, HHSC Member
9. Donald Macfarlane, HHSC Member
10. Sandra McGrath, HHSC Member
11. Rebecca Peterson, HHSC Member
12. Samantha Rozeboom, HHSC Member
13. Samuel Wallace, HHSC Member
14. John Willey, HHSC Member

Key Terms:

- a. "AL Supreme Court"
- b. "Alabama Supreme Court"
- c. "assisted reproduction"



- d. “assisted reproductive”
- e. “in vitro”
- f. “in-vitro”
- g. “juridical person”
- h. “legal person”
- i. “life at conception”
- j. “standard of care”
- k. “TRAP law”
- l. “TRIP law”
- m. “wrongful death of a minor”
- n. cryo
- o. embryo
- p. fertility
- q. fertilization
- r. fertilize
- s. gamete
- t. “I.V.F.”
- u. invitro
- v. IVF
- w. personhood
- x. unborn
- y. utero
- z. zygote
- aa. “HF2575”
- bb. “HF 2575”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed officials. 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 a listed official’s response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from February 16, 2024, 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:

- 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 Public Records Law.¹
- 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.

¹ See *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) (“It is the nature and purpose of the document, not the place where it is kept, which determines its status” as a public record); *Chapter 22 Frequently Asked Questions*, Iowa Public Information Board, <https://ipib.iowa.gov/faq/if-email-report-or-other-document-composed-received-or-stored-my-personally-owned-electronic> (“If a government official or employee uses privately owned electronic devices or services, such as cell phones, computers, email accounts, smart phones, or such to conduct official government business, then the record generated is a public record.”).

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.²

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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

² American Oversight currently has approximately 16,000 followers on Facebook and 111,200 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 23, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Apr. 23, 2024).