



April 1, 2025

**VIA FOIA.GOV, ONLINE PORTAL, & EMAIL**

Department of Veterans Affairs  
Freedom of Information Act Services  
(005R1C)  
811 Vermont Ave. NW  
Washington, DC 20420  
Via FOIA.gov

FOIA Officer  
U.S. Department of the Interior  
1849 C St. NW, MS-7328, MIB  
Washington, DC 20240  
Via FOIA.gov

Bobbie Parsons  
IOS FOIA Officer  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Room 61013  
Washington, DC 20230  
Via FOIA.gov

Alexis Graves  
U.S. Department of Agriculture  
1400 Independence Ave. SW  
Room 4039-A  
Washington, DC 20250-0706  
Via FOIA.gov

FOIA Requester Service Center  
Office of Personnel Management  
Room 5H35  
1900 E Street NW  
Washington, DC 20415-7900  
Via FOIA.gov

Freedom of Information Act Office  
U.S. Department of Health and Human  
Services  
Hubert H. Humphrey Building, Room  
729H  
200 Independence Ave. SW  
Washington, DC 20201  
Via Online Portal

Office of the Solicitor  
Division of Management and  
Administrative Legal Services  
U.S. Department of Labor  
200 Constitution Ave. NW  
Room N-2420  
Washington, DC 20210  
Via Online Portal

U.S. Department of Housing and Urban  
Development  
Freedom of Information Act Office  
451 7th St. SW  
Room 10139  
Washington, DC 20410-3000  
Via Online Portal

Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
Via Online Portal

Department of Justice  
Douglas Hibbard  
Chief, Initial Request Staff  
Office of Information Policy  
441 G St NW  
6th Floor  
Washington, DC 20530  
Via Online Portal



Department of Homeland Security  
Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave. SE  
Washington, DC 20528-065  
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Michael G. Seidel, Section Chief  
Record/Information Dissemination  
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Records Management Division  
Federal Bureau of Investigation  
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FOIA Requester Service Center (LG)  
1800 F Street, NW7308  
Washington, DC 20405-0001  
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Social Security Administration  
Office of Privacy and Disclosure  
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WHR G401  
6401 Security Blvd.  
Baltimore, MD 21235  
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Departmental FOIA Office  
U.S. Department of Transportation  
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Department of Education  
Office of the Secretary  
400 Maryland Ave., SW, LBJ 7W104  
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## **Re: Expedited Freedom of Information Act Request**

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, American Oversight makes the following request for records.

In March 2025, Jeffrey Goldberg—editor-in-chief of *The Atlantic*—revealed that he had been added to a Signal group chat in which U.S. national security leaders coordinated

March 2025 military strikes in Yemen.<sup>1</sup> After this revelation, White House press secretary Karoline Leavitt stated that Signal was an “approved app” for government use and was “the most safe and efficient way of communicating,” especially when people cannot be in the same room together.<sup>2</sup> American Oversight seeks records with the potential to shed light on the Trump administration’s use of Signal.

### **Requested Records**

American Oversight seeks expedited review of this request for the reasons identified below and requests that your agency produce the following records as soon as practicable, and at least within twenty business days:

1. All Signal messages (including complete message threads/conversations) sent since January 20, 2025, by the officials who are listed below.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part one of this request to Signal messages sent by the listed official. To be clear, however, American Oversight requests that full message threads/conversations be produced. For example, if the official sent a Signal message, the complete thread/conversation for 24 hours before and after the sent message should be produced, not just the sent message.

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 Federal Records Act and FOIA.<sup>3</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>4</sup>

Department of Veterans Affairs

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<sup>1</sup> Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, The Atlantic (Mar. 24, 2025, 12:06 PM),

<https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>.

<sup>2</sup> Luke Broadwater, *Another Problem With That Signal Chat? The Messages Disappear*, N.Y. Times, Mar. 27, 2025, <https://www.nytimes.com/2025/03/27/us/politics/signal-messages-disappear.html>.

<sup>3</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>4</sup> See *Competitive Enter. Inst. v. Off. of Sci. & Tech. Pol’y*, No. CV 14-765, 2016 WL 10676292, at \*3 (D.D.C. Dec. 12, 2016).

- a. Former Acting Secretary Todd Hunter
- b. Secretary Doug Collins
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Department of Interior

- a. Former Acting Secretary Walter Cruickshank
- b. Secretary Doug Burgum
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Department of Commerce

- a. Former Acting Secretary Jeremy Pelter
- b. Secretary Howard Lutnick
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Department of Agriculture

- a. Former Acting Secretary Gary Washington
- b. Secretary Brooke Rollins
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Office of Personnel Management

- a. Acting Director Charles Ezell
- b. Anyone serving in the capacity of Senior Advisor to the Acting Director

Department of Health and Human Services

- a. Former Acting Secretary Dorothy Fink
- b. Secretary Robert F. Kennedy, Jr.
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Department of Labor

- a. Former Acting Secretary Vincent Micone
- b. Secretary Lori Chavez-DeRemer
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Department of Housing and Urban Development

- a. Former Acting Secretary Matthew Ammon
- b. Secretary Scott Turner
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Environmental Protection Agency

- a. Former Acting Administrator James Payne
- b. Administrator Lee Zeldin

- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Administrator

Department of Justice

- a. Former Acting Attorney General James McHenry
- b. Attorney General Pam Bondi
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Attorney General

Department of Homeland Security

- a. Former Acting Secretary Benjamine Huffman
- b. Secretary Kristi Noem
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Federal Bureau of Investigation

- a. Former Acting Director Brian Driscoll
- b. Director Kash Patel
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Director

General Services Administration

- a. Acting Administrator Stephen Ehikian
- b. Anyone serving in the capacity of Senior Advisor to the Acting or actual Administrator

Social Security Administration

- a. Former Acting Commissioner Michelle King
- b. Acting Commissioner Leland Dudek
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Commissioner

U.S. DOGE Service

- a. Anyone serving as Administrator or Acting Administrator
- b. Anyone serving in the capacity of Senior Advisor the Administrator

Department of Transportation

- a. Former Acting Secretary Judith Kaleta
- b. Secretary Sean Duffy
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Department of Education

- a. Former Acting Secretary Denise Carter
- b. Secretary Linda McMahon
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Department of Energy

- a. Former Acting Secretary Ingrid Kolb
- b. Secretary Chris Wright
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Secretary

Office of Management and Budget

- a. Former Director Matthew Vaeth
- b. Director Russ Vought
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Director

Small Business Administration

- a. Former Administrator Everett Woodel
- b. Administrator Kelly Loeffler
- c. Anyone serving in the capacity of Senior Advisor to the Acting or actual Director

2. Records sufficient to identify both (a) the title of and (b) names of all participants in all Signal group message conversations of which the officials identified in part of 1 of this request have been a member since January 20, 2025.
3. All guidance issued by, provided to,<sup>5</sup> or otherwise in the possession of your office—including directives, instructions, directions, memoranda, policies, procedures, regulations, informal email guidance, training materials, presentations, and/or any other written guidance—(a) regarding the use and retention of ephemeral messaging platforms—including, but not limited to, Signal—and (b) issued, created, or modified since January 20, 2025.

**Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government.”<sup>6</sup> The public has a significant interest in communications members of the Trump administration may be

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<sup>5</sup> This request includes, but is not limited to, guidance provided by the White House Counsel’s Office. For further identifying information, *see* Karoline Leavitt (@PressSec), X (Mar. 25, 2025, 8:35 AM), <https://x.com/PressSec/status/1904512527699968437>.

<sup>6</sup> 5 U.S.C. § 552(a)(4)(A)(iii).

having via the messaging app Signal, as well as in instructions issued regarding governmental use of Signal and similar platforms. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including whether and to what extent such communications are taking place and if so, whether they are taking place consistent with agency guidance and federal law. American Oversight is committed to transparency and makes the responses agencies provide to FOIA 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.

This request “is not primarily in the commercial interest of the requester.”<sup>7</sup> In fact, 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 commercial 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 X (formerly Twitter).<sup>8</sup>

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.<sup>9</sup> Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;<sup>10</sup> posting records and editorial content about the federal government's response to the COVID-19 pandemic;<sup>11</sup> posting records received as part of American Oversight's “Audit the Wall” project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>12</sup> the posting of records related to an

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<sup>7</sup> *Id.*

<sup>8</sup> American Oversight currently has approximately 16,000 followers on Facebook and 95,100 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 1, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Apr. 1, 2025).

<sup>9</sup> *See generally News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>10</sup> *Trump Administration's Contacts with Ukraine*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine>.

<sup>11</sup> *See generally The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *see, e.g., CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>.

<sup>12</sup> *See generally Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; *see, e.g., Audit the Wall: No Plans, No Funding, No Timeline, No Wall*, American Oversight,

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;<sup>13</sup> and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.<sup>14</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **Application for Expedited Processing**

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and the FOIA expedition regulations of your agency, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity. On March 24, 2025, Jeffrey Goldberg—editor-in-chief of *The Atlantic*—revealed that he had been added to a Signal group chat on March 13, 2025, in which U.S. national security leaders coordinated military strikes in Yemen.<sup>15</sup> The White House acknowledged and confirmed the veracity of Goldberg's published revelation that he was inadvertently included in this discussion of highly sensitive information over an unclassified messaging platform.<sup>16</sup> Within hours of Goldberg's reporting, the White House stated that it was "reviewing how an inadvertent number was added" to the Signal conversation.<sup>17</sup> Given the highly sensitive nature of the conversation that took place over Signal, which is not approved by the

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<https://americanoversight.org/audit-the-wall-no-plans-funding-or-timeline-and-no-wall/>.

<sup>13</sup> *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, <https://www.documentcloud.org/documents/25544090-doj-records-relating-to-solicitor-general-noel-franciscos-recusal-american-oversight>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>14</sup> *See generally Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, <https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense>; *see, e.g., New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, <https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state>.

<sup>15</sup> *See* Goldberg, *supra* note 1.

<sup>16</sup> *See, e.g.,* Dan Lamothe & Michael Birnbaum, *White House Acknowledges 'Inadvertent' Leak Involving Top Trump Officials*, Wash. Post (Mar. 24, 2025, 3:34 PM), <https://www.washingtonpost.com/national-security/2025/03/24/trump-leak-signal-jeffrey-goldberg-atlantic/>.

<sup>17</sup> Daniel Arkin, *Trump Administration Is Reviewing How Its National Security Team Sent War Plans to a Magazine Editor*, NBC (Mar. 24, 2025, 3:29 PM), <https://www.nbcnews.com/politics/national-security/atlantic-jeffrey-goldberg-trump-houthis-rcna197847>.



government for sharing classified information,<sup>18</sup> the American public is entitled to the swift release of records responsive to American Oversight's requests centered on the Trump administration's use of Signal for the sharing of potentially classified information. The American public has a substantial and urgent interest in understanding the Trump Administration's recent assertion that Signal is an "approved app" for government use and "the most safe and efficient way of communicating" when people cannot be in the same room together.<sup>19</sup>

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about the use of an unapproved, ephemeral messaging platform to transmit classified military plans. There is an urgent need to obtain the requested records to inform the public about whether, to what extent, and by what means multiple high-profile members of the Trump Administration potentially violated federal law by coordinating military strikes in Yemen over Signal. Since the initial publication of Goldberg's reporting, multiple members of Congress from both parties have spoken out, with one Senator writing that "every single one of the government officials on this text chain have now committed a crime," and another Senator calling it "a huge-screw up."<sup>20</sup> Multiple members of the House of Representatives called for "administrative accountability" and "a full investigation" into the matter.<sup>21</sup> The public urgently requires the requested information in order to engage with their senators or representatives who may be able to investigate the matter now, while the issue is at the forefront of the public and Congress's attention.

To the extent provided for by your agency's regulations, American Oversight's request also meets the standard for expedited processing for requests concerning a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence. To that end, I also certify to be true and correct to the best of my knowledge and belief that there is widespread and exceptional media interest in the subject of this request, and there exist related possible questions concerning the government's integrity, which affect public confidence. The use of the ephemeral messaging app Signal by members of the Trump administration has been the subject of intense media scrutiny, including questions of whether Trump administration officials are violating the Federal Records Act by using a system set up to delete messages.<sup>22</sup>

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<sup>18</sup> See Goldberg, *supra* note 1.

<sup>19</sup> See Broadwater *supra* note 2.

<sup>20</sup> See Joseph Gedeon, *Outrage After White House Accidentally Texts Journalist War Plans: 'Huge Screw-Up'*, The Guardian (March 24, 2025, 3:55 PM), <https://www.theguardian.com/us-news/2025/mar/24/journalist-trump-yemen-war-chat-reaction>.

<sup>21</sup> See, e.g., Andrew Solender et al., *'Heads Should Roll': Congress Erupts Over Stunning Trump Admin Leak*, Axios (updated Mar. 24, 2025, 4:19 PM), <https://www.axios.com/2025/03/24/atlantic-yemen-signal-hegseth-jeffrey-goldberg>.

<sup>22</sup> See, e.g., Broadwater, *supra* note 2; Josh Gerstein, *The Potential Legal Fallout of the Signal Group Chat Leak*, Politico Magazine (Mar. 23, 2025, 5:57 PM), <https://www.politico.com/news/magazine/2025/03/25/legal-fallout-signal-group-chat-00249427>; Kayla Epstein, *Four Lingering Questions About Trump Officials' Signal*

Moreover, I certify to be true and correct to the best of my knowledge and belief that there exist possible questions concerning the government's integrity regarding members of the Trump administration following national laws, including the Federal Records Act and others protecting classified and sensitive information.<sup>23</sup>

I further certify that American Oversight is primarily engaged in disseminating information to the public. 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. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,<sup>24</sup> American Oversight "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience."<sup>25</sup> American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and 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 X (formerly Twitter).<sup>26</sup> As

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*Chat*, BBC, Mar. 26, 2025, <https://www.bbc.com/news/articles/c5y41xdrxnyo>; Praveena Somasundaram et al., *Classified Material Laws and Why Experts Say Signal Chat Raises Concerns*, Wash. Post, updated Mar. 25, 2025, <https://www.washingtonpost.com/national-security/2025/03/24/signal-app-national-security-risk-trump-officials/>; Rebecca Beitsch, *Signal Chat Discussion of 'Clearly Classified' Information Violated Law, Experts Say*, The Hill (Mar. 28, 2025, 6:00 AM), <https://thehill.com/policy/national-security/5218181-signal-chat-violates-espionage-act/>; Beatrice Nolan, *Trump Administration's Use of Disappearing Signal Messages to Discuss Military Strikes Not Allowed Under Record Law, Experts Say*, Fortune (Mar. 25, 2025, 11:52 AM), <https://fortune.com/2025/03/25/trump-administrations-signal-military-strikes-not-allowed-under-record-law-expert/>; Lily Jamali et al., *Why Is It a Problem if Yemen Strike Plans Shared on Signal?*, BBC News, Mar. 24, 2025, <https://www.bbc.com/news/articles/czx711q2qdko>; Aysha Bagchi, *White House Says Yemen Strikes Chat Wasn't Classified. It Could Still Be Illegal.*, USA Today (Mar. 27, 2025, 1:46 PM), <https://www.usatoday.com/story/news/politics/2025/03/27/signal-yemen-military-strikes-houthis-legal/82650850007/>; Joseph Gedeon & Hugo Lowell, *The Signal Chat Leak Raises Questions About Accountability in Trump's Cabinet*, The Guardian (Mar. 27, 2025, 11:12 AM), <https://www.theguardian.com/us-news/2025/mar/27/signal-chat-leak-pete-hegseth>.

<sup>23</sup> See *supra* note 22.

<sup>24</sup> See *ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

<sup>25</sup> *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

<sup>26</sup> American Oversight currently has approximately 16,000 followers on Facebook and 95,100 followers on X (formerly Twitter). American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 1, 2025); American Oversight (@weareoversight), X (formerly Twitter), <https://x.com/weareoversight> (last visited Apr. 1, 2025).

discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.<sup>27</sup>

Accordingly, American Oversight's request satisfies the criteria for expedition.

### **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 X (formerly Twitter) direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack or Mattermost.
- 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 use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-wide

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<sup>27</sup> See generally *Our Latest*, American Oversight, <https://www.americanoversight.org/blog>; see, e.g., *Emails and Resume of Trump's Pick to Head Government Personnel Office*, American Oversight, <https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office>; *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, <https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings>; *State Department Releases Ukraine Documents to American Oversight*, American Oversight, <https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight>; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

requirements to manage agency information electronically,<sup>28</sup> and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- 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.

## **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. 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.

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<sup>28</sup> Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records>; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, “Managing Government Records Directive,” M-12-18 (Aug. 24, 2012), <https://www.archives.gov/files/records-mgmt/m-12-18.pdf>.

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 Loree Stark at [foia@americanoversight.org](mailto:foia@americanoversight.org) or (304) 913-6114. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Loree Stark  
Loree Stark  
on behalf of  
American Oversight