AMERICAN OVERSIGHT

July 23, 2025

VIA EMAIL

Indiana Department of Health
2 N. Meridian St.
Indianapolis, IN 46204
publicrecords@isdh.in.gov

Re: Public Records Request

Dear Public Official:

Pursuant to the Indiana Access to Public Records Act (APRA), Ind. Code § 5-14-3-1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your agency produce the following records within seven days:

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

   Indiana Department of Health Officials:
   i. Lindsay Weaver, Commissioner
   ii. Amy Kent, Deputy Commissioner and Chief of Staff
   iii. Pam Pontones, Deputy Commissioner of Local Health Services
   iv. Jon Ferguson, Deputy Commissioner and Chief Operating Officer
   v. Kelly MacKinnon, Chief Legal Counsel
   vi. Anyone serving as Director of Division of Vital Records

   Key Terms:
   a. birthright
   b. "birth right"
   c. "14th amendment"
   d. "14 amendment"
   e. "fourteenth amendment"
   f. 14156
   g. "jus soli"
   h. casa
   i. citizen
   j. citizenship
   k. migrant

l. immigrant
m. undocumented
n. alien

For part 1 of this request, please provide all responsive records from January 20, 2025, through July 18, 2025.

2. Final formal or informal directives (including informal email communications), guidance, protocol, or policies created by, issued to, or otherwise provided to the Indiana Department of Health regarding the issuance of documents recognizing United States citizenship, including, but not limited to, as directed by Executive Order 14160 "Protecting the Meaning and Value of American Citizenship."[1]

3. Final formal or informal directives (including informal email communications), guidance, protocol, or policies created by, issued to, or otherwise provided to the Indiana Department of Health regarding the verification of new parents' citizenship status.

For parts 2-3 of this request, please provide all responsive records created or in effect from January 20, 2025, through the date the search is conducted.

Pursuant to Ind. Code § 5-14-3-8(b), American Oversight asks that no fees be charged in connection with searching for or reviewing potentially responsive records. To the extent your office anticipates charging any copying fees for this request in excess of $100, please notify us prior to incurring such fees.

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.

[1] For further identifying information, *see* Exec. Order 14160, *Protecting the Meaning and Value of American Citizenship*, 90 Fed. Reg. 8449 (Jan. 20, 2025), https://www.federalregister.gov/documents/2025/01/29/2025-02007/protecting-the-meaning-and-value-of-american-citizenship.

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, where relevant, personal email accounts or text messages.[2]

- 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.[3] 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

[2] *See* Opinion of Public Access Counselor, 22-FC-13 (2022); *see also* Informal Inquiry Response of Public Access Counselor, 16-INF-30 (2016).
[3] Ind. Code § 5-14-3-6(a).

website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).[4]

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 Ben Sparks at records@americanoversight.org or (202) 873-1741.

Sincerely,

/s/ Ben Sparks
Ben Sparks
on behalf of
American Oversight

[4] American Oversight currently has approximately 16,000 followers on Facebook and 94,500 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited July 21, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited July 21, 2025).