



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

November 29, 2023

**SUBMITTED VIA ONLINE FORM**

Open Records Officer  
Georgia Department of Community Health  
Office of the General Counsel  
47 Trinity Ave. S.W.  
Atlanta, GA 30334  
[OpenRecordsRequest@dch.ga.gov](mailto:OpenRecordsRequest@dch.ga.gov)

**Re: Open Records Request**

Dear Open Records Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") submits this request for records from the Georgia Department of Public Health pursuant to the Georgia Open Records Act, O.C.G.A. § 50-18-70.

Specifically, CREW requests all communications from July 1, 2018 to the date this request is processed between the Georgia Department of Public Health and the Georgia General Assembly mentioning abortion or the termination of a pregnancy in public hospitals, with the following terms:

- "Criminal," or "crime," or "criminality"
- "Reporting requirement" or "reporting requirements," or "required reporting" or "required to report"
- "Mandatory reporting" or "mandatory report"
- "Late-term abortion"
- "Misdemeanor"
- "Fine"
- "Legal penalties"
- "Imprisonment"
- "Punishable by law"
- "Felony" or "felonies" or "felon"
- "Arrest" or "arrested" or "arresting"
- "Induced abortion" or "inducement of abortion"

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical

characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

### **Fee Waiver Request**

CREW requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding by the general public of the views of policymakers and of operations and activities of the government. Furthermore, the request is primarily and fundamentally for non-commercial purposes.

State legislators have the power to shape healthcare policies within their respective states and they are proactively introducing, amending, and voting on bills that directly impact healthcare access, affordability, and quality. Following the reversal of *Roe v. Wade*, lawmakers in some states have moved swiftly to introduce and enact laws and policies that limit access to crucial reproductive healthcare services. Understanding their positions on these issues allows the public and voters to make informed choices that align with their own healthcare priorities.

On June 15, 2023, the Idaho Freedom Caucus - a group of elected Idaho legislators - issued a letter to Idaho public hospitals questioning the accuracy of abortion reporting.<sup>1</sup> In this letter, the Caucus outlined Idaho's legal consequences, including criminal charges, substantial fines, and imprisonment, for failing to report abortions. Idaho has banned abortion at all stages of pregnancy since August 2022, as a consequence of the Supreme Court's *Dobbs v. Jackson Women's Health Organization* decision. Additionally, according to state law, every hospital, licensed healthcare facility, or individual medical practitioner must file a written report when a woman seeks an abortion. Although the letter suggested that this information was needed for informed policy decisions, there are concerns that lawmakers may be using this information as a tool to intimidate, monitor, and potentially criminalize healthcare providers and patients.

Similar to Idaho, Georgia lawmakers have enacted stringent laws restricting access to reproductive healthcare and mandated the immediate reporting of every termination of pregnancy that occurs in the state to the Department of Public Health within ten days. Importantly, healthcare disparities vary significantly from state to state and knowing where state legislators stand on issues related to healthcare access, coverage and equity is crucial for addressing these inequities. The maternal mortality rate in Georgia is increasing at an alarming rate, with women in Georgia twice as likely to die from pregnancy-related complications and more than half of those deaths were among Black women.<sup>2</sup> Laws

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<sup>1</sup>Rachel Sun, UPDATED: Idaho Freedom Caucus asked hospitals for abortion records, NORTHWEST PUBLIC BROADCASTING (Aug. 3, 2023),

<https://www.nwpb.org/2023/08/03/idaho-freedom-caucus-asked-hospitals-for-abortion-records/#:~:text=A%20letter%20sent%20by%20the.no%20more%20than%20a%20year>

<sup>2</sup> Krystal Dixon, *Maternal mortality worsens in Georgia*, AXIOS ATLANTA (July 19, 2023),

<https://www.axios.com/local/atlanta/2023/07/19/maternal-mortality-rates-georgia>

involving healthcare have a direct and immediate impact on individuals and families and can disproportionately affect vulnerable populations, such as Black people, people of color, low-income individuals, and people with pre-existing conditions.

Members of the public and voters who care about healthcare equity and social justice need to be informed about their legislators' positions to support policies that protect these populations. It is essential to our democracy for the residents of Georgia to have the information they need to make informed decisions, including understanding whether lawmakers are seeking personal information regarding individual healthcare choices. The requested information will allow the public and voters to navigate the ever-changing landscape of reproductive healthcare effectively.

The request is not in CREW's financial interest.

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes investigations that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives through public records requests on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

I understand that the Georgia Open Records Act requires a prompt response to this request. If you anticipate any delay or denial of this request, please provide a written explanation for the delay or denial within three business days, as required by law. If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [dbrown@citizensforethics.org](mailto:dbrown@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org), or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at [dbrown@citizensforethics.org](mailto:dbrown@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org).

Sincerely,

*Diamond Brown*

Diamond Brown  
Policy Counsel