

GEORGIA EMERGENCY MANAGEMENT AGENCY
HOMELAND SECURITY

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August 11, 2020

VIA ELECTRONIC MAIL

David Wickert
Atlanta Journal-Constitution
223 Perimeter Center Parkway NE
Dunwoody, Georgia 30346
David.Wickert@ajc.com

Re: David Wickert Follow-Up Letter

Dear Mr. Wickert:

This letter is in response to your email communications regarding your Open Record Request, made pursuant to Georgia's Open Records Act (O.C.G.A. § 50-18-70).

After conducting a review of the request and a search of our records, we identified and produced all responsive records. Prior to producing these records, our office and the Georgia Attorney General's Office reviewed the identified records and determined what information contained in such records is required by law to remain confidential or is otherwise exempt from disclosure.

In response to your follow-up email, our office conducted further evaluation of the documents produced and the statutory exemptions that apply. Following our review and consultation with both the Attorney General's Office and the Federal Emergency Management Agency (hereinafter "FEMA"), we determined that we can provide some of the documents. However, our office cannot disclose the records that we did not create and that have been designated with the restrictive markings, "For Official Use Only," (hereinafter "FOUO"), or "For Official Government Use Only." The Georgia Emergency Management and Homeland Security Agency (hereinafter "GEMA/HS") is not authorized to release documents that are labeled FOUO by any other agency or office.

In the spirit of cooperation, we will provide you with the information necessary to retain the requested documents from their originating sources. Such information will include the office or agency that sent GEMA/HS the record, the timing and method that we received the record, and the title of the record. These details should assist you in

creating a very specific records request to the document creator. The originator of a marked product is the one that is authorized to update the status/classification of the information included in their products. The GEMA/HS is not at liberty to make a judgment as to the content of a product marked FOUO by another entity.

Furthermore, one document requested contains information that is exempt from disclosure under Georgia law. The record titled, "PPE Shipments" contains confidential commercial information that if disclosed could result in market implications. Pursuant to O.C.G.A. § 50-18-72(a)(1), information required to be kept confidential by federal statute or regulation shall not be disclosed. Accordingly, we cannot release the contents of "PPE Shipments," because such information is protected under FOIA's Exemption 4, shielding from disclosure "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U. S. C. §552(b)(4). If you would like to inquire further on this record, you can do so by reaching out to FEMA. Our office received this document from Robert Samaan (Robert.Samaan@fema.dhs.gov) on June 8, 2020, at 2:58 P.M.

The responsive record titled "TAG Update Brief COVID-19 Response Efforts 12 June 20," was sent to us by the Georgia National Guard. We discussed the document's content with their leadership, and they have approved its' release. Pursuant to O.C.G.A. § 50-18-72(a)(25), the information detailing government security plans and measures, which if disclosed could compromise security against sabotage, criminal, or terroristic acts, was redacted. If you have follow-up questions about this record, please direct your inquiry to the Georgia National Guard. Our office received this record on June 12, 2020, at 9:42:28 A.M., from Major William Parker (William.m.parker10.mil@mail.mil).

Additionally, the documents titled "Recent Changes In Deaths By State And County" and "COVID Testing Technical Assistance: Frequently Asked Questions" were produced and marked FOUO by FEMA and the White House, respectively. Therefore, we are not authorized to release their content. Below we have provided you with the time and method we received each document:

Recent Changes In Deaths By State And County

Method: Email

Date: June 10, 2020 7:53 P.M.

From: Gracia Szczech, FEMA (Gracia.Szczech@fema.dhs.gov)

COVID Testing Technical Assistance: Frequently Asked Questions

Method: Email

Date: May 6, 2020 at 8:26:25 A.M. EDT

From: Nic D. Pottebaum, EOP/WHO (Nicholas.D.Pottebaum@who.eop.gov)

After further examination of the documents titled "Hospital Memorandum of Understanding with Phoebe Putney Health System, Inc." and "PPE 20 Day Projections 4.26.20," we are producing them for you in a non-redacted format. Our office created these records and therefore, we are authorized to disclose them to you. Enclosed with this letter we are providing you with both responsive records.

If you have any remaining questions regarding our response, please feel free to contact our office.

Sincerely,

Open Records Officer
Georgia Emergency Management and
Homeland Security Agency