Dear Carlita Lindsey, Public Information Act Coordinator,

Pursuant to the Maryland Public Information Act, I am requesting an opportunity to inspect or obtain copies of public records on my own behalf as a journalist and as an academic researcher.

**Requested Records**

On 6/22/2020, I submitted a FOI request asking for agency records related to the Maryland Department of Health’s social media use.

I received the following message from Meredith Herzing on 07/07/2020: “Good Afternoon, The Maryland Department of Health does not keep a record of deleted social media posts and no posts have been kept in draft form on any third party platform beyond their expected publication date. We have reached out to Facebook directly and have submitted a support ticket to Twitter to see if they keep a record of that information. Please let me know if you have any questions. Thanks, Meredith.”

In this new records request, I am asking for the email correspondence, social media posts, and support tickets that document Meredith Herzing sent to Facebook and Twitter. I am also asking for the communications that either or both social media company sent back to Meredith Herzing. All of these would have been sent presumably between 06/22/2020 and 07/14/2020, when I received a formal rejection to the first public records request I sent to your office.

**Request for Public Interest Fee Waiver**

I request a waiver of fees because disclosure of the requested records is in the public interest. It is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester.

First, the records concern the operations or activities of the government. Government social media accounts are used to disseminated information to the public, make official pronouncements, and generally serve as an important touch point for governments to receive public input. *See* *Social Media Use by Governments: A Policy Primer to Discuss Trends, Identify Policy Opportunities and Guide Decision Makers*, OECD Working Papers on Public Governance, available at <https://dx.doi.org/10.1787/5jxrcmghmk0s-en>. Social media use, including tweets posted by @MDHealthDept and then deleted, or never posted, is an important part of this activity.

Disclosure of the requested information is likely to contribute significantly to public understanding of the operations or activities of the government. Specifically, the requested records will reveal substantial new information about how the Maryland Department of Health defines and manages tweets. They will allow the public to see what published messages have been rescinded and the process by which these public statements were retracted as compared to the processes employed by other agencies. For example, my research on the Twitter account of the Guantanamo Bay Naval Base revealed to the public that the account had systematically deleted controversial tweets. *See* Brady Dale, *To What Extent is a Tweet a Federal Record?*, Technical.ly Brooklyn (October 24, 2017), (<https://technical.ly/brooklyn/2017/10/24/muira-mccammon-talks-gitmo-radical-networks/>).

Finally, the records are not primarily in my own commercial interest. I seek the requested information for newsgathering purposes, and expect to incorporate it into journalistic work product to be disseminated to the public, like those already produced. *See* Muira Mccammon, *Trouble @JTFGTMO,* Slate (April 17, 2018), https://slate.com/technology/2018/04/why-did-the-joint-task-force-of-guantanamo-start-deleting-tweets.html; Muira Mccammon, *Can They Really Delete That?*, Slate (April 17, 2018), https://slate.com/technology/2018/04/can-federal-agencies-really-just-delete-tweets.html.

For the reasons above, I respectfully request that the agency grant a public interest fee waiver for this request, and that all fees related to the search, review, and duplication of the requested records be waived. If the fees will not be waived, I agree to pay up to $50 for the processing of this request. If the estimated fees will exceed this limit, please inform me before you begin processing.

**Request for “News Media” Fee Status**

As a freelance journalist, I am a representative of the news media and do not seek the records requested for commercial use. Therefore, if the agency does not find that my request meets the standards required for a public interest fee waiver, I request that fees associated with the processing of my request be limited to reasonable duplication costs. I am a representative of the news media because I gather information of potential interest to a segment of the public, use [my] editorial skills to turn the raw materials into a distinct work, and distribute that work to an audience. I can also demonstrate a solid basis for expecting publication by my past publication record.

My work has been featured in publications including Slate, VICE, the Massachusetts Review, Kill Screen, and more. I have previously requested documents obtained via FOIA from a range of federal agencies and government officials regarding the deletion of tweets from official Twitter accounts. I used that information to write a series of articles outlining both how individual agencies decided whether or not to delete tweets and more broadly how the government regards Twitter statements. These articles have been published, disseminated, and further reported upon to a broad audience. *See* Muira Mccammon, *Trouble @JTFGTMO,* Slate (April 17, 2018), https://slate.com/technology/2018/04/why-did-the-joint-task-force-of-guantanamo-start-deleting-tweets.html; Muira Mccammon, *Can They Really Delete That?*, Slate (April 17, 2018), <https://slate.com/technology/2018/04/can-federal-agencies-really-just-delete-tweets.html>.

Therefore, if this request is not classified as being in the public interest, I respectfully request to be classified as a “news media” requester for purposes of fee assessments.

**Request for “Educational Requester” Fee Status**

In addition to writing as a journalist, I am also a Ph.D. candidate at the University of Pennsylvania’s Annenberg School and a Master’s in Law candidate at the University of Pennsylvania Law School. I am writing my dissertation, in part, on communication and deletion practices of U.S. government agencies. This research has, to date, been presented at the International Communication of Association’s annual conferences in Prague (2018) and Washington D.C. (2019)—in addition to many other more local conferences. If I had said this before to you, would that have helped (with regards to the ‘education’ category). I have also been granted over 350 emails and 36 records of deleted tweets from other government agencies in sum to date. My research is specifically focused on US government policy and practice regarding the drafting and deletion of tweets. A search for “any” deleted tweets is neither random nor unreasonable, but a precise description of the records that I seek. A number of other agencies (aforementioned and other) with official Twitter accounts have successfully produced records of deleted tweets in response to similar requests by myself. This work is forthcoming in an article, “Tweeted, Deleted: An Exploratory Study of the U.S. Government’s Digital Memory Holes” that will be printed this summer in *New Media &.Society.*

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The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

In gratitude,



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