



August 28, 2025

VIA Electronic Delivery

HFS FOIA Officer
Illinois Department of Healthcare and Family Services
201 S. Grand Ave. E., 3rd floor
Springfield, Illinois 62763
Via email

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 ILCS. 140 Democracy Forward Foundation submits this request for records.

Records Requested

Democracy Forward Foundation (“DFF”) requests that the Illinois Department of Healthcare and Family Services (“HFS”) produce the following within five (5) business days:

All electronic communications (including email messages, complete email chains, calendar invitations, or attachments thereto, as well as any text messages or messages sent on messaging platforms such as Microsoft Teams, Skype, WhatsApp, Signal, or GChat) between (a) The HFS officials included below and (b) the Centers for Medicare and Medicaid Services (“CMS”) officials included below regarding (c) reporting that CMS was sharing Medicaid enrollee’s data with deportation officials at the U.S. Department of Homeland Security.

HFS Officials:

- I. Director Elizabeth Whitehorn
- II. Former Director Kelly Cunningham
- III. Chief of Staff Dana Kelly
- IV. Deputy Chief of Staff Aileen Kim
- V. Confidential Assistant to the Director Dorian Manion
- VI. Director of Legislative Affairs Heather Eagleton
- VII. Director of State Medicaid and CHIP Laura Phelan

CMS Officials:

- I. Administrator Dr. Mehmet Oz
- II. Deputy Administrator and Chief of Staff Stephanie Carlton,
(Stephanie.Carlton@cms.hhs.gov)
- III. Deputy Administrator John Brooks
- IV. Center for Medicaid and CHIP Services Former Director and Deputy Administrator for the Drew Snyder, (Drew.Snyder@cms.hhs.gov)
- V. Center for Medicaid and CHIP Services Interim Acting Director Caprice Knapp,
(Caprice.Knapp@cms.hhs.gov)
- VI. Center for Medicaid and CHIP Services Deputy Director Anne Marie Costello,
(anne.costello@cms.hhs.gov)
- VII. Center for Medicaid and CHIP Services Deputy Director Sara Vitolo,
(Sara.Vitolo@cms.hhs.gov)

Relevant responsive records would include all communications sent on June 16, 2025 to CMS by HFS staff and any subsequent communications related to this matter.¹

This request seeks records from June 15, 2025 until July 28, 2025.

Scope of Search

The Illinois FOIA requires that every public body must make available to any person for inspection and copying all public records except those identified as exceptions. 5 Ill. Comp. Stat. 140/3(a). And as the Illinois Supreme Court has ruled, those exceptions are to be read narrowly. *Lieber v. Bd. of Trs. of S. Ill. Univ.*, 680 N.E.2d 374, 377 (Ill. 1997). A person in this statute is defined as any individual, corporation, partnership, firm, organization or association, acting individually or as a group. 5 Ill. Comp. Stat. 140/2(b).

In the event that HFS wishes to withhold any documents or portions of documents, this denial must be in writing and state the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, as well as the names and titles or positions of each person responsible for the denial. *See id.* 140/9(a). Each notice of denial by a public body must also inform the requester of the right to review by the Public Access Counselor, provide the address and phone number for the Public Access Counselor, and inform the requester of his right to judicial review. *Id.* We also reserve the right to file suit for injunctive or declaratory relief if denied access to inspect the requested records. *Id.* 140/11.

¹ Director Elizabeth Whitehorn, 7/28/25 Letter to Administrator Oz, Illinois Department of Healthcare and Family Services (Jul. 28, 2025), <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:3ae7bd7c-48c0-43bd-8078-c0ae2f32b8d9>.

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in a searchable, electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within five business days as required by statute. *Id.* 140/3(d). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period.

Request for Fee Waiver

Pursuant to 140/6(c), DFF requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees if disclosure of the information is in the public interest.

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward Foundation has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing communications HFS officials may be having with individuals associated with the federal government regarding this high-profile matter.² DFF intends to publicize records DFF receives to contribute significantly to the public's understanding of how this Administration is communicating with state agencies following recent executive orders.

To this latter point, DFF has a demonstrated ability to disseminate information of public interest requested through FOIA. When DFF obtains materials through FOIA requests that are of significant public interest, DFF's communications staff regularly works to ensure that these materials and their contents are featured in press articles educating the public about the

²ABC 7 News Chicago, *Judge Blocks DHS From Using Medicaid Recipient Information For Deportations, Including In Illinois*, (Aug. 13, 2025), <https://abc7chicago.com/post/federal-judge-blocks-dhs-using-medicaid-recipient-information-deportations-including-illinois/17529636/>; Ahmed Aboulemein and Kanishka Singh, *US Health Department Hands Over Medicaid Personal Data to ICE*, Reuters (Jul. 17, 2025), <https://www.reuters.com/business/healthcare-pharmaceuticals/us-health-department-hands-over-medicaid-personal-data-ice>; Jessica Glenza, *ICE Given Access to Medicaid Data In Move Critics Call A Privacy Betrayal*, The Guardian (Jul. 17, 2025), <https://www.theguardian.com/us-news/2025/jul/17/ice-access-medicaid-data-personal-information>; Jude Joffe-Block, *States Sue Trump Administration For Sharing Health Data with DHS*, NPR (Jul. 1, 2025), <https://www.npr.org/2025/07/01/nx-s1-5453885/medicaid-data-immigration-dhs-lawsuit>; Kimberly Kindy and Amanda Seitz, *Trump Administration Hands Over Medicaid Recipients' Personal Data, Including Addresses, to ICE*, Associated Press (Jul. 17, 2025), <https://apnews.com/article/immigration-medicaid-trump-ice>.

operation of government; many articles feature additional commentary and analysis from DFF staff about those materials and their relevance to policy issues of public interest. Indeed, records received by DFF have previously formed the basis of news reports.³

Democracy Forward Foundation is not filing this request to further any commercial interest, and any information obtained by Democracy Forward Foundation as a result of this request and disclosed will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Conclusion

³ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, *"Happy to Do It": Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Claimed About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *'Just answer the question and kill this story': In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron,'* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within five business days, 140/3, please contact me as soon as possible at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

President and CEO

Democracy Forward Foundation

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