



July 22, 2019

Sent via email

Primary Records Access Officer
Patricia M. Scanlan
Executive Office of Health and Human Services
One Ashburton Place, 11th Floor
Boston, MA 02108
ehs.rao@state.ma.us

Re: Public records request related to MORPHO USA

Dear Ms. Scanlan,

This is a request under the Massachusetts Public Records Law, G.L. c. 66, § 10, made on behalf of the American Civil Liberties Union Foundation of Massachusetts (“ACLU”).

The ACLU seeks records¹ relating to Executive Office of Health and Human Services (“EOHHS”) contracts with MORPHOTRAK LLC, MORPHOTRUST USA, MORPHOTRAK, INC., MORPHOTRUST USA, LLC., MORPHOTRUST USA, INC., and MORPHO USA, INC..

The ACLU requests all such records created on or after January 1, 2015, pertaining to any EOHSS relationship with MORPHOTRAK LLC, MORPHOTRUST USA, MORPHOTRAK, INC., MORPHOTRUST USA, LLC., MORPHOTRUST USA, INC., and MORPHO USA, INC..

These records include but are not limited to:

1. Communications between any representative of the EOHSS and any representative of any of those mentioned companies.
2. Documents relating to any EOHSS relationship with those companies, including but not limited to: purchase orders, RFPs, licensing agreements, invoices, and other contracts (including non-disclosure agreements)
3. Materials relating to how the product or services offered by those companies functions (or functions improperly), including e-mails, handouts, PowerPoint presentations, advertisements, or specification documents.

¹ Throughout this request, the term “**records**” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

4. Manuals, policies, procedures, and practices governing the use or monitoring of the product or service provided by those companies.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLU is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, the ACLU of Massachusetts is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive fees, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to copy. We would prefer the documents in electronic format.

Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions. As you know, a custodian of public records shall comply with a request within ten days after receipt.

If you have questions about this request, please contact me at (617) 482-3170 x346 or kcrockford@aclum.org.

Thank you for your assistance. We look forward to your response.

Sincerely,



Kade Crockford
Director
Technology for Liberty Program
ACLU of Massachusetts

ACLU

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Massachusetts