

Money Docs

Access to Government Records About Business

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Credits: These handouts are the culmination of two decades of FOI training, starting with the SPJ newsroom training program in 2004 with trainers Cuillier, Charles N. Davis and Joel Campbell. Some of this information has been presented at a variety of conferences, but this is all pulled together in one handout. Also, some materials below come from "The Art of Access: Strategies for Acquiring Public Records," by Cuillier and Charles N. Davis (second edition 2020). This handout was last updated (and links checked) on March 24, 2025.

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Business records

Below are some ideas for public records about businesses. Some are available online (free data downloads), but many you have to actively order through a public record request.

- **Abandoned buildings.** Identify trends in deteriorating neighborhoods, and bad land owners.
- **Air quality.** Air quality violators are fined by county and state air quality departments.
- **Bankruptcy files.** To identify trends in bankruptcies, spot fraud, and find people with unfortunate financial pasts. Chapter 7 is a straight bankruptcy and Chapter 11 is a reorganization that usually allows them to stay in business. Businesses in bankruptcy lose a fair amount of privacy as the files list assets, how they got into trouble and what they intend to do to get back on their feet.
- **Census.** Demographic data available down to the block group level and over time can be used to analyze shifts in community demographics, including in migration, income, race, education, gender, and age. Challenging to burrow through the Census Web site (<https://www.census.gov/>), but it's all there.
- **Civil lawsuits.** To make sure civil cases are handled equitably and disputes resolved fairly. When a person sues another person, the case ends up in civil court. Examples of civil cases include malpractice, child support, divorce, libel, paternity, property rights, restraining orders and breach of contract. Superior Court handles big cases and municipal courts (small-claims) handle the little things (like you see on *Judge Judy*).
- **Child-care complaints.** To assess how well child-care is handled in your community and how well the government monitors child care.
- **Contracts.** Allows you to find out businesses benefiting from government projects. Should include the amount agreed upon, the amount paid (often more), who the money went to, etc. Contact an agency's business office. Talk to businesses that lost the bid.
- **Corporate records.** To spot connections between public companies and identify key officers. The federal Securities and Exchange Commission provides a wealth of information on public companies online, including initial public offering files (Form S-1), quarterly reports (Form 10-Q), annual reports (Form 10-K), and top officer information (Form DEF 14A). Can search the clunky Web site www.sec.gov or also search EDGAR (<https://www.sec.gov/edgar/search-and-access>).

- **Development.** To identify development trends and potential building that could impact the community or a neighborhood. Find out what permits for development have been submitted and approved for an area. Go to the city planning and development department to see development plans.
- **Gas-pump inspections.** To make sure gas stations aren't cheating.
- **Incorporation records.** To find out who owns a business. Look up city business licenses at the finance department at City Hall. Find state incorporation records at the Secretary of State's Office.
- **Lawyer discipline.** To find lawyers who have been disciplined and monitor the oversight of attorneys.
- **Licensing.** The state monitors a variety of professionals, including barbers, beauticians, accountants, appraisers, chiropractors, nurses, Realtors, etc. See if a person is licensed or has had a license revoked.
- **Liquor licenses.** To identify bars and restaurants that are nuisances (have a lot of bar fights and problems for neighbors) and not following liquor laws.
- **Nonprofit 990 forms.** To make sure nonprofits are actually not out to make a profit and just using 501(c)(3) status to avoid paying taxes. Also, can find a variety of information about nonprofits' income, expenses and officers through the 990 forms they file annually. To see 990 forms, search at the IRS website, <https://www.irs.gov/forms-pubs/about-form-990>, or ProPublica's Nonprofit Explorer, <https://projects.propublica.org/nonprofits/>, or GuideStar (now Candid), at <https://www.guidestar.org/>.
- **Property taxes.** To assess whether everyone is paying their fair share of property taxes and also to find who is buying what in the community. Property tax records are public at county courthouses. You can find out how much homes in your neighborhood are worth, what they sold for, along with details, such as the homes' square footage and number of bedrooms. Do certain businesses get sweetheart deals?
- **Public records orders.** To find what public records are being ordered by businesses, citizens, government employees and journalists. Order from the public records officer copies of the public records orders and any log used to track orders.
- **Restaurant inspections.** To make sure the public is protected from unsanitary conditions at restaurants and other venues.
- **Street maintenance.** Examine trends in bad streets and who gets them fixed and who doesn't. Check with your local street department.
- **Taxi inspections.** To assess the safety of taxis check with the local licensing agency.
- **Zoning.** To analyze growth planning and find who is benefiting by development. Find out how land is zoned and what development is possible. Also look at comprehensive plans, which map out the general

Free business databases for download

The following are free datasets from the federal government that you can download and localize to your community (all provide fields of local geographic location, such as city, Zip code, latitude/longitude, etc.).

1. **Federal property**, General Services Administration, find buildings owned or leased by the federal government near you (address, longitude/latitude) and how much they are spending in rent. However, data appears to be current as of 2020, so FOIA the most current data, then compare in a year in a post-DOGE world:
<https://www.gsa.gov/tools-overview/buildings-and-real-estate-tools/inventory-of-gsa-owned-and-leased-properties>
2. **Border traffic**, Department of Transportation, statistics for inbound crossings at every U.S.-Canada and U.S.-Mexico border crossing, including trucks, vehicles, passengers, and pedestrians, to identify trends since 1996 (nearly 400,000 entries)
<https://catalog.data.gov/dataset/border-crossing-entry-data-683ae/resource/46b04e29-f1fe-406b-8488-774367f9a549>
3. **Workplace injuries**, Occupational Safety and Health Administration. Find companies with high rate of injuries (meat-packing plants, etc.).
<https://www.osha.gov/data>
4. **Mine accidents**, Mine Safety and Health Administration. Can download accident injuries, civil penalties, and other mine data.
<https://www.msha.gov/data-and-reports/mine-data-retrieval-system>
5. **Toxic release inventory**, Environmental Protection Agency, a plethora of different data, including toxic bad stuff released by individual companies (download it while it still exists).
<https://www.epa.gov/toxics-release-inventory-tri-program/tri-toolbox>
6. **Pollution**, Environmental Protection Agency Enforcement and Compliance History Online (ECHO), also provides a ton of data about specific pollution, including air, water, stormwater, sewer overflow, etc. <https://echo.epa.gov/tools/data-downloads#downloads>
7. **Greenhouse emitters**, Environmental Protection Agency Greenhouse Gas Reporting Program provides data from large emitting facilities from 2011 through 2023, providing Zip code, city, county, facility name, emissions amount, etc.
<https://www.epa.gov/ghgreporting/data-sets>
8. **Pesticides**, Environmental Protection Agency National Water-Quality Assessment Project, provides datasets showing estimates of pesticides by county, from 1992 through 2019 (next data release expected this year). <https://water.usgs.gov/nawqa/pnsp/usage/maps/county-level/>

9. **Hazmat transportation incidents**, Pipeline and Hazardous Materials Safety Administration, incidents since 1971, acquired by the Data Liberation Project.
<https://www.data-liberation-project.org/datasets/phmsa-hazmat-incident-reports/>
10. **Frequent flooders**, Federal Emergency Management Agency National Flood Insurance Program (NFIP), shows properties repeatedly paid by FEMA after floods. Includes county, Zip code and latitude/longitude, each individual flood payout, from 1970 to present.
<https://www.fema.gov/openfema-data-page/nfip-multiple-loss-properties-v1>
11. **Agricultural trends**, Department of Agriculture National Agricultural Statistics Service. Look at trends in all types of agricultural production by state or county, over time. A great way to identify growing crops/animals and dwindling farm types.
https://www.nass.usda.gov/Data_and_Statistics/index.php
12. **Nursing home inspections**, Centers for Medicare and Medicaid Services, including complaints and penalties. Provides individual nursing homes and their cities/states. <https://data.cms.gov/provider-data/topics/nursing-homes>
13. **Mortgage discrimination** (red lining), Federal Financial Institutions Examination Council, to see if people of color are denied loans at a higher rate than whites in your community.
<https://www.ffiec.gov/hmda/>
14. **Federal economic data**, Bureau of Economic Analysis, Department of Commerce, track federal economic indicators like GDP by industry, personal income, employment and price levels by county or metro area. <https://www.bea.gov/data/by-place-us>
15. **Defective medical products**, Food and Drug Administration, the Manufacturer and User Facility Device Experience (MAUDE) Database:
<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfMAUDE/search.cfm>
16. **Failed banks**, Federal Deposit Insurance Corporation, see what banks have failed in your area (nearly 600 banks since 2000, listed by city and state). <https://www.fdic.gov/bank-failures/failed-bank-list>
17. **Consumer credit report complaints**, Consumer Financial Protection Bureau, more than a million customer complaints nationwide (with Zip code) from 2012 to 2025, and how credit bureaus responded: <https://www.consumerfinance.gov/data-research/consumer-complaints/>
18. **Paycheck Protection Program**, Small Business Administration, showing who received pandemic aid during COVID (collect this data and have it on hand in case there is a bird flu pandemic with similar payouts re-started). <https://data.sba.gov/dataset/ppp-foia>.

Also, find the data geocoded by Big Local News,
<https://purl.stanford.edu/cn690cd8420>

19. **Business disaster loans**, Small Business Administration, provides each loan (with Zip code and county, but not the recipient's name), including amount, from 2007 through 2022.
<https://data.sba.gov/dataset/disaster-loan-data>
20. **Bad companies**, Department of Labor Employee Benefits Security Administration, a database of closed cases that resulted in penalties from 2000 through 2024, with company name and state, for noncompliance with filing requirements.
https://enforcedata.dol.gov/views/data_summary.php
21. **Rural investment**, Department of Agriculture Rural Development documents 18,000 loans and grants since 2012 to support housing, businesses and other developments in rural America, including Zip code, city, county, business name, amount, etc. Find how important this aid is in your county. <https://www.rd.usda.gov/rural-data-gateway/rural-investments/data>
22. **Hospital ratings**, U.S. Centers for Medicare and Medicaid Services, provides ratings of more than 4,000 hospitals regarding mortality, safety and patient experience.
<https://data.cms.gov/provider-data/topics/hospitals>
23. **Annoying phone calls**, Federal Communications Commission, database of complaints from people mad about unwanted phone calls and robocalls - 1 million complaints since 2014 by city and Zip code,
https://opendata.fcc.gov/Consumer/Consumer-Complaints-Data-Unwanted-Calls/vakf-fz8e/about_data
24. **Animal inspections**, USDA Animal and Plant Health Inspection Service, inspections of zoos, commercial animal dealers and others, gathered by the Data Liberation Project and Big Local News.
<https://www.data-liberation-project.org/datasets/aphis-inspection-reports/>

Creating your own AI document finder

You can hone your requests to specific types of documents, improving your chance of success, by using an agency's own documents, for whatever government agency you cover, whether a federal cabinet department, state agency, town, school district, or mosquito control district.

Gather document documents

First step is to gather documents from the agency of interest that would include information and references to different records:

1. **Records request logs.** For federal agencies, Google the agency name and "FOIA library" to get to its page where it includes FOIA logs for download, usually as PDFs. Conduct a search at www.governmentattic.gov for additional logs going back decades, as well as declassification review files. For local and state agencies that don't post logs online proactively, submit a request for logs going back as far as possible. The logs on their own create a powerful document finder, but don't stop there.
2. **Retention schedules.** Often agencies will have a retention schedule outlining when particular records are to be destroyed. Sometimes they are online, sometimes you have to request them.
3. **Supplemental files.** As you build your "RAG" (Retrieval Augmented Generation) tool, you may add additional files that you find on the agency's website or through record requests, such as detailed budgets, strategic plans, and audits. Add them to the mix to see if you find more records. You can also include specific URLs.

Input into your favorite AI machine

Go to ChatGPT (paid account) or even [Google NotebookLM](#) free use with no account. In NotebookLM, click on "Try NotebookLM" and then the "+ Create New" button at the top right. Simply drop the files into the "or drop your files" box. You are ready to go!

Submit various prompts

Ask it questions, such as "What records can I request from the University of Florida about coach compensation?" Compare the results to a Google search with the same question. Note that it is possible the AI might hallucinate or offer records that are exempt from disclosure. But now you have something to look into for finding documents you might not have known about.

Google search vs. NotebookLM docu-finder

U.S. Department of Commerce prompt: What records can I request concerning trade deals with other countries?

Google AI search:

“You can request a wide variety of records concerning international trade deals, including **negotiating texts, economic impact assessments, internal agency memos, public comments, correspondence with foreign governments, and signed legal agreements.** [[1](#), [2](#)]

You can access or request these documents through several methods:

1. Public Databases

Many finalized trade agreements and economic impact reports are already published online and require no formal request: [[1](#)]

- **Trade Agreements Negotiation and Compliance (TANC):** Maintained by the International Trade Administration (ITA), it provides a database of active Free Trade Agreements, Bilateral Investment Treaties, and WTO agreements.
- **U.S. International Trade Commission (USITC):** Provides investigations, economic assessments, and statistical data regarding the potential and realized impacts of trade agreements.
- **Global Trade Data Portals:** The UN Comtrade database and the WTO offer comprehensive, searchable data on worldwide trade statistics, tariffs, and services. [[1](#), [2](#), [3](#), [4](#), [5](#), [6](#)]

2. Formal Requests (FOIA)

For non-public, unreleased records (such as internal government deliberations, draft texts, or communications between agencies and stakeholders), you can file a **Freedom of Information Act (FOIA)** request.

- **Agencies to target:** You can file FOIA requests with the Office of the United States Trade Representative (USTR), the Department of Commerce, the Department of State, or the Department of Agriculture, depending on the scope of the deal.
- **Where to file:** Submit your electronic requests centrally through FOIA.gov or directly through the specific agency's FOIA portal (e.g., [Trade.gov](https://www.trade.gov) for the International Trade Administration). [[1](#), [2](#), [3](#), [4](#)]

3. Historical and Legislative Records

For historical trade deals or congressional actions, you can search the **National Archives and Records Administration (NARA)**. NARA holds legislative records, including treaties, diplomatic correspondence, and Senate ratification files.

Note on Exemptions: When requesting records via FOIA, be aware that the government may redact or withhold certain sensitive information, such as classified national security data, trade secrets, confidential business information, and ongoing pre-decisional diplomatic negotiations.

AI docu-finder in NotebookLM, with FOIA logs and declassification review log:

Based on the provided sources, you can request a wide variety of records from the Department of Commerce (DOC) concerning trade deals, international negotiations, and enforcement actions. These records can be requested through the **Freedom of Information Act (FOIA)** or the **Mandatory Declassification Review (MDR)** process.

Trade Policy and Negotiations

The Department's **Manual of Security Policies and Procedures** identifies specific categories of information related to the DOC's foreign affairs mission that you can request for review:

- **Bilateral and Multilateral Negotiations:** Records containing policy positions for international trade negotiations, consultations, or agreements.
- **Trade Agreements:** Documentation regarding specific trade agreements, including information received from other agencies that may have a negative impact on foreign policy if released improperly.
- **Anti-dumping and Countervailing Duties:** Information specifically connected to these types of trade cases is held by the Department.
- **International Trade Policy and Development:** The Department's internal classification guides include this as a core mission area, meaning related records—even if previously classified—are subject to declassification requests.

Trade Enforcement and Specific Export Data

FOIA closed case logs show that requesters frequently seek data on trade enforcement and specific economic investigations:

- **Section 232 Exclusions:** You can request lists of companies that have requested exclusions from specific trade actions, such as "232 exclusions (steel only)".
- **The ACCESS Filing System:** Records related to the **ACCESS filing system**, which is used for electronic submissions in trade-related cases (such as anti-dumping and countervailing duty proceedings), are subject to request.
- **Export Control Records:** Correspondence and reports between the **Bureau of Industry and Security (BIS)** and external entities regarding export control technologies or specific trade entities.

Foreign Government Information (FGI)

You may request information provided to the U.S. Government by a foreign government or international organization in confidence.

- **Confidential Arrangements:** This includes information produced through written joint arrangements between the U.S. and foreign governments.
- **Modified Handling Records:** Even unclassified information from foreign governments that is protected by law in the originating country (often marked "**C/FGI-MOD**") is subject to review for public release.

Historical and Classified Trade Records

If the records you seek are older and currently classified, you can use the **Mandatory Declassification Review (MDR)** process. The MDR logs show that historical records from Presidential Libraries often involve DOC components like the **International Trade Administration (ITA)**.

- **Subject-Specific Policy Reviews:** Requesters have used MDR to seek records on specific foreign policy issues, such as **China-related DAS (Deputy Assistant Secretary) policy reviews**.
- **Department of State Referrals:** Records involving the **Foreign Relations of the United States (FRUS)** series, which often detail historical trade deals and diplomatic economic efforts.

When requesting these records, note that information concerning trade secrets or privileged commercial/financial information is often designated as "**For Official Use Only**" (**FOUO**) and may be withheld or redacted to protect competitive harm

Creating a document state of mind

- 1. Follow the money.** Ask for the detailed line-item budget, maybe as an Excel file, that details all spending, not just total expenses and total revenues. Look for other documents that might outline the details. Where is that money going?
- 2. Map the activities.** Now, map the agency to find out what it does. Look on their websites and you'll often find organizational charts that can help jump-start this process. What sorts of documents might be generated by the activities of this office? The mayor is awarding a \$100,000 grant to a local arts group. What questions does that raise in your documents-driven mind? Look at blank forms that people fill out to get a sense of what is kept.
- 3. Circle of light.** If you are backgrounding a person, get a sheet of paper or a white board and write the person's name in the middle. Around the name write down different roles the person has in life (e.g., married person, business owner, driver, pet owner, property owner, pilot). Then write down for each role the records available.
- 4. Look at records lists.** Many public offices maintain an index of records or retention schedule – a master list of documents routinely filed. Also, ask for a log of previous public records orders. You'll get a sense for what kinds of records the agency keeps.
- 5. Train the agency.** Get the agency used to you asking for records. Ask for tame records, such as reports, expenses and contracts. Ask for e-mails of the mayor for the past week. Then work up from there. When you find you really need those e-mail records they'll be accustomed to giving out that kind of information.
- 6. Blend in.** Each week take a few hours to go to your agency and talk to workers. Ask what they do, what they are working on, and what records they keep.
- 7. FOI First on Fridays.** Every Friday (or whatever day of the week works best for you), submit a public records order. Track your orders in a notebook and follow up. Get in the habit of doing it.
- 8. Explain to the public.** Get in the habit of explaining what records your information is based on and how people can get them on their own. Create a "Doc Box" for each story explaining the basics of the record, what's in it, and where to get it.

Backgrounding government

State and local agencies in most states are required to provide a records retention schedule. Here are a few examples of how to background your local government agencies to find out what documents they have that can help you:

Go to the city and ask for the master index or retention schedule. Here's a sample list of records in San Francisco's index:

- Administration
- Accident-Injury Reports
- Administrative Files
- Audit Reports
- Budget Files
- Check Payments
- Conflict of Interest Form 700
- Contracts & Grants
- Discrimination and Harassment Complaints
- Draft Contracts
- Family Medical Leave Act Records
- General Correspondences
- Medical Information
- Office Expenditure Documents
- Payables (Invoices/ Vendors)
- Payroll Reports/ Timecards & Related Documents
- Personnel Files
- Policies/Procedures
- Purchase Orders (copy)
- RFA, RFP, RFQ(s) & Records
- Receipt/Deposits
- Travel Request (copy)
- Work Orders
- Worker's Compensation Record

Just think for a minute about how many stories lie in this data!

Now that is thinking documents-first!

Tapping into FOI research

Yes, academic research CAN be practical! On the following pages you will find examples of research studies regarding freedom of information that have useful applications for journalists. These are just a sampling of the growing body of research accumulated in just the past 20 years.

Benefits to you

The studies below are just a small sample of the hundreds out there, and can be used several ways:

- Cite relevant studies in your request letters and appeal letters.
- Use them to improve legislation in your state or in FOI lawsuits.
- Contact the authors as sources when covering FOI issues.
- Apply the practical techniques found through empirical research to improve your odds at getting records when you need them.

Retrieving the papers

Some of the papers below you can get online for free (links provided). Some you must retrieve through a publisher online. Here are some tips in acquiring copies of the studies, often published in peer-review journals (and therefore, ironically, difficult for the public to acquire):

1. Google the title and author. Often a link to the article comes up, particularly if the author posted it on platforms that support open access.
2. If the article is hosted by a journal that charges, consider paying the fee to download it.
3. Avoid the charge by visiting a nearby university library or public library to see if you can use their online databases to retrieve it for free (and to look at further research!).
4. Google the author's name and university to find an email, and then directly request a free copy from the author as a PDF.

Tell us what you want studied

If you have ideas for future studies, that would help you do your job better, let me know (cuillierd@ufl.edu). Bridging the academic-practice gap is essential if we are going to strengthen FOI and make the world better!

FOI makes a difference

Studies to convince the public, sources and lawmakers that transparency and records-based investigative reporting have concrete societal benefits!

- **Every \$1 spent on doc reporting reaps \$287 in societal benefits**
Hamilton, J. (2016). *Democracy's Detectives: The Economics of Investigative Journalism*. Cambridge: Harvard University Press.
- **FOI reduces corruption and improves financial management**
Cucciniello, M., Porumbescu, G., and Grimmeliikhuijsen, S. (2017). 25 years of transparency research: evidence and future directions. *Public Administration Review*, 77(1), 32-44.
- **Records central to 90% of stories submitted to IRE contest**
Lanosga, G. and Martin, J. (2017). Journalists, sources, and policy outcomes: Insights from three-plus decades of investigative reporting contest entries. *Journalism*, 19(12), 1676-1693.
- **Sex offender registries reduce relapse**
Levenson, J. and Cotter, L. (2005). The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21(1), 49-66.
- **Transparency reduces drinking water health violations**
Benbear, L. and Olmstead, S. (2008). The impacts of the "Right to Know": Information disclosure and the violation of drinking water standards. *Journal of Environmental Economics and Management*, 56, 117-130.
- **Food safety records decreases consumer complaints**
Almanza, B., Ismail, J., and Mills, J. (2002). The impact of publishing foodservice inspection scores. *Journal of Foodservice Business Research*, 5, 45-62.
- **Proactive release increases public confidence in Social Security**
Cook, F., Jacobs, L., Kim, D. (2010). Trusting what you know: information, knowledge and confidence in Social Security. *Journal of Politics*, 72(2), 397-412.
- **Two-thirds of citizen record requests have a public good**
Berliner, D., Bagozzi, B., and Palmer-Rubin, B. (2018). What information do citizens want? Evidence from one million information requests in Mexico. *World Development*, 109, 222-235.
- **Newspaper closures cause municipal bond spikes, raising taxes**
Gao, P., Lee, C. and Murphy, D. (2018). Financing Dies in Darkness? The Impact of Newspaper Closures on Public Finance.
<https://www.brookings.edu/wp-content/uploads/2018/09/WP44.pdf>

Rating the states

Attempts to rate states' transparency by looking at the laws, websites, and asking experts. See how your state ranks.

- **Ranking the states' compliance with FOI law**
Cuillier, D. (2019). Bigger stick, better compliance: Testing strength of public record statutes on agency transparency in the United States. Presented at the Global Conference on Transparency Research, Rio de Janeiro, Brazil, June 26, 2019. Available at bit.ly/FOIratings
- **State websites rated for proactive posting of financial records**
Follow the Money (2018). U.S. Public Interest Research Group report available at <https://uspirgedfund.org/reports/usf/following-money-2018>
- **Journalists rate the states on their FOI laws and compliance**
Center for Public Integrity (2015). How does your state rank for integrity? Available at <https://publicintegrity.org/accountability/how-does-your-state-rank-for-integrity/>
- **Brechner Center state FOI law ratings (ended in 2008)**
Citizen Access Project (2008). Do you in the sunshine or the shade? University of Florida Brechner Center for Freedom of Information. Available through the Wayback Machine at <https://web.archive.org/web/20070112102117/http://www.citizenaccess.org/>
- **Rating five legal provisions in state laws**
Better Government Association and NFOIC (2007). States Failing FOI Responsiveness, a report by Charles N. Davis and the National Freedom of Information Coalition. Available at <https://www.nfoic.org/states-failing-foi-responsiveness/>

Request strategies

- **Formal letters 3 times more effective than informal requests**
Worthy, B. John, P., & Vannoni, M. (2016). Transparency at the parish pump: A field experiment to measure the effectiveness of freedom of information requests in England. *Journal of Public Administration Research and Theory*, 27(3), 485-500.
- **Legalistic letters faster and more productive than friendly**
Cuillier, D. (2006). Honey v. vinegar: Testing compliance-gaining theories in the context of freedom of information laws. *Communication Law and Policy*, 15(3), 203-229.

- **Higher social status results in better response**
Michener, G. & Rodrigues, K. (2015). Who wants to know? Assessing discrimination in transparency and freedom of information regimes. Presented at the 4th Global Conference on Transparency Studies, Switzerland, June 4-6, 2015.
- **Requester with clout charged lower fees than average schmuck**
Lagunes, P. & Pocasangre, O. (2017). Dynamic transparency: An audit of Mexico's Freedom of Information Act. American Development Bank paper, IDB-WP-836.
- **Journalists get better response than average citizens**
Darbishire, H. and Carson, T. (2006). Transparency and silence: a survey of access to information laws and practices in 14 countries. Open Society Justice Initiative. Available at <https://www.issuelab.org/resources/7736/7736.pdf>
- **More specifics result in better compliance**
Columbia Journalism Review textual analysis of 33,000 FOIA requests <https://www.cjr.org/analysis/foia-request-how-to-study.php>
- **Custodians more helpful to those who are specific, sympathetic**
Bush Kimball, M. (2003). Law enforcement records custodians' decision-making behaviors in response to Florida's public records law. *Communication Law and Policy*, 8, 313-360.
- **Agencies more likely to respond if mention compliant agencies**
ben-Aaron, J., Denny, M., Desmarals, B., & Wallach, H. (2017). Transparency by conformity: A field experiment evaluating openness in local governments. *Public Administration Review*, 77(1), 68-77.
- **Appeal letters cut loose records a third of the time**
Bridis, T. (2018 March 12). U.S. sets new record for censoring, withholding gov't files. *The Associated Press*. <https://www.apnews.com/714791d91d7944e49a284a51fab65b85>
- **Glomar responses creeping into state/local level (don't let it!)**
Wagner, A.Jay (2016). Controlling discourse, foreclosing recourse: The creep of the Glomar response. *Communication Law and Policy*, 21(4), 539-567.

Context and justification

Remind the public and legislators why we have these laws, and why transparency should be the default not a special right or extra benefit.

- **Congress intended records to be disseminated freely**
Quinn, A. (2003). Keeping the citizenry informed: early congressional printing and 21st century information policy. *Government Information Quarterly*, 20, 281-293.
- **Copy fees recoup tiny percentage of costs – just .01 percent**
Wagner, A.J. (2017). Essential or extravagant: Considering FOIA budgets, costs and fees. *Government Information Quarterly*, 34(3), 388-395.
- **Many nations (not the U.S.) have declared FOI a human right**
McDonagh, M. (2013). The right to information in international human rights law. *Human Rights Law Review*, 31(1), 25-55. Available at <https://www.corteidh.or.cr/tablas/r30698.pdf>
- **U.S. FOIA rated among weakest in the world (78th)**
Global Right to Information Rating, out of 140 countries with FOIA laws (2024). Access Info Europe and Centre for Law and Democracy. Available at <http://www.rti-rating.org/country-data/>. Also, see: Mendel, T. (2016). The fiftieth anniversary of the Freedom of Information Act: How it measures up against international standards and other laws. *Communication Law and Policy*, 21(4), 465-491.
- **Not “media” issue; Only 2-14% requests submitted by journos**
Kwoka, M. (2016). FOIA, Inc. *Duke Law Journal*, 65. Also, see: Silver, D. (2016). The news media and the FOIA. *Communication Law and Policy*, 21(4), pp. 493-514.
- **Corporate lobby carved out exemptions for own interests**
Relly, J.E. and Schwalbe, C.B. (2016). How business lobby networks shaped the U.S. Freedom of Information Act: An examination of 60 years of congressional testimony. *Government Information Quarterly*, 33(3), 404-416.
- **Transparency best when government leaders outline benefits**
Williamson, V. and Eisen, N. (2016). The impact of open government: Assessing the evidence. Center for Effective Public Management at Brookings Institution.
- **FOI varies by community, regardless of law, based on culture**
Grimmelikhuijsen, S., Porumbescu, G., Hong, B., and Im, I. (2013). The effect of transparency on trust in government: A cross-national comparative experiment. *Public Administration Review*, 73(4).

- **Communities with female mayors more transparent**
Spac, P., Voda, P., and Zagrapan, J. (2018). Does the freedom of information law increase transparency at the local level? Evidence from a field experiment. *Government Information Quarterly*, 35, 408-417.
- **Larger cities better compliance than small towns**
Spac, P., Voda, P., and Zagrapan, J. (2018). Does the freedom of information law increase transparency at the local level? Evidence from a field experiment. *Government Information Quarterly*, 35, 408-417.
- **Communities with competing groups post more info proactively**
Armstrong, C. (2008). Exploring a two-dimensional model of community pluralism and its effects on the level of transparency in community decision making. *Journalism and Mass Communication Quarterly*, 85(4), pp. 807-822.
- **Agencies with online portals respond better than those without**
Bizzo, E. and Michener, G. (2017). Forest governance without transparency? Evaluating state efforts to reduce deforestation in the Brazilian Amazon. *Environmental Policy and Governance*, 27, 560-574.
- **FOI laws can harm access, give officials reason to delay/deny**
Camaj, L. (2015). Governments' uses and misuses of freedom of information laws in emerging European Democracies: FOI laws' impact on news agenda-building in Albania, Kosovo, and Montenegro. *Journalism and Mass Communication Quarterly*, 93(4), 923-945.
- **Some recommend scrapping FOI laws and starting over**
Pozen, D. (2017). Freedom of information beyond the Freedom of Information Act. *University of Pennsylvania Law Review*, 165, 1097-1158.
- **Centralization of info release through PIOs hampers news**
Carlson, C., & Cuillier, D. (2017). Public information officers exert increasing controls. *Newspaper Research Journal*, 38(2), 198-214. See, also, <https://www.spj.org/pios.asp#surveys>.
- **FOIA has so many problems many journalists don't even use it**
Bluemink, E. & Brush, M. (2005). A flawed tool: Environmental reporters' experience with the Freedom of Information Act. Society of Environmental Journalists report, available at http://www.sejarchive.org/foia/SEJ_FOIA_Report2005.pdf
- **Half of reporters have never requested records, 17% don't care**
Cuillier, D. (2011 May). Pressed for time: U.S. journalists' use of public records during economic crisis. Global Conference on Transparency Research, Newark, NJ.

- **Agencies more likely to deny minorities**
Darbishire, H. and Carson, T. (2006). Transparency and silence: a survey of access to information laws and practices in 14 countries. Open Society Justice Initiative. Available at <https://www.issuelab.org/resources/7736/7736.pdf>
- **Gov info crackdowns backfire, records pop up elsewhere**
Hobbs, W. and Roberts, M. (2018). How sudden censorship can increase access to information. *American Political Science Review*, 112(3), 621-636.
- **FOIA lawsuits more than double in past 10 years**
Mehta, C. (2018). FOIA lawsuits reach record highs in FY 2018. Transactional Records Access Clearinghouse, Nov. 12, 2019. <http://foiaproject.org/2018/11/12/annual-report-foia-lawsuits-reach-record-highs-in-fy-2018/>

Record album

A variety of studies compare how the states handle various exemptions and records. Use these to leverage better legislation or to fight against bad proposals.

- **Penalties vary widely in states, are weak and rarely enforced**
Stewart, D. (2010). Let the sunshine in, or else: An examination of the “teeth” of state and federal open meetings and open records laws. *Communication Law and Policy*, 15, 265-310. See, also: Marzen, C. (2017). Public record denials. *New York University Journal of Law and Liberty*, 11, 966-1027.
- **State copy fee provisions vary widely and arbitrarily used**
Lee, T. (2016). Public records fees hidden in the law: A study of conflicting judicial approaches to the determination of the scope of imposable public records fees. *Communication Law and Policy*, 21(2), pp. 251-279.
- **How states handle access to economic development records**
Edmondson, A. & Davis, C.N. (2011). Prisoners of private industry: Economic development and state sunshine laws. *Communication Law and Policy*, 16, 317-348.
- **Records sent on officials’ personal electronic devices, by state**
Senat, J. (2014). Whose business is it: Is public business conducted on officials’ personal electronic devices subject to state open records laws? *Communication Law and Policy*, 19, 293-326.

- **Email records, by state**
Youm, K.H. (2014). Access to email and the right of privacy in the workplace. In *Transparency 2.0: Digital Data and Privacy in a Wired World*, Davis C.N. & Cuillier, D. (eds). 97-114.
- **Privatization of records through trade secrets, by state**
Stewart, D. and Sanders, A.K. (2019). Countering the privatization of public records: How trade secrets, purported competitive harm and third-party interventions keep government business in the dark. Presented at the National Freedom of Information Coalition summit, April 12, 2019, Dallas, Texas.
- **Private universities' campus police records, by state**
Moore, J. (2019). Out from the curtains of secrecy: Private university police and state open records laws. Presented at the National Freedom of Information Coalition summit, April 12, 2019, Dallas, Texas.
- **SLAPP suits around the nation in a FOI context**
File, P.C. and Wigren, L. (2019). SLAPP-ing back: Are government lawsuits against records requesters strategic lawsuits against public participation? National Freedom of Information Coalition summit, April 12, 2019, Dallas, Texas.
- **Home addresses exempted in public record laws, by state**
Gil, J.M. (2019). Privacy vs. transparency: Tracing home address exemptions in state FOI laws. Presented at the National Freedom of Information Coalition summit, April 12, 2019, Dallas, Texas.
- **Access to legislative records around the nation, by state**
Mulvey, R. and Valvo, J. 'Opening the state house doors': Examining trends in public access to legislative records. Presented at the National Freedom of Information Coalition, April 12, 2019, Dallas, Texas.
- **Access to public university foundation records in the nation**
Capeloto, A. (2015). A case for placing public-university foundations under the existing oversight regime of freedom of information laws. *Communication Law and Policy*, 20, 311-342. Reinardy, S. and Davis, C.N. (2005). A real home field advantage: Access to public university foundation records. *Journal of Law and Education*, 34(3), 389-420.
- **How various states set up records ombudsman programs**
Stewart, D.R. (2009). Managing conflict over access: A typology of sunshine law dispute resolution systems. *Journal of Media Law and Ethics*, 1(1/2), 49-82. Also: Stewart, D.R. (2013). Evaluating public access ombuds programs: An analysis of the experiences of Virginia, Iowa and Arizona in creating and implementing ombuds offices to handle disputes arising under open government laws. *Journal of Dispute Resolution*, 2012(2). Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2440820

Public attitudes

Understand how the public views records and your/their right to access them.

- **Older, affluent, educated tend to support FOI more than others**
Cuillier, D., & Piotrowski, S. J. (2009). Internet information seeking and its relation to support for access to government records. *Government Information Quarterly*, 26(3), 441-449.
- **Liberal, skeptical and cynical more supportive of FOI**
Cuillier, D., & Pinkleton, B. (2011). Suspicion and secrecy: Political attitudes and their relationship to support for freedom of information. *Communication Law and Policy*, 16(3), 227-254.
- **Those engaged in civic affairs more supportive of FOI**
Cuillier, D. (2008). Access attitudes: A social learning approach to examining community engagement and support for press access to government records. *Journalism and Mass Communication Quarterly*, 85(3), 549-576.
- **Heavy users of Internet for info-seeking supportive of FOI**
Cuillier, D., & Piotrowski, S. J. (2009). Internet information seeking and its relation to support for access to government records. *Government Information Quarterly*, 26(3), 441-449.
- **Those fearful of privacy invasion less supportive of FOI**
Cuillier, D. (2004). Public support for press access declines as personal privacy concerns increase. *Newspaper Research Journal*, 25(4), 95-103.
- **During times of mortal strife, death thoughts cause polarization**
Cuillier, D., Duell, B., & Joireman, J. (2009). FOI friction: The thought of death, national security values, and polarization of attitudes toward freedom of information. *Open Government*, 5(1).
- **Support varies by type of record**
Cuillier, D. (2008). Access attitudes: A social learning approach to examining community engagement and support for press access to government records. *Journalism and Mass Communication Quarterly*, 85(3), 549-576.

Exercise your FOI muscles

David Cuillier

Below are activities and skills you can practice to hone your access muscles and integrate a “document state of mind” in your life and workplace. These are just some of the ideas included in “The Art of Access: Strategies for Acquiring Public Records,” by Cuillier and Charles Davis.

Make an “FOI First” sticky note

Create an “FOI First” sticky note and post it on your computer/laptop monitor. Then select a day and once a week, first thing, submit a public records request for that document. Request one new document each week at that designated time/day. For example, write “FOI First Friday” if you choose Friday.

Circle yourself

Grab a piece of paper and put your name in the middle. Then around your name write all the different roles and identities you represent (e.g., student, taxpayer, homeowner, driver, parent, pet owner). Then, around those roles, write all the public records that might contain information about those roles. Be amazed at the paper trail you will leave behind in this world. Now do the same thing for a prominent person in your community or someone you cover on a beat. Go examine those records to see if you find anything surprising or newsworthy.

Map an agency

Go online to the main web page of a local government agency, such as the city, university or school district. Then start burrowing through the site, and on a piece of paper or your computer start mapping out the agency based on what you find. Write down what requirements the agency must meet and what documents it generates. Come up with at least two document-based story ideas.

Google Advanced Search document hunt

Identify a government agency you are interested in and find its online domain name (e.g., www.michigan.gov for the state of Michigan). Then, in Google, go to the Advanced Search function (just Google “Google Advanced Search”) and search within that domain for different file types (.pdf,.doc,.xls., etc.). For example, a search of the michigan.gov domain for the word “the” yielded 2,190 Excel files, 9,070 Word files, and 197,000 pdf files. Browse them to see what records they have posted online. Or conduct the same search with more specific keywords. Find three records that could be the basis of stories.

Find an FOI friend

Find a like-minded journalist at a similar non-competing news organization who can be your document buddy. Contact that person with an e-mail or phone call. Arrange to have coffee and talk about records you have and plan to request. Try to get three tips or records ideas from the person. Share ideas and keep each other motivated.

FOI an FOI log

Pick a local government agency and request the requests for the past year or two. See if the log is kept in an electronic format, such as Excel, and try to get the disposition, including whether the records were provided, when they were provided and who asked for them. Then do a quick tally to see how many records were requested, what percent were provided, how long it took people to get the records and who tended to request the records (media, businesses, attorneys, etc.). Look for trends over time, or compare agencies to identify the most secretive and open local governments. Find three potential records that could lead to your own stories, and then request them.

Blank-form hunt

Search a local government website or your state's website, looking for all forms provided online; often state websites will have an actual link to forms from their home pages. You can also look for licensing renewal pages or search for the keyword "form." You will find hundreds of blank forms that people fill out. Print out two that interest you and use a highlighter to mark the parts that are most useful to your reporting. Then request the database that the form is based on.

Create a communal document pool

On your newsroom Intranet or university online course system, or perhaps through Google Drive, create a place where reporters can post documents they have received that might be of help to other beats. Post the document and location, or the actual document or data. Create a running index of great documents in the community.

Get Grandpa's FBI file

Impress your family (or get ostracized from the next reunion) by requesting Grandpa's FBI file, or your own. Anyone is allowed to request to see their own FBI file, if they have one. Also, you are allowed to request the files on anyone who is deceased. Check out the website "Get Grandpa's FBI File" at <http://www.getgrandpasfbifile.com/>. To request your own file, see the companion website, "Get My FBI File," at <http://www.getmyfbifile.com/>. You can do this in just minutes, and then take bets on when you get the get the files. MuckRock also has a great guide to getting your own FBI file at <https://www.muckrock.com/news/archives/2018/aug/09/fbi-flowchart/>

Zaba and Pipl yourself

Pick a person: yourself or a key source. Then run that person through www.pipl.com, www.zabasearch.com and Google. Look at the vast amount of information available online that these websites gleaned, including date of birth, home address, home phone number, pictures and relatives. Notice how Google isn't really that helpful—that it's more important to know where records are kept. Try to figure out where the information came from, and then go get it yourself. Identify which information is inaccurate. Create a "profile" of the person based on what you found. Later, if a public official denies information to you, such as the date of birth of city employees or home addresses, then show that official his or her own "pipl" results displaying that information. The bottom line: If someone wants to find you, they will. As unpleasant as it is, keeping dates of birth and home addresses secret is futile—that horse is already out of the barn.

Compare state laws

Identify strengths and weaknesses in your state public records laws by comparing your FOI law to other states. Find an area of your state public records law that interests you by scanning the Open Government Guide at the Reporters Committee for Freedom of the press (<https://www.rcfp.org/open-government-guide/>). For example, look at the category "How is e-mail treated?" or whether "gun permits" are secret. Then use the "Compare" function at the bottom of the page to get a list of how each state handles that particular issue. Get out a piece of paper and divide it into three categories: Open, Secret, Unclear. Write down where each state fits and then tally what percentage of states make that information public or secret. Once you've identified the weaknesses in the law compared to other states, contact your press association and state coalition for open government (<https://www.nfoic.org/organizations/map>) to see if something can be done about it.

Compare abroad

Compare U.S. FOIA to other nations' FOIA laws. Go to <http://www.rti-rating.org/> and find a country that is rated well. Then go to <http://www.freedominfo.org/> or Google to find the text of that country's law. Compare the law to U.S. FOIA (<https://www.rcfp.org/federal-open-government-guide>). What parts of the law should the U.S. consider adopting?

Record yourself

Record yourself asking for records. Or practice with a colleague or fellow student. Simulate a records request. Examine how you act. Note whether you use "I" statements or "You" statements. Go down the list of negotiation principles presented in this chapter and see if you are following them. Note how you can improve, write it on a piece of paper and practice.

Visit your local law library

The best way to become adept at legal research is to dive in, with a little help from the people trained to help: law librarians. Visit the closest law library to get a primer on the legal resources available. Even if you don't have a law school nearby, a general university library or public library will have some resources you can try out. Find three resources that will help you understand the law.

Build a request kit

When you are in a document state of mind, you will begin to request records on the fly—when a source at City Hall mentions a report, or a school board member refers to an audit during a board meeting. In those cases, you need to be ready to submit a public records request immediately. Put the following items in a folder to bring with you:

- Blank public records request forms. If an agency you cover has its own forms it prefers people to fill out, bring copies of those forms.
- Thumb drive or flash drive. So, a clerk can transfer electronic files for you.
- Portable handheld scanner. To capture images of documents at the agency rather than paying for copies. Or use your cell phone to take pictures.
- Copy of your state public records law. Go to <https://www.rcfp.org/open-government-guide/> and click on your state. On the left is a link to your state statute. Copy it to a Word file and reduce the font, then print it out.
- Summary of supportive case law. In that RCFP guide at <https://www.rcfp.org/open-government-guide/> you'll find explanations by an attorney about each element of the law and case law supporting openness. Create a one-page sheet of paper that lists key elements and the cases that support openness.

Do a double take

For your next document-driven story, identify a document that is held by two different agencies, such as a boating accident report (e.g., your state boating safety commission and the U.S. Coast Guard), and request the same document from both agencies. Note how the different agencies handle the requests and compare what information each agency redacts and makes public. This will enable you to piece together a more accurate picture for your story and better understand the inconsistencies of how different agencies, and perhaps different people within agencies, provide records.

Coffee with a custodian

Find an agency of interest, such as your university or a city, and find out who handles public record requests. Offer to buy the person a coffee and ask about their job. Don't inject your own thoughts or talk about yourself—just learn about what the person does, what problems they encounter and what they appreciate from requesters. Also ask what records are valuable that people fail to request. This will help later when you need records on the fly.

Find a quote machine

Identify an expert or two in your state who you can call to get a good quote for a story when you are denied public records. It could include your press association director, a media law professor or a state FOI coalition president. Get to know the expert and see if he or she will provide home contact information for after-hours interviews. To be fair, make sure to find experts in municipal government who can provide other perspectives. Possible sources include your state's association of cities or counties, a state records ombudsman or an assistant attorney general.

Find your dream house

Identify a house—either your own or one for sale in the community (see www.zillow.com). Then collect as much information solely through public records as you can about the house, property and surrounding neighborhood. Here is a list of potential records you can tap:

- Property tax records including assessed value, owner's name
- Police reports of nearby crimes and sex offender registries
- Development plans, including road plans, proposed development
- Parks plans
- Airport flight-pattern maps that show sound levels
- School test scores to compare schools
- Environmental Protection Agency records regarding hazardous chemicals and polluted sites
- Court records regarding the sellers
- Nuisance complaints reported to the city

Newsroom FOI coach tips and tools

David Cuillier

Models to choose from

https://drive.google.com/file/d/1aUJhL1dlkmnFrbxwT54Dd18HoqcBX_-E/view?usp=sharing

Handout describing six models for newsroom FOI evangelist/trainers and 15 contributions they can make to their organizations. Provided by David Cuillier (linked from FOI Files column in IRE Journal, Fourth Quarter 2022)

Sample request tracking spreadsheet

<https://docs.google.com/spreadsheets/d/1weqNZ4-SDGnt7cma57KazaxFwiTjFnZgFHS7PvZF4Ik/edit#gid=1948781277>

Sample Google sheet you can use in your newsroom to share and track records requests, provided by Lam Thuy Vo.

FOI Audit Toolkit

www.spj.org/foitoolkit.asp

Tips on how to coordinate an FOI audit in your community, state or region. Created for the Society of Professional Journalists by Charles Davis. See a list of previous audits here: <https://www.nfoic.org/foi-audits/>

Sunshine Week project

<https://sunshineweek.org/>

Rally colleagues within your newsroom (or state) through an annual FOI project timed with National Sunshine Week each mid-March (James Madison's birthday, March 16). Coordinated by the [Brechner FOI Project](#) at the University of Florida.

Sample FOIA training slides

<https://docs.google.com/presentation/d/1PURnAw4sqcpcb43tpImalyrdMEFF4mbJfRNs0Vimo/edit#slide=id.p>

A training PowerPoint slide deck you can use (and modify) for trainings within your newsroom. Provided by Lam Thuy Vo.

Sample FOIA letter template wording

<https://docs.google.com/document/d/1NYL7s2aaoOtdYy21NyKIG42V2j3Iki88cuyDLmIvWQs/edit>

Some specific suggestions on wording for FOIA request letters to improve responsiveness. Provided by Lam Thuy Vo.

MuckRock training tips

<https://www.muckrock.com/project/foia-101-tips-and-tricks-to-make-you-a-transparency-master-234/>

Tons of tip sheets on strategies for getting public records, from basic to advanced.

Tips from a FOIA Terrorist

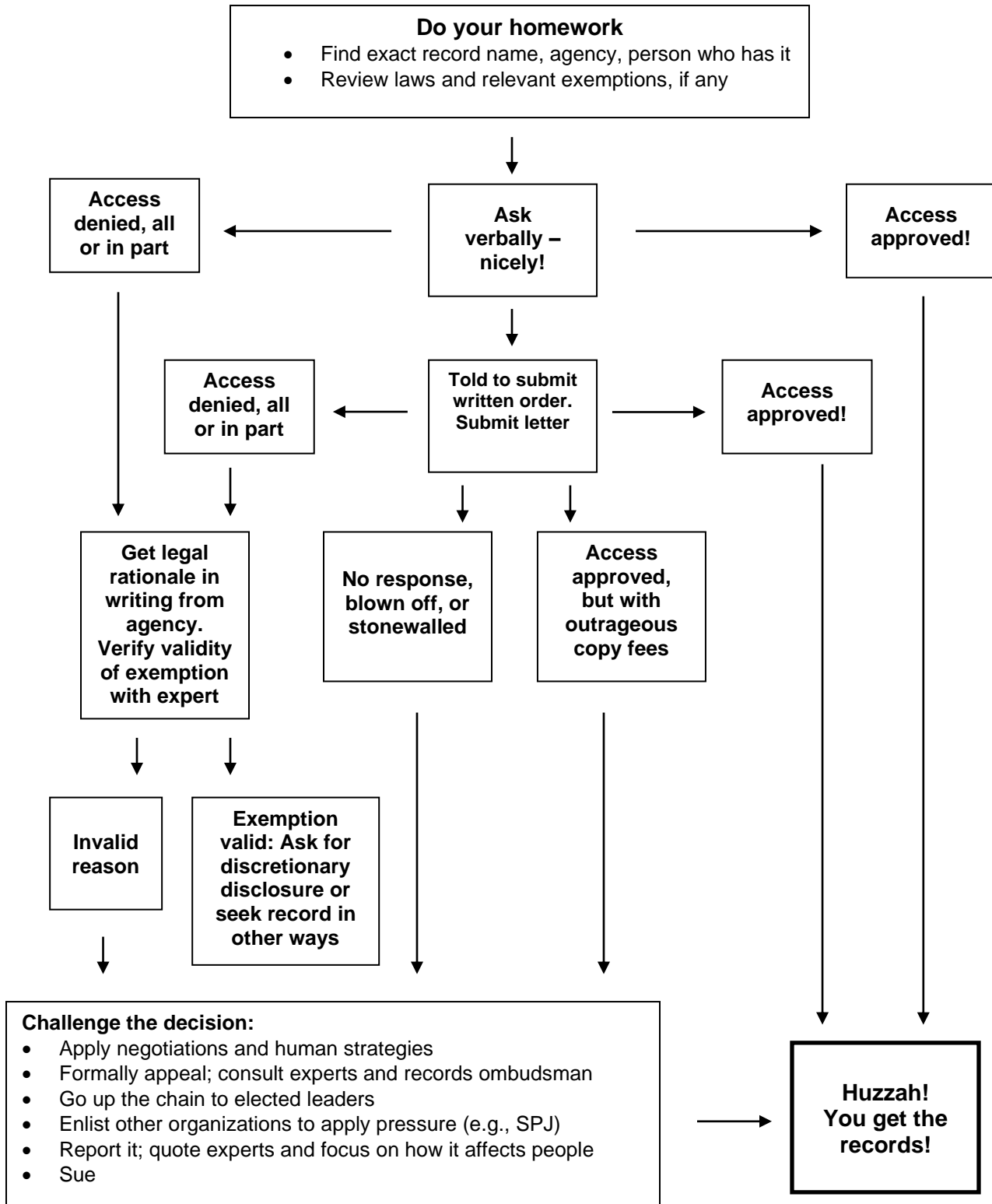
<https://www.ire.org/ire-radio-podcast-bonus-tips-from-a-foia-terrorist/>

Listen to Jason Leopold talk about FOIA Tricks at the 2016 CAR Conference in Denver. In addition to the recording, you can find examples of his work and other tips (for IRE members only). Additional tips provided by Leopold through John Tedesco's website:

<https://johntedesco.net/blog/2016/03/24/effective-foia-techniques-from-foia-terrorist-jason-leopold/>

As well, more tips from Leopold and MuckRock co-founder Michael Morisy, at Poynter: <https://www.poynter.org/reporting-editing/2020/mountains-of-vital-stories-about-the-coronavirus-are-hidden-in-public-records-heres-how-to-foia-for-them/>

Access flowchart



Doing FOI when you're SOL

- 1. Surprise yourself.** Look at public records as birthday presents. Because turnaround on orders can take days, weeks or months, (and sometimes years), submit orders for documents that could yield a good follow-up story or project. Then when you get a box in the mail three months later it will be like opening a present. Squeeze those record-based projects around the daily work.
- 2. Minimum story.** When you submit a public records order, always have a "minimum" story in mind – something you might be able to produce fast, or a launching pad for a project. No use fishing for stories with random records orders. That can waste time.
- 3. Keep order forms handy.** Carry order forms and a copy of your state open records law in your bag. Fill out orders on the spot if you are at a city council meeting or at the police station.
- 4. Tracking system.** Develop a good system for tracking orders. It can be as simple as a binder with a sheet of paper for each order. Some reporters use Excel. Every time something new happens with the order (response from agency, your response back, etc.), note the date, who you talked to, and what was said. Always agree to changes in your order in writing, such as through e-mail exchanges.
- 5. Team up.** Find someone else you can work with and team up. Sometimes splitting the work can make things happen. Use Google Documents or other similar programs to share your work and update notes.
- 6. Build credibility.** If you complete some record-based projects then your boss is more likely to cut you more time to take on bigger projects.
- 7. Get inspired.** During lunch, visit FOI websites (see Access Resources at end of handouts) to see the great work other journalists are doing with documents. See the challenges they face. Even though it seems like your viewers and sources might not seem to care about access, know that you aren't alone. There are others out there like you.

Planning your FOI order

Charles N. Davis and David Cuillier

Learn the law

Public records laws require government agencies to provide anyone the right to look at a record (or pay for a copy) that is held by a government agency subject to the law.

You can become fairly knowledgeable by reading a summary of the state public records law provided by the Reporters Committee for Freedom of the Press at: www.rcfp.org/ogg. See the resources listed at the end of these handouts for guides in your state.

Here are some basics of access law:

- No law requires an official to talk to you, but records laws require agencies to let you see documents or data.
- “Record” generally includes any format of recorded material, including paper, audio tapes, video, data, e-mail, and even the electronically embedded properties information in a Word file. Be creative.
- Federal executive agencies (e.g., FBI, but not the Supreme Court or Congress) are subject to the federal Freedom of Information Act. State executive agencies, cities, school districts and other local public agencies are subject state public records law. Be sure to know the name of your state law, and don’t ask for a record from your local school district based on federal FOIA.
- Other laws may apply, such as the Family and Educational Rights and Privacy Act for protecting educational records or the Health Insurance Portability and Accountability Act for medical records.
- Some records may be kept secret if there is a law that says the record may be kept secret, usually to protect national security, privacy invasion, etc.
- Some laws and agencies require a written order.
- Agencies are required by law to respond within a certain amount of time. They may provide the records, deny them in whole or in part (legal reason in writing), or say they need more time.
- Most laws are discretionary, which means an agency can give out the information even if an exemption allows them to keep it secret.

- Denials may be appealed to the agency. A person can also sue, in some states recouping his or her legal fees by substantially prevailing in court.
- When in doubt, ask for the record. It is up to the agency to prove it is secret, not for you to prove it is public.

Know the record

Identify exactly what you want to the best of your ability. Here are some tips for finding the existence of records:

- Check the agency's website and see if the record is provided online. Or perhaps information is provided online about the specific record.
- Visit or call the agency and talk to a clerk or person who would know what records are kept that would have the information you need.
- Look for original blank forms that the agency keeps to know what kinds of information is kept and how it is kept.
- Look at an agency's retention schedules or records indexes to find what kinds of records are kept.
- Ask to see the log of public records orders to see what other people have ordered.

Order the record

- **Avoid fishing.** Try to limit your order to what you really want. If you simply ask for "all files relating to" a particular subject, you may give the agency an excuse to delay its response, and you risk needlessly running up search and copying costs. Do your homework. Go talk to the agency first.
- **Get specific.** Cite relevant newspaper clips, articles, congressional reports, etc. If the records have already been released, let the agency know the date, release number, and name of the original orderer. If you are asking for a database, talk with the techies ahead of time to know exactly what data you are ordering and in what format. Tour the agency office and ask about what they are working on and specific documents they maintain.
- **Ask verbally.** Ask for the record verbally in person first, if possible.
- **Be polite but persistent.** The people on the other side of the counter don't come to work with horns and cloven hooves. They are people too, and they are more likely to get you what you want faster if you are nice about it, especially at the beginning.
- **Prioritize.** Let the agency know if you'd like to receive information in a particular order. Materials could be reviewed

and released to you in chronological or geographical order - or you may simply not want to wait for all the records to be reviewed before any are released.

- **Submit a written order.** If you anticipate balking, bluffing, or being passed around or put off, simply submit a public records order letter, which starts the clock ticking and requires them to act and stop passing you around or delaying. On the following pages see a sample state public records order letter generated from online order letter generators.
- **Choose your tone.** Note the last paragraph of the order letter that threatens litigation. Threaten to sue only if you are prepared to do so and if they've indicated they will not cooperate. Also, consider whether the wording may create defensiveness or hostile undermining of your order (e.g., delays). Sometimes it's better to attract flies with honey than vinegar. But at other times, coming in strongly and quoting the law can demonstrate you are serious and know what you are talking about (research indicates the threatening letter gets more agencies to respond).
- **Decide on your own transparency.** Legally, you don't have to say who you are or why you want the documents. As a practical matter, you'll probably have to tell them your name and provide a phone number so they can contact you. Also, some states have different standards for commercial users, so you might have to sign a statement saying you aren't a commercial user (they don't consider journalists as commercial users). If you don't care if the agency knows why you want the information, feel free to tell them. It's likely to speed the process and they might offer other information that you didn't order. But if that would jeopardize your investigation, then don't tell them. If they ask, "Why do you want that information? Are you going to air something negative?" Just tell them, "I don't know what I'm going to produce until I gather all the facts," which is true.
- **Go to the top.** Sometimes going straight to the agency's lawyers or top officials speeds things up. Clerks sometimes deny orders or stall as they try to make sure they don't release something that will get them in trouble. Once the agency attorneys look at it and see it should be released, it often is.
- **Keep records of records.** Keep track of every step of your different orders. Keep dates, contact names, phone numbers and try to correspond by email so you can have written records of what was said to whom. Some orders can last years, so keeping track of details can help.

- **Follow through.** After you submit an order, always follow it through to the end, especially if they provide the records, even if months after you need it. Also, if denied initially don't skulk away cowed. If you have a legal right to the information keep at it. How you treat denials will affect how agencies treat requests in the future. Educate officials and get them in the habit of providing information to you and the public. It's part of their job.

Sample order letter: Friendly version

April 5, 2025
Mayor David A. Condon
City of Spokane
Spokane, WA 99201

RE: Public records order

Dear Mayor Condon,

I know you are busy, but I want to thank you in advance for helping me gather some public records regarding email correspondence. I am writing to order a copy of all work-related emails sent or received by you during the past three months, either on work-provided accounts or other accounts (e.g., Yahoo, gmail) where you might conduct city business.

I would be happy to pay copying and postage fees and help in any way I can, but if the cost is more than \$5, please contact me and let me know. If the files are available electronically and would be more convenient to copy and email, then that would great too.

I would very much appreciate a response by the end of the month, and if there is information that I am not entitled to, please let me know. I understand that sometimes some information doesn't warrant disclosure for statutory reasons, and might need to be blotted out while releasing the public part.

If there is anything I can do to help with the order, please do not hesitate to let me know (email is the fastest way to reach me).

Thanks again for your help!

Sincerely,

David Cuillier
1212 Main St.
Spokane, WA 99201
517-555-1111
cuillier@email.com

Sample order letter: Neutral version

April 5, 2025
Mayor David A. Condon
City of Spokane
Spokane, WA 99201

RE: Public records order

Dear Mayor Condon,

Pursuant to the state open records act, I order access to and copies of all work-related emails sent or received by you during the past three months, either on work-provided accounts or other accounts (e.g., Yahoo, gmail) where you might conduct city business.

I agree to pay reasonable duplication fees for the processing of this order.

If my order is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act.

Thank you for your assistance.

Sincerely,

David Cuillier
1212 Main St.
Spokane, WA 99201
517-555-1111
cuillier@email.com

Sample order letter: Legalistic threatening version

This letter is based on the Student Press Law Center letter available at <https://splc.org/lettergenerator/>. You might remove the threatening paragraph toward the end.

April 5, 2025
Mayor David A. Condon
City of Spokane
Spokane, WA 99201

RE: Public records order

Mayor Condon,

Pursuant to the state open records law Wash. Rev. Code Secs. 42.56.001 to 42.56.904, I write to order access to and a copy of all your emails for the past month regarding public business from all email accounts, public or private carriers. If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$5. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I will expect your response within five (5) business days. See Wash. Rev. Code Sec. 42.56.520.

If you choose to deny this order, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that violation of the open records law can result in a fine — payable to me — of up to \$100 for each day that I am denied access. Litigation costs, including reasonable attorney fees, may also be awarded. See Wash. Rev. Code Sec. 42.56.550(4).

Thank you for your assistance.

Sincerely,

David Cuillier
1212 Main St.
Spokane, WA 99201
517-555-1111
cuillier@email.com

Overcoming denials

Charles N. Davis and David Cuillier

IF THE AGENCY SAYS...

"YOUR DESCRIPTION OF THE RECORD IS INADEQUATE"

This means you probably did not give enough specific identifying information. Give the agency the benefit of the doubt and rewrite your order. You can try to call or make an appointment with the official processing your order to get more help.

"THE RECORD DOES NOT EXIST"

If you are reasonably certain the records you've ordered do exist, and if your order letter was clear and informative, you should try to do more research. Are there news reports, congressional hearings or court records that describe the information you want more clearly?

Rewrite your order, giving the agency more guidelines and clues for where they might find it. Try to be as patient and understanding as you can; some agencies are short staffed or have disorganized data systems.

"SOME OF THE INFORMATION IS EXEMPT FROM DISCLOSURE, SO WE WON'T GIVE YOU ANY OF IT"

The agency can't withhold an entire document or file because some portion(s) of it is exempt from disclosure. The agency must release any non-exempt material that can be reasonably extracted from the exempt portion(s).

"WE CAN'T GIVE IT TO YOU BECAUSE AN EXEMPTION SAYS WE HAVE TO KEEP IT SECRET"

FOIA exemptions are generally discretionary, not mandatory – an agency is not required to withhold all information. Agency officials can choose to waive the exemptions and release the material, unless another statute specifically restricts that disclosure. One exception is FERPA, but note that FERPA doesn't cover everything and they can release the records if identifying information of a student is blotted out.

"OUR PROPRIETARY SOFTWARE DOESN'T ALLOW US TO COPY DATA"

I don't know of any software that can't copy or export data. Maybe it exists, but it must be rare. Usually, the person saying that is unfamiliar with the software and needs to confer with the agency computer technicians. If, after talking to their techies, they still stick to that story, find out the software maker and call them up. No doubt the company will want everyone to know how useful and versatile the software is and explain how to copy the data.

"COPYING THE DATA WITH FIELDS REDACTED WOULD CREATE A NEW RECORD, AND WE ARE NOT REQUIRED BY LAW TO DO THAT"

It is true that most laws do not require government agencies to create new records, only let you see or copy existing records. But you aren't asking for a new record – just a copy of their existing records with some information redacted. It's no different from getting a copy of a paper file with some information (fields) redacted with a black pen. Just because they blot out a name on a piece of paper doesn't mean it's a new record. Same theory applies to data. Copying data with some fields redacted, or even combining fields from different databases, is not creating a new record. It's copying existing data.

"OK, OK. HERE IS YOUR PILE OF RECORDS. THAT WILL BE \$1 MILLION, PLEASE."

Make them justify the expenses with a line-by-line explanation. You might be able to narrow your order to get fewer documents that would still serve your purposes. Arm yourself with what other agencies charge for copies, including for computer programming time. If many other agencies charge nothing or very little, then make that known, including by writing a story about it.

Look at the agency's FOI logs to find out if others have been receiving the same records. Ask for an extra copy. Ask for a backup copy of their data if they make backups. Get an outside expert to scrutinize their time estimates. The estimates are usually inflated and unreasonable. See the handout on Lowering Copy Fees for more tips on reducing copy costs.

"WE ONLY PROVIDE THIS INFORMATION TO RESEARCHERS. YOU CAN HAVE IT IF YOU SIGN THIS CONTRACT WITH US."

Some agencies give information to researchers provided they sign a contract with use restrictions, such as prohibiting identification of individuals in the records. Few reporters are willing to sign such agreements. The problem is you might want to use the information for something else later and won't be able to. Also, fundamentally it designates journalists as above average citizens with special access, and it creates a new category of "public information." Either it's public or not. Some journalists advise only considering such agreements when the information is clearly not public but the agency is willing to release it for your story.

"WE DON'T KNOW WHY YOU WANT IT OR HOW YOU MIGHT USE IT. YOU MIGHT USE IT IN A WAY WE DON'T LIKE."

Tough noogies. In most states a records order cannot be denied based on who the orderer is or how the information will be used (except in the case of commercial mailing lists in some states). If they ask why you want the information you can tell them: "I wouldn't want to determine the story before I have all my facts. I'm just doing my job at gathering information." If you order records routinely from an agency (weekly), then it will be no big deal and they are less likely to question you.

"WE JUST DON'T WANT TO GIVE IT TO YOU"

The agency must explain its reasons, usually in writing, for determining that an exemption applies to any particular information.

- You have the right to contest any exemption claim.
- The exemptions must be narrowly applied, since the FOIA was created to maximize public access to agency records
- You can file an administrative appeal to a higher agency official. And if this fails, you can file a lawsuit. The federal court must conduct a full judicial review of the agency's claims and it is up to the agency to justify its denial of your order.
- Even if the agency releases substantial portions of the material you've ordered, you can appeal the decision to "sanitize" the rest. You can also order a detailed justification for each deletion.

- You can ask the state public records ombudsman to step in and try to mediate. The ombudsman has the authority to look at records behind closed doors to see if the agency is following the law (although the ombudsman has no enforcement authority).
- While you are haggling with the agency, try to get the information from another agency. Some records are kept by multiple agencies (for example, boating accident data kept by state agencies and the Coast Guard).
- Use principled negotiation and hard tactics, as detailed on the following pages.

Eliminate copy fees

David Cuillier

Here are some tips for lowering or eliminating unreasonable fees:

- 1.** Don't ask for copies. Look at the documents for free if you can.
- 2.** Narrow the order to just the few pages that you really need.
- 3.** Ask for a fee waiver using the information for the public good (federal FOIA also provides waivers for journalists).
- 4.** Take photos, use a portable scanner, or even a photocopy machine.
- 5.** Ask for files on thumb drive, posted online, or e-mailed for free.
- 6.** Ask the agency for an itemized list of expenses to justify the costs. Here is what I consider reasonable: Add paper (.7 cents per page based on a box of paper from Office Depot), machine depreciation (.2 cents per page based on a Xerox WorkCentre 5225 that costs \$4,299 and produces 75,000 copies a month), and toner (.6 cents per page), and you get 1.5 cents per page. Call it an even 2 cents per page.
- 7.** Question high staff search fees – \$100 per hour is equivalent to paying someone \$208,000 a year to make copies.
- 8.** Order a copy of the contract the agency has with a copy company. My employer pays a company less than a penny (.9 cents) per page to provide the machine, service it and refill the toner.
- 9.** Survey local agencies to compare costs and expose the unreasonable.
- 10.** Survey citizens to find out what they consider reasonable. Most people will say 10 or 15 cents per page copy.
- 11.** If the unreasonable charge is for computer programming, call the company that makes the software and ask them if copying data should be time consuming. They often say it takes a few minutes.
- 12.** Publicize the unreasonable copy fees. Find out if an agency provides free copies to lawyers or commercial orderers but overcharges citizens. Contact elected officials. Cover it.
- 13.** Team with other orderers to share the bill. Order the order logs to see who else gets records frequently from the agency.
- 14.** Ask an ombudsman or attorney general to talk to the agency.
- 15.** Sue or lobby for laws specifying reasonable fees.

Psychology of FOI: Social Exchange Theory

David Cuillier

Social Exchange Theory (Peter M. Blau, 1964), is often applied in survey research for mail and phone surveys, as well as other purposes in understanding how people decide in their minds whether to engage with another person. People will respond to you positively if they are motivated to do so by three factors they consider without even thinking about it:

1. Increase rewards

- Show respect in a positive way
- Say "thank you"
- Provide tangible rewards (information might be useful for their own work, or to help inter-agency data transfer)
- Say others are doing it (peer pressure; social validation)

2. Decrease costs

- Avoid subordinating language. Don't say they need to talk to you or answer questions. Be subordinate ("Can I ask you a favor?")
- Avoid embarrassing them
- Make it appear short and easy (set up record release schedule)
- Make it easier to say "yes" than "no"

3. Build trust

- Get to know the record custodians.
- Backed by authority ("your boss said I could talk to you")

Soft tactics and principled negotiation

David Cuillier

Below are tips for getting sources to comply with orders, based on the theories and application of "principled negotiation." These techniques are advocated by such experts as William Ury, co-founder of the Harvard's Program on Negotiation and author of "Getting to Yes." I suggest reporters always approach their sources in this frame of mind. With enough practice you'll get a lot of agencies to comply without threats of litigation.

Argue interests, not positions

Argue for your interest (I wish to analyze ambulance response times to find trouble spots), not positions (I want your database). If the agency understands why you want the information they are more likely to be cooperative. Of course, you are not obligated by law to explain that and you might not want to tip them off. But in reality they can figure it out most of the time so being up front is a good option. Then, they can argue their interest (we don't want to invade anyone's privacy). You can work out a solution when you understand interests. Positions cause both sides to dig in.

Allow face saving

If you box an official into a corner early on they might feel like they have to stick to their guns no matter the cost, especially if they denied the information in front of their superiors and subordinates. Talking with the person informally first, before they commit to an action, gives the person more leeway to agree to your order. Or, suggest the legal department examine the issue and let them make the decision – that will relieve the official of the shame of changing his or her mind (e.g., "sorry folks, I had to say yes because the attorneys said I had to release it.")

Use people skills

Allow officials to vent. Listen first, then repeat what you heard (whether you agree with it or not). Use "I" statements, not "You" statements. Talk to people informally side-by-side, not facing across a counter, creating psychological "opposition."

Apply negotiation jujitsu

Bend like the willow, don't break like the oak. Invite criticism and advice for how to analyze the information. If they say the record is a waste of time then ask what record would be a better use of time. Use questions instead of statements. Use silence after an unreasonable attack. Invent different options and alternatives, and end conversations with a compliment.

Hard tactics

David Cuillier

Sometimes you apply the techniques of principled negotiation but an agency just doesn't want to play ball, or purposely chooses not to play fair. Then it's open season and time to apply hard tactics. Below are tips for getting sources to comply with orders, based on the six elements of persuasion by Robert Cialdini of Arizona State University. Also, other strategies are provided for pressuring an agency to release records. Do not use these techniques for evil. Only good.

1. Reciprocation

- **Rejection-then-retreat:** Ask for a lot, then cut it in half. "Can I see all your expenses in database format for the past 20 years? OK, how about starting with just the expense reports for the past five years?" The clerk will appreciate you for simplifying the order and may reciprocate by working faster and being more helpful. Order information that you can give up later, such as social security numbers. If it lands in court a judge might want you to concede something anyway. When it appears you are giving them something then they are more likely to reciprocate.
- **Get-to-know-you stories:** Don't ignore newsworthy positive stories. Occasionally government actually does something right. It's often useful to do a harmless newsworthy project first to get to know people and build trust (e.g., analyze pet license data for a feature on most popular dog breeds/names), then work from there. When you do something positive to someone, psychologically they feel obligated to reciprocate and help you out even more. But don't make up stories or get buddy-buddy. The public comes first.
- **Be a helper:** Check in frequently after the order is filed and offer to help to make their jobs easier. Offer to help copy data or provide CDs for copying. They might not take you up on it but they might appreciate the gesture.

2. Commitment and Consistency

- **Everyone happy:** Ask, "How are you doing today?" When the person says fine, then he or she is more likely to help you. People don't want to appear stingy when they are fine and you are not.
- **Commitment:** Once commitment is made, people try to stick to it. Get commitment verbally: "Do we have an agreement?"

- **Ratcheting (low-balling):** Get a commitment for something small, then it opens the door for getting a “yes” on something bigger. This is the opposite of the reciprocation techniques. “How about if I could see a copy of what a police report looks like. OK, do you have what a case file would look like? What does it look like in your computer system? Any chance I could just get an electronic copy of your reports in Excel for the past year?”

3. Social Proof

- **Peer pressure:** We follow what we see everyone else doing (e.g., canned laughter). Request a record first from neighboring transparent agencies, then approach the recalcitrant agency. “Boy, all the other towns in the county provide this information. I wonder why it isn’t open here? Even Shelbyville provided it. Why not Springfield?” (Several experiments show this increases disclosure.)
- **Patriotism:** Focus on the importance of what they have to offer to the community. That it’s their duty as Americans to keep government open and transparent, and the community will appreciate it.

4. Liking

- **Looks:** As much as we hate to admit, people often make decisions based on how a requester looks. Dressing well helps; looking shady usually raises suspicions and increases denials.
- **Similarity:** Dress like your sources. Act like your sources. Talk about similar interests.
- **Compliments** that are sincere help.
- **Association:** Disassociate yourself with negative media and people who use information irresponsibly (spammers, identity thieves). Go to lunch with people for a positive association with you and food.

5. Authority

- **Bigger gets better responses.** Journalists from bigger media have more “authority” and tend to get calls returned faster. If you work for a smaller organization, consider teaming up with reporters from other organizations. Cooperative orders can increase pressure for release and serve everyone’s interests.
- **Titles have authority.** Have the order letter co-signed by the news director or, depending on the importance of the information, the owner. Or have the organization’s attorney send it.
- **Government allies.** Get people in government on your side to back you up. Get to know the state attorney general, your state

records ombudsman, or others who might be respected in government.

- **Shallow but effective.** Symbols of authority are effective: titles, clothing, automobiles. Even height conveys authority.
- **Cite the law.** The law is authoritative, particularly if it has penalties for noncompliance. Include the citations in your orders and e-mails when you want to exert authority.

6. Scarcity

- **For a limited time only.** What you are offering is limited. "I don't have time to wait until next week for you to check with the attorneys on this. My deadline is in six hours. Either I get the information or I'm going to have to produce a story for tomorrow morning's paper explaining that your agency is withholding it. I would hate for you all to look like you are hiding something and are bad officials when I know you aren't. The public will appreciate it."

7. Pound lawbreakers into submission

Sometimes you run across a few bad apples in public service (just like there are some bad apples in journalism) who deliberately act in bad faith and deny valid public records orders to hide corruption or embarrassing facts. Remind them who's boss (the public):

- **Go to the top.** Go to the elected officials and ask them why the agency is hiding information. Sometimes elected officials, especially during an election year, would rather avoid a public battle with journalists.
- **Cover it.** Some journalists say it's inside baseball but that's hooey. When an agency says "no" to you, they aren't saying "no" to you. They are saying "no" to the thousands or millions of people in your community. Tell those people. Quote access experts and show why the agency is breaking the law. You would produce a story if the agency broke other laws, right?
- **Wave the flag.** Use patriotism as leverage. Communists and Nazis favor secrecy, not god-fearing Americans. Are your officials pinkos who hate America, or are they good citizens?
- **Expose the deviant.** Get the same information from other agencies then ask the secretive officials why they are deviant. Nobody wants to be an outlier.
- **Rally allies.** Find people and groups who want the information and go tell them about the secrecy. It's even better if they are influential business owners, contributors or active citizens. When

officials see it isn't a media issue, and they fear the wrath of constituents, they yield.

- **Heads on pikes.** Put together a list of all the other agencies in your state or elsewhere that lost public records battles and had to pay tens of thousands of dollars in lawyer fees (including the orderers' fees). Show them the news articles that made the agencies look bad. When officials see the very real drawbacks of secrecy (heads on pikes), they might wave the white flag.
- **Bury them.** If they deny your valid order and are being stubborn, flood them with more orders. If they are trying to hide one record, you can tell them that you wonder what else they are trying to hide. Make it much more work to deny you records than to comply. Wear them down.
- **Order the emails.** Put in a record order for all emails, memos and other documents regarding you. See what they've been saying behind your back!
- **Release the hounds (lawyers).** Have your attorney write a terse letter citing the relevant law. The letter, while perhaps unbudgeted, can demonstrate you are serious and will pay off down the road with more records. If you don't have a lawyer, reach out to the Reporters Committee for Freedom of the Press, a law school clinic, or other experts in your state.
- **Sue.** Sometimes all it takes is filing a lawsuit and an agency will cough up the information. In many situations you can recoup your attorney fees, even if you don't go to court. Check out the new NFOIC litigation fund (<http://www.nfoic.org/>) that will cover litigation to fight for records. See the "Suing Pro Se" section below.

Top-10 open meetings red flags

Joel Campbell

1. **Retreats.** Just because a public body wants to meet at the beach for a retreat doesn't mean the open meetings law doesn't apply.
2. **Attorney-client privilege.** Some public bodies try to skirt the open meetings act by claiming attorney-client privilege, calling the attorney into executive session when they want secrecy. Question such ploys.
3. **Stealth agendas.** If the agenda says minutes, old business, new business, begin challenging the public body for more information. If the agenda says the public body is closing the meeting to discuss "personnel" ask for specific details about the meeting closure.
4. **Boilerplate closures.** In some states, city councils include an "executive session" on their agenda as a matter of practice whether they really need it or not. This encourages closed meetings and violates the spirit of open meeting laws.
5. **Electronic meetings.** Some states allow meetings to be conducted over the telephone or via video or audio conference. However, such meetings usually require that journalists and the public can listen or watch. Also watch for agencies conducting public business via e-mail.
6. **No votes for executive sessions.** Laws sometimes require that a majority vote be taken to go into closed session. Keep public officials honest and demand votes be taken.
7. **Work meetings or committee of the whole.** In some places, public bodies hold regular "work sessions," "committee of the whole meetings" or "work meetings" before their regular meetings. These often are designed to discuss matters informally and line up votes.
8. **Vague times and locations.** Some boards have attempted to approve closed meetings for a non-specific time and location in the future. In some cases these have been used to bring in candidates for job interviews. Object to such tactics.
9. **Get the meeting documents.** Ask for the same information packets the members of the board or council receive. These are public documents and can help you be more thorough in your reporting.
10. **Diffuse the open meetings bomb.** If a discussion scheduled for a closed meeting looks like it might violate the law, make a phone call before the meeting and try to persuade public officials to discuss the agenda item in question in the open. Some states have FOI hotline attorneys who may be consulted.

Data-driven news pegs

David Cuillier

- 1. Extreme.** Find the biggest, smallest, highest, lowest, richest, poorest.
Example: Janitor makes more than the mayor through overtime.
- 2. The Letterman list.** Instead of pinpointing the top or bottom, a ranked list is provided for viewers online. This helps people find their state, city, resident hall, football team, etc., on the list and see the relation to similar units.
Example: Money magazine's "100 Best Places in America to Live" list.
- 3. Year-to-year.** Look for change in a unit from one year to the next.
Example: Auto thefts drop 12 percent in 2024 as compared to 2023.
- 4. Long-term trends.** Look at the big picture by examining units over a long period of time, such as five, 10, 20 or 100 years. The numbers work well in a line chart.
Example: Burglary rate has risen 36 percent over the past 20 years.
- 5. Individuality.** Look for well-known people who might be of interest.
Example: Check databases of tax evaders, heavy water users or deadbeat dads with the name of leaders to see if there is a match.
- 6. Linking.** Link two different databases to see what matches come up.
Example: Link DUI records with transit drivers.
- 7. Counting.** Add up numbers in a database to get interesting figures.
Example: Check the county dog-bite database to find out how many people were bitten this year.
- 8. Grouping totals.** Add up totals for different groups and rank them.
Example: Add up the political contributions given to the mayor by the type of contributor and then rank them. Maybe developers gave the most money.
- 9. Averages.** Find the average or mean of a set of numbers.
Example: The average income of high school football coaches compared to other teachers.
- 10. Comparison.** Take local numbers and compare to state or national.
Example: Average GPA for athletes compared to universities nationwide.

Data ethics checklist

David Cuillier

Here is a checklist to review when dealing with data (also, see the SPJ Code of Ethics, <http://www.spj.org/ethicscode.asp>):

1. Is the database accurate?

Often an agency will provide data that have been compiled in a hurry, changed from year to year, or just garbled. Take an excerpt of the data and verify it is accurate. Clean it up. Some people say it's OK to take post government databases online raw, and if there are inaccuracies it is the government's fault. That is true, legally, but journalists have an ethical duty to verify and publish the truth.

2. Did I analyze the numbers right?

When you get your findings, run them past the agency to see whether they find errors. You want to give them the chance to reply, and they can't prevent you from publishing it. Don't provide the entire story to an agency before publication, but it doesn't hurt to present key findings.

3. Should I withhold some of the data from the public?

Just because we have a legal right to acquire public data doesn't mean we have to publish everything. We might get databases that include home addresses. In some situations that might be important to publish online (sex offender data). In other situations the harm in publication might outweigh the benefits (database of child beauty pageant winners).

4. What would my mom/aunt/grandma/neighbor/child think?

Apply the sniff test to determine whether publication of the data might evoke a public backlash that could lead to closure of the records. This has happened many times around the country, particularly when data include home addresses (concealed weapons permits) or other sensitive information (911 recordings). People worry about privacy invasion and will call for blanket closure of records. That doesn't mean we don't publish data if they have any whiff of personal privacy. But if we do, we must have a clear and defensible reason that we explain up front.

5. Am I pursuing data aggressively in the public's interest?

A lot of journalists don't report about denials because they say it's inside baseball, or a conflict of interest. However, it is the ethical responsibility of journalists to fight for records on behalf of the public. Agencies aren't saying "no" to you – they are saying no to the thousands or millions of fellow citizens. When government breaks the law (including the state public records law), tell people.

Suing pro se

David Cuillier

You can do it!

Time and time again we have seen journalists and citizens denied public record requests and left with no recourse other than to sue. Yet, how many journalists – or journalism organizations – have the resources or gumption to file a lawsuit? Unfortunately, very few, and research shows fewer news organizations are willing to sue. The intimidation factor itself is the largest barrier, and a lot of government agencies know that, following the unwritten policy of only releasing sensitive records when a suit is actually filed. You can stand up to that. Sometimes simply filing a lawsuit will dislodge the records, and at minimum it makes for a good news peg to expose unnecessary government secrecy. This handout will walk you through the pro se (pronounced “pro say”) process of suing on your own, and where you can get the resources to cover your costs. You can do it!

Using this guide

This is not to be considered legal advice, rather a starting point to educate you about the process of suing for public records. If you need legal advice, reach out to the resources listed at the end of this document. A lot of this information is focused on federal FOIA, but the same principles apply for suing a city or state agency under state public records laws. While the process might seem daunting at first, it’s not rocket science. Here are overall thoughts for starting out:

- Realize this will be a long battle, but **DON’T GIVE UP!** A typical FOIA case can last a year, or longer, especially if the government intends to litigate, but don’t let this scare you. It might not serve your initial daily story, but it will help you get records in the future, and send a message to agencies throughout your community that they can’t get away with gaming the system when you request records.
- Don’t take things personally. What the attorneys write in their motions is part of their job. Don’t take their attacks personally and you will do a better job at defeating them.
- Realize you won’t win every time. Realize that there are indeed some legal exemptions which might actually apply to the records sought. Focus on your strong elements. Be willing to seek help, or even cut bait if you have to. Don’t set bad precedent. Live to fight another day!

Before suing

Make sure you crossed your t's and dotted your i's when it comes to the initial public records request. It is better to fix any procedural errors that you made prior to suing than worrying about having the government move to dismiss the lawsuit after you filed.

Learn the law

- Read resources that explain the public records law. For federal FOIA, the Reporters Committee for Freedom of the Press has a great guide at <https://www.rcfp.org/wp-content/uploads/imported/FOGG.pdf>, including sample FOIA request letters and appeal letters. Even better, check out https://foia.wiki/wiki/Main_Page. Reporters Committee's Open Government Guide provides a good explanation of each state public records law, as well.
- Read the full text of the law and relevant court opinions.
- Consult experts, such as your state press association or open government coalition if it's a state/local issue, or the Reporters Committee if it's a federal issue. Look for recent cases regarding your specific record. See the list of resources at the end of this handout.
- If your case is a little fuzzy – no strong case law or precedent established to support you, then you might consider going with a professional attorney. The only thing worse than losing a records lawsuit is setting bad precedent for everyone else. If the law is on your side and recent rulings have strongly supported your position, then proceed.

Know the agency rules

- Each federal agency has regulations governing how to submit FOIA requests, and state and local agencies usually have their own processes. Follow the instructions. If you didn't do so initially, go ahead and submit a new request, under compliance with the regulations. Then, wait the necessary time period prior to continuing.
- Your request should have also clearly stated it was a FOIA request (if federal) or public records request (if state/local) and not consisted merely of questions –agencies are not required to answer questions, they provide documents instead.

Take good notes

- Record everything you can during the request process, including when you talk to people and what was said. Have it in writing (e.g., email), if possible.
- Create a timeline so you are clear on how things progressed with your request. Note when the agency has missed its deadlines. Federal FOIA provides agencies with 20 working days to comply with a FOIA request. There are exceptions to the rule, in cases where “unusual circumstances” are invoked. In those circumstances, the deadline is typically extended to 30 working days. The timer starts when the agency acknowledges the request, unless the agency takes longer than 10 working days to acknowledge the request. However, if you sent the request directly to the office responsible for the request (very unlikely), the timer starts right away. Each state public records law has its own timetable.

Clarify and ask for fee waiver

- At the federal level, agencies are allowed to 1) assess fees for FOIA requests and 2) request clarification for FOIA requests. You must prove that there is justification for a fee waiver (waivers are provided for the news media), or pay the fees. If you pay the fees, the agency is still required to comply with the request within the deadlines, unless you agreed to an extension or unusual circumstances are invoked.
- Agencies are also allowed to request clarification or narrow a FOIA request. You should promptly provide the requested clarification. In either of these cases, the agency “pauses” the clock until it receives the clarification regarding the request or fees.

Inquire about a completion date

- Attempt to work with the agency to get an estimated status date by which it expects it will complete the request. Federal FOIA requires agencies to provide an estimated completion date upon request. Email a few times, a few days apart, requesting the completion date. This is also a good step to show the court the agency is engaging in bad faith, and that you were acting in good faith. This will help when you try to recover fees in the future. However, don't let a date that is months away scare you away from filing the lawsuit.

Appeal administratively

- Research indicates that a third of the time an administrative appeal will cut records loose, saving you the hassle of litigation. Appeal the

agency's lack of response or its denial. At the federal level this will force you to wait another 20 working days before suing, as the agency will have to lapse on the deadline for the appeal as well. At the state/local level, a simple letter to the agency asking for it to reconsider its decision can suffice and show the court you are reasonable. Some states allow you to appeal to the attorney general or an independent commission (e.g., Connecticut).

- Be sure to submit the administrative appeal to the appropriate FOIA appeals inbox. FOIA allows you to appeal the failure to comply with a request, which is called a "constructive denial." Although this will delay your ability to sue right away, it will show the court that you were trying to avoid litigation and were trying to work the issue out with the agency versus the courthouse.

Exhaust all other options

Sometimes the best way to get public records is through cajoling, political pressure, public shaming, or skillful negotiation.

- Narrow the request to specifically what you need.
- Publicize the denial, focusing on how it affects average people. Go up the ladder to elected officials to ask why their agency is hiding information. Request the same record of peer agencies and note their deviance (research shows the pressure causes agencies to cough up records – nobody wants to appear deviant).
- These and more tactics are outlined in the CQ Press book, "The Art of Access: Strategies for Acquiring Public Records," by David Cuillier and Charles N. Davis.

Get support

- If you get nowhere with an administrative appeal and decide to sue, apply for aid to help cover your costs (make sure to keep receipts for all expenses related to the request/suit, such as parking, mailing, court fees, etc.):
- The National Freedom of Information Coalition Knight Litigation Fund (<https://www.nfoic.org/knight/>) provides assistance for court fees.
- The Society of Professional Journalists' Legal Defense Fund offers funds toward attorney fees (<https://www.spj.org/ldf.asp>). In both grant cases, you have to apply, but it's a simple process.
- Check with media law attorneys in your area to see if anyone will take it pro bono or on contingency. This could save you a lot of time and heartache.

Taking them to court

After considering the above, it is time to sue. Ask the agency one last time for an estimated completion date in an effort to further show that they, not you, are the ones being unreasonable. If you get rebuffed or ignored, sue. Here is how:

1. Get to know the court

If it's a federal FOIA case, look up U.S. District Court in your area and visit the courthouse. For a federal record, you are allowed to sue in the U.S. District Court where you live, the U.S. District Court where the records are kept, or the U.S. District Court of the District of Columbia. It is probably easiest to sue in the district court where you live if you need to go to an oral hearing. If it's a state/local record, visit your county courthouse. Many court websites have sections designed for pro se parties, including forms and examples of complaints. Refer to these. If they don't, refer to the local rules, specifically the section about commencing or initiating a civil action. Courts do things differently, and some will require you to provide a cover sheet, notice of interested parties, or other documents. If in doubt, call or visit the court clerk's office. Be friendly. Clerks are usually helpful, and while they can't give legal advice they are usually willing to answer procedural questions.

2. Write the complaint

The meat of your suit is the "complaint," which states who you are, who you are suing, what happened, and what you want. It launches the lawsuit. You need to provide sufficient information to say what you want and why (because you were wronged). However, do not make the mistake of including all your arguments in the complaint. The government has the burden of proving that they met the legal standard to deny your public records request. Don't argue something when you don't have their argument in front of you. Also, don't give them ideas as to what to argue. Don't try to write it to sound like a lawyer. Just write it clearly. Follow the court rules, which outline the exact process, even the formatting of complaints, such as font and margin size. Some courts provide complaint templates. To see a sample complaint online, go to bit.ly/SampleComplaint.

3. Fill out the summons

The summons notifies the government that it is being sued. Download the summons template from the court website under the forms section. Do not sign the summons, the clerk will. Prepare three versions. When serving the federal government, you need to serve the Department of Justice U.S. Attorney General, the Civil Process Clerk for the U.S. Attorney's Office of the district you are suing in, as well as the agency you are suing. Your complaint also needs exhibits, such as the records request, agency acknowledgment, and any communications with the agency. If the agency has an overlying

“department,” such as the Federal Aviation Administration under the Department of Transportation, sue both agencies. It is likely you will need to take three copies of everything to the courthouse. One will be for the clerk, one for the judge, and one for you. You will then use your copy to make the additional copies needed to serve the government with the lawsuit.

4. Go to the courthouse

Now that you have everything ready, head over to the courthouse. If you are suing for federal records, go to your nearest U.S. District Court. If you are suing for local/state records, head to your nearest county courthouse. Unfortunately, most courts do not allow pro se individuals to file cases online. Be sure to go with the filing fee, which can be paid with credit card. At federal court that can run about \$400, and county courts for local/state records cases are usually less. See page 4 where you can apply for funds from the NFOIC Knight Litigation Fund. When you arrive, go to the civil clerk’s office, and explain you want to sue. Give them the documents you have, and they will take care of the rest. They will return stamped copies to you. While there, ask about the possibility of seeing filed documents online. This will greatly reduce the time it takes to receive documents filed in your case.

5. Serve the agency

Now you need to notify the government that it has been sued. You must serve all the defendants (the agency/department), and in the case of the federal government, the U.S. Attorney General at the Department of Justice, and the Civil Process Clerk at the U.S. Attorney’s Office in the district you sued in. You can do this by certified mail with return receipt. Note, however, that someone else must serve the documents. This can be your family member, neighbor, etc., as long as they are over 18, and not the person suing. In your mailing, include all the documents you filed with the court, including the summons, and a “proof of service” form, which you can obtain from the clerk. Note that you normally have to utilize the “other” checkbox on the form since you are suing the government instead of a person, and the rules for serving the government are different. Do not sign the form, but make copies. Just include the form in the mailing. This notifies everyone of the date they were served. Service can take several weeks, as the mail slows down once it reaches the post office which serves the agency while it goes through the needed security screenings. It will take a few days to get back the green cards proving that the documents were served. Make copies of those cards, and fill out the rest of the proof of service form, and mail three copies of that to the Clerk of the Court. This will tell the court that you did your part with serving the government and sets the date by which the agency needs to reply.

6. Wait for an answer

The “answer” is the agency answering every paragraph of your complaint. For the most part. The agency will likely deny most everything you claim, except what you included in an exhibit or that can be easily proven by you. Do not take the answer personally. At the federal level, the government has 30 days to file an answer. Some courts incorrectly issue a 60-day summons but government lawyers will typically take steps to correct this mistake. The next step will likely be that a government lawyer calls you or emails you. Note, this person represents the government, not you. However, you must work together to reach a resolution in your case, as you don’t have a lawyer. At the federal level the DOJ will request an extension to filing an answer to the complaint you filed. It is a good idea to grant this. The DOJ will try to resolve the issues without resorting to further litigation. It is possible that the DOJ will get the agency to respond to your request and avoid the need to file an answer. In this situation, the case will be dismissed through a joint request or stipulation. Be sure to read the joint request for provisions stating you won’t be allowed to recover the money from the court expenses you incurred. If so, reach out to the DOJ and let them know not to include that provision. You can try to recover court fees as a pro se litigant (that doesn’t include copy fees, attorney fees, or fees for your own time).

7. Haggle

The next stage will involve some back and forth communications, and might lead to closing the case immediately. Some courts require the parties meet and prepare a joint proposal for deadlines; others make the deadlines themselves. It is possible that portions of the request you submitted can be resolved during this phase. The agency might be willing to negotiate, seeing you are serious. Check online with resources such as the Federal FOIA Appeals Guide at www.rcfp.org/federal-foia-appeals-guide to see if any claimed exemptions are worth disputing. If something is not worth disputing, advise the agency that you will not object to those portions of their response. If no issues remain, the case should be dismissed by mutual consent. If issues remain, dispositive motions are next.

8. Respond to dispositive motion

A dispositive motion attempts to get the judge to dispose of the case from the get-go. This can be done through one of two ways: Motion to Dismiss or Motion for Summary Judgment. Read the agency’s dispositive motion carefully. At the federal level, utilize the Reporters Committee guide noted above, as well as the DOJ litigation guide specific for the exemptions invoked -- <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>. For a Motion for Summary Judgment, you must identify that the agency is 1) not correct in one of the facts which would decide the case and/or 2) the agency is not entitled to judgment in its favor. Using the guides noted above, work on a “Response to the Motion.” Check the local rules to see how much time

you have to file. If you would like more time, request the agency consent to an extension, and then, with that consent (or denial), ask the court to approve. Work on your response carefully. Explain why the records are important to the public. Include as much information in your briefs as possible in case a new judge is assigned to the case. Make constant revisions. Attack the agency's arguments, and make sure you read and understand the arguments the agency is relying on. If the agency missed an important part required to be able to survive claiming the exemption, make sure to state that. Your response to the motion needs to comply with any page limits and formatting noted in the local rules for that court. Also, you must use a "Statement of Facts" for every single material fact you rely on. A material fact is something important that can decide the case. Your motion will basically have a lot of in-text citations to the Statement of Facts, similar to that of the agency's. You will then have a separate Statement of Facts Document, similar to the agency's, and each Statement of Fact must be supported by adequate evidence. This evidence can be either a declaration, or, an exhibit. Keeping the Statement of Facts, argument, and exhibits organized is the most time consuming portion, but be sure to do it right, because it will help your case. When responding to the motion, research the cases the agency uses to support its argument. Find distinctions between your case and the cases cited. Show that to the court. Also, review the evidence carefully – if the agency provides a declaration or affidavit and then jumps to conclusions using words not in the declaration or affidavit, point that out. Below the title of your response, state that you want an Oral Hearing or Argument, if you want one. This can be good for your case if you feel speaking to a judge can help. However, do not think of this court appearance as another way to introduce newly found arguments into your case. File your response with the court after it is completed and be sure to provide the agency, DOJ and U.S. Attorney with a copy.

9. Respond to agency reply

Next, the agency will file a "reply" to your "response." It is also likely that the agency will look at your response and ask for an extension to file a reply. They might want the extension just to have it, or maybe they actually want to provide additional records in an effort to avoid the judge deciding the issue. Communicate with the agency to see what their position is shortly after filing the response. Next thing you know you may have more documents. After the reply is filed, you are not allowed to file another reply without consent from the court. Typically, this consent isn't granted except for circumstances where you can show that the agency's reply was introducing substantially new information which you haven't had a chance to attack.

10. Oral arguments or final decision

The judge may schedule an oral hearing, or simply decide the case without a hearing. Either way, be sure to read the judge's decision carefully. If you lose the case, consider meeting with an attorney to review your appeal options.

11. Moving for costs

If you win the case, or if the case was dismissed after a joint request, it is possible you can recover costs if you substantially prevail. Refer to the local rules for the time limits to do this, and apply using the forms on the court website to "tax" costs. Be sure to keep the agency informed and provide them with a copy of the forms. In your forms, provide additional information proving that you are eligible and entitled to recovery of costs. Costs are in the form of printing, parking, mailing, case filing, etc. You are eligible and entitled if you won't use the documents obtained for commercial purpose, and if the agency "changed position" as a result of the lawsuit. All those estimated status date requests at the beginning come in handy now.

12. Plant that head on a pike

Publicize your brilliant victory and thank all of those who helped. Make sure the word is out in your community, nationally through SPJ and NFOIC, and throughout the government community, so everyone knows about the win. Plant that head on a pike as a warning to other recalcitrant agencies that illegal denials will be thumped in court. Submit a new public records request asking for all agency communications pertaining to your initial request and lawsuit. That can help you learn about their thinking for the next time you sue. Revel in your tenacity and efforts to protect democracy and the people's right to know. Huzzah!

Access resources

David Cuillier

News and general resources

Joseph L. Brechner Freedom of Information Project

www.brechner.org/FOI

This nonpartisan center at the University of Florida has focused on research and education in freedom of information since 1977, providing resources, tips and strategies for those seeking public records. Sign up for its monthly email [Brechner Report newsletter](#), check out the [Secrecy Tracker](#), compete for [cash-prize awards](#) for scholars, journalists and students, and attend [Sunshine Fest](#). Email Director David Cuillier for research context and quotes for stories about denials, at cuillierd@ufl.edu.

MuckRock

<https://www.muckrock.com/>

This nonprofit helps people get public records. Has thousands of records posted that have been acquired through more than 165,000 public record letters nationwide since 2010. Great place for record ideas and tips. Also guides to the law for each state.

The Art of Access: Strategies for Acquiring Public Records

A 200-page paperback book guide by David Cuillier and Charles N. Davis, published by Sage in 2010, and then as a second edition 2020. Buy online at Amazon. For more information, contact Cuillier at cuillierd@ufl.edu.

Sunshine Week

<https://sunshineweek.org/>

This national initiative, conducted since 2005, promotes freedom of information every March, timed with James Madison's birthday. Coordinated by the Joseph L. Brechner Freedom of Information Project since 2023 (before then, by News Leaders Association, formerly American Society of News Editors). Lots of resources, events and content to inspire. See its companion [Sunshine Fest](#), including previous recorded sessions.

Legal help

Reporters Committee legal hotline

800-336-4243 or online at <https://www.rcfp.org/legal-hotline/>

Free advice for journalists in acquiring records at the federal level and assistance with state-level queries. See their [Local Legal Initiative](#) and [ProJourn](#) to help journalists sue.

NFOIC Knight FOI Fund

<https://www.nfoic.org/knight/>

Can provide court costs for suing for public records.

SPJ Legal Defense Fund

<https://www.spj.org/ldf.asp>

Can provide up to \$5,000 quickly for legal aid in a suit, and can request more if deemed a worthy case.

Free Expression Legal Network

<https://freeexpression.law/>

Coordinates more than 40 law clinics at universities, many of which provide free legal aid for public records litigation.

Right to Information Global Ratings

<https://www.rti-rating.org/>

Rates the more than 140 FOIA laws in the world and provides details about each law's legal provisions. Spoiler: U.S. ranks 78th, below Mexico, Russia and Kyrgyzstan. The best FOIA law in the world? Afghanistan.

All about federal FOIA

FOIA Wiki

https://foia.wiki/wiki/Main_Page

Set up by the [Reporters Committee for Freedom of the Press](#), this is a comprehensive resource for everything about federal FOIA.

FOIA Advisor

<https://www.foiaadvisor.com/>

Launched in 2015 by Allan Blutstein, Kevin Schmidt, and Ryan Mulvey, this blog is the most comprehensive and timely news source for federal FOIA news and litigation.

Office of Government Information Services

<https://www.archives.gov/ogis>

The federal agency, started in fall 2009, is the federal ombudsman for FOIA, under the National Archives and Records Administration. Have a problem with an agency? Contact them and see if they can help.

The National Security Archive

<https://nsarchive2.gwu.edu/>

Tips for accessing public records through FOIA, as well as federal records.

FOIA Advisory Committee

<https://www.archives.gov/ogis/foia-advisory-committee>

Tons of reports and recommendations for making federal FOIA better, coordinated by the Office of Government Information Services.

The FOIA Project

<https://foiaproject.org/>

Part of the Transactional Records Access Clearinghouse at Syracuse University, this center had tracked federal FOIA litigation and requests for years (less so nowadays).

State public record laws

Reporters Committee open government guides

<https://www.rcfp.org/open-government-guide/> (then click on your state)

A great guide to the public records law and open meetings law in every state. It describes the different pieces of the law in plain English. A must-have resource for everyone.

State coalitions for open government

<https://www.nfoic.org/>

Most states have a nonprofit coalition for open government, which provides assistance in accessing records. Check the National Freedom of Information Coalition Web site for a coalition in your area. Also, NFOIC has a [Knight litigation fund](#) for suing agencies over records.

Student Press Law Center letter generator

<https://splc.org/>

This nonprofit center provides free legal assistance to student journalists. Check out the website for resources on student media law issues. It also includes a super [request letter generator](#) that caters to each state (and [research finds](#) more effective than friendly or neutral letters).

Journalists' best practices

Journalists Toolbox

<https://journaliststoolbox.ai/databases-public-documents/>

Great resources gleaned by Mike Reilley for decades, including a section on databases and public records.

Society of Professional Journalists

<https://www.spj.org/freedom-of-information/>

This group provides information about freedom of information, including tips on conducting [FOI audits](#), a [guide to FERPA](#), public information officer [excessive controls](#) and [other issues](#).

Investigative Reporters and Editors

<https://www.ire.org/resources/>

This group has an online resource center (for members) that includes a searchable database of more than 25,000 investigative stories and a searchable database of 5,000 tip sheets.

Society of Environmental Journalists

<http://www.sej.org/>

Environmental story archive that provides ideas for data and FOIA orders.

Access Audit Toolkit

<https://www.spj.org/freedom-of-information-toolkit/>

Looking to conduct an access audit in your community? Check out this guide, created for the Society of Professional Journalists by Charles Davis.

Finding records

Data.gov

<https://data.gov/>

A keyword searchable website for finding federal agency databases.

FOIA Wizard

<https://www.foia.gov/wizard.html>

The Department of Justice's FOIA Wizard to aid you in getting federal records.

Google News Alerts

<https://news.google.com>

Go to Google News, click on "News Alerts" then set up alerts with keywords such as "public records request" and "freedom of information" and Google will send you links to stories that contain those keywords.

Google Dataset Search

<https://datasetsearch.research.google.com/>

This application, launched September 2018, allows you to do a keyword search for finding databases posted online by government agencies, academics and news organizations (anyone who sets up the metadata to be found by Google). Millions of datasets included.

Government's Attic

<https://www.governmentattic.org/>

Posts a variety of federal documents, including FOIA logs.

Public records fun

Disclosure podcast

<https://www.bloomberg.com/news/newsletters/2025-10-24/-disclosure-a-new-podcast-about-the-fight-for-government-records>

A fun FOIA podcast by Jason Leopold and Matt Topic of Bloomberg News. Weekly episodes started in October 2025. Humorous and educational.

FOIA Files newsletter

<https://www.bloomberg.com/account/newsletters/foia-files>

This weekly email newsletter is produced by Jason Leopold of Bloomberg News, going behind the scenes on records he acquired through FOIA.

Hello, it's Reveal

<https://revealnews.org/article/hello-its-reveal/>

A great Adele "Hello" spoof of problems getting access to government by Reveal – The Center for Investigative Reporting.

India Needs a Superhero

<https://www.youtube.com/watch?v=vvZeo6BWiRw&t=5s>

A powerful 3-minute video that shows the power of FOI anywhere in the world.

What is a Photocopier?

<https://www.youtube.com/watch?v=PZbqAMEwtOE>

Humorous video re-enactment of a real deposition in a records fee lawsuit, 2014, The New York Times Verbatim

Ashley's Totally Basic FOIA Tutorial

<https://www.youtube.com/watch?v=ZDTT70x3vME>

Explanation of what a FOIA request is, 2017, Full Frontal with Samantha Bee

Democracy in Jeopardy!

<http://www.youtube.com/watch?v=eGmTdu4cC54>

Flash animation, 2007, produced by the former OpenTheGovernment.org

How to File a FOIA Request

<http://www.youtube.com/watch?v=X3CtKpXrE1A>

Comedic old-style instructional video on filing a request, 2008, by Rob Heidrick.

FOIA cameo in the movie Dodgeball

<https://www.youtube.com/watch?v=43DNYUamXrw>

Ben Stiller explaining how he found a home address: "It's called the Freedom of Information Act, Kate. The hippies finally got something right."

The Art of Access **Money docs**

SABEW, Philadelphia
May 8, 2026

Dr. David Cuillier, Director
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Handout and slides

Money Docs

Access to Government Records About Business

Society for Advancing Business Editing and Writing
Philadelphia, Pennsylvania
May 8, 2026

David Cuillier, director
Joseph L. Brechner Freedom of Information Project
University of Florida
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David Cuillier, Ph.D., directs the University of Florida Joseph L. Brechner Freedom of Information Project, which has focused on research and education in freedom of information since 1977. He is a former journalist, taught data journalism and access at the University of Arizona for 17 years, and is former president of the National Freedom of Information Coalition and Society of Professional Journalists. He is co-author of "The Art of Access: Strategies for Acquiring Public Records," has testified three times before Congress regarding FOIA, and serves on the U.S. FOIA Advisory Committee.

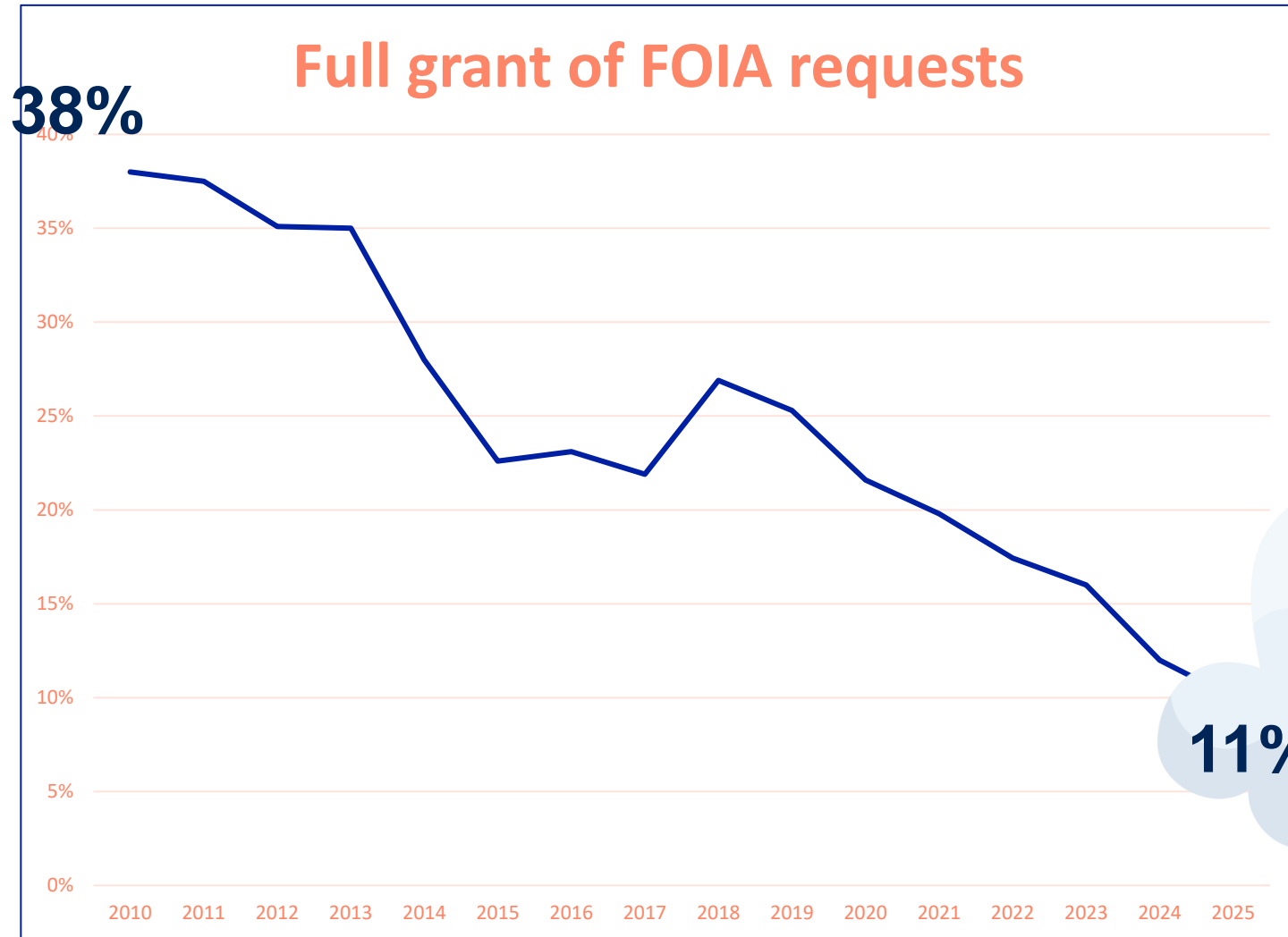
Credits: These handouts are the culmination of two decades of FOI training, starting with the SPJ newsroom training program in 2004 with trainers Cuillier, Charles N. Davis and Joel Campbell. Some of this information has been presented at a variety of conferences, but this is all pulled together in one handout. Also, some materials below come from "The Art of Access: Strategies for Acquiring Public Records," by Cuillier and Charles N. Davis (second edition 2020). This handout was last updated (and links checked) on March 24, 2025.



Stormy times



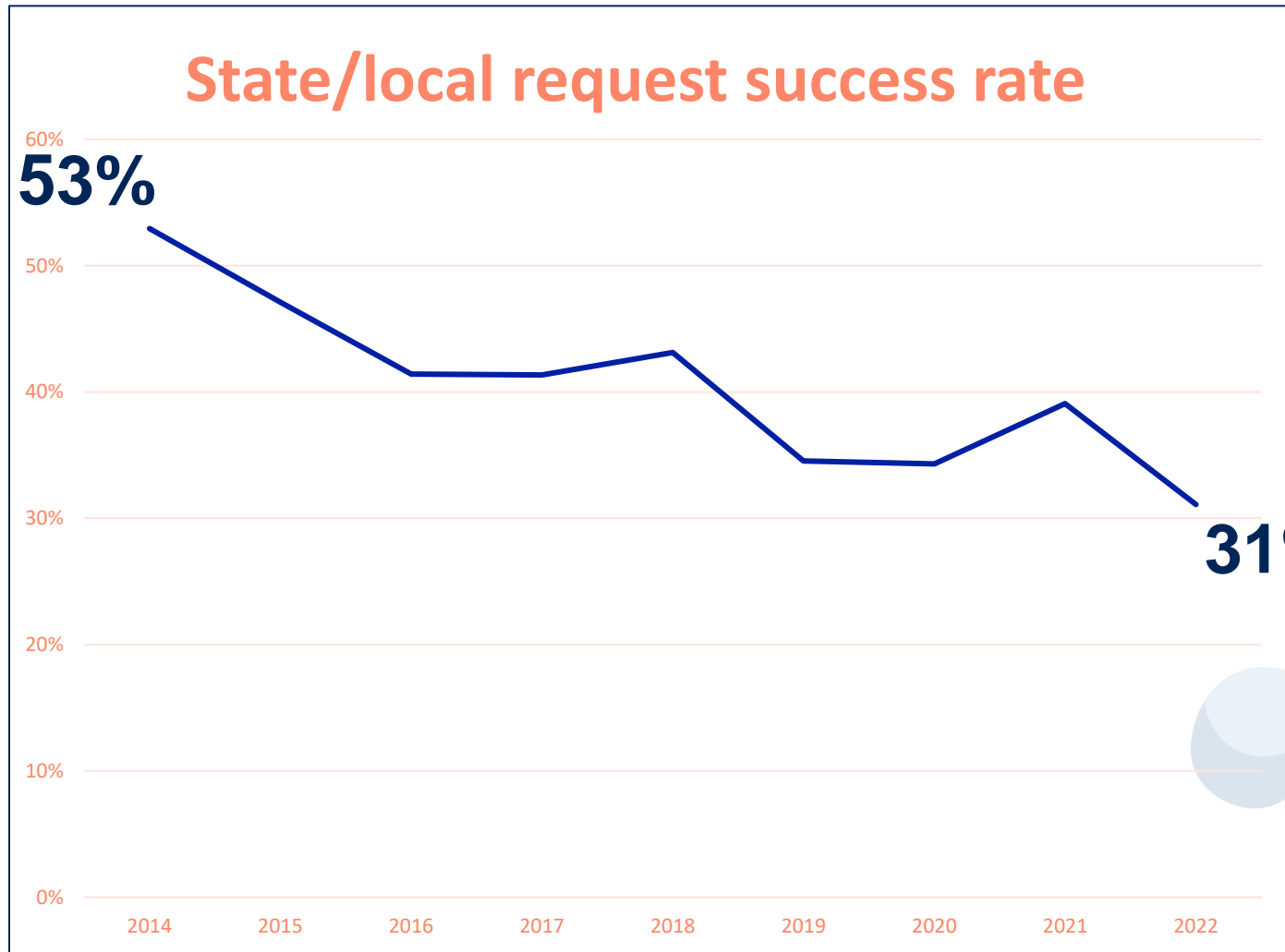
U.S. FOIA compliance 2010-25



11%

Cuillier, 2026
DOJ data
2010-2025 (projected)

State/local compliance



Cuillier, 2023,
MuckRock data,
2014-2022

DOGE days

FOIA reports 2024 to 2025

1. Staffing down 15%
2. Backlogs up 60%
3. Time to complete simple requests double
4. Providing records full/partial declining



141 nations have FOIA laws

Ranking	Country	Date	Right of Access	Scope	Requesting Procedure	Exceptions & Refusals	Appeals	Sanctions & Protections	Promotional Measures	Total
1	Afghanistan	2014	5	30	28	30	28	6	14	139
2	Mexico	2002	6	30	28	28	28	4	14	138
3	Serbia	2003	5	30	22	26	29	7	16	135
4	Sri Lanka	2016	5	28	26	23	29	4	16	131
5	Gambia	2021	2	30	24	23	28	7	14	128
6	Slovenia	2003	2	30	26	25	28	4	13	128
7	Albania	1999	6	29	26	27	23	6	10	127
8	Croatia	2003	5	30	22	26	29	5	9	126
9	India	2005	4	25	24	26	29	5	13	126
10	Liberia	2010	4	30	19	27	20	7	16	123
11	Sierra Leone	2013	0	29	25	18	28	7	15	122
12	South Sudan	2013	6	27	17	26	22	8	15	121
13	Vanuatu	2017	3	26	23	23	26	6	14	121
14	El Salvador	2011	4	30	24	22	23	1	16	120
15	Tunisia	2011	4	28	22	25	23	2	15	119
16	South Africa	2000	6	22	19	23	28	6	14	118
17	Namibia	2022	3	23	21	21	29	5	14	116
18	Saint Kitts and Nevis	2018	2	25	18	23	25	8	15	116
19	Ukraine	1992	5	26	22	24	25	3	10	115
20	Antigua and Barbuda	2004	3	24	20	23	24	5	14	113
21	Kenya	2016	4	29	19	19	24	6	12	113
22	Maldives	2014	4	26	21	15	28	7	12	113
23	Nepal	2007	4	27	19	18	26	6	12	112

<https://www.rti-rating.org/country-data/>

Ranking ▲	Country ▲	Date ▲	Right ▲
1	Afghanistan	2014	
2	Mexico	2002	
3	Serbia	2003	
4	Sri Lanka	2016	
5	Gambia	2021	
6	Slovenia	2003	
7	Albania	1999	
8	Croatia	2003	
9	India	2005	
10	Liberia	2010	

68	Rwanda	2013
69	Belize	1994
70	Guinea	2021
71	Italy	1990
72	Romania	2001
73	Zambia	2023
74	Cyprus	2017
75	Honduras	2008
76	Hungary	1992
77	Netherlands	1978
78	United States	1988







January 11, 2016

New Jersey rejects request for dolphin necropsy results, citing “medical privacy”

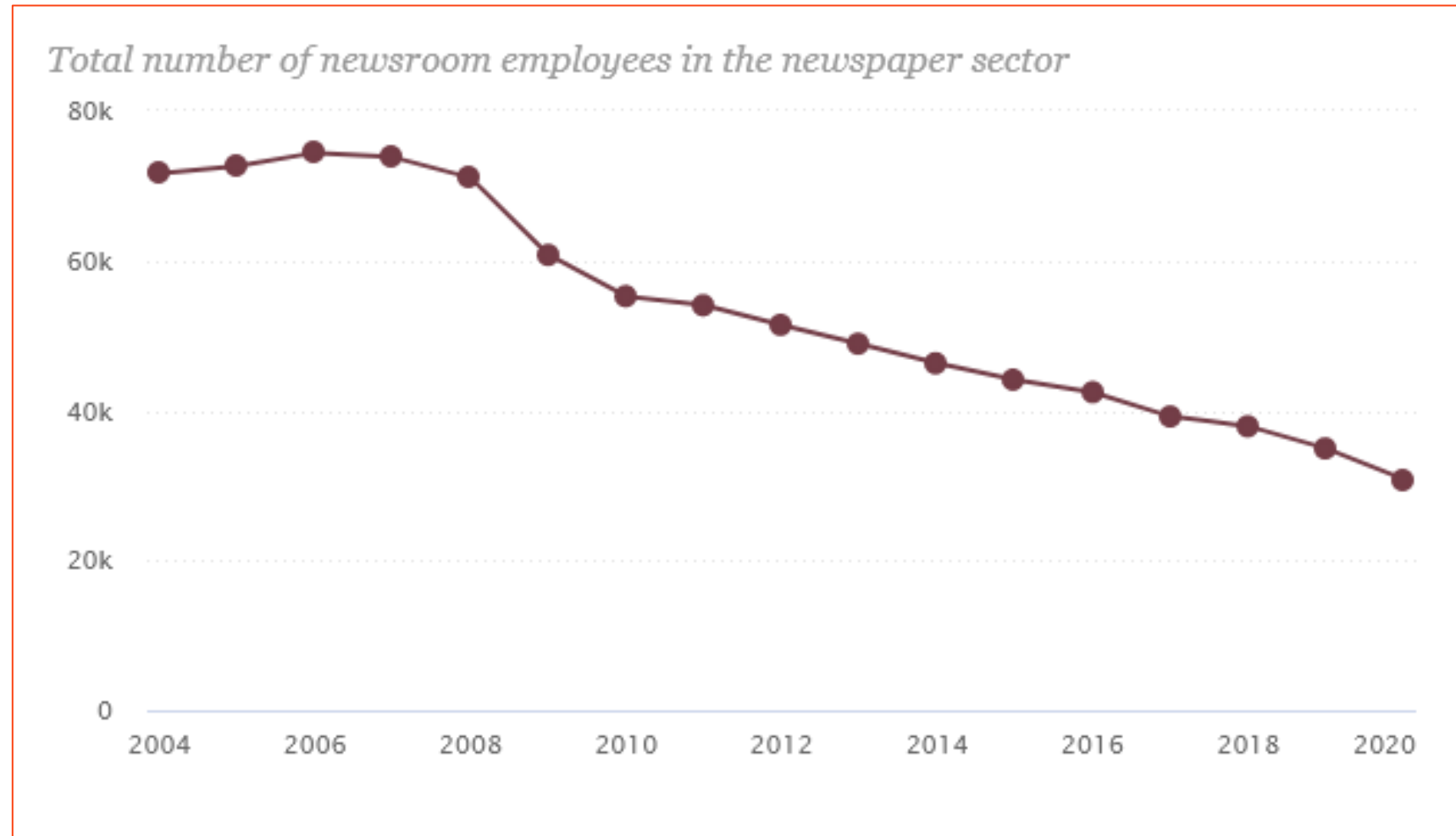
When it comes to OPRA exemptions, the Garden State doesn’t discriminate between aquatic and land mammals

Written by [JPat Brown](#)

Edited by [Michael Morisy](#)

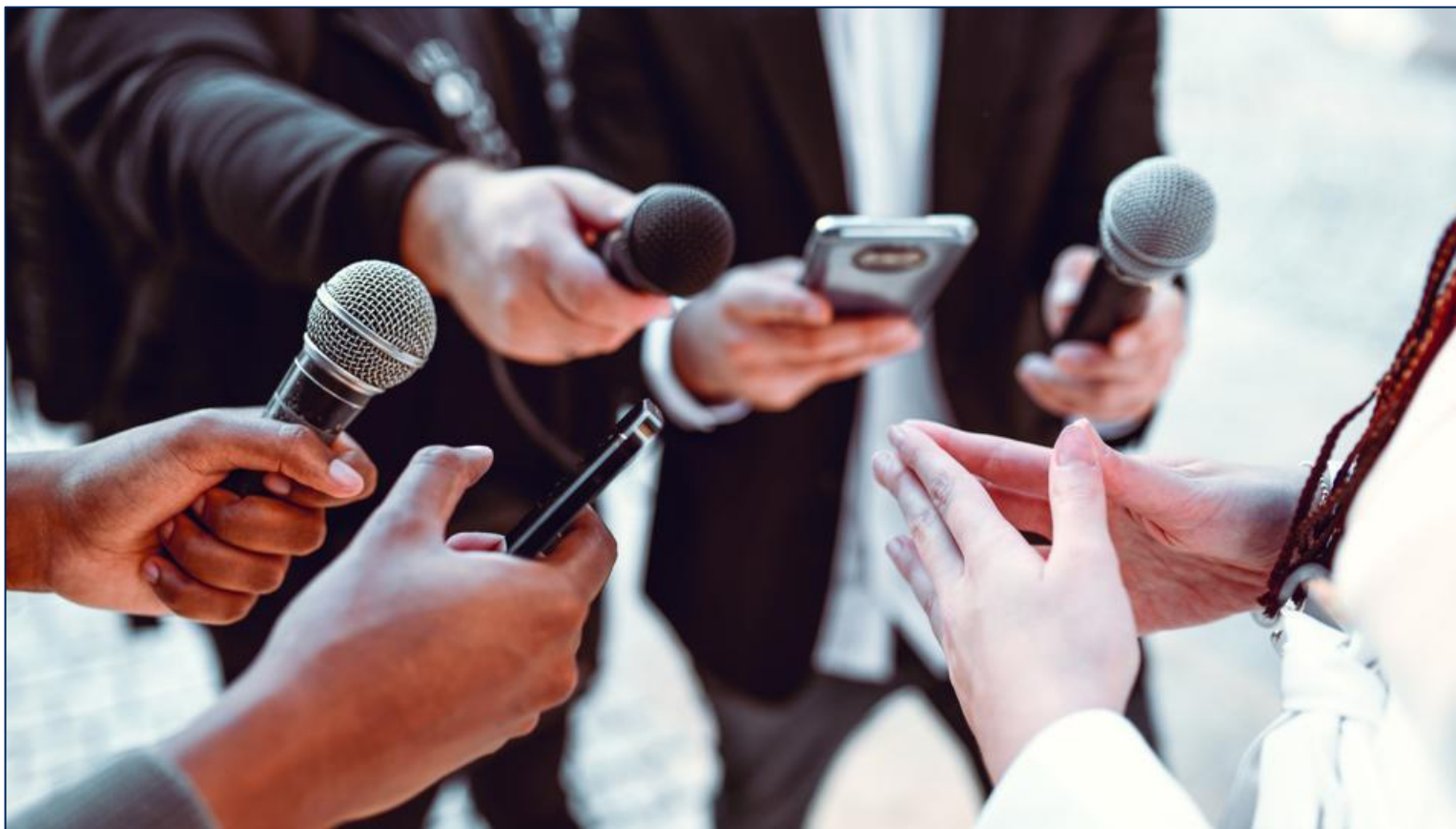
When a [dolphin died in New Jersey’s South River last year](#), MuckRock’s [Carly Sitrin](#) - a Garden State native herself - wanted to know what killed it. So she filed [a public record request](#) to the NJ Department of Agriculture for the necropsy results. Just this last week, the DOA finally responded, and to make an already weird story even weirder, barred the release of the record on grounds of medical privacy.

Reduced workforce, resources



Pew Research Center, 2021

Weak news ecosystem = secrecy



Posner-Ferdman, B., & Cuillier, D. (2024, May 15). Dark deserts: Newspaper decline and its relation to subnational compliance with public record laws. Presented at the Global Conference on Transparency Research, Brussels, Belgium.

FOI groups struggling

National
Freedom
Of
Information
Coalition

Funding decline



Funding decline

OPEN
THE
GOVERNMENT

RIP 2003-2022



RIP 1922-2024



SUNLIGHT
FOUNDATION

RIP 2006-2020



The Sunshine in Government Initiative

Public oversight is the ultimate safeguard of democracy.

RIP 2006-2019



Journalists frustrated

Collier Prize for Accountability Journalism 2026 survey:

67% say lack of access greatest challenge

44% say delays, denials, costs are common

53% remain committed to accountability journalism

What can we do?





Citing records as sources boosts reader credibility

Sparks, J. F., & Wagner, A. J. (2025). Audience perceptions of government documents as news sources. *International Journal of Press/Politics*.

<https://journals.sagepub.com/doi/10.1177/19401612251396661>

**Handout:
Relevant research,
pages 14-22**

Strengthen enforcement

NEWS > WASHINGTON

Tiny town of Mesa ordered to pay \$175,000 to former mayor over records dispute

Fri., June 15, 2018



- Mandatory attorney fee shifting
- Stiff penalties
- Independent oversight
- Copy fee caps, remove search/redaction fees

McKenney, M. (2025). Just \$25 to file, no lawyer required: Assessing an alternative public record complaint procedure, *The Journal of Civic Information*, <https://journals.flvc.org/civic/article/view/140505/145597>

Better tech and records management



Stern, A. (2018). Cities can save time on records requests by doing open data right. *Sunlight Foundation*, <https://sunlightfoundation.com/2018/10/09/research-cities-save-time-on-records-requests-by-doing-open-data-right/>

Hall, C., Perez, K., Azarmi, P. D., & Manriquez, R. (2024). Open by default: A best practices analysis for meaningful transparency in the City of Oakland. Berkeley Public Policy.

Mandatory training



The screenshot shows the website for the Washington State Office of the Attorney General. The header includes the state seal and the name of the Attorney General, Bob Ferguson. A navigation menu is visible with 'Initiatives' highlighted. The main content area is titled 'Open Government Training' and includes a welcome message, a section for 'General Information & Instructions' with a small image of a binder, and two expandable sections: 'State Laws' and 'Training is Required by the Open Government Trainings Act - Q & A'.

Washington State
Office of the Attorney General

Attorney General
Bob Ferguson

Home News Office Information Serve The People **Initiatives** Resources AG Opinions Employment

Home | Initiatives | Open Government | **Open Government Training**

Open Government Training

Welcome to the Open Government Training web page of the Office of the Attorney General.

General Information & Instructions

Click on the dropdown boxes below for "General Information and Instructions." To take online training, scroll down to "[Open Government Training Curriculum & Resources](#)." For sample documentation, scroll down to "[Last Step: Training Documentation](#)."

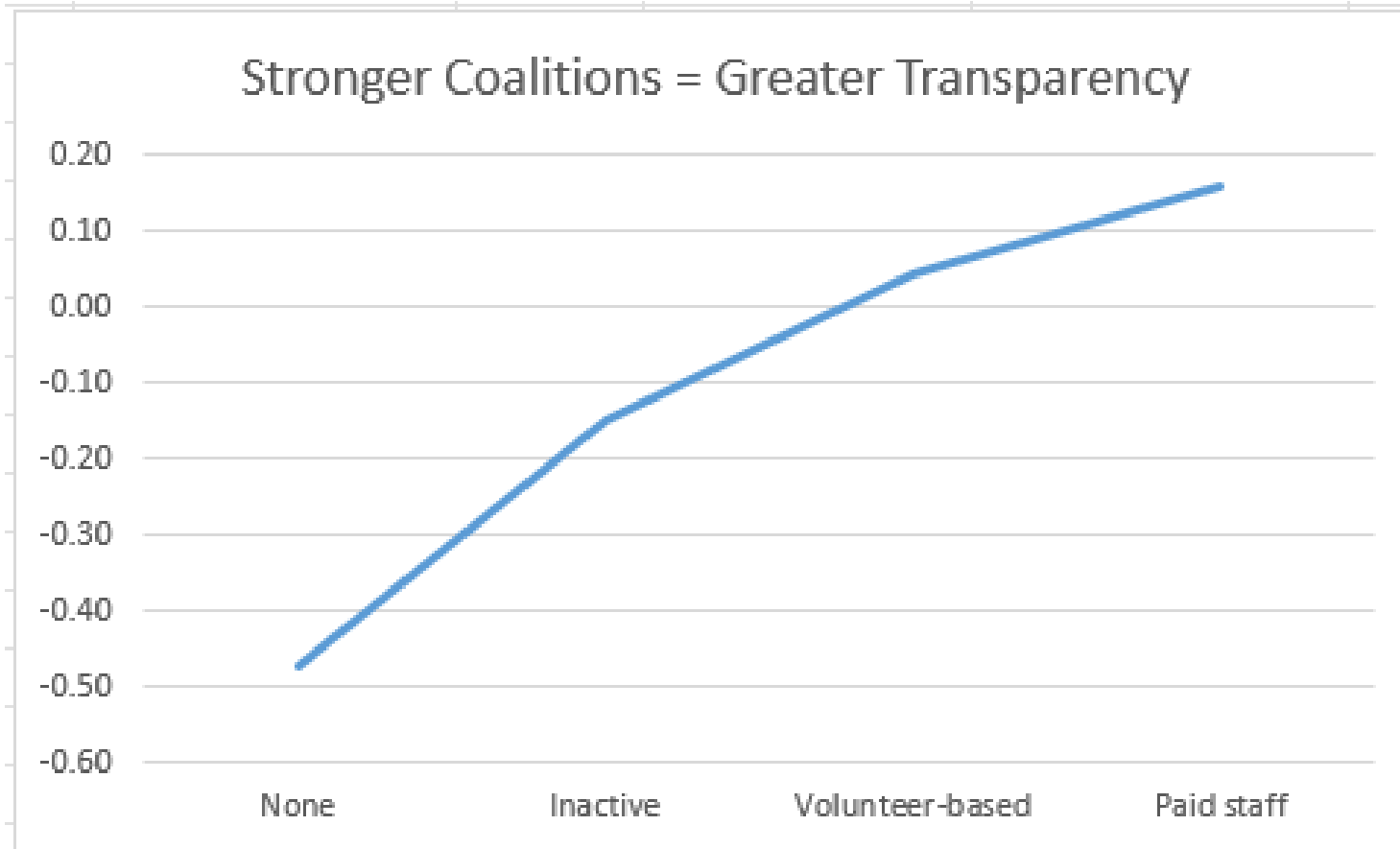


State Laws [click to expand/contract]

Training is Required by the Open Government Trainings Act - Q & A [click to expand/contract]

Kimball, M. B. (2011). Mandated state-level open government training programs, *Government Information Quarterly*, 28, 474; Michener, G., & Nichter, S. (2022). Local compliance with national transparency legislation. *Government Information Quarterly*, 39, 1.

Start an FOI coalition



Brechner FOI Project, 2026

Wagner, A. J. (2021). Inherent frictions and deliberate frustrations: Examining the legal variables of state FOI law administration. *Journal of Civic Information*.
<https://journals.flvc.org/civic/article/view/127815>

Power up reporting!



MuckRock

MUCKROCK News Projects Requests Assignments ... Search File Request Sign Up Log In

File, track, and share public records requests.

[File a Request](#)

[Explore filed requests or learn how it works.](#)

135,255 filed requests	24,287 agencies	44,551 fulfilled requests	9,731,793 released pages
---------------------------	--------------------	------------------------------	-----------------------------

Recently completed requests

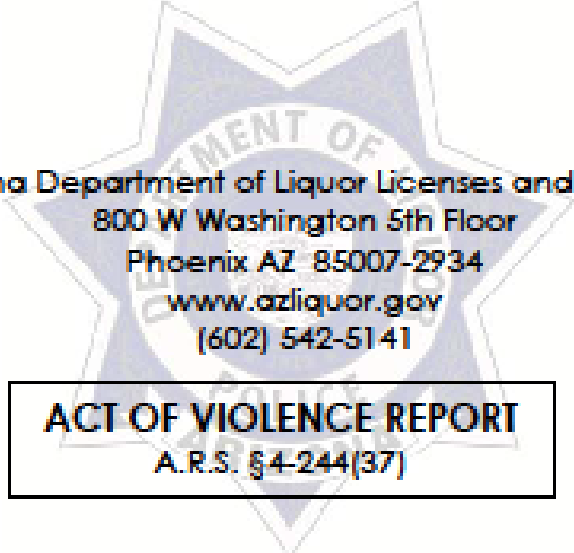
[See all →](#)

Completed 7 files Anarchist Extremists Likely to Exploit 01 May Events for Violent Activity (Federal Bureau of Investigation) Emma North-Best sent this request to the Federal Bureau of Investigation of the United States of America	Completed 3 files Public Records Request for Data on School Policing (Farmington Police Department, Farmington) Alisha Patel sent this request to the Farmington Police Department, Farmington of Massachusetts	Completed 8 files Missing Native Americans (Oneida County Sheriff) Urban Indigenous Collective sent this request to the Oneida County Sheriff of Oneida County, NY
--	---	--

Handout:
Business records, 3-4
Databases, 5-7

<https://www.muckrock.com/>

Website forms



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

ACT OF VIOLENCE REPORT
A.R.S. §4-244(37)

- ★ "Act of violence" means an incident consisting of a riot, a brawl or a disturbance, in which bodily injuries are sustained by any person and such injuries would be obvious to a reasonable person, or tumultuous conduct of sufficient intensity as to require the intervention of a peace officer to restore normal order, or an incident in which a weapon is brandished, displayed or used. (A.R.S. §4-101(1))
- ★ "Serious act of violence" means an incident consisting of a riot, a brawl, or a disturbance in which a serious injury causes death or critical injury of a person and such injuries would be obvious to a reasonable person. (A.R.S. 4-210(A)(14))
- ★ It is unlawful for a licensee to fail to report an occurrence of an act of violence to either the department or a law enforcement agency. (A.R.S. §4-244(37))
- ★ It is unlawful for a licensee to fail to report a serious act of violence to either the department or a local law enforcement agency. (A.R.S. 4-210(A)(15))

Licensee/Agent Name: _____ License # _____
(Exactly as it appears on liquor license)

Name of Business Where Violence Occurred: _____

Physical Address: _____
Street City State Zip

FOI logs

20160622	02/24/2016	All contracts, task/purchase orders, cure letters, and audits relating to contract HSS0115C0043 awarded by the USSS to Harris Corporation	Aldhous, Peter	BuzzFeed News
20160623	02/25/2016	status of conviction and case number for (b)(6),(b)(7)(C)	Nucal, Florence	DOJ - Firearms (CA0349400)
20160624	02/26/2016	any information relating to a complaint filed by Wells Fargo bank and subsequent investigation of your client, (b)(6),(b)(7)(C)	Khan, Freda	Khan Law Group, PC
20160625	02/26/2016	all photos, maintained for internal and promotional use, from the agency's most recent Halloween party	Lasser, Allan	MuckRock News
20160626	02/26/2016	complaint filed by your client, (b)(6),(b)(7)(C) in 2007	Harris, Harriet	Alaska Public Defender Agency
20160627	02/26/2016	all files associated with the application of (b)(6),(b)(7)(C) for the Special Officer position with the United States Secret Service	(b)(6),(b)(7)(C)	-
20160628	02/26/2016	all records concerning (b)(6),(b)(7)(C) maintained by DHS, specifically all criminal, credit reports, etc., used by customs/Border/Immigration/DHS officers	(b)(6),(b)(7)(C)	-
20160629	03/01/2016	all documents related to Agent (b)(6),(b)(7)(C) and any other agent who was involved in the case concerning the creation and passing of counterfeit U.S. money in New Mexico from 1878-1882, to include the prosecution and sentencing of (b)(6),(b)(7)(C)	Stahl, Robert	-
20160630	03/01/2016	any information regarding the death and burial of U.S. Deputy Marshals Robert Olinger and James W. Bell, who were shot by William H. "Billy the Kid" Bonney during his escape from Lincoln County Jail, Lincoln, Territory of New Mexico, on April 28, 1881	Stahl, Robert	-
20160631	03/01/2016	any and all records of written communications between the presidential campaign of Donald Trump and the USSS between October 19, 2015 and March 1, 2016, to include all records of written communication pertaining to the placement, management, treatment and access of news media outlets to campaign events, as well as any and all written communication between the Trump campaign and the USSS detailing an incident at Radford University in Radford, Virginia	Caldwell, Alicia	Associated Press
20160632	03/01/2016	any and all records of written communications between the presidential campaign of Ben Carson and the USSS between October 19, 2015 and March 1, 2016, to include all records of written	Caldwell, Alicia	Associated Press

AI docu-finder

1. Gather FOI logs, either download or request
2. Input into NotebookLM (free, no account), or other AI tool
3. Ask it what documents to acquire!



Handout:
AI docu-finder
pages 8-11

What records can I request concerning trade deals with other countries?

Google search (321 words)

1. Texts, economic-impact assessment, memos, public comments, legal agreements.
2. TANC database
3. International Trade Commission files
4. UN Comtrade database
5. Generic request tips

AI docu-finder (457 words)

1. Section 232 Exclusions
2. ACCESS Filing System
3. C/FGI-MOD records
4. FRUS Dept State referrals
5. Export control records (BIS)
6. Anti-dumping cases
7. Bilateral negotiations
8. DAS policy reviews

FOIA Wiki

The screenshot shows the FOIA Wiki Main Page. At the top left is the 'FOIA Wiki beta' logo. To the right of the logo is a navigation bar with buttons for 'Main page', 'Discussion', 'Read', 'View source', and 'View history'. A search bar labeled 'Search FOIA.Wiki' is on the far right. Below the navigation bar is the 'Main Page' title. A 'Welcome to the FOIA Wiki!' message follows, stating that the site is a free and collaborative resource on the United States federal Freedom of Information Act (FOIA). A red box highlights a note: 'COVID-19 is affecting many agencies' FOIA processes. Responses and litigation may be delayed; get the latest information here.' Below this is a blue box with the text 'New to FOIA? Read the FOIA Basics page to get started'. To the right of this box are three arrows pointing to links: 'Need information about an agency? Visit the Agencies Landing Page for regulations, statistics, record systems, lawsuits, and tips.', 'Interested in how advocates, journalists, litigators and organizations work together on FOIA? Read and contribute to the FOIA Collaboration Guide.', and 'Want to get involved with the FOIA Wiki? See the help wanted category to find pages that need contributions. Read the FOIA Wiki Policies before making changes.' Below these is a 'TABLE OF CONTENTS' section with a grid of links to various articles, including 'Introduction', 'FOIA Basics', 'Text of the FOIA', 'Legislative History', 'Agency FOIA Regulations', 'Executive Branch Guidance', 'Pre-determination agency actions', 'Exemptions from disclosure', and 'Litigation'.

https://foia.wiki/wiki/Main_Page

RCFP Open Government Guide

The screenshot shows a web browser displaying the RCFP Open Government Guide. The browser's address bar shows the URL <https://www.rcfp.org/open-government-guide/>. The website's header features the RCFP logo, navigation links for 'OUR WORK +', 'LEGAL RESOURCES +', 'FREE PRESS TOPICS +', 'WHO WE ARE +', and 'DONATE +', and a search bar. The main content area is titled 'Open Government Guide' and includes a paragraph explaining the guide's purpose and a link to the 'Introduction to the Open Government Guide'. Below this, there is a list of states: Alabama, Alaska, Arizona, and Arkansas. On the right side, there is a black sidebar with the text 'Stay informed by signing up for our mailing list' and a sign-up form with an email input field and a 'SIGN UP' button.

<https://www.rcfp.org/open-government-guide/>

SPLC letter generator

The screenshot shows the website's header with the text "WELCOME TO THE STUDENT PRESS LAW CENTER" and a search bar. The main navigation bar includes "QUICK GUIDES", "LEGAL TOPICS", "TOOLS", "NEWS", "PROGRAMS", and "ABOUT US", along with a "DONATE" button. The "splc" logo is on the left. The main content area is titled "Public Records Letter Generator" and contains three paragraphs of text explaining the service and providing instructions on how to use the letter generator.

WELCOME TO THE STUDENT PRESS LAW CENTER

GET LEGAL HELP

Search ... SEARCH

splc

QUICK GUIDES - LEGAL TOPICS - TOOLS - NEWS - PROGRAMS - ABOUT US -

DONATE

Public Records Letter Generator

Since its launch in 1997, our [unique letter generator](#) has been used more than 100,000 times to assist journalists and other citizens obtain access to public records maintained by state or local government officials. The Student Press Law Center is happy to provide our letter generator free of charge as a public service.

In most cases, making a verbal request for records is a good first step. A professional but informal request in person may give you the information you need. But in some cases, especially when a verbal request has been denied, a written request letter is the best way to get the information you are seeking. Submitting an open records law request letter is not difficult. A complete, well-written request may help you avoid delays and further correspondence with a government agency.

The form below is designed to help you create a simple letter. It asks you for all pertinent information and guides you through the options available.

You can use this letter generator to request access to records held by a state or local government agency or body (e.g., public school district, city or campus police, state board of health, etc.). If you want to obtain records held by the federal government, we recommend using the letter generator offered by the [Reporters Committee for](#)

<https://splc.org/lettergenerator/>

April 14, 2026
Mayor Robyn Tannehill
107 Courthouse Square
Oxford, MS 38655

Dear Mayor Tannehill,

Pursuant to the state open records law Miss. Code. Ann. Secs. 25-61-1 to 25-61-19, I write to request access to and a copy of copy of all expense reports for the city for the past five years If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.

I agree to pay any reasonable copying and postage fees of not more than \$5. If the cost would be greater than this amount, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I will expect your response within seven (7) business days. See Miss. Code Ann. Sec. 25-61-5(1)(a).

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also, please provide all segregable portions of otherwise exempt material.

I would note that willful violation of the open records law can result in a fine of up to \$100 and all reasonable litigation expenses. See Miss. Code Ann. Sec. 25-61-15.

Thank you for your assistance.

David Cuillier
The Daily Mississippian
cuillier@olemiss.edu

Handout:
Sample letters, 36-38

Get inspired



Jason Leopold and Matt Topic Bloomberg News

<https://www.bloomberg.com/news/newsletters/2025-10-24/-disclosure-a-new-podcast-about-the-fight-for-government-records>

And weekly Jason Leopold email newsletter, FOIA Files:
<https://www.bloomberg.com/account/newsletters/foia-files>

**Handout:
Resources
pages 62-66**

Get help

- FOI resources (www.Brechner.org/FOI)
- Quotes for denial stories
- Annual FOI reporting award (\$3,000)
- <https://secrecytracker.org>
- <https://sunshineweek.org>
- Email newsletter:
<https://brechner.org/resources/brechner-report/>



David Cuillier, director
Cell: 520-248-6242
cuillierd@ufl.edu

Just do it!



Handout:
Overcoming denials, 62-66
Eliminate fees, 43
Hard tactics, 45-46