

Records Guesses to Gets: Reporting for documents

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You have read *The Reporters Handbook* from Investigative Reporters and Editors and have taken to heart the “documents state of mind.” It means that you assume a document exists and you just have to find it. Here are some strategies to hone in on the officials and the offices that have the documents you seek.

This guide assumes you’ve already done a basic web search to see whether your records are already posted on the Internet by the government or some other group. If it doesn’t come from an official government site, you will probably have to authenticate them and usually update them from the government, but you’ll get a good start.

Outside –in reporting

Who cares? Identify interest groups that might know more about the records than you do. Open records coalitions, good government groups and special interest lobbyists will usually know more about the subject than you do. Call and ask how they got the records.

North Carolina Open Government Coalition: www.ncopengov.org

North Carolina Center for Voter Education: www.ncvoterred.org

Center for Public Integrity 50 states project: <http://projects.publicintegrity.org/StateDisclosure>

How have others done it? Look for similar stories or projects done by others, and study them for methods. The Investigative Reporters and Editors Resource Center is a good place to start: <http://www.ire.org/resourcecenter/>. Look for tip sheets that address your topic. Make sure to do a good Nexis and Factiva search – don’t depend on Google to get you the stories from others.

Talk to former officials. Find a particularly helpful retired or former official to walk you through the records process on your story. Old copies of state directories are particularly useful to find people who are no longer on the job.

Know the law

Find the relevant law. Search the statutes in your state (or in the federal government) for hints as to the contents of the records and their frequency.

North Carolina: <http://www.ncga.state.nc.us/gascripts/statutes/statutes.asp>

Federal: <http://www.gpoaccess.gov/uscode/> or <http://www.law.cornell.edu/uscode/>

Find the regulations that implement the code.

North Carolina Administrative Code: <http://reports.oah.state.nc.us/ncac.asp>

Code of Federal Regulations: <http://www.gpoaccess.gov/cfr/>

The law and the regulations sometimes specifically discuss information requirements, confidentiality and frequency of reporting. At the very least, it will show you which agency is responsible for collecting or maintaining the records.

Understand your rights to to the information. Make sure you know whether the government must give you the full record, whether it has discretion, and whether it must refuse some or all of the request.

North Carolina: <http://www.ncpress.com/ncpa/openmeetingspamphlet.html> and
<http://www.ncpress.com/ncpa/openmeetings.html> and
<http://www.rcfp.org/ogg/index.php?op=browse&state=NC>
Federal: <http://www.rcfp.org/fogg/index.php?i=pt1>

(The Reporters' Committee for the Freedom of the Press will also help you if you run into trouble with specific agencies, especially at the federal level.)

State auditor, GAO and inspector general reports: One section of most reports is a list of the records investigators used in their analysis. These are often technical descriptions of the databases held by agencies. Look there whenever you start work on an agency, even if you don't care about the findings of a specific audit.

Find forms and reports

Blank forms. Using the agency website, search for specific blank forms on your subject. Study the forms and their instructions before you make a request.

- Where are the reports filed or collected? Do they go to several agencies?
- Are there any requirements or possibilities for electronic filing? Are there any online forms? Study the HTML behind them to look for field names and codes.
- Are the promises of confidentiality or warnings that they will be made public?
- What is the formal name of the form?
- Is there a deadline and are there extensions?

Statistical reports. If there are any numbers or statistics on your subject, you can often discern what information is being typed or entered into a database. Remember, they have to type up at least some details to be able to provide totals or other statistical breakouts.

Once you know the name of the record, who has it and whether it's public, you can make your request with confidence. Follow the rules, but don't let them push you away without citing where, in the law, they are allowed to ignore or reject your request.

Don't forget the direct approach

You should always consider just asking for your records from the subject. If they are public anyway, you can make a strong argument that you are just collecting standard information – you don't have any specific questions but you would be neglecting your job if you didn't have copies of the records. (This is especially important when reporting on causes of death and other stories that depend on an official ruling to corroborate a story.)

Happy hunting!