FOIA Basics: Requesting Public Records

UCR Library
March 1, 2019

Endangered Data Week

What we'll cover

- What are public records? Why request them?

- What do U.S. federal and state laws say about accessing public records?

- How do you navigate the request process and get results?

- What tools and resources are out there to help?

Introductions

❏ Your name

❏ What do you hope to learn today?

❏ Any projects you'd like to share?

What are public records?

- Documents, data, and other information created by government

- Any format (paper, digital, audiovisual...)

- Eligible to be released to the public under a freedom of information law

- Exceptions and exclusions can change over time

4

Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files.

California Supreme Court, *CBS v. Block*, 1986

Federal law

- Freedom of Information Act (FOIA)

- Passed by Congress in 1966

- Applies to executive branch government agencies

  - Examples: Department of Education, Department of Defense

- Does not include Congress or courts

State laws

- Each U.S. state has its own public records law

- In California: California Public Records Act (CPRA)

- CPRA covers local government agencies (counties, cities) as well as state

Submitting a request

- What agency has the records you want?

- Who is the agency's FOIA/public records contact?

- Submit request by email, postal mail, fax, or online submission service

Sample request template

To Whom It May Concern:

Pursuant to the { law name }, I hereby request the following records:

[Write a short description of the documents you are looking for. The more specific you can be, the better.]

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

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

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within { days }.

Sincerely,

Tips for success

- **Be specific.**
  - □ Phrase your question in terms of documents.
- **Be prepared to follow up.**
  - □ Bureaucracy is slow and imprecise.
- **Become familiar with relevant laws and agency structures.**

Be specific

Topic: A police department's use of tasers

Request:

- All policies regarding Taser deployment.

- All policies regarding the keeping of statistics and data concerning the deployment and use of Tasers.

- Any relevant reports (after-action, etc) regarding the individual cases that an officer used a taser.

- All data kept on the deployment of tasers within the department. This includes any data on how many are used, which divisions receive them, what circumstances require tasers, and how often they are used.

Follow up

To whom it may concern:

I wanted to follow up on the following Freedom of Information request, copied below, and originally submitted on November 20, 2018. Please let me know when I can expect to receive a response, or if further clarification is needed.

📌 Retain and include any internal tracking numbers provided by the agency.

Laws and structures

- How long do they have to respond?

- What kinds of information are exempt from disclosure?

- What is an agency's scope? What other agencies might be involved?

Resources: Muckrock

- muckrock.com

- Nonprofit sends and receives requests for you online

  - Combo of automation, hands-on assistance

- Requests published online

  - Browse others' requests for examples or to see if the info you want is already released!

- Cost: $5/request

Resources:
FOIA Mapper

- foiamapper.com

- Search a topic to see which agencies may have related records

- Look up agency contacts, information systems, response rates

Cool projects

- [Missing and Murdered Indigenous Women Database](#) (Annita Lucchesi/Sovereign Bodies Institute)

- Artist [Sadie Barnette](#)'s work with FBI files on Black Panther Party surveillance

- [@pomological](#): Twitter bot featuring USDA pomological watercolor collection (Parker Higgins)

More resources

- [FOIA 101](#) (Muckrock)
- [National Security Archive](#)
  - [Effective FOIA Requesting for Everyone](#) guide
- [FOIA Wiki](#)
- [Reporters Committee for Freedom of the Press](#)
- [Foia.gov](#)
- [National Freedom of Information Coalition](#)
- Blog post: [The Art of Crafting a FOIA Request](#)

At UCR Library

- Noah Geraci , Metadata Librarian, noah.geraci@ucr.edu

  - Quick follow-up questions about this workshop

- Kat Koziar, Data Librarian, katherine.koziar@ucr.edu

  - Ongoing research support, questions about open data

Credits

- Presentation template by SlidesCarnival