

Getting Access Your Right to Public Records

Ever run into a brick wall when you ask decision-makers for information and they say “Yeah, I’ll get it to you” or “No, you can’t have that information.” Don’t despair, the law is on your side. The federal Freedom of Information Act and similar state or city Open Records (also called Public Records or Public Information) Laws can be useful tools to get gate-keepers to give you the information you need.

A few things to keep in mind when making a public information request:

- ✓ **Cite as many applicable public information laws as possible.** Remember there’s a big difference between the federal Freedom of Information Act and your state’s Open Records Law so be sure to cite the law with the appropriate jurisdiction. For example, cite federal law when contacting the U.S. Department of Education, but state law when contacting the state department of corrections. To find out more about the law in your state or city, contact your Governor’s and Mayor’s offices.
- ✓ **Count the days.** The FOIA or Public Records Law will state the amount of days the agency has before they are required by law to respond to your request. Date your letter and do a follow-up call or visit when their time is up.
- ✓ **Legal language is good, but don’t over do it.** The request should sound professional and knowledgeable. But too much improperly used legal jargon is difficult to understand, and won’t help. Remember, the clerical worker reading it probably isn’t a lawyer either.
- ✓ **Be specific in your request.** Try not to ask for broad categories of information. Huge information requests take a longer time to prepare. Bad example: “I would like documents about welfare to work.” Better example: “I would like documents detailing the number of San Francisco TANF recipients removed from eligibility at the end of their work term since January 2000.”
- ✓ **Never take “No” as a first answer.** Think about why they denied your request, then reframe the question. Maybe you are not being specific enough. Maybe you are being too specific. Maybe you have not been clear. Maybe you should offer to pay up to \$10 of the photocopy costs.
- ✓ **Don’t blame the clerical worker.** People requesting public documents often get mistreated by the office workers in charge of releasing the documents. Keep in mind the context: Our right-to-know is underfunded. Public officials NEVER personally handle public information requests. They hand it over to clerical staff who usually have too much to do already for too little pay.
- ✓ **Don’t let them confuse you.** Sometimes public employees will use jargon that confuses or misdirects your request. Be clear and insistent on what information you are looking for.
- ✓ **When all else fails, call an attorney!** The American Civil Liberties Union or the National Lawyer’s Guild in your city or state are good places to go for help. If government officials suspect that you have no power to sue, they will often ignore your request. Once an attorney is involved – even if you just c.c. her on the information request – then officials act more cautiously. Also consider contacting a sympathetic local official to put pressure on the agency or see if you have a Public Ethic’s Commission that will put on some heat.
- ✓ **You can always contact DataCenter for help.** Call or email us at (510) 835-4692 or toll-free (800) 735-3741 or datacenter@datacenter.org.
- ✓ **See the sample public request on the other side of the sheet.** Feel free to use it as a guide.

SAMPLE FOIA REQUEST

March 28, 2014

→ **Date it!** This is important because they have 10 days to respond to you.

Information Systems Division
California Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001

← **Address it!** Write their address and who you're giving the 411 to.

To whom it may concern,

↙ **Call them out!** Name the government agency that you are requesting the 411 from.

I am writing to request the following in the possession of the California Department of Corrections, pursuant to the California Public Records Act (Government Code Section 6250-6260):

- The number of adults in California state prisons who list Los Angeles County as their place of residence and the race breakdown of that number
- The number of adults in California state prisons who are list the city of Los Angeles as their place of residence and the race breakdown of that number
- The number of adults on parole who list Los Angeles County as their place of residence and the race breakdown of that number
- The number of adults on parole who list the city of Los Angeles as their place of residence and the race breakdown of that number

↘ **List it out!** Be specific about what you want but not too specific. Don't give them a reason to say no, because they have the information there. You just have to word it right to get what you want.

If anything in this request is unclear, please don't hesitate to call at (510) 835-4692. As you are aware, the California Public Records Act gives you 10 days in which to fulfill the request, or detail, in writing, your reasons for denying the request. I would like to request a waiver of fees for copies and postage because I am low-income. I am more than happy to pick up the document at your office or you may fax it to (510) 835-3017. You may also send the information to:

Liberación Guevara
DataCenter
2201 Broadway, Suite 508
Oakland, CA 94612
(510) 835-4692

← **Give them your 411.** Don't forget to give them your contact info!

Thank you in advance for your timely reply.

Sincerely,

Liberación Guevara
DataCenter