

NATIONAL —————
JUVENILE JUSTICE
————— NETWORK

FISCAL POLICY CENTER TOOL KIT

HOW TO FILE A PUBLIC INFORMATION ACT REQUEST

Presented By: **Lori Albin**
 Director, Fiscal Policy Center
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Not all information, documents, or data are available through the internet or through public inspection at agency offices. Occasionally, you must ask for the information. If asking does not produce the information, you may formally request the information through a Public Information Act request – also known as a “sunshine law”, “freedom of information act”, or “public records” request.

The formal request should be in the form of a letter and must comply with the law in your state.

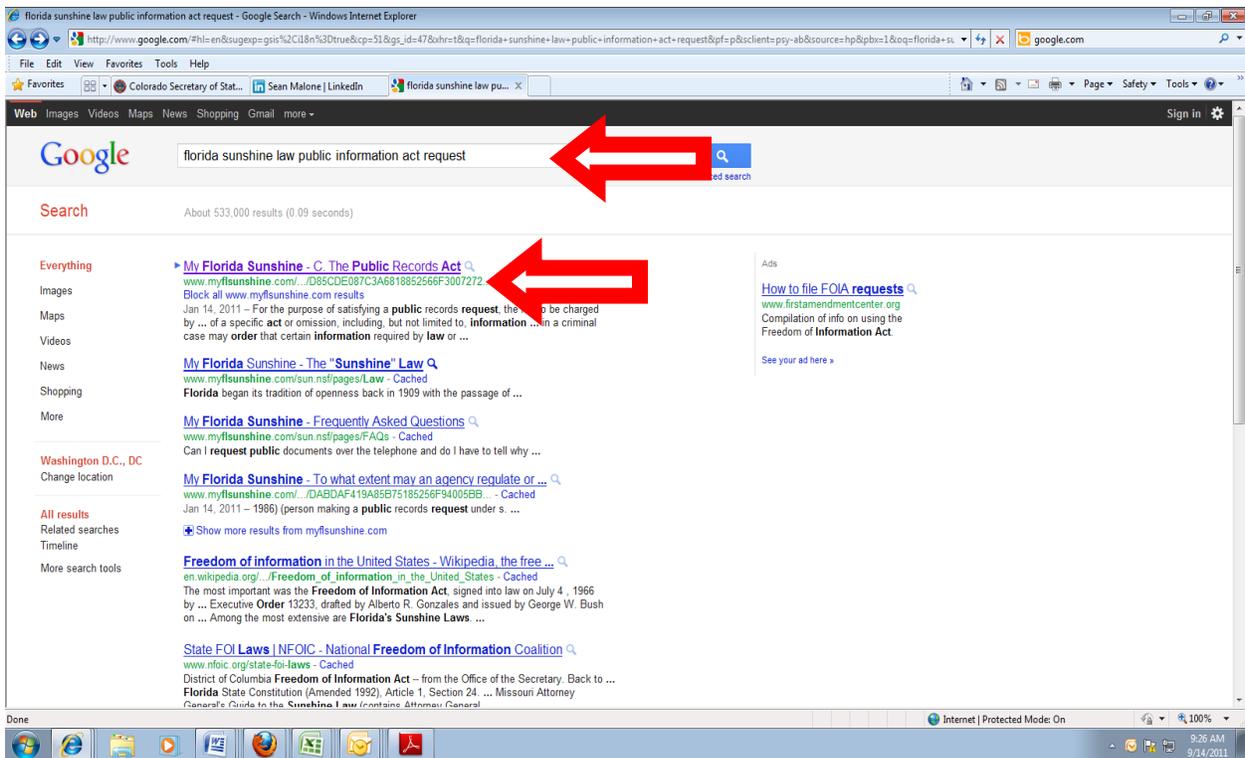
This tool kit guides you through the process of filing such a request. Included are:

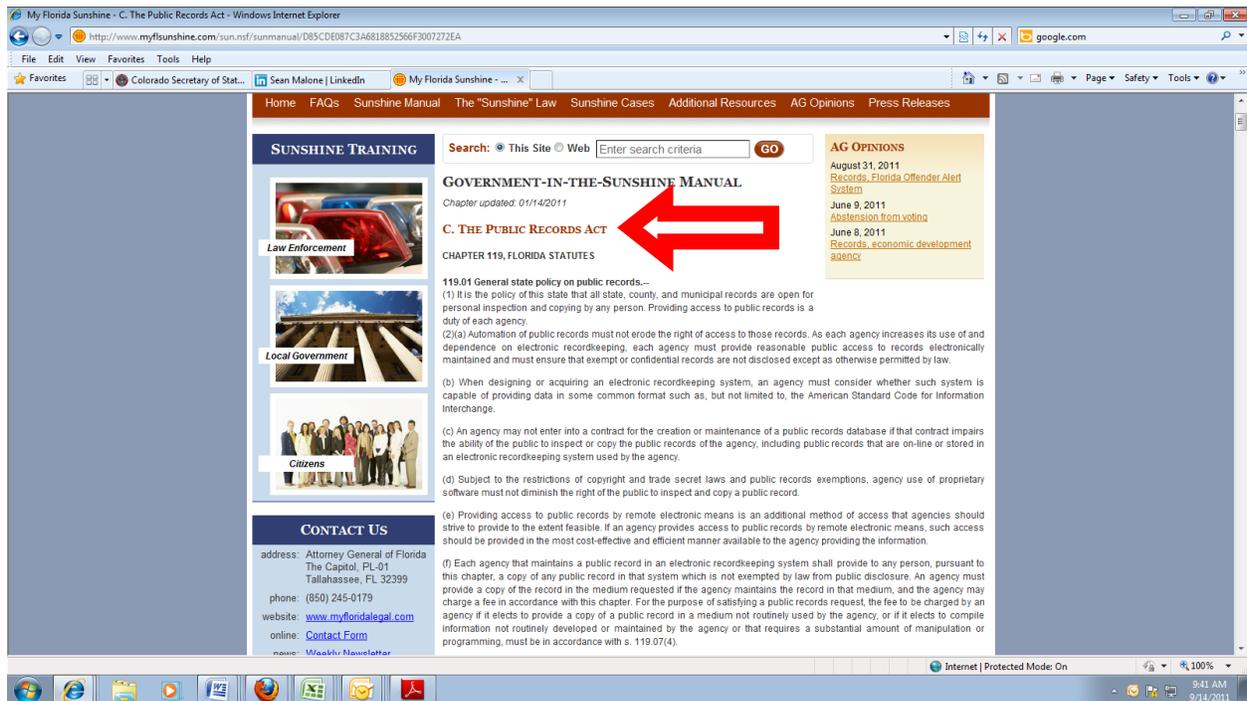
- A step-by-step example of how to find the law in your state and
- Sample letters for filing such a request.

Search the internet.

Sample searches include:

- “[your state name] public records act”
- “[your state name] sunshine law public information act request”





You need the state law that governs public information act requests. The law will explain:

- The procedure, which is fairly uniform and described below
- Time frames – when the government agency is required to reply to your request
- Cost and who bears the cost of fulfilling the request – most states require that you pay a fee for copies and may also require you to pick up the materials

Make a copy of the law and keep it for reference.

Make a note of the statute name and number:

- For example in the above screen shot, the statute is Florida Public Records Act, Chapter 119 of the Florida Statutes.

Read your state's statute – you are looking for the subsection that deals with inspection and copying of records. Referring to the Florida statute in the above example:

Scroll through the document and locate the subsection titled:

119.07 Inspection and copying of records; photographing public records; fees; exemptions.—

This subsection explains that people who control public records must make them available to the public. Most states delegate this responsibility to a person referred to as the “**Custodian of Records.**” Each state or local agency will have its own “Custodian of Records.” Sometimes, the “Custodian of Records” delegates the responsibility for complying with public information act requests to another individual – often the agency's general counsel.

To make sure you send the request to the correct person, you should call the agency and ask:

1. What is the name of the agency's “Custodian of Records.”
2. What is that person's title (if other than “Custodian of Records”).
3. To what address should requests be sent?

Finally, you must precisely identify the information you are requesting. You must be specific or your request may be denied because of an inability of the agency to determine what information or documents you are requesting.

For example, you know that an ad hoc legislative working group met on January 2, 2011 to discuss the closure of a juvenile facility. You attended the meeting and were told that staff was taking notes and that minutes would be available at a later time. You call staff and ask for a copy of the minutes and are told that the minutes are not available. You call several other associates and staffers and are finally told that if you want the minutes you will have to make a formal public information act request.

When making the request you must be as specific as possible. You should have the name of the ad hoc working group or, if that is not available, the name of the chair of the working group and even the members of the group if necessary. In addition, your request should also include the subject matter of the meeting, the date, time, and place of the meeting, and name of the staffer who was responsible for the minutes of the meeting. *See Example 1 below.*

If you are requesting an internal document, ask staff what the document is called within the agency and when it was prepared. For example, you learn that a committee of judges met in June 2011 and decided to eliminate 17 full time positions at county juvenile detention homes throughout the state. You were told that some the funds appropriated for the staff positions will be used to increase community based services for juveniles who are court-involved.

You want to track the funds that will not be spent on the eliminated positions. After speaking with staff at the court budget office and the state department of budget and management you learn that the documents that contain the information you want will only be provided if you file a public information act request. Staff tells you that the documents are called "The Spending Plan for the Circuit Court budget for FY 2012" and "The Withhold Sheet for the Judiciary for FY 2012." *See Example 2 below.*

Example 1

[LETTER HEAD]

Date

[Name of custodian]
Custodian of Records
[name of agency]
[address block]

RE: Public Information Act Request Pursuant to [insert statute number].

Dear [salutation]:

Pursuant to [insert statute number such as: The Florida Public Records Act, Chapter 119 of the Florida Statutes], please provide a copy of:

The minutes of the January 2, 2011 meeting of the Juvenile Facility Committee, which took place in the Joint Meeting Room of the Senate Office Building and began at 1:00 p.m. The Chair of the Juvenile Facility Committee is Senator Kids R. Us. Susan Sunshine, Department of Legislative Services, prepared the minutes of the meeting.

Your attention to this matter is appreciated.

Please mail to:

[your name and address]

Or fax to:

Attn [your name and fax number]

Or email to:

[your name and email address]

If you have any questions or concerns please do not hesitate to contact me at the number below or at [email address].

[your name]

[phone number]

Example 2

[LETTER HEAD]

Date

[Name of custodian]
General Counsel
[name of agency]
[address block]

RE: Public Information Act Request Pursuant to [insert statute number].

Dear [salutation]:

Pursuant to [insert statute number such as: Chapter 610 of the Revised Statutes of Missouri (the Sunshine Law)], please provide a copy of:

1. The Spending Plan for the Circuit Court budget for FY 2012 and
2. The Withhold Sheet for the Judiciary for FY 2012.

Your attention to this matter is appreciated.

Please mail to:

[your name and address]

Or fax to:

Attn [your name and fax number]

Or email to:

[your name and email address]

If you have any questions or concerns please do not hesitate to contact me at the number below or at [email address].

[your name]

[phone number]

QUESTIONS?

Lori Albin
Director, Fiscal Policy Center
National Juvenile Justice Network
International Office Building
1319 F Street, NW
Washington, DC 20004
202-467-0864 ext. 126
albin@juvjustice.org