

Making Requests for Public Records

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- State open records laws apply to most state and local government agencies including public schools.
- Most state open records laws are written with the presumption that all records of state and local government agencies must be open to the public unless they fall under a specific statutory exemption.
- This means that the burden *should* be on the government to justify denial, not on the requestor to justify access.
- Typically these laws only require release of records, not information.

Requesting records, step by step

1. Determine what records contain the information you're looking for.
2. Determine who is the holder of those records.
3. Make a verbal request, preferably in person. Be polite, don't presume you won't get what you want.
4. Know at least the citation to the relevant law. (Great to know what it says.)
shorturl.at/ejST0
5. If denied, ask for the specific statutory exemption that justifies the denial.
6. Be persistent, but professional.

When an exemption applies, redaction is permitted but release of the remaining record is still typically required.

If request is denied, file a written request

- Use free tools to create such a letter:
 - Student Press Law Center State Open Records Request Letter Generator
<http://www.splc.org/page/lettergenerator>
 - Reporters Committee for Freedom of the Press iFOIA
<https://www.ifoia.org>

Most common mistakes in drafting an open records request.

- Asking the wrong person/office for the records you want.
- Requesting information, not records.
- Not making your request specific enough.
 - Use a narrow time frame.
 - Think about how many records might be responsive to your request.
 - Be clear enough that there is no room for misunderstanding about what you want.