

What is FOIA?

The [Freedom of Information Act \(FOIA\)](#) allows individuals to request public information from federal agencies, and all states have a version of FOIA that allows for public records requests at the state and local level.

Examples of public records

Meeting minutes	Court decisions	Budgets	Letters & emails
Government contracts	Body camera footage	Incident reports	Arrest records

How to request records from local, state, and the federal government, in four steps:

1. Identify where to submit your public records request.
2. Determine how to submit your public records request.
3. Draft and submit your public records request.
4. Track your correspondence and follow up to ensure you receive records.

More details on how to submit a FOIA request can be found later in this document.

Rule of thumb

Generally, if a record is created during the course of government business, it is considered a public record.

Who can request records?

Alabama, Arkansas, Delaware, Kentucky, Missouri, New Jersey, Tennessee, and Virginia generally require requestors to be residents of those states. Otherwise, generally anyone can request public records from a city, a county, a state, or the federal government.

Identify where to submit your request

A

Start with the website

Go to the website of the government entity you are seeking records from.

B

Look for the right department

Check the departments you think may hold the records you want. See whether each has a dedicated records access officer or records custodian handling public records requests.

C

No dedicated officer? Search the site

Look for links that mention *public records*, *open records*, *FOIA*, *requests for public information*, etc., to identify a general person to send your request to.

D

Local level fallback

At the local level, the records custodian is most likely the city/county clerk or the city/county attorney if an explicit records custodian is not listed.

Do not be afraid to send a request

If you are not sure you sent your request to the correct contact, don't worry. They will likely redirect you to another department if they do not have the records you are looking for. If they do not redirect you, you can send the same request to other departments.

Determine how to submit your request

Governmental websites will usually tell you how to submit. You can use any of these methods, based on what is available in the jurisdiction you are sending your request to.



Online portal

Some portals require you to create an account.

Portals usually send a receipt to your email with a reference number.



Online form

If the site offers a submission form, fill it out and send it through the site.



Email

No portal or form? Email your request to a listed public records officer, records custodian, or the city/county clerk or attorney.

Follow the jurisdiction's format

If a jurisdiction requires or suggests that you use a particular format to submit your request, make sure to do so. Otherwise, it can delay the government's response to your request.

Before you move to Step 3, you should have:

☐

The right contact or department (from Step 1)

☐

The submission method: portal, form, or email (from Step 2)

Draft and submit your request

Use this template, then send it using what you learned in Steps 1 and 2. **Replace the red bracketed text.** Find your state's public records law at: www.nfoic.org/state-freedom-of-information-laws.

**Some aspects of this template may not be necessary depending on how you submit. For instance, if you use an online portal, you will not need to ask the records custodian to confirm receipt. Portals usually send a receipt to your email.*

COPY-AND-PASTE TEMPLATE

Dear Records Custodian:

This is a request under **[include the public records law name and statute here]**.

Please produce **[electronic / paper]** copies of the following records created, updated, or edited from **[include the time frame you are seeking records from here, if possible]**:

[List out what records you are requesting here. Be as specific as possible with your request language and name specific types of documents you are seeking: video recordings, photos, reports, email correspondence, memoranda, training materials, PowerPoint slides, etc. Also, governmental entities will NOT create new information; the information you are seeking must exist in a transmittable form.]

If any records are exempt from disclosure, they should be considered severable from the other requested records. If any part of this request is denied or redacted, please provide the specific exemption(s) relied upon under **[include the public records law name and statute here]**.

[If this applies to your status as a requestor, include the following about potential costs.]

As the requested information will not be used for commercial purposes and will only be used to inform the public about the operations and activities of public governmental bodies, I request that any fees associated with this request be waived or reduced. If you choose to charge fees, please contact me with an itemized cost estimate.

For record-keeping purposes, please confirm receipt of this request. Thank you in advance for your assistance, and please contact me at **[provide email address and/or phone number]** if you have any questions.

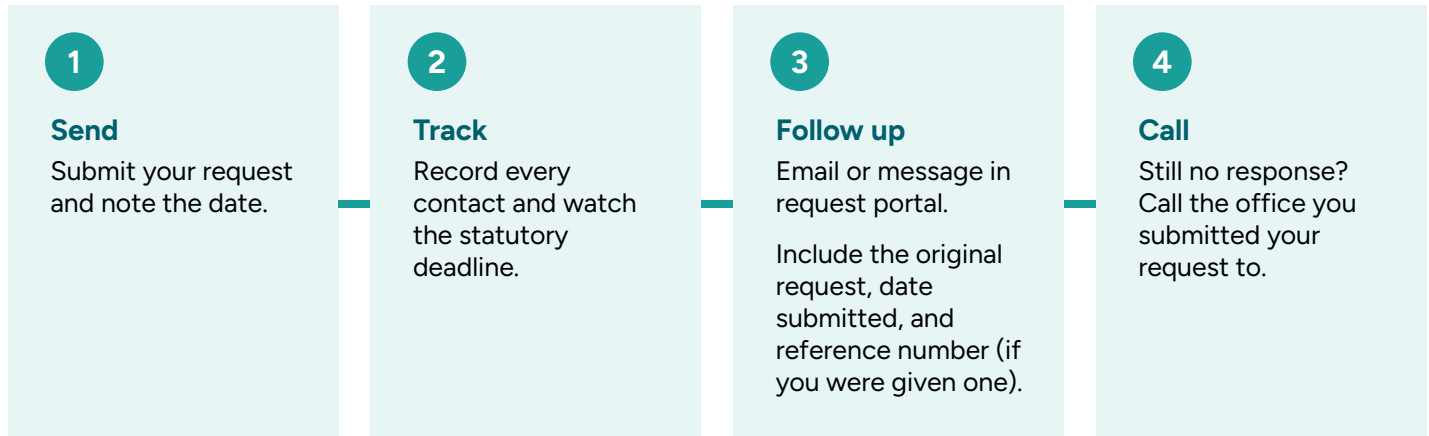
Sincerely,

[Your name]

4

Track your correspondence and follow up to ensure you receive records

Keep track of every contact between you and the records custodian so you can make sure they meet their response deadlines (if their public records law sets them).



You may receive any of these responses:

1. Acknowledges receipt and says they are working on it.
2. Extends the response time.
3. Asks you to clarify your request.
4. Tells you there is a cost.
5. Denies the request based on a disclosure exemption.
6. Informs you there are no responsive records to your request.
7. Sends the responsive records.

High cost estimate?

Try narrowing your time frame or the number of records you are requesting to see if that lowers the estimate.

If the records custodian did not provide you with an itemized cost estimate, make sure to ask for one.

No responsive records?

Try submitting your request to a different department.

Got records?

Check that the custodian included everything you asked for.

If something is missing and was not exempt from disclosure, ask the custodian where the rest of the records are.

Think records were wrongfully withheld?

Look at the [appropriate public records law](#) to see if there is an appeals process.