Student notes for Student Press Law Center’s Media Law Presentation: Freedom of Information Law

SPLC’s phone number: *703 807-1904*

SPLC’s website: *splc.org*

Three main types of FOI

6

• Open Records Laws

• *state open records laws*

• *federal Freedom of Information Act*

7

• Open Meetings Laws

• *state open meetings laws*

• *federal government in the Sunshine Act*

9

• ”Pocket” FOI Laws

• *federal Clery Act*

• *federal Student Right-to-Know Act*

• *IRS Form 990 disclosure regulations*

10

Only “public bodies” or “public agencies” are covered by traditional *open record* and *open meeting* laws.

11:

Provide two examples of a public entity

• *answers could include: federal government agencies, state government agencies and local government agencies.*

Provide two examples of a private entity

• *answers could include: private schools, companies, private individuals, most nonprofit organizations*

15:

Open Records Laws

General Law: A *public* body must make its records available upon request unless the records are *explicity* exempted by statute.

Common exemptions

• *records involving an “ongoing criminal investigation”*

• Disclosure of police techniques; undercover agent identities

• Information that could jeopardize *national* *security*.

17:

• Some personal records (hiring/ firing)

• Records such as pending real estate deals or ongoing or contemplated legal proceedings.

• Documents whose release would constitute an invasion of privacy (medical, adoption, *personal financial information*)

18:

• “*Education* *records*” kept by a school that identify specific students.

19-20:

FERPA (Family Educational Rights and Privacy Act)

• Schools must supply educational records *upon* *request*.

• FERPA does not *prohibit* prohibit student journalists from publishing or disclosing information about students.

22:

Requesting Records

• Be *nice!*

• Submit a *written request* where required or when a “paper trail” is needed.

24:

• A sample FOI letter can be found at *splc.org/foiletter*.

25:

What can you do if your request is denied?

• *contact recordkeeper/cite law politely*

• *administrative appeal sometimes available*

• *judicial review*

• *fines and/or attorney fees may be available*

35:

Open Meetings

General Law: A public body must provide notice of all gathings and allow *public attendance* unless meeting is explicitly exempted by statute.

36:

Name three common exemptions

• *answers could include: discussion of personnel matters, discussion of individual students, matters involving highly personal information, discussion of ongoing or contemplated legal proceedings, meetings to discuss the acquisition of real estate*

37:

What do you do if you get kicked out of a public meeting?

• *have a copy of the open meeting law available*

• *be courteous*

• *ask your objection to the meeting being closed is reflected in the minutes*

• *write down what happened and with whom you spoke -- and contact SPLC.*

“Pocket” FOI Laws

42:

What does the “Clery Act” mandate the reporting of?

*campus crime*

44:

What does “Student Right-to-Know-Act” require?

*access to student graduation rates, athletic program information, accreditation reports*