a gentle introduction to

FOIA & OPEN RECORDS REQUESTS

Moriah Sharpe

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WHAT IS FOIA?

- Freedom of Information Act
- Applies specifically to executive branch agencies, excluding offices of president and vice president
- May take time
- May cost money

"…each agency, upon any request for records which (i) **reasonably describes such records** and (ii) is **made in accordance with published rules** . . . shall make the records promptly available to any person."

Agencies must search "manually or by automated means, agency records for the purpose of locating those records which are responsive to a request."

STRATEGIES FOR SUCCESSFUL REQUESTS

- Be creative!
- Be polite!
- Be specific!
- Be practical!

EXEMPTIONS

- National defense or foreign policy information
- Internal personnel documents, medical documents, and others that violate personal privacy
- Specific exemptions in other statutes
- Privileged or confidential commercial information, e.g. trade secrets, litigation documents
- Records or information compiled for law enforcement purposes that risk specific harms
- Documents regarding financial institution regulation
- Documents that reveal oil well data

February 18, 2024

Eugene Baime
Supervisory Attorney
FOIA/Privacy Act Requests
Federal Bureau of Prisons
Department of Justice
Room 924, HOLC Building
320 First Street, N.W.
Washington, DC 20534
(202) 514-6655
BOP-OGC-EFOIA-S-@BOP.GOV

FOIA REQUEST

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to:

The number of Reduction in Sentence requests sent to the RIS coordinator at Butner FCC (incorporating all four facilities: FCI Low, FCI Medium I and II, and FMC) from July 1, 2019 to June 30, 2023 and of those the number the BOP approved, the number rejected, and the number pending.

I would like to receive the information in the following format: electronic, and in machine-readable .csv file with accompanying codebook. Preferably by email, but if this is not possible I will accept the material on a CD mailed to my address.

Please waive any applicable fees. I am a doctoral student at American University seeking this information for scholarly purposes. Release of the information is in the public interest because analysis of the data on Reduction in Sentence requests before, during, and after the height of the Covid-19 pandemic may uncover trends related to the Bureau's treatment of federal prisoners during a long-term medical event.

I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

As I am making this request as a student and this information is of timely value, I would appreciate your communicating with me by telephone or email, rather than by mail, if you have questions regarding this request.

I look forward to your reply, as the statute requires.

Thank you for your assistance.

Sincerely,

Moriah Sharpe
American University
4400 Massachusetts Avenue, NW
Washington, DC 20016

OPEN RECORDS REQUESTS

- State and local governments
- Different for each locality
- Some localities and agencies have a form to fill out

February 18, 2024

NC Department of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201
(919) 733-5027

Dear Public Records Custodian:

Under the **North Carolina Public Records Law, G.S. §132-1.**, I am requesting an opportunity to inspect or obtain copies of public records of traffic stop statistics collected by the State Bureau of Investigation. Specifically, I am requesting original, non-aggregated traffic stop statistics for the Charlotte-Mecklenburg Police Department from January 1, 2022 to December 31, 2023; for the Mecklenburg County Sheriff's Office from January 1, 2020 to December 31, 2023; for the Lumberton Police Department from January 1, 2020 to December 31, 2023; and for the Robeson County Sheriff's Office from January 1, 2020 to December 31, 2023. I would like to receive this information in machine-readable, .csv files, including at least the fields driver race, driver ethnicity, driver gender, search conducted, and result of stop (action taken), as well as officer race, officer ethnicity, and officer gender if available.

Under **N.C.G.S. § 132-6.2(b)**, fees are not assessed for inspecting public records. If any fees for searching or copying these records arise, please inform me. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the intersection of identity and policing in North Carolina. I am a doctoral student at American University and intend to use this information to contribute to existing research on policing in North Carolina. This information is not being sought for commercial purposes.

N.C.G.S. § 132-6 provides that inspection and examination of public records shall occur at "reasonable times." If you expect a significant delay in responding to and fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,
Moriah Sharpe

RESOURCES

- DOJ FOIA guide: https://www.justice.gov/oip/department-justice-freedom-information-act-reference-guide
- RCFP state by state information: https://www.rcfp.org/open-government-guide/
- DC FOIA guide: https://dc.gov/page/freedom-information-act-foia



Mayor Muriel Bowser

Washington, DC

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Freedom of Information Act (FOIA)

The District of Columbia Freedom of Information Act, or FOIA, DC Code §§ 2-531-539, provides that any person has the right to request access to records. All public bodies of the District government are required to disclose public records, except for those records, or portions of records, that are protected from disclosure by the exemptions found at **DC Code § 2-534.**

A FOIA request may be made for any public record. This does not mean, however, that the public body will disclose every record sought. Statutory exemptions authorize the withholding of certain public records. When the public body does withhold records or portions of records, it must specify which exemption of the FOIA permits the withholding. FOIA does not require agencies to do research, to analyze data, to answer written questions, or to create records in order to respond to a request. FOIA only requires the agency to make a reasonable effort to locate already existing records.

How to Make a Request

A **FOIA request may be submitted online** via the DC government Public FOIA Portal. Requests may also be submitted by mail, fax, or email. However, please note that FOIA requests submitted online will be easier to track and process.

If submitting your request by mail, fax, or email, please mark the outside of the envelope or the subject line of the fax or email: "Freedom of Information Act Request" or "FOIA Request." Please include a daytime telephone number, email address or mailing address in your request letter so that the FOIA Officer may