

Using Freedom of Information Laws for Genealogical and Archival Research

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Reclaim The Records' process, in a nutshell:

1. IDENTIFICATION of records
2. LEGAL JUSTIFICATION for getting public copies
3. ACQUISITION using FOIL or FOIA requests, as appropriate (and maybe using Open Data initiatives someday)
4. DUPLICATION into better formats (microfilm --> digital image)
5. PUBLICATION onto the Internet, raw data and tools for data
6. DONATION of the original records to a library or archive
7. EDUCATION of how other people can do this too

Questions to ask when you're starting a new FOI request for records:

- What records exist in the first place? Who has the records? Are they part of the government? Who is their parent agency?
- Is this agency subject to FOIA/FOIL? Which law applies, FOIA or a state-level FOIL / Sunshine Law?
- Are these records automatically withheld under FOIA / FOIL exemptions? (Example: educational records in Maryland)
- Are these records withheld by some other law? What do the state vital records laws say? (Example: death index in Pennsylvania)
- What groups and resources can help you with research and advice? What have other people done to acquire similar records?

Record formats:

- You can always ask for paper photocopies. Price for paper copies is almost always capped at 25 cents per page, sometimes even less.
- You can almost always ask for digital scans. Price may be somewhat higher, as it may or may not be spelled out in the state law.
- If the records are in microfilm format, you may be able to get digital scans or you may have to ask for 1:1 microfilm copies.
- If the records are in microfiche format, you probably will be able to get digital scans.
- If the records are in database format, you can almost always ask for true database copies, and you don't have to settle for print-outs. If certain fields or columns of data need to be

withheld for privacy, then it is incumbent upon the government to do the redactions.

- You cannot ask for any new records to be created, which means that you can't ask the agency to transcribe the records for you or make a new indexing project. ㄒ(ㄨ)ㄘ

Definition of a government agency in New York (similar in most states):

“...any state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function for the state or any one or more municipalities thereof...”

Resources for state-level Freedom of Information (FOI) Laws:

- Ballotpedia's listing of all state FOI laws
https://ballotpedia.org/State_sunshine_laws
- National Freedom of Information Coalition (NFOIC) listing of all state FOI laws
<http://www.nfoic.org/state-freedom-of-information-laws>
- Reporters Committee for Freedom of the Press (RCFP) listing of all state FOI laws
<https://www.rcfp.org/open-government-guide>
- MuckRock - <https://www.muckrock.com/>

Resources for the federal Freedom of Information Act (FOIA):

- National Freedom of Information Coalition (NFOIC) Federal FOI Resources page
<https://www.nfoic.org/foi-center/federal-resources>
- Office of Government Information Services (OGIS) – US federal government FOIA resource and quasi-ombudsman organization - <https://www.archives.gov/ogis>
- MuckRock - <https://www.muckrock.com/>

State FOI law and FOIA hotlines you can call:

- Reporters Committee for Freedom of the Press (RCFP) – 800-336-4243
- First Amendment Coalition (FAC) – they are California-centric, but they may be able to refer you to low-cost or pro bono attorneys and resources in your area – (415) 460-5060
- NFOIC's list of state FOI hotlines (not all states listed)
<https://www.nfoic.org/organizations/foi-hotlines>

Have more questions? Contact Reclaim The Records by e-mail at info@reclaimtherecords.org or on Twitter at [@ReclaimTheRecs](https://twitter.com/ReclaimTheRecs). We can help you find an attorney for your state or FOIA case, and we might be able to help with court fees and attorney fees. We can also help you set up free web hosting for all the files you win in your case, or free tools for searching through the records.