

“Government, It’s All About You!”[©] Lesson Plan

Unlocking Government

The following curriculum is provided for one or more class discussions about laws that allow citizens to access information or attend meetings of government bodies. Collectively, these laws are called “Sunshine Laws” or Freedom of Information laws. This lesson plan includes a video related to Utah’s public records law also known as GRAMA (Government Records Access and Management Act). The Utah Foundation for Open Government is providing this information.

Attention getting exercise.

Assign students to read each of the following quotes.

What have presidents said about the public’s “right to know?”

“Liberty cannot be preserved without a general knowledge among the people, who have a right and a desire to know.” -- John Adams

“Let the people know the facts, and the country will be safe.”
-- Abraham Lincoln

“We must never forget that the free flow of information is essential to a democratic society.”
-- Bill Clinton

Question: Who said this?

“When information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and -- eventually -- incapable of determining their own destinies.”

Answer: President Richard Nixon, who resigned after public disclosure of covert operations know as the “Watergate” scandal. President Nixon attempted to cover up information including the famous White House tapes. Because information was uncovered, his administration was disgraced. He was the only sitting U.S. president to ever resign.

Understanding Sunshine Laws

In the United States we have federal and local laws that protect the public’s “right to know.” Laws that allow citizen access to meetings and information are collectively known as “sunshine laws.” The Right to Know is also known as the Freedom of Information.

Here are “Sunshine Laws” that govern records access in the United States and Utah.

U.S. Freedom of Information Act - FOIA (records)

U.S. Government in the Sunshine Act (meetings)

Utah Government Records Access and Management Act – GRAMA (records)

Utah Open and Public Meetings Act (meetings)

Here is a list of public records that are used often in our society and available through GRAMA:

- Police reports
- School board or city council meeting minutes
- Voter registration records
- Professional licenses
- Audit reports
- Correspondence such as e-mail and letters
- Incorporation records
- Tapes of 911 calls

Many news stories are based on public records requests laws. Here's some examples:

- Salaries of coaches and leading elected officials
- Salt Lake Olympic bribery scandal investigation
- Campaign contributors to politicians
- Stories showing how soldiers were sprayed with biological agents at Dugway Proving Ground
- Ill health effects on Southern Utah "downwinders" from radiation connected to above-ground nuclear tests in the Nevada Desert
- Out-of-court settlements
- Budgets
- Local crime statistics

Video presentation

Let's watch a video that illustrates how public records can help citizens be better informed about their government and be involved in decisions.

Play the video to illustrate to use of a public records request.

Thought questions following the video:

How does your ability to request information from the government help you to be a more informed and involved citizen?

Did you realize that you find out what the local school board or city council is doing? How could this help you be more involved in decisions that affect your community?

If you have additional time here is an overview of Utah Government Records Access and Management Act (GRAMA)

Basic principles:

All records are considered public unless otherwise specified

If public interest outweighs private interest the record may be disclosed

You have a right to inspect records free of charge

Government cannot use form of record to restrict access, for example if the record is on a computer as opposed to a paper record in a file.

There is no use test. In other words, you don't have to tell the government how you are going to use the records. There is also no expertise test

Seven steps to request a record using Utah's GRAMA

Find the record keeper

Ask for the record

If denied, make a written request

Wait for a response

Appeal to the head of an agency

Appeal to the state records committee or district court

Appeal to court

GRAMA request concepts

GRAMA only applies to state and local government in Utah.

(If you want to request record from a federal agency, please see explanation of the Freedom of Information Act below).

If not held by a state agency, check local ordinances for direction

10 days for normal response

5 days for expedited response involving "public interest"

Request for fee waiver for "public interest"

Journalists preparing a story for air or publication considered acting in "public interest"

Five categories of records and examples

Public – Salaries of public officials

-Public Tier II – police records

Private – Medical and welfare records

Controlled – Adoption records

Protected – Trade secrets

Limited – Catch-all exemption

Access strategy: Handling denials

Role Play:

Have someone play a government record keeper and ask another student play the role of a citizen requesting information.

If they say...

"Your description is inadequate."

More narrowly describe what you are looking for.

"The requested material does not exist."

If you disagree, more narrowly describe what you are looking for.

"We don't trust how you might use the information."

This cannot be used to deny access. Requesters do not have to say how they might use public information.

"We don't have time or resources to handle your request."

There are provisions in the law that allows the request to be delayed. Push to determine when the government may be able to get to the request.

“Parts of the records are exempt, so you can’t have anything.”

The term “exempt” means that there is a statute protecting some of the information. However, government agencies are still required release the part of the record that is not exempt. They may need to “segregate” data, which means they remove non-public information from the otherwise public document.

“We don’t have to give you nothin’!” (actual quote from a sheriff)

The law requires that public information must be provided.

“OK. That will be \$450,000, please.”

Only “actual costs” of duplication can be charged to provide records. You may ask to inspect records free of charge to determine what you might like to copy. You may also request ask for fee waivers under certain circumstances such as “acting in the public interest.”

“Just sign here on this contract line.”

Citizens shouldn’t sign agreements that restrict their republication or reuse of the information in a public way.

Tips

Ask for copies of records requests

Make requests of multiple agencies.

Use a digital camera or scanner to avoid copy hassles

Ask if e-mail or fax requests accepted?

For an additional discussion, here is an overview of the Federal Freedom of Information Act (FOIA)

Example of public service news stories using FOIA:

Radiation experimentation on citizens

Increased health risks in work places

Wasteful government spending

Campaign finance

Lobbyist expenditures

Travel of members of Congress

Homeland security expenditures

Audits of military bases

Biological and chemical exposures

Safety in national parks

Non-profit charitable and educational associations must file an IRS Form 990 – You can look them up at Guidestar.org

FOIA

Who is covered?

Executive Branch departments, agencies, and offices; federal regulatory agencies; and federal corporations.

Who is not covered?

Congress, the federal courts, and parts of the Executive Office of the President that function solely to advise and assist the President, are not subject to the FOIA

Source: National Security Archive

U.S. Freedom of Information Act (FOIA) Exemptions (reasons to not disclose information)

National security

Internal agency personnel rules

Information exempted by dozens of federal laws already on the books – “Catch-all exemption”

Trade secrets and confidential commercial information

Internal agency memoranda and policy decisions

Personal privacy – The Privacy Act

Law enforcement investigations

Federally regulated banks

Oil and gas wells

Fee waivers

For all non-commercial requesters the first two hours of search time and 100 pages of copying free of charge.

If you are a representative of the news media, you are entitled to waiver of all search and review fees.

In addition, all fees, including copying, must be waived by the agency if the material requested "is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester."

Federal records online

Business: SEC quarterly documents (10-Qs), www.sec.gov.

Disasters: FAA accident data, <https://www.nasdaq.faa.gov>

Education: Office for Civil Rights, www.ed.gov/offices/OCR

Environment: National Pollutant Discharge Elimination System

<http://cfpub.epa.gov/npdes>

Health: U.S. Department of Health and Human Services Office

<http://www.oig.hhs.gov>

Politics: Center for Responsive Politics, www.opensecrets.gov

Sports: Graduation rates of college athletes

www.ncaa.org or <http://chronicle.com/stats/ncaa>

For More Information

Reporters Committee for Freedom of the Press. Online manual.

<http://www.rcfp.org/foiact/index.html>

Additional instructional ideas:

If you have access to computers for each student have them create a request letter at the following Web sites that create the content of the letter ready to submit to a government agency.

GRAMA letter generator

See instructions here: <http://www.splc.org/legalassistance/foiletter.asp>

FOIA letter generator:

<http://www.rcfp.org/foialetter/index.php>

These lesson materials were produced by Joel Campbell and Sherilyn Bennion to be used exclusively with the "Government, It's All About You" © DVD.