

Tip Sheet on Open Records – Legal Road Blocks and Resources

2010 IRE Convention (Las Vegas, Nevada)
June 12, 2010 at 8:30 a.m.

Presenter:

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Discussion focus:

I will discuss the evolving legal landscape of access to information under state open records statutes and the federal FOIA. My remarks will focus on exploring how the so-called “privacy” rights of various individuals and entities have, in the recent past, been deemed to outweigh the public’s “right to know” what our government is up to:

1. information about private individuals (e.g., their voices recorded on 911 tapes, being closed in Alabama, Ohio, Wisconsin and Florida. *See* <http://www.rcfp.org/newsitems/index.php?i=11316>);
2. “survivors’ rights” -- family members of decedents (Vince Foster, Columbia Space Shuttle astronauts, Dale Earnhardt Jr., and Dawn Brancheau) *See, e.g.,* <http://www.stinkyjournalism.org/editordetail.php?id=683> & <http://www.newsweek.com/blogs/techtonic-shifts/2010/03/10/when-a-family-tragedy-turns-into-a-youtube-sensation.html>;
3. “privacy” rights of corporations. *See* http://www.rcfp.org/newsitems/docs/20100527_114220_brief.pdf ;
4. "privacy" rights of government employees (with respect to e-mails, text messages, and cell phone records). *See* http://www.denverpost.com/ci_14067986 & http://www.denverpost.com/search/ci_15106380;
http://www.rcfp.org/news/mag/34-1/courts_say_government_email_can_be_privatized_15.html

Additional Resources:

1. IRE FOIA Links: <http://www.ire.org/foi/links.html>
2. Reporters Committee for Freedom of the Press: <http://www.rcfp.org/foia/index.php>
3. NFOIC FOI Center: <http://www.nfoic.org/foi-center>
4. SPJ’S FOI FYI (blog): <http://blogs.spjnetwork.org/foi/?p=879>
5. WikiFOIA: <http://sunshinereview.org/index.php/Portal:WikiFOIA>