Notes from Presentation of Cecil Wilson, former President, NAACP, at LWVDE/DELCOG Open Government Forum - March 2012

**What Unexpected Problems Might You Encounter During the FOIA Process?**

- **FOIA Request** - How you write your letter as to undocumented information will cause a problem.
- **Fax, Mail or Emailing** your request to an agency
  1. Timing is important
  2. Contact person (s) important
- **The agency may contact you** in order “To review and perfect your request”.
- **Be prepared to resolve any and all fees**
- **Scope of your request** - You may feel like you are getting the run around from agency to agency.
- **The agency will either release documents in full, in part or withhold documents in full.** Not find any responsive documents.
- **A timeline of response** is dependent on agency workload and the complexity of the request.
- **Collect all data for review** and select information that will show a violation of FOIA.
- **File a written FOIA Complaint to the AG’s Office**
I filed a FOIA complaint against the Capital School District Board of Education on April 8, 2002 alleging that the school board violated FOIA by:

1. Not providing access to public records requested
2. Meeting to interview applicants for a new superintendent without notice to the public

The AG’s Opinion: FOIA Violations by CSD

The unexpected problems that I received:

1. A negative verbal attack during a public board meeting
2. Verbal and a possible physical attack by a former administrator

Expect problems while observing meetings, collecting data, reviewing data and questioning agendas.

Be prepared to encounter a number of frustrations, road blocks and consequences when using FOIA.