

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.