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Using open records laws for research purposes



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ABSTRACT

This article describes how to use state-level open records laws as a research tool. Similar to the federal-level Freedom of Information Act (FOIA), state open records laws allow individuals to access records and information held by state agencies. This has the potential to be a potent research tool, though it has been rarely used in library and information science to date. This article provides an overview of the federal and state laws pertaining to accessing government information, and then describes an ongoing research project that used these laws to collect data. Two pilot studies were conducted (one in Massachusetts and one in Alabama) to evaluate the potential of using of state open records laws for research purposes. The article concludes with several suggestions for other researchers who wish to use open records laws to obtain government information for research purposes.

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1. Introduction

Since its introduction in 1966 and the subsequent adoption of open records laws by all 50 states, the Freedom of Information Act (FOIA) has become a wellspring of data for research in many different fields. For example, freedom of information (FOI) requests are often used in history for access to documents or journalism for background knowledge for a story. However, according to the literature, use of FOI and open records requests for research is relatively uncommon in library and information science, though there are some distinct advantages to using this method for data gathering. This paper describes how to use state-level open records request laws for research purposes as part of a larger project investigating information policy and access in public libraries and schools across the country.¹ The research project, Mapping Information Access, sought to obtain information about challenges to materials and internet policies in public libraries and public school districts in two different states. To acquire this information, open records requests were used because these institutions are state government entities and are therefore required to comply with requests for documents. This is part of a

large-scale research project, which will eventually map the state of information access and policies across not just two states, but the entire nation.

2. Problem statement

FOI requests and open records requests are methods of asking for non-classified government documents, which can then be analyzed using a variety of research methods. These primary documents offer insight into the inner workings of public institutions including public and school libraries. For example, documents obtained via FOI and open records requests might include emails and meeting minutes that show how administrators decided on a particular policy. By only looking at the publically available policy, researchers might miss the valuable insights that emerged in the committee discussions regarding the policy. FOI/open records requests are a rich and valuable search tool that is frequently overlooked in LIS. The literature search found only one LIS article that discussed using open records requests to gain access to information. This lack of use of FOI/open records requests within LIS research can lead to less-thorough research, as the behind-the-scenes information remains unstudied.

The current article serves two purposes. First, it describes how to employ FOI/open records requests as a research tool. Second, the article offers an overview of some of the problems that one might encounter when using this research method based on two pilot studies that are part of the authors' larger project. The article begins with a brief overview of the state of FOI law at both the federal and state levels and then a review of the relevant literature about using FOI/open records laws for research purposes. The article then describes the research

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¹ In this article, "FOIA" will refer to the federal Freedom of Information Act and "open records" will be used to refer to state-level sunshine or freedom of information laws. Some of the discussion is applicable to both state and federal levels, which will be designated as "FOI/open records" law or requests.

project in more detail with special emphasis on response rates to requests in Alabama and Massachusetts.

3. Literature review

3.1. Overview of FOIA: Federal law

The Freedom of Information Act (FOIA) allows anyone to request information from the executive branch of the U.S. federal government (*Freedom of Information Act, 1966*). It was enacted in 1966 to “first and most important, ensure public access to the information necessary to evaluate the conduct of government officials; second, ensure public access to information concerning public policy; and third, protect against secret laws, rules, and decisionmaking” (Cate, Fields, and McBain, 1994, p. 65). Requesters for federal documents do not need to be citizens or explain why they want the information; they must only submit a written request that reasonably describes the records they seek. FOIA pertains to every type of record, including email or other born-digital information; as long as the record exists and is identifiable, it is subject to FOIA. In addition, the law creates a presumption in favor of access—that is, federal agencies must presume that citizens have a right to the information, unless it meets one of nine exemptions such as law enforcement or national security (Oltmann, Rosenbaum, and Hara, 2006; Relyea, 2009). In fiscal year 2013, the U.S. federal government received over 700,000 FOIA requests, an 8% increase from the previous year (Department of Justice, 2013).

Submitting a FOIA request for a record is not difficult. Many federal agency websites provide a sample letter, and through <http://www.foia.gov>, the Department of Justice makes many resources available, including a detailed guide explaining how to make a request; in addition, some print resources provide detailed guidance (e.g., Cullier and Davis, 2011). Upon receipt of a FOIA request, federal agencies are supposed to make an initial response with twenty working days. However, at the federal level, there may be long delays before the information is released, due to the large backlog of FOIA requests at many agencies. If the requestor is not satisfied with the response, he or she may file an administrative appeal with the agency.

3.2. Overview of FOI: State laws

All fifty states and Washington, D.C., have versions of FOIA, usually called open records, public records, or sunshine laws; these are used, in conjunction with open meetings laws, to promote government transparency and accountability at the state level (Kimball, 2011; Stewart, 2010). The state laws bear some similarities to the federal FOIA, but differ in various ways. For example, some state open records/meetings² laws, including Massachusetts, require government officials to respond within a certain time frame (as does the federal FOIA), while other states, such as Alabama, do not specify a time frame. Penalties for non-compliance also vary. The 51 state laws (plus Washington, D.C.) are each unique; detailed information about each state's FOI/open records laws, including links to each law, can be found through the National Freedom of Information Coalition (*National Freedom of Information Coalition, 2012*).

The extant LIS literature on state-level FOI laws is sparse. Lenzini (2009) described changes to the FOIA law in Illinois, explaining new requirements for a FOIA officer, mandated annual training, narrowly tailored exemptions, and an increased burden on public institutions, including public libraries. Training is sometimes a focus of research in this area; for example, Kimball (2011) examined whether states

mandate training programs for officers who deal with public records requests. The research investigated trainers' pedagogical goals and materials, and concluded by urging increased training for those who must comply with state-level FOI laws.

Helms (2004) described the Open Records Act in Georgia, noting that “public libraries are clearly subject to Georgia's “Open Records” Act (p. 12). She included a thorough list of how public libraries can prepare for receiving FOI requests, such as formulating policies, ensuring staff is familiar with policies, designate a specific person to handle requests, create a form letter to use in response, and recognize the limits of the law (p. 14).

Some research compares state FOI laws with the federal law. For example, Ganapati and Reddick (2012) examined the adoption of open e-government at the state level, drawing upon federal commitment to three pillars of open e-government (transparency, participation, and collaboration). They reported that “states differ in their legal framework for open e-government, as their public records access laws determine the basic information available to citizens, (p. 116). Most states reported adoption of transparency as a key objective, but incorporating participation and collaboration were more difficult.

3.3. FOI laws in two specific states: Massachusetts and Alabama

Two pilot studies for the Mapping Information Access research project (see Section 4 below), focused on accessing records from two different states. The first, conducted by research team member Chris Peterson, centered in Massachusetts, which has one of the strongest open records/meetings laws, while the other was conducted by the full research team in Alabama, which has one of the weakest. The Massachusetts law states that “Every person having custody of any public record, as defined in clause Twenty-sixth of section seven of chapter four, shall, at reasonable times and without unreasonable delay, permit it, or any segregable portion of a record which is an independent public record, to be inspected and examined by any person, under his supervision, and shall furnish one copy thereof upon payment of a reasonable fee” and later that a “custodian of a public record shall, within ten days following receipt of a request for inspection or copy of a public record, comply with such request” (*Commonwealth of Massachusetts, 1974*). This law requires compliance within 10 days of the request. Appeals may be sent to the supervisor of records. The law in Alabama states, “Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute” (*State of Alabama, 1975, S36-12-40*). Subsequently a public record is defined as “all written, typed or printed books, papers, letters, documents and maps made or received in pursuance of law by public officers of the state, counties, municipalities, and other subdivisions of government.” The Alabama law, unlike the one in Massachusetts, does not specify a time frame in which records must be processed and made available; there is not even a mandatory time frame for acknowledging receipt of an open records request. There are no penalties, such as injunctions or restitution of attorney fees, for noncompliance in the Alabama law nor is there a process for administrative appeal. Stewart (2010) notes that, “these provisions are what are commonly called the ‘teeth’ of open government laws. Without them, freedom of information advocates fear that compliance with the law will dwindle” (p. 286). As will be demonstrated below, these differences in the “teeth” of the two state laws led to differing outcomes in responses to our requests.

Since FOI/open records laws can be used to obtain a vast wealth of information from federal and state governments, one might think that these laws would be frequently used in the conduct of social science research, regardless of the differences among the state level laws. As the following section makes clear, however, FOIA and open records law requests are not a frequently used research tool in the social sciences, including in LIS.

² At the state and municipal levels, open records and open meetings laws are often discussed together (and, in fact, are sometimes written as one law). However, this research focuses on open records laws.

Table 1
Reasons to use FOIA/open records requests for research (from the literature).

Reasons to use FOIA/open records requests	Literature
Avoid lengthy, possibly unproductive, negotiations	Savage and Hyde (2013)
Method for studying public/government agencies	Savage and Hyde (2013), Walby and Larsen (2011)
Can request same/similar records from multiple agencies, facilitating comparisons	Savage and Hyde (2013), Taylor and McMenemy (2012)
Increase interest in research project	Savage and Hyde (2014)
Inexpensive way to collect (large amounts of) data	Savage and Hyde (2014), Savage and Hyde (2013), Shepherd et al. (2011), Walby and Larsen (2011)
Develop relationships with individuals in the agency	Savage and Hyde (2014), Shepherd et al. (2011), Brown (2009)
Access data that otherwise would not be released	Savage and Hyde (2014), Walby and Larsen (2011), Lee (2001)
Compel agencies to respond and provide data	Taylor and McMenemy (2012)

3.4. Use of FOI/open records for research

The literature is relatively sparse regarding use of FOI/open records laws as a research tool for academics in the social sciences. Thus, as appropriate, this section draws on research conducted in Canada and the UK,³ to flesh out the advantages and disadvantages of using FOI/open records for research. Writing in 2001, Lee estimated that only 1% of all federal FOIA requests were made by scholars. Use of FOI/open records requests for research is uncommon and is rarely taught in research methods courses; as Kazmierski (2011) notes, it is a “skill developed by individuals in practice,” who learn how to best use the method through trial and error (p. 621).

Savage and Hyde (2014) noted that FOI/open records requests can aid research in certain circumstances. The research questions being asked must be ones that can be answered by information held by the agencies in question. Thus, the research questions should pertain to actions taken or decisions made by certain agencies, and should require information that is not already publicly available. Walby and Larsen (2011) explain that using FOI/open records requests “can also help researchers to explore work that occupies the space between a given agency’s official protocol and the informal operational code that governs day-to-day activities” (p. 34).

There are multiple reasons why FOI/open records requests might be used for research (see Table 1). Perhaps the clearest reason is that one wants to study public or government agencies such as public libraries or schools. As Walby and Larsen (2011) noted, using FOI/open records requests can allow researchers a look “backstage” at what goes on in government organizations. The use of FOI/open records also allows for the collection of roughly equivalent data from multiple agencies, facilitating comparison between agencies. This may result in copious amounts of data, and Savage and Hyde (2014) caution that researchers should have a plan in place to handle voluminous information (which, for some researchers, may far exceed the sorts and sizes of data they are used to analyzing). Savage and Hyde (2013) summarized their motivation for using local-level requests in their research as follows:

Whilst we could have approached the authorities [the agencies which held the documents] and attempted to negotiate voluntary access to such data, such negotiations would be lengthy and unlikely to produce uniform answers to the research questions posed in the study. Freedom of information requests can be dispatched to multiple local authorities at the same time, allowing information held by

public authorities to be obtained cheaply and in a uniform fashion (para. 20).

An additional reason for utilizing open records requests, according to Taylor and McMenemy (2012) is to compel the agencies to respond. Recall that, according to FOIA and open records laws, agencies *must* supply the records requested, subject to various exemptions. Finally, FOI/open records laws also make it possible to obtain information that otherwise would not be made publicly available.

The literature offers many suggestions for increasing compliance with FOI/open records requests. For example, although researchers may be tempted to “trawl” for a vast scope of information, several scholars noted that “carefully framing requests for information” will “increase the chances of obtaining what is being sought” (Shepherd, Stevenson, and Flinn, 2011; see also Savage and Hyde, 2013, 2014). In addition, authors suggest offering clarification or defining terms may be useful to the individuals in the agency responding to the FOI/open records request, thus increasing the odds of receiving the desired information (Savage and Hyde, 2013).

However, relying on FOI/open records requests can yield slow results and several authors caution that using this approach usually does not generate data quickly (Lee, 2001; Noakes, 1995; Savage and Hyde, 2013, 2014; Shepherd et al., 2011). This might occur because some FOI/open records laws do not require a response within a certain time frame; in other situations, the timeframe is disregarded or impossible for agencies to meet. In addition to delays in receiving responses, the literature warns that researchers should also be wary of how the FOI/open records request might be received by individuals in the government agencies. Taylor and McMenemy (2012) noted, “the benefits of an increased response rate must be weighed against the risks of turning the sample population against the research” (p. 159). Government officials receiving FOI/open records requests are likely already extremely busy and may be resentful or suspicious of such a request (Kazmierski, 2011; Noakes, 1995). Brown (2009) suggested first asking for the relevant information, without any reference to FOIA or open records laws, turning to a formal written request only if necessary. Finally, FOI/open access requests can be seen as an obtrusive form of research, in which one is asking individuals to access certain documents; this is “bound to lead to further modification of government messaging and operations” (Walby and Larsen, 2011, p. 37; see, *contra*, Lee, 2001, who says that FOI/open records requests are unobtrusive methods for data collection).

There are four ways that a government agency can respond to a FOI/open records request for information: They may ignore or not respond to the request. They may respond to the request with the relevant information. The agency may refuse the request. Finally, they may ask for clarification (Savage and Hyde, 2013).

Taylor and McMenemy (2012) is one of the few LIS studies which used FOI/open records requests as the data collection method. These researchers sent open records requests to local authorities in Scotland to investigate incidents of censorship and challenges to books in public libraries over a five year period (2004–2009). They felt that using this method would result in more data, and more accurate data, due to its compulsory nature. Out of 32 requests they sent, Taylor and McMenemy received 29 responses (91% response rate). Of those 29 respondents, 21 had received no complaints or challenges against library materials; the total number of challenges across all respondents was only 15, over the five year span. This is “a much lower rate than expected” (p. 163). Like Taylor and McMenemy, the current project also employed FOI/open records requests, and the pilot studies on information access and policies in public agencies are described in more detail below.

4. Mapping information access research project

Mapping Information Access, which began in the spring of 2013, sought to explore the extent of challenges to materials in public libraries and public school districts, the extent of internet filtering in these

³ Both Canada and the U.K. have freedom of information laws that are similar to the U.S. FOIA in some ways, but differ in important aspects. Thus, this discussion takes care to only draw upon aspects of similarity.

institutions, and various geographic and demographic factors that may affect the rates and outcomes of challenges. A challenge is “an attempt to remove or restrict materials, based upon the objections of a person or group...thereby restricting the access of others” (*American Library Association, 2013a*). A challenge is usually a written request for the public library or school district to remove the material or restrict access.

4.1. Background

Relatively little is known about the frequency of, or reasoning behind, challenges to library and school materials. The American Library Association (ALA) compiles lists of challenges based on self-reporting by libraries and from news media. For example, the ALA reported 307 challenges in 2013 and 464 challenges in 2012. However, ALA also explains that “We estimate that for every reported challenge, four or five remain unreported. Therefore, we do not claim comprehensiveness in recording challenges” (*American Library Association, 2013b*). The origin of ALA’s estimate for underreporting is unclear and unspecified. Similar to the ALA, some state library associations encourage member libraries to report challenges, but the proportion of libraries actually doing so is unknown.

There is no comprehensive extant data about the outcome of challenges in public libraries and school districts. ALA does not make records about the outcome of challenges (whether the material in question was removed, re-located, and so on), the geographical origin of challenges, or whether the challenges occur in public libraries or schools, publicly available.

It is also not known how challenges may vary across the country—for example, whether challenges are more likely to occur in certain regions, whether the outcome of challenges correlates to certain geographical regions, whether particular reasons for challenges are related to region, and so on. ALA categorizes the reasons for challenges (such as “satanic” or “sexually explicit”) but has not considered the geographical or demographical context of challenges. Knowing the geographical context will enable us to better understand possible correlations between demographic and geographic factors and challenges in public libraries and school districts. Only a few projects have examined this, such as the 2009 Mapping Banned Books Project, which used data from the National Coalition Against Censorship and publicly available data to locate reported challenges in the U.S; because it is not known how comprehensive this data is, however, it is also not known how comprehensive the map was.

In addition to these questions about challenges to materials in public libraries and school districts, there are also many questions about the use of internet filtering software on computers in these institutions. The Children’s Internet Protection Act (CIPA) of 2000 mandated the use of internet filters in all public schools and required public libraries receiving certain federal funds to install filters as well (*Jaeger, Bertot, and McClure, 2004*). However, there is no data about which internet filtering software is used, the content of contracts with these vendors, categories of blocked/filtered content, and so on.

4.2. Research plan

To investigate these research questions and compile thorough, comprehensive data, the research team employed open records requests on a state level. The state-level open records laws (rather than the federal-level FOIA) were appropriate because public libraries and school districts are funded by the state and are generally considered state institutions. The research plan called for data from all fifty states, but to begin with, the team ran a pilot project comparing the state of Massachusetts (which has a strong open records law) with the state of Alabama (which has a much weaker open records law). These states were chosen to contrast the impact of the different open records laws. In addition, we were able to compare the advantages and disadvantages of making simple or complex FOI requests. We made a relatively simple FOI request in

Massachusetts, but a broader and more complex request in Alabama. In some ways, this may limit the direct comparability of the requests, but it also allows us to investigate multiple dimensions of making FOI requests.

The project began with the state of Massachusetts, by sending a public records request to every public library and school in the state (via mail, fax, or email); a letter went to each branch of every library and each school of every school district, totaling 1261 letters in all. The letter asked for:

Copies of written and electronic complaints and challenges for removal, reclassification, or other reconsideration of publications including books, magazines, movies, websites (e.g. filtered from library computers), or other media from January 1, 2010, to present, as well as records, petitions, and correspondence related to these challenges.

We ask also for a copy of any policy or process which plays a role in such challenges for your library. These may include a reconsideration form a patron might fill and submit or a written policy which may guide a librarian or administrator in evaluating a request. Please include a copy of your library’s collection development policy as well.

The respondents were asked to send their replies via fax or email.

Drawing upon lessons learned from the Massachusetts pilot, the research team adjusted the approach when sending letters to public libraries and schools in Alabama. For example, each library system was contacted, rather than individual library branches; likewise for school systems, rather than sending letters to each individual school. In addition, the request was expanded to include internet filtering and collection development policies and to cover a longer span of time (see below). The team also created a website with basic information about the project, the members of the research team, example documents, and frequently asked questions (<http://mappinginfoaccess.org>).

The plan for Alabama had two steps. First, in early January 2014, the team sent an introductory email to the president of the Alabama Library Association, the president of the Alabama School Library Association, the president of the School Superintendents of Alabama, and the chair of the Alabama Library Association’s Intellectual Freedom Committee. This email briefly explained the project, notified them that open records requests would be sent to all of the public libraries and school districts in the state, and asked for their support and cooperation. Based on experience with Massachusetts, open records requests, the team thought that alerting key leaders in advance about the project would yield better results since individuals would have advanced notice and would not be surprised or alarmed by the requests.

One week later, the team mailed, via U.S. Postal Service, 352 letters, one to each public library system and public school system in the state of Alabama. The letter referenced the Alabama Public Records law and asked for the following information:

- any complaints, requests, and/or challenges for removal, reclassification, and/or reconsideration of publications including books, magazines, movies, music, and/or other media, along with any associated records, petitions, and/or correspondence since January 1, 2003
- any current collection or curriculum development policy or policies governing your institution(s)
- any records related to Internet filtering, including but not limited to:
 - any current acceptable use policies, web publishing policies, or equivalents
 - any current contracts with Internet filtering services and/or providers
 - any current categories of content which your provider offers to block, along with which categories your library or libraries currently block

Table 2
Disposition of requests, by state.

Status of request	Location of institutions	
	Alabama	Massachusetts
Received documents	161	22
Awaiting acknowledgement	124	N/A ^a
Awaiting response	33	N/A ^a
No documents	17	1091
Rejected	10	2
Fix/payment required	3	N/A ^a
Withdrawn	3	146
Total number of requests	351	1261

^a N/A: We did not use these categories for responses from Massachusetts.

- o any modifications to the standard configuration of your filter, including lists of sites, services, URLs, keywords, or other identifiers which have been specifically configured as forbidden or allowed (i.e. “blacklists/whitelists”)

The respondents were asked to send the requested information via fax or email.

5. Results of open records requests

The responses to this large-scale open records campaign are summarized in Table 2. Below, the results of each state are discussed separately. The current discussion pertains only to the use of open records laws for research purposes; the actual findings of the study will be discussed in later publications.

5.1. Massachusetts campaign

In Massachusetts, 1261 requests were sent and 1131 responses were received, for a response rate of 89.7%. There were three types of response from the Massachusetts institutions. First, an overwhelming majority of respondents (86.5%) indicated they had no documents relevant to the request. Twenty two respondents (0.01% of the total) indicated they had relevant documents and sent them to the research team. Two institutions rejected the request for records, refusing to comply. Finally, the “Withdrawn” category indicates that the research team withdrew the request for records. In the majority of those withdrawn cases, the institutions did not acknowledge receipt of the request within the 10 day window stipulated by Massachusetts law; other “withdrawn” cases include those that required a fee or had other complications.

5.2. Alabama campaign

As of September 2014, 351 open records requests were sent in Alabama and 191 responses were received, for a response rate of 54.4%. Based on experience with the Massachusetts responses, a more detailed breakdown of responses for Alabama was developed (see Table 2). The team received documents from 161 institutions (45.9%); this means that the institution in question responded by sending at least some documents that fulfilled the request (but may not have addressed every point of the request). Unlike Massachusetts, only a small number of institutions (0.05%) told the team that they had no responsive documents. Ten institutions rejected the request for records. Three required payment of a small fee or another type of minor fix. Other than “received documents,” the largest categories for Alabama requests are “awaiting acknowledgement,” which means that the team has not received any reply whatsoever from the institution, and “awaiting response,” which means there has been some initial communication but no responsive documents. These categories are particularly important for Alabama because there is no response window required by the law, so these requests are still considered open and viable.

6. Discussion

There are several intriguing conclusions to draw from this research. For example, the response rate of Massachusetts institutions is nearly double that of Alabama institutions. There are likely two reasons for this. First, the Massachusetts request was narrower, asking for a smaller set of documents. This likely made the request easier to complete; the Alabama request, in contrast, was complex, which may have discouraged respondents from replying. Second, the Massachusetts law has a required response window, meaning institutions must reply within 10 business days. Alabama has no such window, leaving the time frame for requests open-ended (and, theoretically, never-ending). Over one third (35.3%) of Alabama institutions have not yet responded to the request, though the research team received some responses in September 2014, nine months after the requests were sent.

It is likely that more documents were received from Alabama institutions (meaning a higher proportion of Alabama institutions are categorized as “received documents”) because they were asked for many more documents. Thus, even if an institution did not have a challenge, they likely had a collection development policy and/or records pertaining to internet filtering. Further analysis is needed to determine the proportion of institutions that experienced challenges.

Many of the state-level differences in responses can be attributed to the divergent strength of each state's open records laws. Massachusetts has a strong law, with built-in “teeth” (Stewart, 2010) and a mandatory response window. This possibly led to a higher response rate, as noted above, as well as a high number of “no documents” responses. The research team suspects that many of the non-replying Alabama institutions may also have “no documents,” but because the Alabama law is weak and lacks teeth, these institutions have not replied. The team is more confident in the “no documents” responses from Massachusetts institutions—more confident that this is an accurate representation of the proportion of institutions lacking responsive documents.

Based on both a review of the literature and the outcomes of this research, the research team offers several strategies for using FOI/open records requests in research:

1. The level of decision-making authority should be considered when determining where to send FOI/open records requests. For example, in Massachusetts, letters were sent to individual schools, but should have been sent to school districts because those decisions are made at the district level. This was corrected with Alabama.
2. The breadth and depth of the documents should be considered when making requests. The research team found that although more documents were received from Alabama institutions, there was a higher response rate from Massachusetts. This was probably partially attributable to the simpler request. In addition, receiving more documents means there will be substantially more analysis.
3. Researchers should determine if they are willing to pay for documents and, if they are, how much they are willing to pay. Some FOI/open records laws allow for fees to be charged, and these fees can range considerably (from \$18 to \$1335 in this research).
4. If possible, researchers should target states which have strong open records laws. This entails looking for laws that have mandatory response windows, penalties for noncompliance, and so on. It is likely that one would receive a higher response rate in such states.
5. Researchers should consider doing advance “prep” work, such as alerting key leaders that a FOI/open records request will be forthcoming. This may be particularly important for institutions that rarely receive requests. If key leaders are contacted, researchers should prepare them for the request and try to ensure the leaders are supportive and understand the research plan. If time and resources permit, researchers might also consider conducting a pilot study in order to identify any problems with their request.
6. Researchers might consider asking agencies and institutions for the documents without filing a formal FOI/open records request. In this

research, several institutions have commented that they would have willingly shared the requested information without a formal request (and, in fact receiving a formal request seemed suspicious or awkward to them).

7. Conclusion

Although the laws have been available for almost 50 years, very few social scientists have used made use of FOI/open records laws in their research. These laws provide a window into how publically funded federal and state institutions actually operate and offer an excellent source of data for researchers who wish to explore how the public institutions function. Unfortunately, as demonstrated above, these laws vary widely from state to state. In Massachusetts, the 10-day response requirement helped ensure that government agencies complied with requests in a timely manner. In Alabama, on the other hand, the lack of such a requirement makes it difficult to know if agencies are even considering responding to requests. The implications for this disparity are profound: What does it mean if an open records law does not have any mechanism for complying within a reasonable amount of time? Is it possible for such a law to truly live up to the spirit of openness and accountability implied in freedom of information laws? It is clear that the lack of “teeth” in the Alabama law makes it difficult for public institutions in the state, including schools and libraries, to be accountable to their citizens.

Nevertheless, open records laws are one of the few methods for gathering information about public institutions and therefore remain a rich resource for social scientists in general and LIS researchers in particular. As the Mapping Information Access research project continues, this research team hopes to provide both an overview of the state of information access in public libraries and schools across the country as well as an overview of state FOI/open records laws. This latter goal is, in fact, a key issue in access to information. By following the recommendations given above, it is hoped that both this team and other researchers will be able to both obtain information about public institutions and also aid these institutions in complying with the spirit of open records laws.

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