



DENIED OR DELAYED: FREEDOM OF INFORMATION ACT FRUSTRATIONS

by
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The Freedom of Information Act was designed to provide a way for private citizens to inspect or copy government records. “Public information” covers a very broad range of information. It refers to information collected, assembled, or maintained by or for a government body; if it owns or has rights of access to that information. The intent of the law outlines that taxpayers should be able to see any information that is used by people acting on the public's behalf. Unless their elected representatives have voted to restrict access to a specific type of document, information is considered public records.

What is the Freedom of Information Act?

“Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency. It is often described as the law that keeps citizens in the know about their government. Federal agencies are required to disclose any information requested under the FOIA unless it falls under one of nine exemptions which protect interests such as personal privacy, national security, and law enforcement.” (<https://www.foia.gov/about.html>)

How is the Public Information Act supposed to work?

Anyone can make a request for information to a government agency and the government agency should send the information back to the requestor. Sounds easy enough, right? Unfortunately, most people find requesting public information is never as easy as it should be and the process of obtaining public records can be difficult for the average person.

What are some typical roadblocks that make the process difficult?

- Not all records are required to be released under the FOIA. Congress established 9 exemptions from disclosure for certain categories of information. These exemptions are meant to protect against certain harms, such as an invasion of personal privacy, or harm to law enforcement investigations. Government agencies are authorized by the FOIA to withhold information when they believe that disclosure would potentially violate an interest protected by the nine exemptions.
- Some information is considered confidential as described by 3 “exclusions.” In those situations, the government agency can not release the information. Congress has provided protection for these exclusions within the FOIA.
- Even if the information is not confidential by statute, an agency has the option to withhold non-confidential information in certain circumstances.
- In a perfect world, the confidential information would be redacted (or blacked out) and the non-confidential information would be sent to the requestor. Oftentimes, the redacted information is not blacked out so the government agency chooses to deny the request altogether.

For most citizens, the process of getting information from a government agency is frustrating and sometimes downright exhausting. Most people will give up after getting their request rejected. The question then becomes, how do I get the information I need?

I keep getting rejected, how do I get the information I need?

Here at Bearden Investigative Agency we have heard countless stories of rejection after rejection to public information requests. Clients come to us frustrated after spending countless hours on their own with no results. The unique advantage we provide over other agencies is that our team of investigators are led by a team of lawyers. Our investigators know the laws needed to compel any agency to comply.

Every government agency is different and requires very specific information, and/or the law, to fulfill a request. We don't take no for an answer. We will get any information a client needs, if the law allows, and we will do so quickly and efficiently. Don't spend countless hours on your own getting rejected in your quest for “public information.” Contact Bearden Investigative Agency today and let our experience work for you. 1.800.943.2670



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