True the Vote

How to Submit an Open Records Request (ORR) or Freedom of Information Act Request (FOIA)

What is an Open Records Request (ORR)?

ORR/FOIA is the very broad term we use to describe a request for information from a state, county, or other non-federal jurisdiction. As a US Citizen, you have the right to request any document owned or handled by the government since, by definition, we are all the government. States generally have few exceptions to ORR/FOIA laws, typically including records with sensitive personal information or files pertaining to active investigations.

What is the difference between an ORR and a FOIA?

FOIA is the acronym for Freedom of Information Act. This act, passed in 1967, established a way for the public to request access to records from any federal agency. 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. So, ORR is anything not federal. FOIA is federal.

Who can submit?

You! Anyone can request information from any agency of government. Certain jurisdictions give preference to requests coming from those residing in the jurisdiction. If you submit a request that is of critical importance to you and are denied based on your residence, it may be worthwhile to seek assistance from someone living in the jurisdiction, a non-profit organization working in your area of interest, or even an attorney if necessary.

How do you know what to ask for in an ORR or FOIA?

Drafting an ORR/FOIA is a delicate balancing act between making the request broad enough so that the appropriate goverment agency can locate the information you are looking for, yet specific enough that they can search for the documents without generating a cumbersome amount of pages to process. You can send an ORR request for a specific document, a series of documents, or documents related to a specific subject.

Should you cite laws in an ORR/FOIA?

Depending on the type of information you're after, citing the appropriate open records law can be key to a successful request. Concerned citizens often use the term FOIA in non-federal requests - this can cause problems. A public information officer may deny your request if you are not specific enough in your request.

- Freedom of Information Act (FOIA) – This Act allows you to submit requests for public information only to offices of the United States Federal Government.
- Your State's Open Records Law – If you're on the hunt for documents held and/or generated by a municipality, county, state or other jurisdiction, the local open records law should cover your right to ask for it.

Quick References

- To find information on your state's Open Records standards and timelines go to rcfp.org/open-government-guide/e
- To find sample state-specific letters including citation of appropriate state laws, go to nfoic.org/state-sample-foia-request-letters/
- Select states have case law allowing for customized searches of databases. To see if your state has such a standard go to rcfp.org/open-government-sections/b-can-the-requester-obtain-a-customized-search-of-computer-databases-to-fit-particular-needs/
- To file a FOIA with a Federal Agency, go to foia.gov/

How to Submit

First, search online using the terms "open records request" and the name of the jurisdiction and agency to which you are directing your request. You may learn that the agency has an online portal or form for ORR submissions. For example, if you want to send an ORR to Fulton County, Georgia, search "Fulton County Georgia open records" and you will be directed to their portal If you want to send an ORR to the Secretary of State in Georgia, search "Georgia Secretary of State open records" and you will be directed to their online form. If the jurisdiction does not offer a way to submit your request online, then you will need to locate the best email address, or mail address, to send to. Using the search terms shown above will generally direct you to a web page that will give you the information you need, or at least point you in the right direction to find the information. If all else fails, don't hesitate to call the office of interest and ask what email or address can be used to submit your ORR.

If you are submitting a request to a federal office, check out FOIA.gov. The site offers a step by step process for submitting requests.

Follow Up! If you do not receive confirmation of your emailed ORR request within 72 hours, call the agency to confirm that they have received your request and are working on a reply. Try to get an estimated date of delivery for your request. Continue to follow up regularly until you receive your response. Many state laws indicate how quickly a government entity must respond to your records request. You can find your state's timeline on this site. FOIA responses will take much longer, from weeks to months, or more.

Last but never least... **Be kind**. From the language of your letter to the tone of your voice, be kind.

Practical Suggestions

- Be clear and specific. Your ORR/FOIA must clearly describe the records you are asking for, which means that the text of your request must be specific enough so that a government employee can locate the record(s) with a realistic amount of effort.
- Make sure your request is reasonable in scope. The government agency can deny your request if it is too broad, so keep it focused. You can always broaden your request later on.
- Always provide a date range when possible.
- Keep your request brief. Include necessary supporting information, but avoid lengthy narratives or excessive collateral materials.
- Specify whether you want the records in paper form or electronically. Records may be provided in an electronic form (for example, on a CD-ROM or by e-mail) when requested and if available. This will usually lower your cost and speed up your request.