

How to Get Your Hands on Public Records

1. Ask
 - You don't need permission to ask. Even if you're "not entitled," you may ask.
 - First ask orally (no paper trail for other guys to inspect).
 - If rejected, put it in writing and ask for a written explanation for denial, including a statutory citation as basis for withholding access to public records.
2. After a denial letter, share/discuss it with an editor or local expert.
3. Ask again, but change something. Or ask someone else who might have the record or information similar to the information in that record.
4. If no luck with #3, consider getting attorneys involved.
5. Consult with attorney for the records custodian; ask why access is being denied.
6. Possible "saber-rattling" letter or phone call from attorney.
7. Absolute last step = litigation.

Tips for Requesting Records

- "Train" the custodians of records by making frequent requests for records that are not "in the spotlight" – establish a "routine practice" of obtaining the types of records you seek.
- Be specific about precisely which documents/records you want. Don't "camouflage" your request by broadening the scope of records sought.
- Ask whether the fee for copying records has ever been waived in the past. If so, demand equal treatment.
- If you're a journalist, tell a recalcitrant records custodian that you are prepared to write a story about why these records are not being made available for public inspection and that you intend to compare this jurisdiction's conduct with that of others (presenting this one in a rather unflattering light).
- When told that information in a document should not be disclosed because it might cause some unspecified harm, tell the records custodian how much information you've already gathered on this subject – one goal is to help confirm the accuracy of those discovered facts.