

Editor's Note

Boo! Nothing Scarier than Transparency Barriers

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Things go bump in the *night*, not in the *sunlight*.

On this Halloween, the *Journal of Civic Information* features two studies that illustrate scary spirits that inhibit the ability for citizens to help their communities through public-interest information.

The first study, “Ghosted by Government,” explores state public records laws’ provisions in requiring a response for requesters, or a specific agency deadline for agencies to respond. Amy Kristin Sanders of the University of Texas at Austin and Daxton “Chip” Stewart of Texas Christian University once again team up to produce outstanding work, earning first place in the National Freedom of Information Coalition [research competition](#) September 2021.

Sanders and Stewart lay out the states with specific deadlines, those with no deadlines, and those with the ambiguous “promptly” designation. More important, they provide specific recommendations for how state laws can be improved.

The second article explores the nature of exorbitant fees, another barrier to the free flow of information, and how fees could be waived for public-interest requests without significantly harming government agency budgets.

Virginia Hamrick, staff attorney for the First Amendment Foundation of Florida, examines the public record request logs of five state agencies in Florida to show that just a small percentage are from public-interest requesters, such as journalists, nonprofits, and the government itself. Based on her data, she makes a strong case that states should waive fees for requests in the public interest, much like is done for federal agencies through the Freedom of Information Act.

Indeed, Hamrick finds what we’ve seen in other research—that the bulk of public records requests are submitted by commercial interests and those who want the information for personal use.¹ For example, Margaret Kwoka of The Ohio State University just published a book outlining the massive amount of “first-party” requests at the federal level that bog down the system. She suggests that they should be separated from the FOIA process and automated, much like the Social Security Administration did with requests for social security benefits.²

¹ See, for example, Margaret B. Kwoka, *FOIA, Inc.* 65 DUKE L.J. 1361 (2016). See also Derigan Silver, *The News Media and the FOIA* 21 COMM. L. & POL’Y 493 (2016).

² Margaret B. Kwoka, *SAVING THE FREEDOM OF INFORMATION ACT*, Cambridge University Press (2021).

What is so valuable from these studies is that they provide specific and practical solutions to information barriers. Just like the 22 other peer-reviewed studies published in this journal during the past two years, since the launch of the first issue on Sept. 4, 2019.

In all, 31 authors contributed to that work, critiqued by the 14-member editorial board spanning various disciplines and methodologies. The December 2020 issue featured four research articles about the accessibility of COVID data—both timely and important.

Special thanks goes to the [Brechtner Center for Freedom of Information](#), housed in the [University of Florida College of Journalism and Communications](#), which founded the online open-access journal. The fact that all of this excellent work is available to anyone for free is a testament to Brechtner's mission. Brechtner Executive Director Frank LoMonte is a true champion for the free flow of civic information, and it would be ironic to shield this knowledge from the public through a paywall.

During the upcoming years, we welcome more worthy manuscripts, as well as suggestions for improving the journal. Let us know what we can do better, and what unexplored topics should be examined.

That is the spirit of freedom of information.

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