# Administrative Law – Richards – 2018 Fall

# FOIA and Open Meetings

# Learning Objectives for this Module

## Learn the policy rationales for open records and open meetings laws.

## Learn the basic structure of FOIA.

## Learn how the government handles requests for secret information.

## Learn how the Privacy Act and FOIA interact.

## Learn how the restrictions on the release of private information under FOIA (reverse FOIA).

## Learn how to challenge a meeting under Open Meetings Laws

# Reading Assignment

## Louisiana Attorney Generals Guides to Louisiana Laws:

### [Louisiana Attorney General’s Guide to the Louisiana Open Records Act](http://www.ag.state.la.us/Article.aspx?articleID=20&catID=10&printer=1)

### [Open Meetings](https://www.ag.state.la.us/Article.aspx?articleID=21&catID=10)

## [The Reporters Committee for Freedom of the Press, Federal Open Government Guide 10th Ed (2009)](http://biotech.law.lsu.edu/cases/adlaw/foia/HOW2FOI.pdf)

# Evaluation Questions

## FOIA

### What is the policy behind FOIA?

### How do you request documents under the FOIA?

### What is the standard for judicial review of denials of FOIA requests?

### How does this support FOIA policy?

### When will the court defer to the agency in the review of FOIA requests?

### How is FOIA different from discovery?

### Why would you use FOIA instead of discovery?

### What does it mean to say that FOIA is about access to records and not to information? How is this changing in the electronic world?

### If a document is covered by one of the nine exceptions, under what circumstances may the agency still release the document?

#### What is necessary to assure that a document will not be released under FOIA?

### What is reverse FOIA? (*Chrysler* case)

#### What does Ex. Order 12600 require?

#### Why is this critical if a company wants to bring a reverse FOIA challenge?

### What is a *Glomar* response and why is it necessary?

## Sunshine Acts and Open Meetings

### What is the purpose of requiring agency meetings for decisionmaking to be open to the public?

### How can this make it difficult for the agency to conduct business, especially public bodies with elected members such as city councils.

### What are the basic requirements of a typical open meetings act?

### What is the legal effect of not following the requirements of an open meeting law at the state and federal level?

### How can you use this to challenge the outcome of state and local government body decisions?