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Short and simple way to file a FOIA request

Lawyers, others explain best way to acquire the documents you seek

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You don't have to fill a Freedom of Information Act request with legalese.

In fact, it's better that you don't.

"You can keep it really simple," Matthew V. Topic with Loevy & Loevy said Tuesday following a panel discussion about the changing legal landscape of FOIA requests.

When Topic makes FOIA requests — either for his practice or for himself as a citizen — he sends an e-mail to the public body with plain language like, "I am making a request for the following records under FOIA."

He then lists the records and requests that the body correspond with him solely via e-mail.

This serves two purposes.

First, receiving his material in PDF form saves on printing costs. Second, he ensures that a digital record of his request and the government's response will exist.

"I think people are concerned that if they don't ask broadly enough, the government is going to use that to hide records," he said.

Instead, Topic does the opposite: He asks for only what he needs at any one time.

He can always go back for more.

Those were among the lessons of "Navigating FOIA in a Sea of Change," a five-person panel discussion hosted Tuesday by

The Chicago Bar Association.

Joining Topic on the panel were Barbara A. Adams of Holland & Knight LLP, investigative reporter Tim Novak of the Chicago Sun-Times, Sarah L. Pratt of the attorney general's office and moderator Larry Yellen of WFLD-TV Channel 32.

Attended by about 100 people with another 144 online, the two-hour discussion and Q&A session included tips on filing FOIA requests, the balance between transparency and privacy, the financial impact of FOIA requests and amendments to the FOIA in 2010 and 2014.

"All of these changes are double-edged swords," said Novak, who estimates that he submits 10 to 12 FOIA requests per week.

Like the other panelists, Novak was impacted by congressional changes to the FOIA in 2010.

The changes have come with two new challenges for requesters.

The first is that information previously distributed with just a simple request now often requires a FOIA request because some government officials think that they cannot give information without one.

The second is that some public bodies dump databases online in order to eschew the FOIA process.

People making FOIA requests are then told, "It's online," and left to comb through hundreds of extraneous documents or pieces of information to find what they are looking for.

"So you have all these battles," Novak told the crowd. "They try to make it look like they're being transparent by putting all this information online but in such a



Matthew V. Topic

way that it's really not accessible to anyone."

That's why panelists say that being simple and specific in FOIA requests is paramount.

"Sometimes they think they have to make it sound like legalese," Pratt said. "But try to think specifically about what you are really looking for. Ask, and you will get that."

Topic also recommends not jumping straight into litigation upon an unsuccessful request.

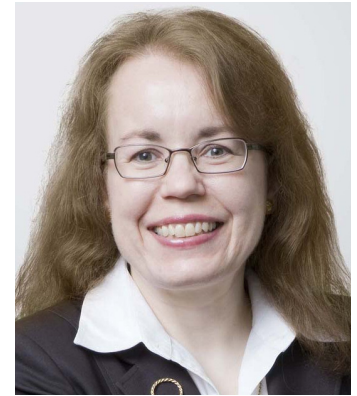
Part of the problem might be that the request is not as clear as it could be. Rather than immediately filing suit, Topic will revise and resend his original request.

"Then if that one gets denied, we'll litigate that one," he said, "because it will be a little bit tighter, and you'll be in a better position."

Topic added that FOIA requests don't have to be "all-or-nothing, where you cover everything in one request."

"Start with one thing, learn a little bit from those records and then follow-up," he said.

Topic works regularly with the FOIA in his work with the Better Government Association



Barbara A. Adams

watchdog group, but while FOIA requests perhaps make news most frequently in relation to journalism, lawyers with non-media clients use them as well.

Adams, whose practice at Holland & Knight includes representation of government agencies, said a company may want to view documents from the winning bid on a particular public service to understand why it lost. Another example would be an attorney representing a business owner who was turned down for a city license and wants to know why.

Like the other panelists, Adams' primary piece of advice is to be specific and simple.

"If the request is very broad and very burdensome, the government will perceive it as burdensome and will have a harder time responding to you," Adams said.

"Know what you want, make it a short, simple request, and try not to make it a long, overbroad document that's going to get you more than you ever cared about.

"Because you're going to end up paying for copies of those things, too."