

Freedom of Information Act/Annotations Exercise – Fall 2023
Due Friday, Oct. 27 at 11:59 p.m. via Canvas

Working in groups, please answer the following questions using a few sentences/paragraph for each response. *Do not cut and paste from the resources; you must rephrase answers in narrative (no bullet points) using your own words.*

Part One: FOIA

1. Using the [Open Government Guide from the Reporters Committee for Freedom of the Press](#), answer the following information about FOIA laws in Iowa.
 - a. Who can request public records in Iowa? (2 points)
 - i. In Iowa, public records can typically be requested by any individual, organization, corporation, or entity. This includes citizens, journalists, businesses, and other interested parties who seek access to government records under the Iowa Open Records Law, also known as the Iowa Freedom of Information Act (FOIA).
 - b. What types of records are subject to the Act? Which records are not? (2 points)
 - i. The Iowa Open Records Law applies to a broad range of government records, including documents, emails, meeting minutes, and budgets. However, certain records, such as those containing personal information or trade secrets, may be exempt from disclosure.
 - c. What rules exist around emails, text messages and social media posts as public records? (2 points)
 - i. In Iowa, emails, text messages, and social media posts can be considered public records if they are created or received in the course of official government business. These records are subject to the same rules and regulations as other types of public records, and government agencies are generally required to retain and provide access to them upon request, unless they fall under specific exemptions.
 - d. Give three examples of records that are exempt from the Act. Why are they exempt? (4 points)
 - i. Three examples of records exempt:
 1. Personal Medical Records: These records are exempt to protect individuals' privacy and comply with federal and state laws governing the confidentiality of medical information, such as the Health Insurance Portability and Accountability Act (HIPAA).
 2. Trade Secrets: Records containing proprietary business information or trade secrets are exempt to protect the competitive interests of private entities and encourage economic development.
 3. Certain Law Enforcement Records: Records related to ongoing investigations, confidential informants, or tactics used in undercover

operations may be exempt to safeguard law enforcement efforts and prevent interference with criminal justice proceedings.

2. Using the [FERPA guide from the Society of Professional Journalists](#), answer the following questions about FERPA.
 - a. What is FERPA? What purpose does it serve? (2 points)
 - i. FERPA, the Family Educational Rights and Privacy Act, safeguards the privacy of student education records and grants certain rights to parents and eligible students regarding access and control of these records.
 - b. Give three examples of personally identifiable information. (3 points)
 - i. Three examples of personally identifiable information (PII) covered by FERPA include:
 1. Student's name
 2. Student's social security number
 3. Student's date of birthOther examples may include student ID numbers, addresses, and any other information that could be used to identify an individual student.
 - c. What is directory information? Give three examples of directory information. (3 points)

Directory information refers to certain student data that schools may disclose without obtaining consent, unless the student or parent specifically requests otherwise.

 - name
 - address
 - telephone listing
 - d. What are some circumstances in which records may be released? (2 points)
 - i. Student records may be released without consent in situations involving health or safety emergencies, allowing schools to disclose relevant information to medical personnel or law enforcement to protect the well-being of students or others. This provision enables swift action in critical situations while balancing the need to safeguard student privacy under FERPA regulations.
3. [Using this video from the Society of Professional Journalists](#) (start at 1:06-3:28), describe some common reasons why records requests may be denied. (20 points)
 - a. Records requests may be denied for several reasons. One common cause is vagueness in the request, where the requester fails to provide sufficient detail about the specific information sought. Additionally, agencies may deny requests citing policies that restrict release, despite the information being considered public under state or federal laws unless specified otherwise. In such cases, it's essential for requesters to ensure clarity in their requests and be aware of relevant laws governing public records access to facilitate a smoother process.

4. Using this video from the Society of Professional Journalists (start at 3:29-5:02), describe how to reduce/eliminate fees around records requests. (10 points)
 - a. To reduce or eliminate fees associated with records requests, several strategies can be employed. Firstly, avoiding requests for physical copies can help mitigate costs; instead, opt for inspecting the records in person or requesting electronic copies. Narrowing the scope of the request to specific information can also decrease fees, as it reduces the amount of time and resources needed for retrieval. Additionally, utilizing personal methods such as taking photos or using a scanner can bypass fees associated with obtaining copies. Requesting records in electronic format whenever possible further diminishes costs. Lastly, in cases where contracts are involved, requesting a copy of the contract itself can sometimes be more cost-effective than seeking detailed information from various documents. By employing these approaches, individuals can minimize expenses associated with records requests while still accessing the desired information effectively.
5. Using this handout from the Society of Professional Journalists, what are some red flags related to public meetings? (10 points)
 - a. Some red flags related to public meetings, as outlined in the handout from the Society of Professional Journalists, include attempts by public bodies to conduct meetings in retreat locations such as beaches or mountains, which may suggest an evasion of open meetings laws. Additionally, invoking attorney-client privilege excessively to hold discussions in executive session, and the use of vague agenda items like "personnel" without providing reasonable specificity, are also concerning practices. Furthermore, holding electronic meetings without ensuring public access and transparency, and scheduling closed meetings with vague times and locations to discuss sensitive matters like job interviews, are highlighted as potential indicators of non-compliance with open meetings laws. These red flags underscore the importance of vigilance and accountability in ensuring transparency and public access to governmental proceedings.