



National Freedom of
Information Coalition

<http://nfoic.org/>

New Knight FOI Fund Awards First Two Cases

FOR IMMEDIATE RELEASE

CONTACT:

Charles N. Davis, National Freedom of Information Coalition, daviscn@missouri.edu, 573.882.5736

Columbia, Mo. (February 17, 2010) – In its first awards from the newly created Knight FOI Fund, the National Freedom of Information Coalition is helping citizens in Florida seek answers to important questions of FOI law, including the scope of public access to economic development documents in Sarasota and whether handwritten notes used by a government official during a public meeting are subject to disclosure.

“We’re delighted to fund cases in which citizens, working with their state FOI coalition, are fighting for greater access to information,” said Charles N. Davis, executive director of the National Freedom of Information Coalition.

The Knight FOI Fund funds up-front costs such as court costs, filing fees, depositions and initial consultation fees, if attorneys are willing to take cases that otherwise would go unfilled. The need for such a fund arose from the realization that the economic crisis and the evolution of the news media has resulted in declining levels of FOI advocacy. Applications for grants come from NFOIC member coalitions and are vetted by the NFOIC’s Litigation Committee.

In Sarasota, two nonprofit citizen groups (Sarasota Citizens for Responsible Government and Citizens for Sunshine) have filed open-government litigation against Sarasota County and the City of Sarasota as it relates to joint negotiations by the governmental entities with spring training franchises. The lawsuit specifically alleges: delegation of decision-making authority in violation of the law; illegal e-mail discussions by elected officials; the use of liaisons and ad hoc committees to conduct unlawful meetings; and the use of private e-mail accounts by elected officials to skirt FOI laws.

The groups already have obtained more than 400,000 e-mails, as well as electronic calendars, phone records, BlackBerry data logs and other electronic data. The groups assert that at least one elected official has violated the Public Records Act by using a private e-mail account to transact public business, requesting that the e-mail be deleted by other recipients, and not forwarding the e-mail to his public account. A judge has already issued an order to show cause in response to a mandamus action that seeks a court order seizing the private computers for the purpose of subjecting them to a forensic examination, and the NFOIC funds will be used to

support the costs of that process.

The second grant from the Knight FOI Fund involves a Highlands County citizen activist member of the [Florida First Amendment Foundation](#), Capt. Preston H. Colby, who is seeking access to handwritten notes used by the county administrator and a county commissioner in a public meeting.

Colby, who is representing himself pro se with assistance from the **Florida First Amendment Foundation**, asserts that these notes, which clearly relate to public business and “communicate, perpetuate, or formalize knowledge,” are subject to disclosure under Florida public records law.

The county claims that the notes are not public record because the notes were never transcribed and it was not the intent of the administrator or commissioner that such notes would be public records subject to disclosure.

“If the county prevails, this could have a serious impact on access to public records, particularly if the intent of the record’s author can determine whether such records are subject to disclosure,” said Barbara Petersen, president of the Florida First Amendment Foundation. “Colby has been extremely tenacious and is one of those true activists on whom we all depend.”

Colby’s \$3,000 grant will cover deposition costs, filing fees, court reporter transcription costs, witness appearance fees, and witness process service fees.

For more information on the Knight FOI Fund, including the selection process for grants and how to apply, see <http://www.nfoic.org/knight-foi-fund>.

The **John S. and James L. Knight Foundation** advances journalism in the digital age and invests in the vitality of communities where the Knight brothers owned newspapers. Since 1950, the Foundation has granted more than \$400 million to advance quality journalism and freedom of expression. Knight Foundation focuses on projects that promote community engagement and lead to transformational change. For more, visit <http://www.knightfdn.org/>.

This fall the **Knight Commission on the Information Needs of Communities in a Democracy** released its national report. It concluded that information is as vital to the healthy functioning of communities as clear air, safe streets and good schools. For details, see <http://www.knightcomm.org/>.

The **National Freedom of Information Coalition** is a national network of state freedom of information advocates, citizen-driven nonprofit freedom of information organizations, academic and First Amendment centers, journalistic societies and attorneys. A unit of the [Missouri School of Journalism](#), the NFOIC is an affiliate of the [Donald W. Reynolds Journalism Institute](#). Its mission is to foster government transparency at the state and local level. NFOIC is based at the [University of Missouri](#), home to the nation’s oldest [Freedom of Information Center](#). For more, visit <http://www.nfoic.org/>.