



FOR IMMEDIATE RELEASE:

## NFOIC supports appeal on behalf of Florida open government watchdog

### **Government sues citizen over public records request.**

COLUMBIA, Mo. (October 3, 2011) – The National Freedom of Information Coalition and the Knight FOI fund are helping defray court costs for a Sarasota, Florida, man who was sued by a government official after seeking information under the state’s Sunshine Law.

Sarasota County Clerk of Courts Karen Rushing turned the tables on a litigious and aggressive open government advocate and watchdog, Michael Barfield, asking a judge to order Barfield to pay \$870 in court costs.

Barfield, an expert on public records who has sued several local government agencies, sought release of redacted portions of a government document. In bringing a preemptive case against Barfield last July, Rushing argued that the redacted portions of an unfinished audit should be exempt from disclosure under the Sunshine Law.

A judge agreed, and now Rushing is suing Barfield for court costs of \$870. Barfield is appealing the denial of the disclosure, and also is now defending himself against the potential fee award to the governmental official.

The Knight FOI fund has awarded Barfield \$1,500 to help with his expenses in the case. Kenneth F. Bunting, executive director of the NFOIC, said, “I cannot speak authoritatively on the issues here. The county official and the judge may have an arguably valid view of what redactions exemptions allow for now. But anything that discourages citizens from aggressively asserting their access rights is a bad and unfortunate public policy.”

Barfield said the Florida Sunshine Law is the strongest in the nation, at least on paper. “The exemptions should be clear-cut, unambiguous, and narrowly-construed,” he said. “And in this case they were not.”

Barfield said that if Rushing succeeds in recouping the more than \$850 she spent bringing the lawsuit, it would have a chilling effect on people who want to seek public information. “Citizens are going to be afraid to make a records request,” he said.

Bunting agrees. “We have a concern that we are headed down a slippery slope whenever a requester is slapped with a legal sanction for seeking public information,” he said.

Since it began in January 2010, the Knight FOI Fund has assisted NFOIC member organizations, their allies and other litigants with 22 grant awards in FOI or access cases.

Among significant access victories in cases supported by the Knight FOI Fund were a California case that kept the nation's largest pension fund from hiding details of a \$100 million real estate investment loss, a U.S. Supreme Court case regarding election-qualifying petitions, and a case involving a New Mexico state college that had declined to disclose records detailing building projects and a search for a new president. Knight Fund-supported cases have resulted in 12 favorable court orders or settlements that achieved greater access or disclosure.

The NFOIC, a nonpartisan coalition of open government groups and advocates headquartered at the Missouri School of Journalism, administers the Knight FOI Fund. It is part of a \$2 million, three-year grant from the John S. and James L. Knight Foundation announced in 2010.

The Knight FOI Fund does not pay attorney fees. It is set up to fuel and assist the pursuit of important FOI cases by helping to defray upfront costs such as filing fees, depositions, court costs and other expenses associated with legal actions. The Knight Fund only seeks reimbursement if resulting awards in the cases cover fees and costs for which the Knight Fund money was spent.

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 supports transformational ideas that promote quality journalism, advance media innovation, engage communities and foster the arts. The Foundation believes that democracy thrives when people and communities are informed and engaged. For more, visit <http://www.knightfdn.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. Its mission is to foster government transparency at the state and local level. A unit of the Missouri School of Journalism, the NFOIC is an affiliate of the Donald W. Reynolds Journalism Institute. 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/>.

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