









1. We at the Media Law Resource Center (MLRC) and the National Freedom of Information Coalition (NFOIC) know that your time is valuable. But if you would take time to respond to the very brief 2013 Open Government Survey that follows, we think the results will be of valuable use to journalists, media researchers, organizations such as yours and others. If you recall, did you participate in earlier surveys from MLRC and NFOIC in either 2009 or 2011?

		Response Percent	Response Count
Yes		37.3%	25
No		37.3%	25
Uncertain/Do not recall		25.4%	17
answered question			67
skipped question			0

2. Over the past two to five years, do you believe the incidence of open records or proceedings violations in your jurisdiction has...

		Response Percent	Response Count
Increased substantially		16.4%	10
Increased slightly		41.0%	25
Stayed about the same		37.7%	23
Decreased slightly		3.3%	2
Decreased substantially		0.0%	0
No opinion		1.6%	1
answered question			61
skipped question			6






3. Over the past two to five years, do you believe that the number of professional reporters and journalists making open government requests in your jurisdiction has...

		Response Percent	Response Count
Increased substantially		11.5%	7
Increased slightly		21.3%	13
Stayed about the same		19.7%	12
Decreased slightly		23.0%	14
Decreased substantially		18.0%	11
No opinion		6.6%	4
answered question			61
skipped question			6






4. Over the past two to five years, do you believe that government officials' understanding of and voluntary compliance with open government requirements in your jurisdiction has...

		Response Percent	Response Count
Increased substantially		0.0%	0
Increased slightly		16.4%	10
Stayed about the same		42.6%	26
Decreased slightly		26.2%	16
Decreased substantially		9.8%	6
No opinion		4.9%	3
answered question			61
skipped question			6






5. Over the past two to five years, do you believe that the amount of human and financial resources from media organizations devoted to litigation and legal compliance with open government requirements in your jurisdiction has...

		Response Percent	Response Count
Increased substantially		3.4%	2
Increased slightly		15.3%	9
Stayed about the same		20.3%	12
Decreased slightly		25.4%	15
Decreased substantially		35.6%	21
answered question			59
skipped question			8





6. Over the past two to five years, do you believe that the amount of human and financial resources from good government organizations and non-profit groups devoted to litigation and legal compliance with open government requirements has...

		Response Percent	Response Count
Increased substantially		3.3%	2
Increased slightly		31.7%	19
Stayed about the same		38.3%	23
Decreased slightly		16.7%	10
Decreased substantially		10.0%	6
answered question			60
skipped question			7

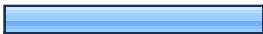

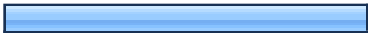


7. Over the past two to five years, do you believe that efforts by government to provide citizen access and comply with open government laws has...

		Response Percent	Response Count
Increased substantially		3.3%	2
Increased slightly		33.3%	20
Stayed about the same		31.7%	19
Decreased slightly		20.0%	12
Decreased substantially		11.7%	7
answered question			60
skipped question			7


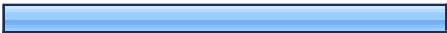




8. Over the past two to five years, how would you rate the impact of reforms, amendments and legislative changes to public disclosure and open meeting laws affecting your state?

		Response Percent	Response Count
Recent changes have improved our state's open government laws		27.1%	16
The quality and effectiveness of open government laws have stayed about the same		35.6%	21
Recent changes have made our state's open government laws worse		32.2%	19
Don't know, no significant changes, or uncertain about impact		5.1%	3
answered question			59
skipped question			8









9. In cases in which government officials have denied access for reasons with which you disagree, do you believe the denial was based on...(Check all that apply)

		Response Percent	Response Count
Honest mistakes		38.6%	22
Disingenuous rationalization		63.2%	36
Arguable interpretation of statutory language		54.4%	31
Inappropriate game-playing		56.1%	32
Ignorance of the law		49.1%	28
	Other (please specify)		10
		answered question	57
		skipped question	10

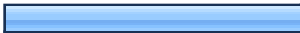






10. What obstacles have you faced from government officials who deny access to information? (Check all that apply)

		Response Percent	Response Count
Lack of response/delayed response		84.2%	48
Citing invalid exceptions		66.7%	38
Unreasonable fees		64.9%	37
Unclear who holds records		14.0%	8
Records not in retrievable form		33.3%	19
Records not retained		21.1%	12
	Other (please specify)		5
		answered question	57
		skipped question	10






11. What types of agencies are most difficult for private citizens, journalists, and other requesters to obtain information? (Check up to three answers)

		Response Percent	Response Count
Municipal government		38.6%	22
County government		22.8%	13
State government		29.8%	17
Federal government		12.3%	7
Quasi-public governmental bodies (entities that enter into contracts with governmental bodies)		45.6%	26
Public universities		43.9%	25
Police departments		57.9%	33
Local school boards		49.1%	28
	Other (please specify)		3
answered question			57
skipped question			10





12. Which agencies are the most transparent and cooperative? (Check up to three answers)

		Response Percent	Response Count
Municipal government		44.4%	20
County government		35.6%	16
State government		57.8%	26
Federal government		17.8%	8
Quasi-public governmental bodies (entities that enter into contracts with government bodies)		0.0%	0
Public universities		8.9%	4
Police departments		20.0%	9
Local school boards		11.1%	5
	Other (please specify)		7
		answered question	45
		skipped question	22

13. In your area, how would you rate the effectiveness of enforcement measures in non-compliance cases?

		Response Percent	Response Count
Very effective		3.4%	2
Somewhat effective		32.2%	19
Somewhat ineffective		22.0%	13
Not effective at all		33.9%	20
No opinion		8.5%	5
answered question			59
skipped question			8

14. Have emerging forms of public data and proactive disclosures made your advocacy services and resources more or less needed/valuable than they were two to five years ago?

		Response Percent	Response Count
Much more needed		33.9%	19
Slightly more needed		21.4%	12
No change		41.1%	23
Slightly less needed		3.6%	2
Much less needed		0.0%	0
answered question			56
skipped question			11




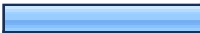
15. Over the past two to five years, do you believe the number of instances in which your organization has intervened in an open government matter for media clients has...

		Response Percent	Response Count
Increased substantially		12.5%	7
Increased slightly		28.6%	16
Stayed about the same		32.1%	18
Decreased slightly		3.6%	2
Decreased substantially		0.0%	0
No opinion		23.2%	13
answered question			56
skipped question			11

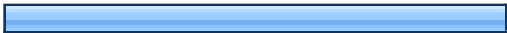












16. Over the past two to five years, do you believe the number of instances in which your organization has intervened in an open government matter for non-media clients has...

		Response Percent	Response Count
Increased substantially		14.0%	8
Increased slightly		24.6%	14
Stayed about the same		29.8%	17
Decreased slightly		1.8%	1
Decreased substantially		1.8%	1
No opinion		28.1%	16
answered question			57
skipped question			10








17. Our past surveys on these topics have shown declining media interest and involvement in litigation and legal actions regarding open government matters. Do you see that trend continuing, and if so to what do you primarily attribute it?

		Response Percent	Response Count
I do not see a continuation of that trend (Please continue to Question No. 18)		8.6%	5
Lack of funds/resources for litigation		56.9%	33
Public citizens and groups taking the lead in such actions		5.2%	3
Improvements in compliance and/or proactive disclosures negating the need for legal actions		0.0%	0
A decline in the kind of reporting that requires assertive legal actions to gain access to information		29.3%	17
	Other (please specify)		3
		answered question	58
		skipped question	9






**18. What kind(s) of clients has your organization represented in open government matters?
(Check all that apply)**

		Response Percent	Response Count
Newspaper		75.6%	31
Local television		43.9%	18
Radio		29.3%	12
Digital only publication		29.3%	12
Network		4.9%	2
Wire or other news service		22.0%	9
Magazine		4.9%	2
Documentarian		2.4%	1
Freelance writer or journalist in any medium		29.3%	12
Private citizens		65.9%	27
Local governments		4.9%	2
Business interests		4.9%	2
NGO or nonprofit organization		41.5%	17
	Other (please specify)		12
answered question			41
skipped question			26



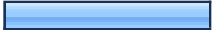


19. In your opinion, which of the following is most needed to make government more accessible? (Check up to three answers)

		Response Percent	Response Count
A general public that is better informed and more educated regarding open government laws		54.2%	32
Government officials who are better informed and more educated regarding open government responsibilities		71.2%	42
Increased enforcement measures		61.0%	36
More and better advocacy by press associations, law firms, open government organizations and others		39.0%	23
Public disclosure and public meetings laws that are easier to understand		11.9%	7
More resources for government FOI offices		15.3%	9
More public data and proactive disclosure		30.5%	18
	Other (please specify)		4
answered question			59
skipped question			8

20. In your opinion, how has the changing landscape of government access over the past two to five years affected the quality of news coverage in your area?

		Response Percent	Response Count
Coverage has improved significantly		1.8%	1
Coverage has improved somewhat		26.8%	15
No change		35.7%	20
Quality of coverage has decreased somewhat		25.0%	14
Quality of coverage has decreased significantly		10.7%	6
answered question			56
skipped question			11

21. What is the current population of the state or territory in which you reside or work?

		Response Percent	Response Count
10 million or greater		16.9%	10
5 million to 9,999,999		33.9%	20
1 million to 4,999,999		30.5%	18
500,000 to 999,999		15.3%	9
Fewer than 500,000		3.4%	2
answered question			59
skipped question			8

22. Can you describe a circumstance from your area that illustrates how the open government landscape has changed for the better?

**Response
Count**

37

answered question

37

skipped question

30

23. Can you describe a circumstance from your area that illustrates how the open government landscape has changed for the worse?

**Response
Count**

37

answered question

37

skipped question

30

24. Thank you for taking the time to answer this survey and for your responses. Please use the space below for any other comments you would like to offer that might help us understand the current landscape of government access issues. Also, while it is entirely optional and we would not identify anyone without seeking further permission, we would appreciate it if you would include in the space provided your name, the organization with which you are affiliated (if any), your email address, and a phone number where you can be reached. Again, thanks for your input on our survey!

**Response
Count**

42

answered question

42

skipped question

25

Expanded Answers to Question 22

Can you describe a circumstance from your area that illustrates how the open government landscape has changed for the better?

#	Response Date	Response Text
1	Aug 28, 2013 9:52 AM	As a result of newspaper litigation, we have access to the resolution of Internal Affairs investigations of police officers.
2	Aug 28, 2013 9:48 AM	City of Seattle has an online map showing current information about where crimes and other 911 incidents are reported. It also posts most police reports online.
3	Aug 28, 2013 9:31 AM	New Right to Know Law went into effect Jan. 1, 2009, providing for presumption of access and establishment of state Office of Open Records.
4	Aug 27, 2013 2:31 PM	More data is now available online so private citizens and journalists can access it without physically going to a particular government office during business hours. This 24/7 access is good though sometimes the user interface is clunky and difficult to use.
5	Aug 22, 2013 2:40 PM	In several instances, statutory provisions for mandatory attorney fees for a successful requestor have resulted in early capitulation on records and meetings access issues.
6	Aug 22, 2013 2:27 PM	We have an elected secretary of state who is committed to transparency and ethics.
7	Aug 22, 2013 2:21 PM	Key state legislation in 2013 made improvements in the Texas Public Information Act and First Amendment protections for newspapers, broadcasters, bloggers and whistleblowers.
8	Aug 22, 2013 2:01 PM	The state's court system now has an accessible public records repository in which we can easily look up a person's past or current civil or criminal cases online, though it doesn't have full text of documents
9	Aug 22, 2013 1:53 PM	In the last three years, the statutory fee for copies dropped significantly, from 75 cents for the first 10 copies to five cents for all copies.
10	Aug 22, 2013 1:08 PM	There are more records regarding state government expenses that are available online, which makes them accessible faster and without the need for a public records request.
11	Aug 22, 2013 12:54 PM	Some legislative efforts to curtail access to government information have been derailed, due to the efforts of MNCOGI and others. So, in a way, the landscape has not gotten appreciably better; it's just not gotten so very much darker!
12	Aug 22, 2013 12:51 PM	St. Benard Parish government just voted to put all public record requests online http://www.nola.com/politics/index.ssf/2013/08/st_bernard_parish_council_trum.html?utm_source=divr.it&utm_medium=twitter

- 13 Aug 22, 2013 12:40 PM A change in legislation making state economic development initiatives more open.
- 14 Aug 22, 2013 12:33 PM The government created an Open Government Office that is just recently up and running. This is potentially the most important step forward that could be taken.
- 15 Aug 22, 2013 11:56 AM Our records-management and FOIA seminars are always well-attended and well-received. Employees want to know what to do and how to do it right. Elected officials....not as much.
- 16 Aug 22, 2013 11:38 AM A 2012 state Supreme Court decision, in Milwaukee Journal Sentinel v. City of Milwaukee, ended the practice of custodians adding charges for the time they spent reviewing records and deciding what to redact. The court held that the law did not allow this; there has been an effort to change the law to allow it, but it has not advanced.
- 17 Aug 21, 2013 3:42 PM Communication and information sharing technologies have enabled watch-dog groups to connect and cooperate on monitoring and reporting efforts.
- 18 Aug 21, 2013 3:38 PM More public meetings are broadcast or webcast. More documents are online.
- 19 Aug 21, 2013 3:33 PM The Burlington Free Press, the state's largest newspaper and website, has increased its focus on Government Accountability in Vermont. The state has been hit with scores of embezzlements, many in government, but some in the private sector. Also the state had a state trooper bilk taxpayers out of about \$213,000 through false time cards and filing nearly 1,000 bogus tickets to try to justify his time. It was a Free Press reporter that helped expose it and covered the case like a glove until the trooper went to prison. The reporter won a couple of awards, including just being named a national SPJ Sunshine Award winner. Government people are on notice they could be next for any misdeed.
- 20 Aug 21, 2013 3:12 PM All City contracts posted online by city government, though not in searchable format; thereafter, converted to searchable format by Doc Cloud NGO project. Additionally, info about 150+ "satellites" of city government (security and improvement districts, public trusts, public benefit corporations, boards, commissions, etc.) consolidated in online database. City government moving toward more online disclosures on info.
- 21 Aug 21, 2013 2:48 PM The public and legislative leaders understand that the State Board of Higher Education was wrong in its approach to the open meeting laws.
- 22 Aug 21, 2013 2:35 PM Creation of an open gov't office and passage of an open meetings law.
- 23 Aug 21, 2013 2:20 PM Creation by statute of office to enforce open meetings statute.
- 24 Aug 21, 2013 1:55 PM Boards and commissions in our state are now required to undergo an open records/meetings trainings, which has raised awareness among their members.
- 25 Aug 21, 2013 1:34 PM In 2012, the Legislature passed legislation that created the Iowa Public Information Board, an independent state agency that has the authority to provide informal and formal advice, and training about the state open meetings and records laws, and can also enforce the laws.

- 26 Aug 21, 2013 1:12 PM More state agencies are putting databases online, negating the need to ask for the info.
- 27 Aug 21, 2013 10:20 AM Increased compliance efforts.
- 28 Aug 21, 2013 10:12 AM We continue to get positive results from court actions.
- 29 Aug 20, 2013 3:57 PM South Dakota enacted a major open records reform law in 2009 that has helped a great deal in terms of public access to government records in our state.
- 30 Aug 20, 2013 3:50 PM The Lens, a partner organization of the New Orleans Coalition on Open Governance, has begun a Charter School Reporting Corps that regularly attends the 70+ charter school boards currently operating in the New Orleans area. No other media outlet holds these bodies accountable to open meetings or public records law. This service helps provide parents and community members with valuable information.
- 31 Aug 20, 2013 3:31 PM Our organization has done extensive training of citizens in how to use our open government laws -- and citizens have been doing so. The reaction to this expansion of use of the laws by individuals (instead of just the news media) has been negative, with agencies accusing requesters of abuse harassment, and worse -- and seeking injunctive power to block requests. But it has also led many agencies to improve training of their employees, and several sources of high-quality training have been established. So while there has been resistance, there has also been an improvement in agency recognition of the importance of compliance with open government laws, including a change in the attitude of many individual agency employees, as a result of this increased training.
- 32 Aug 20, 2013 3:23 PM In Illinois, the creation of the Public Access Counselor in the attorney general's office has been a big help.
- 33 Aug 20, 2013 2:57 PM Somewhat more proactive disclosure
- 34 Aug 20, 2013 2:51 PM A presumption of openness law was passed in recent years in South Dakota, reversing the prior presumption that records were closed until proven open.
- 35 Aug 20, 2013 2:39 PM In general terms, more local and state governments have launched websites that provide citizens with far more convenient access to electronic records such as Supreme Court rulings, registered violent/sexual offender databases, minutes of meetings, agendas of meetings, etc.
- 36 Aug 20, 2013 2:12 PM I work in DC, live in Maryland. In both cases, more data about government is available, and the rhetorical commitments to govt openness have increased -- and in some cases, actual commitments. The expectations are changing.
- 37 Aug 15, 2013 2:02 PM Two things come to mind, both related to federal FOIA, but both of which I believe may eventually impact the states: 1) The April ruling in CREW v. FEC may force agencies to begin taking response times seriously or face the threat of a lawsuit. Ignored or frequently expanded response time is a major FOI abuse. 2) The May 2013 White House Open Government Directive could help set a standard for public data and be the impetus for greater availability.

- 38 Aug 14, 2013 11:01 PM An intermediate court of appeal opinion interpreted an arguably ambiguous fee-shifting provision to require fee-shifting where the requester succeeds on any portion of the request (as opposed to "substantially prevailing" on the request).
- 39 Aug 14, 2013 8:01 PM O'Neill v. City of Shoreline, a Washington State Supreme Court decision, held that metadata of a public record is itself a public record that must be disclosed upon request.
- 40 Aug 14, 2013 6:18 PM Judges take state open records law seriously and are willing to order compliance when attorneys advocating for open government interests become involved in cases.
- 41 Aug 14, 2013 5:26 PM Our Attorney General is sensitive to public records issues and committed to open government. Unfortunately, other public officials in our area do not share his view and seem to regard the public records laws as a hindrance to be undermined and avoided at every turn.
- 42 Aug 12, 2013 9:46 AM No.
- 43 Aug 12, 2013 9:11 AM In 2007, Ohio's Public Records Act adopted significant reform of the procedure for obtaining access to information that did away with many of the obstacles that public sector lawyers had erected
- 44 Aug 12, 2013 7:58 AM No examples that i know of.
- 45 Aug 8, 2013 8:51 AM We have had cases with substantial publicity which has created public awareness and pressure which resulted in some movement toward more openness.
- 46 Aug 7, 2013 3:53 PM Public bodies and public officials actively solicit the New Mexico Foundation for Open Government's opinion about open-government issues.
- 47 Aug 7, 2013 10:05 AM no
- 48 Aug 2, 2013 7:14 AM Efforts at state level to pass legislation that would increase access to public meetings.
- 49 Aug 1, 2013 3:37 PM The Wisconsin Supreme Court rejected an attempts by record custodians to charge extra-statutory fees for redacting records.
- 50 Aug 1, 2013 2:27 PM In seeking personnel files of a professor at a State University the refusal wasn't based upon a bias against the press or the press's right to know, but rather on genuine uncertainty of the applicable law.
- 51 Aug 1, 2013 8:50 AM no.
- 52 Aug 1, 2013 7:04 AM NO.
- 53 Jul 31, 2013 9:05 PM <http://www.tennessean.com/article/20130729/NEWS01/307290074/Tennessean-coverage-DCS-abortion-honored-by-Associated-Press-Media-Editors>
- 54 Jul 31, 2013 6:10 PM I have none.

- | | | |
|----|----------------------|--|
| 55 | Jul 31, 2013 5:59 PM | The Fifth Circuit upheld the constitutionality of the Texas Open Meetings Act. |
| 56 | Jul 31, 2013 4:23 PM | Open Missouri is a project that has made huge inroads in the amount of state government records available online. I applaud this effort. |
| 57 | Jul 31, 2013 4:15 PM | Court victories vindicating rights of access to public employee salaries and pensions, and many court victories in California Public Records Act litigation, have improved the open government landscape in California. |
| 58 | Jul 31, 2013 3:52 PM | No. |
| 59 | Jul 31, 2013 3:50 PM | strong supreme court opinions favoring open government |
| 60 | Jul 31, 2013 3:49 PM | Through the organized efforts of the Florida First Amendment Foundation our public records and meetings laws continue to improve. The organization successfully has prevented amendments that would close more records and has gotten legislation allowing not only attendance, but also participation in public meetings. Pushes also are being made to get more public records online. Most state court records will be online soon. |
| 61 | Jul 31, 2013 2:03 PM | rtes |

Expanded Answers to Question 23

Can you describe a circumstance from your area that illustrates how the open government landscape has changed for the worse?

#	Response Date	Response Text
1	Aug 28, 2013 9:52 AM	The governor of Louisiana is very anti-access. He pushed for a "deliberative process" exemption for his office which other agencies are now claiming. The Legislature also went along with his request to shield budgetary information that was formerly available. The LSU Board of Supervisors never has any substantive discussion of issues. The members either all agree or are afraid to disagree. Hopefully access advocates will press the candidates in the next governor's race to commit to revising the laws that the Jindal administration was responsible for passing.
2	Aug 28, 2013 9:48 AM	Wash. Gov. Chris Gregoire claimed an "executive privilege" against disclosing her records, and a challenge is pending in the Wash. Supreme Court. The Wash. Legislature passed a law exempting juvenile court records from disclosure.
3	Aug 28, 2013 9:31 AM	New law -- while generally a tremendous improvement over the old, restrictive law -- has many shortcomings when it comes to enforcement. (Office of Open Records issues "legally binding" determinations on records request appeals, but has no enforcement power. Agencies may ignore their determinations and/or appeal them to court, meaning citizens are outgunned and face a legal battle, even in cases where their right to the records is clear cut.)
4	Aug 27, 2013 2:31 PM	Increasing efforts to charge for online access of public data. The court system statewide, which was generally considered to be the most open, is increasingly restricting and charging for access. Video and audio transcripts are no longer available. (Evidently some creative folks edited the video and audio to make the trial judge look incompetent and posted their efforts on YouTube.) So digital transcripts are n longer available.
5	Aug 22, 2013 2:40 PM	Lack of clarity on when fees may be levied and for how much repeatedly results in custodians imposing exorbitant fees designed to deter access.
6	Aug 22, 2013 2:27 PM	I guess it would just be that there are fewer reporters asking and just the same amount of state workers who are their to potentially obstruct release
7	Aug 22, 2013 2:06 PM	The case that the Birmingham News/AL.Com brought against the Birmingham Airport Authority for which I was an expert witness. BNews/AL.Com sued the airport authority for not releasing relevant information about the collapse of airport signs that killed a young boy walking through the airport corridor, saying it had no authority or could not determine responsibility for the release of the information. Courts eventually dismissed the case with questions still unanswered.
8	Aug 22, 2013 2:01 PM	A state agency last week stalled for the full allowable extension time on my public records request when the extra time clearly wasn't needed and it was very clear where the records were located and that they were public

- 9 Aug 22, 2013 1:53 PM In a recent decision from the highest court of our State, the Court gutted or threw into doubt almost all of the enforcement mechanisms of our Open Public Meetings Act.
- 10 Aug 22, 2013 1:08 PM Here are two: Police agencies are relying on a deliberate misinterpretation of the public records law to withhold police personnel files. One local police agency used political motivations to withhold an embarrassing set of records for more than a year, while the sheriff ran for re-election.
- 11 Aug 22, 2013 1:00 PM Less attention to access issues by newspapers in the state.
- 12 Aug 22, 2013 12:54 PM In spite of renewed efforts to publicize MN's lack of cameras into MN courtrooms, MN remains one of 14 states without them - unless all 3 parties agree: defense, prosecutor and judge. The MN Supreme Court has a pilot program currently underway that allows them in civil cases. The outcome is likely to preserve status quo. Resistance from victims advocates and judges is quite daunting to overcome. MNCOGI has held 2 public events and blogged to draw attention to the topic.
- 13 Aug 22, 2013 12:51 PM Many state and local agencies are denying requests based on "deliberative process" even though it is not defined in Louisiana law. On a related note, the search for the new LSU President was handled by a private firm and all applicants were held in secret until it was narrowed to one true "applicant" - this has triggered several lawsuits and is still under legal review.
- 14 Aug 22, 2013 12:40 PM Numerous legislative attempts to restrict access on other matters, including, for example a new law that eliminates state public hearings on local government unit budgets unless they are requested by a citizen.
- 15 Aug 22, 2013 12:33 PM There has been a continued decline in emphasis within agencies on opening information and meetings to the public.
- 16 Aug 22, 2013 11:56 AM Recent state supreme court rulings making an agency totally exempt from FOIA, and US Supreme Court ruling saying our citizens-only FOIA limitation was OK.
- 17 Aug 22, 2013 11:38 AM Many communities in Wisconsin, responding to advise from their attorneys, have decided that records from drivers licenses may not be released, because of how a federal court ruled on a case involving the federal Drivers Privacy Protection Act. There have actually been cases where law enforcement officials in Wisconsin have refused to identify drivers in fatal accidents and the names of people who have been arrested (yes, we have cheese and secret arrests!), because this information comes from drivers records. Other states do not appear to be embracing this policy.
- 18 Aug 21, 2013 3:42 PM The same technologies have enabled government or public officials to skirt transparency laws and open government policies.
- 19 Aug 21, 2013 3:38 PM The notion of a "published" document is much weaker than it was. Documents get revised without notice when it is politically convenient to do so and there is no accountability.
- People are just not paying attention. It is the dumbing down of America. It appears a

- 20 Aug 21, 2013 3:33 PM large percentage of Americans rather watch "Survivor" or "Dancing with the Stars" and not how their community, state or federal government officials/employees are operating. They are not operating in the best interest of the people they serve. .
- 21 Aug 21, 2013 3:12 PM Governor's "deliberative process privilege" loophole expanded by numerous state agencies to deny access to info.
- 22 Aug 21, 2013 2:48 PM The State Board of Higher Education can flaunt the state's open meeting laws with little detriment.
- 23 Aug 21, 2013 2:35 PM Impairment of the public's ability to sue to challenge open meetings violations. The failure of the executive and legislature to carry out requirements of transparency laws. These entities fully understand that it would be politically untenable/impossible to reject transparency, so they give it lip service and refuse to provide needed resources.
- 24 Aug 21, 2013 2:20 PM Proposals to change FOI statute for the worse in many ways because officials were angry at a particular aggressive employee union that made many requests and litigated denials.
- 25 Aug 21, 2013 1:55 PM Municipal agencies claiming that records either do not exist or were created and are kept by other agencies when in fact the original agency does hold the records.
- 26 Aug 21, 2013 1:34 PM I don't think there has necessarily been a change for the worse, but there are certain areas of secrecy that are intransigent, especially some state university information (especially athletic departments).
- 27 Aug 21, 2013 1:12 PM The state government reduced the fine for non-compliance (and had the audacity to say that that would increase compliance).
- 28 Aug 21, 2013 10:20 AM Local Govs. Collaborating to change laws giving them authority to determine what and how to provide info.
- 29 Aug 21, 2013 10:12 AM Term limits and turnover among public officials tends to affect our ability to educate governmental entities about access issues.
- 30 Aug 20, 2013 3:50 PM While the Orleans Parish Prison continues to operate under a federal consent decree, we are still unable to request a line item budget of the Orleans Parish Sheriff's Office. Also, updated plans for the new prison (currently under construction) are not publicly available. Also, the Orleans Parish Sheriff's most recent audit was conducted by his former campaign finance director.
- 31 Aug 20, 2013 3:45 PM The legislature changed the method of judicial selection to eliminate a non-partisan review of applicants and placing full nomination power in the governor, who has now made the names of applicants secret until presented to the Senate for confirmation. No public scrutiny of other applicants allowed.
- As public awareness of the workings of the Public Records Act has increased, so has the number of individuals who decide to use the PRA as a bludgeon to punish agencies for whatever perceived wrong the agency has inflicted on the requester. Some people have explicitly and publicly stated that they are making large requests to attempt to bankrupt the agency, until the agency dismisses a citation or grants a

- 32 Aug 20, 2013 3:31 PM permit or whatever else has happened. While the number of these abusive incidents is small, the anecdotes are repeated often to legislators, creating a continuing threat that the legislature (the members of which often have come from local government positions themselves) will react in knee-jerk fashion by weakening the PRA for everyone to try to deal with the small number of abuses. It is a continual battle.
- 33 Aug 20, 2013 3:23 PM In order to enforce decisions of the Public Access Counselor, even binding ones; the requester must often pay out of pocket court costs and fees.
- 34 Aug 20, 2013 2:57 PM More secrecy/confidentiality in law enforcement and public universities
- 35 Aug 20, 2013 2:51 PM Increased use of spokespeople to guard the people with the real knowledge. No bureaucrats ever used to have spokespeople in our state. Now they all do.
- 36 Aug 20, 2013 2:39 PM Our state has passed a law making the records of those seeking concealed carry permits confidential.
- 37 Aug 15, 2013 2:02 PM Legislative changes in Virginia made e-mail correspondence to legislators off limits. About 12 states passed new exemptions and restrictions in the aftermath of the New York newspapers publication of an interactive map showing the locations of registered handguns.
- 38 Aug 14, 2013 11:01 PM Government entities in the small town of Leadville, Colorado are routinely flouting open government laws and claiming exemptions frivolously, likely out of a belief that the local newspaper will not spend money to litigate these issues. (The newspaper has recently decided to pursue one action against the board of county commissioners.)
- 39 Aug 14, 2013 11:00 PM term limits have brought into office inexperienced people unfamiliar with open records and open meetings laws.
- 40 Aug 14, 2013 8:01 PM (1) The "Sunshine Committee" created by a state law to review public record act exemptions and report to the legislature on whether or not the exemptions are still needed or whether they should be modified is populated by appointees of an outgoing Governor who herself is the subject of a public records lawsuit, and except for a few diligent media and open government advocacy representatives, the Committee is populated by attorneys and legislators who represent government interests and regularly seek to expand exemptions or do away with the act itself. (2) The outgoing Governor claimed (a) the public record act was unconstitutional as a matter of state law if the courts did not create an unwritten "executive privilege" that allowed her to decide which records of her administration could be released and which could not, and (b) that the courts could not review those records or her decision because it would violate the doctrine of separation of powers. This lawsuit is still awaiting decision by the Washington State Supreme Court -- Freedom Foundation v. Christine Gregoire, Washington State Supreme Court. (3) Government lobbyists (paid for by taxpayer dollars) successfully had the minimum penalty provision of the public records act changed from \$5 a day to zero.
- 41 Aug 14, 2013 6:18 PM State has attempted to use the budget crisis as an excuse for decreasing access to open meetings and open records.

- 42 Aug 14, 2013 5:26 PM The political environment has become much more confrontational and combative. Unfortunately, the suspicion inherent in such an environment has caused some politicians to keep a tighter reign on information. I think it also has led to a greater cynicism among the general public that devalues open government.
- 43 Aug 12, 2013 12:45 PM The city of Henderson Nevada is abysmal in the prompt compliance with Open Records in that they stall, claim inappropriate exemptions and charge outrageous fees.
- 44 Aug 12, 2013 9:46 AM Government officials using private email accounts and mobile devices in an attempt to circumvent open records laws.
- 45 Aug 12, 2013 9:17 AM Changes in state law.
- 46 Aug 12, 2013 9:11 AM Newspapers were the leading enforcers of the open government laws. Now that newspapers are under severe financial duress, many government administrators know that and have become more bold in "just say no" because they accurately perceive that the newspaper won't enforce the law. Also, the Ohio Supreme Court's interpretations of Ohio's Public Records Act have muted some of the legislative reform, and generally are unenlightened, making openness more stingy despite legislative language designed to make the Act easier to enforce.
- 47 Aug 12, 2013 7:58 AM Documentary filmmaker of HO's Gasland II arrested and taken from a Congressional committee hearing.
- 48 Aug 8, 2013 8:51 AM More and more government agencies are staffing up with the expectation of finding ways to avoid the access laws.
- 49 Aug 7, 2013 3:53 PM By resolution rather than statute, legislators have purported to exempt their e-mails from the Inspection of Public Records Act.
- 50 Aug 7, 2013 10:05 AM denial of access to basic information about public employees based on an expansive interpretation of the open records act. public employee "unions" (not elected officials) are calling the shots on everything concerning public employees especially information about them. It is getting difficult to positively identify by name a public employee and do so at your risk.
- 51 Aug 2, 2013 7:14 AM Court decisions expanding dubious "privacy" exceptions.
- 52 Aug 1, 2013 3:37 PM Local governments are redacting names and other "personal information" from police accident, incident and even arrest reports in an improper interpretation of the Drivers Privacy Protection Act. They are misinterpreting a 7th Circuit decision in Senne v. Village of Palatine, which did not even mention public records access.
- 53 Aug 1, 2013 2:27 PM I had to file a 1983 lawsuit to obtain access to the full execution process of a condemned murderer despite the clarity and direct applicability of Ninth Circuit law.
- 54 Aug 1, 2013 8:50 AM legislature continues to adopt new exceptions for special interest groups.
- The Attorney General has issued opinions from time to time that are based on

55	Aug 1, 2013 8:24 AM	political considerations or aspirations and cannot be justified under the state freedom of information act.
56	Aug 1, 2013 7:04 AM	NO.
57	Jul 31, 2013 9:05 PM	http://www.wbir.com/news/article/219707/141/Reese-Witherspoon-family-go-to-court-proceedings-closed
58	Jul 31, 2013 6:48 PM	See shredding comment above
59	Jul 31, 2013 6:10 PM	A county sheriff's cruiser crashed about 3:30 am on a Sunday. A FOIA request sought the dashcam video and police reports – the request was denied, including on the basis that: 1. It was an unwarranted invasion of privacy, because, among other things, “other deputies were assisting...during this medical emergency”. 2. It would reveal “the identity of the emergency medical action administered and protocol followed” and 3. It would reveal the “emergency medical personnel of AMR who are private individuals assisting th[e] deputy during the medical emergency”.
60	Jul 31, 2013 5:59 PM	The Texas Supreme Court overturned longstanding attorney general interpretation of law making public dates of birth of government employees.
61	Jul 31, 2013 4:23 PM	electronic recordkeeping has become a profit center for folks selling software to government and the proprietary nature of these programs has made the cost to obtain data costly at times.
62	Jul 31, 2013 4:15 PM	Newspapers, the traditional plaintiffs in open government and public records cases, are less likely to initiate open government cases, and no one has taken their place (although organizations such as the First Amendment Coalition and Center for Investigative Reporting have filled the gap to some extent)
63	Jul 31, 2013 3:52 PM	Lately, rather than assisting media clients with inquiries, we're assisting businesses that are concerned the state agencies are not adequately protecting private information, which is another indication that agency employees are not well[-]versed in the applicable laws. We also are finding that, although more requests for assistance are coming from the business community, the agencies continue to withhold information as a matter of course. For example, we requested a copy of a contract executed by a governmental agency, which the agency admitted was a public document. However, the agency claimed not to possess a copy of the agreement and instead directed us to a different agency. It took several months to obtain a copy of the agreement.
64	Jul 31, 2013 3:50 PM	local politicians treating government as their personal fiefdom
65	Jul 31, 2013 3:49 PM	Large media organizations rarely participate in any efforts to use the courts to compel access to records. That has emboldened public officials to resist records requests. Nonprofit journalism organizations now seem to be much more active in pursuing open government litigation and look for help in doing so on a pro bono basis.
66	Jul 31, 2013 2:03 PM	test