

## Research Idea Submitted at Sunshine Fest 2025:

### Reference Guides for FOIA Responders

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The workers who prepare FOIA responses for government agencies often have little guidance on what information should be released. Their agency's official procedures for FOIA may be "undercontrolling rules" (DeHart-Davis, 2009) which superficially show compliance with law but which management does not intend to guide the performance of work. Such undercontrolling official procedures are vague, contradictory, and require actions that management will not accept, so workers cannot implement them. Workers are left to muddle through by copying what was done before and obeying verbal instructions that may not comply with law. If a worker feels they should release more information, they have no resource that provides them with authoritative grounds to make the case to management.

This research idea is to develop reference guides for the workers who prepare FOIA responses for government agencies. The guides will provide clear guidance on issues that responders encounter, such as how to interpret the FOIA exemptions and whether information should be released in its native format or as images. All guidance will be substantiated with citations to statutes, case law or other legal authority, so that the worker can show their management the grounds for releasing more information.

The existing resource that is closest to what this research idea will produce is the Dept. of Justice guide to FOIA (U.S. Dept. of Justice, 2025). What needs to be produced differs from the Dept. of Justice guide in several respects. First, it will be written with an eye to showing the full extent to which the law allows and requires disclosure, rather than showing what limitations of disclosure an agency may get away with. Second, it will be written to be useful and clear to non-lawyers, including such features as sample language to use in justifying disclosures. Third, there will ideally be versions for State freedom of information laws as well as the version for the Federal FOIA.

The guide should be published by an institution or coalition that is respected, non-controversial, and not identified with a single ideology, so that it is seen as a guide to best practice rather than a form of advocacy.



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## References

- DeHart-Davis, L. (2009). Green Tape: A Theory of Effective Organizational Rules. *Journal of Public Administration Research and Theory*, 19(2), 361–384.  
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- U.S. Dept. of Justice. (2025). *Department of Justice Guide to the Freedom of Information Act*.  
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