

There are two primary ways to request public records from state or federal governmental agencies. A Freedom of Information Act (FOIA) request allows you to request records from any *federal government agency*. Similarly, the Public Records Act (PRA) is a Washington State law (see <https://app.leg.wa.gov/rcw/default.aspx?cite=42.56>) that allows you to request records from any *state or local government agency*.

For example, the Environmental Protection Agency is a federal agency so if you want information about the Hanford Superfund Site, you would submit a FOIA request to the EPA. If you want information about Washington public schools, you would submit a PRA to the Washington Office of Superintendent of Public Instruction. If you are looking for information about the Tacoma Police Department, you would send a PRA request to the City of Tacoma. Both Acts are designed to allow you to access public records from the government, although both also have provisions making some records exempt from public disclosure. This article will review what you can request in both a FOIA and PRA request, how to make each type of request, and provides a general template for creating a successful request.

The first question to ask yourself is “what government agency has the information that I want?” Often, a google search can answer this question. The second question to ask yourself is whether that agency is a federal or state or local government agency. Once you’ve determined whether you want to issue a request under FOIA or the PRA, the following questions and answers can help you build a request that gets you the results you are seeking.

FOIA & PRA Questions and Answers:

Who Can Make a Request?

FOIA: Anyone can make a request, regardless of immigration status.

PRA: Anyone can make a request, regardless of immigration status.

What Information Can I request?

FOIA Requests: Most types of governmental records are available through a FOIA request. There are several exemptions, or types of information that a government agency does not need to disclose, including:

- Records that are confidential for a number of reasons, such as information regarding an individual’s medical records, college admissions records, etc. (See https://www.justice.gov/oip/training/exemption_overview_july_2019/download for more information);
- Records related to personnel;
- Records containing trade secrets;
- Records compiled for law enforcement that may interfere with proceedings or compromise privacy; or
- Records related to the supervision of financial institutions.

PRA Requests: You may access almost all government records, in all formats, related to government operations or conduct.

- These records may be from:
 - cities,
 - counties,
 - districts,
 - other governmental entities, except for the judicial branch and courts.

- Public records must:
 - Be a record: this includes writings, recordings, photographs, electronic discs, emails etc.
 - Be public: Certain records are personal and not available for PRA requests. For example, you may not request a government employee's personal information that is protected by their right to privacy. However, public records include professional correspondences between government employees, reports, memos, etc.
 - Be prepared, owned, or used by a government agency.

- There are several exemptions to the PRA.
 - Exemptions can be found here: [Chapter 42.56 RCW: PUBLIC RECORDS ACT \(wa.gov\)](#)
 - In general, these include certain personal information and records, religious affiliation, intelligence information compiled by law enforcement if the information is essential to law enforcement or needed to protect a person's privacy rights, real estate appraisals, trade secrets, financial or proprietary information supplied to specific agencies, etc.

For an easy-to-follow guide to exemptions, look here: [Washington State Public Records Act Exemptions](#)

How To Make a Request:

FOIA:

1. Before making a request, look to see if the information is [already publicly available](#).
2. Your request must be written but does not need to be in any specific format, such as handwritten or typed, or by email or letter.
3. You must specify in writing the information and a description of the records you want, with as much detail as possible. Helpful information to include are the agencies, offices, or individuals involved; the approximate dates of when the records were created; the subject or title of the records you want; any references numbers or case numbers you may have.
4. You must specify the format you want the information in, for example, if you want paper or electronic copies.
5. The government will not create new information or documents for you, instead they will send documents that already exist in their files that are responsive to your request.
6. Submit your FOIA request to the specific federal agency from whom you are seeking information. For example, if you are looking for records about policies in a federal prison, you would submit your request to the Federal Bureau of Prisons: <https://www.bop.gov/foia/#tabs-0>.

7. Include your name, full mailing address, and phone number or email address if available so that the agency can reach you with any questions or clarifications they may have about your request.
8. You should note that if you are requesting paper copies of documents or if your search will take a great amount of time to complete, there may be fees associated with the request. Although there is no initial fee to make a FOIA request, government agencies sometimes charge for search time after a certain number of hours. For example, the U.S. Department of Health & Human Services starts charging after the first two hours of searching and you may be charged between \$23 - \$83 per hour. Additionally, the first 100 pages of documents may be free, but every page thereafter often costs \$.10 per page. You may make a specific statement in your request limiting the amount of fees you are willing to pay so that the government agency notifies you if the fees exceed your limit. You may also request a waiver for FOIA processing fees if you can show that the disclosure of your request is in the public interest and is not primarily for your own commercial or private interest.
9. After submitting your FOIA request, you should receive a letter acknowledging that your request has been received and providing you with a tracking number. Sometimes, the agency may request clarification or extra information.

PRA:

1. Each state and local agency must assist residents in obtaining public record and explain how their specific public records process works.
2. If you would like to submit a written request (either via mail or email):
 - a. Request in writing the information and a description of the records you want, with as much detail as possible to the specific state government agency. Each agency is required to designate a public records officer that you can submit the request to in writing. Most agencies have websites for PRA requests and phone numbers where you can contact the public records officer if you need help or have questions. For example, if you are requesting information about the foster care system in Washington, the agency you would submit a request to is the Department of Children Youth and Families: <https://www.dcyf.wa.gov/public-records>.
 - b. State the format in which you would like to receive the public records (i.e. paper records or electronic copies).
 - c. After submitting the request, the agency should contact you with information about when you will receive the requested documents. At this stage, the agency may request clarification.
3. If you would like to submit a request over the phone:
 - a. You can find the phone number of a government agency by calling the Olympia area information operator at: (360)753-5000 or 1-800-321-2808
 - b. Then call the specific government agency and request, with specificity, the records that you would like to receive.

4. Important to note is that generally you cannot be charged for inspecting or locating public records and making your own copies. However, you can be charged for being provided copies, but government agencies are not allowed to charge more than \$0.15 per photocopy, or printed copy; \$0.10 per scanned page; \$0.05 per each four electronic files or attachments uploaded to email; and \$0.10 per gigabyte for the transmission of records sent electronically. (You can read more about the law here: [RCW 42.56.120](#); and see an example of the Washington Department of Fish and Wildlife fees here: [WDFW Public Records Fee Schedule](#)). A government agency can also include a service charge if your request requires the use of a technology expert to prepare data compilations for you. You may ask an agency to provide you with a summary of the applicable charges before any copies are made and you revise your request to reduce the number of copies to be made and reduce your applicable charges. You may state in your request to limit the amount of fees you are willing to pay so that the government agency notifies you if the fees exceed your limit. You may also request that the agency waive any charges.
5. Once you have submitted your request, an agency is required to respond within five days (there is a current exception waiving that time limit due to COVID) to acknowledge receipt of the request and state what the agency will do next regarding your request. The agency must either:
 - a. Provide the record(s),
 - b. Acknowledge your request and provide a reasonable estimate of how long it will take to respond,
 - c. Ask for clarification, or
 - d. Deny the request in writing with the reasons for denial.

Tips for successful requests for FOIA and PRA Requests

- Be clear and specific. Too broad of a request may produce thousands of records to sort through. It is helpful to list out relevant key words and phrases to target the records that you need.
- Before you craft your request, it is also useful to know what kinds of documents might provide the information you are seeking and how they are stored so you can be as specific as possible about the documents you are requesting (e.g. for a request to a police department for communications about a case, there are all sorts of records like CAD files, text messages, dispatch audio, etc.). It may be a good idea to call the public records first and brainstorm with the public records officer about how to word your request successfully.
- Provide a date range for records or a date for a specific event. Providing the day or range of days that you are interested in will help identify the records you are seeking without capturing too many records.
- If you are seeking records about a certain person (e.g. in a request to a county jail for booking records), it is helpful to provide their full name and date of birth in the request.
- Use specific search terms that accurately summarize what you are looking for without getting too broad. You may also use individual's names as search terms. Keep your request brief. You may include some supporting information, but

these requests should be concise and do not need to include a narrative of why you are requesting this information.