
Using Freedom of Information Laws for Government Accountability

As Muslim, Arab, and South Asian (MASA) communities face surveillance and harassment by the government, you should know how to defend your constitutional rights.

Some of the most powerful tools you have are Freedom of Information Laws. These laws give you the right to get government records that are not already given to the public.

With these records, you can expose when the government violates your rights, and push the government to change the way they treat you.



What are freedom of information laws?

- Freedom of information laws give you access to government records that are not usually available to the public. For example:
- If the police or immigration authorities treat you badly because of your religion, you can request to see documents from inside the agency that might prove they meant to treat you that way.
- If your child's school does not provide translation services for your child, you can request to see whether the school district requires schools to do so.

There are other ways to obtain records, such as through lawsuits, but freedom of information laws are faster and cheaper than going to court.

Why are they important?

These are powerful tools you can use to make sure the government respects your rights and your community.

Because of these laws, the government must give you the information you ask for, unless there is an important reason to keep the information away from the public.

With the information you find, you can push the government to change its policies. You can also share it with your community, the media, advocates, attorneys, and other people who can help.

What can I do with government records?

There are **MANY WAYS** to use the documents once you receive them.

If you find that the government is endangering your community's rights and safety, you can **share that information with everyone** to help them understand how to protect themselves.

You could also **partner with activists and lawyers** to discuss the best way to pressure the government to change its policies.

You can also:

- Pressure politicians and other officials
- Sue the government in court to stop it from violating your rights
- Write articles and use social media to spread the word about unjust treatment

The Center for Security, Race and Rights' mission is to help provide information on how to use government records so that you, too, can empower your communities.

Victory!

Muslim communities in Los Angeles won a lawsuit to force the Los Angeles Police Department to produce documents related to a program that would have targeted Muslim communities for surveillance.

Victory!

In 2012, the nonprofit American Civil Liberties Union (ACLU) won press coverage in Reuters after the ACLU obtained FBI records showing that agents visited a mosque in California five times in one year, documenting the subject of a sermon and discussing the property purchase for a new mosque. These are illegal practices. This information empowered the Muslim community to challenge the FBI and educate their communities about their civil rights.



What are the Freedom of Information Laws that I can use?

In the federal government, the relevant law is the **Freedom of Information Act (FOIA)**. In the state of New Jersey, you'll use the **New Jersey Open Public Records Act (OPRA)**.

The FOIA governs federal agencies, like the Federal Bureau of Investigation (FBI) and Immigration and Customs Enforcement (ICE). Even if you want to know what these agencies are doing in New Jersey, you'll have to request their documents through the federal FOIA process.

The OPRA applies to state and local agencies, including the state legislature, the state and local police, and your local school district. You can use OPRA to request these agencies' records.



What do agencies have to do when I request documents?

Under the federal government's FOIA, federal agencies are required to provide certain information, including policies, budgets, maps, and statistics. The FOIA also applies to private contractors of these agencies.

Agencies must give you information unless it falls under what are called exemptions or exclusions. This means that the government may refuse your request only if it would threaten certain public interests, such as personal privacy, national security, and law enforcement; or if other laws prohibit disclosure.

If government agencies cannot provide all of the information you request, they should consider whether they can provide some of the information. They should also take reasonable steps to separate and release information that they are allowed to share.

In New Jersey, the OPRA requires state and local agencies to provide information, unless "specifically exempt under OPRA or any other law." Thus, the New Jersey Handbook for Records Custodians instructs employees: "Your default mindset should be – yes, this record is subject to public access."

How do I use the FOIA or OPRA to obtain government records?



If you are looking for government documents, you should consider submitting a request to federal, state, county, or local government agencies. Each agency usually handles its own records in response to requests.

1. Determine what information you need

For example, you might want to know whether the government has increased funds to law enforcement in your city or state. You might also want to know how those funds are spent. You could look up budgets, or contracts, or signed agreements between agencies.

2. Find out which agency has custody of the records/information

This should be easy. Check Google or look at the websites of governments or nonprofits. For example, if you want information on immigration, it will be in the Department of Homeland Security, but within that department it could be in agencies like Immigration and Customs Enforcement (ICE), US Citizenship and Immigration Services (USCIS), or Customs and Border Protection (CBP).

You also need to know whether an agency is federal, state, or local, because that will determine whether you use the federal FOIA or New Jersey OPRA to file your request

3. Check if the information is already available online

Check the agency's website, Google, or the websites of groups that work on the issue.

4. If the information is not available, submit a FOIA or OPRA request to the agency

A request can be made for any agency record (documents, memos, emails, voice messages, or video). Generally, the request must be for specific documents, submitted via letter, email, or webform, to the agency or official who has the records you want. You can also specify the format in which you wish to receive the records (printed or electronic form).

How to obtain records, continued

Every federal agency has its own FOIA process, and most of them allow you to request information online or via email or fax. They are required to approve or deny your request within 20 business days, although they can take longer to provide the actual records.

New Jersey has a single webform for all OPRA requests, which is located at https://www.njlib.state.nj.us/NJ_OPRA/department.jsp. Select the agency from which you'll request records, and then fill out the form detailing your request. Agencies must approve or deny within 7 business days.

You may be required to pay fees for processing and making physical copies of records. In New Jersey, the costs are approximately 5-7 cents per page. You can apply for a fee waiver if your request serves the public interest, and not your personal commercial interest.

Will government agencies provide the information I request?

Not always. While freedom of information laws require the government to share information whenever possible, agencies often try to keep their records from the public when there might be evidence that they did something illegal or unethical.

The government might justify this refusal by saying it would threaten sensitive information about:

- National security
- Privacy
- Law enforcement.

There are also frequent delays in getting the information you request, partly because many agency FOIA/OPRA offices have a backlog of requests. If your request relates to national security, some agencies might refuse to confirm or deny that a record exists, because they might get in trouble if people know the record exists in the first place.

You still have ways to pressure an agency to release records if an agency denies your request or causes unreasonable delays in responding to you. You may challenge these decisions by filing an administrative appeal, or you could sue in court to try to force agencies to provide the information you need.



Where can I find more information?

The Center for Security, Race and Rights has a guide to filing FOIA and OPRA requests, as well as additional resources, at [\[link\]](#).