

# Public Records Requester Survey

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This online survey, conducted fall 2021, resulted in 222 respondents. The first phase targeted MuckRock users and the second phase was open to anyone through a variety of listservs. The sample skewed toward journalists (33%), private citizens (30%) and nonprofits (13%).

## Takeaways:

1. **Frustration.** People who responded are generally unhappy with the request experience. Specifically, 48% said their overall experience is typically poor or terrible, 37% said it is “OK,” and 14% said good or excellent. Similar results were reported for communication from agencies and agency website experience.
2. **Fees.** Fees aren’t charged often, but when they are charged they sometimes dissuade a person from getting the records. Three-quarters of requesters support eliminating fees altogether. It appears eliminating fees wouldn’t cause a lot of requesters to submit more requests. Little agreement on whether to charge a flat fee.
3. **Expansion.** Nine out of 10 people think Congress should be subject to FOIA, and 85% think the judiciary should, as well.
4. **Demographics** indicate the FOI community is skewed to white affluent educated liberal males – illustrates a need to diversify the community. Specifically:

	<b>FOI requesters</b>	<b>U.S. Census (2021)</b>
Male	66.2%	49.2%
Hispanic	5.1%	18.5%
White	90.7%	76.3%
Income	66% over \$80,000	Average \$62,843
Education	87.9% BA or higher	32.1%
Liberal	80%	25% (Gallup 2020)

5. **Delays** are perceived as the worst problem in the FOI process. Below are issues regarding the public records process, and the perceived problem for requesters, as a mean of the 1-5 scale where 1 indicates “Not a Problem” and 5 an “Extreme Problem.”
  1. Delays 4.44
  2. Other statutory exemptions 3.75
  3. No responsive records 3.74
  4. Deliberative process exemption 3.55
  5. Law enforcement exemptions 3.44
  6. Trade secret exemptions 3.42
  7. National security exemptions 3.40
  8. Third-party requests 3.33
  9. Excessive fees 3.33
  10. Privacy exemptions 3.27
  11. Glomar response 3.24
  12. Files not in format desired 2.86
  13. Metadata not provided 2.82

**Requester Experience**

1) On average, how frequently do you submit public records requests?

I submit multiple requests a week.	37	28.83%
I submit about one request a week.	24	10.81%
I submit a request every month or so.	58	17.57%
I submit a request every three-to-six months or so.	64	16.67%
I submit one request a year or less.	39	26.13%

2) How experienced are you in submitting federal public records requests?

Not at all experienced	35	15.77%
Lightly experienced	55	24.77%
Moderately experienced	54	24.32%
Very experienced	44	19.82%
Extremely experienced	34	15.32%

3) How experienced are you in submitting state public records requests?

Not at all experienced	45	20.27%
Lightly experienced	48	21.62%
Moderately experienced	51	22.97%
Very experienced	43	19.37%
Extremely experienced	35	15.77%

4) How experienced are you in submitting local (e.g., county, municipal, etc.) public records requests?

Not at all experienced	45	20.27%
Lightly experienced	41	18.47%
Moderately experienced	49	22.07%
Very experienced	38	17.12%
Extremely experienced	49	22.07%

5) Requester category

Academic	16	7.21%
Commercial or business	4	1.80%
Journalist	73	32.88%
Lawyer	18	8.11%

Nonprofit organization	28	12.61%
Other (please explain)	17	7.66%
Private citizen or "average person"	66	29.73%

6) Percentage having submitted first-person requests.

86 / 222 = 38.74%

7) How often do you receive your requested records?

Never	8	3.60%
Sometimes	70	31.53%
About half the time	42	18.92%
Most of the time	93	41.89%
Every time	9	4.05%

8) Overall request experience

Excellent	11	4.95%
Good	22	9.91%
Okay	82	36.94%
Poor	76	34.23%
Terrible	31	13.96%

9) Communication experience

Excellent	9	4.05%
Good	21	9.46%
Okay	87	39.19%
Poor	70	31.53%
Terrible	35	15.77%

10) Website experience

Excellent	7	3.15%
Good	30	13.51%
Okay	86	38.74%
Poor	66	29.73%
Terrible	33	14.86%

11) How often do you appeal? (n=221)

Never	38	17.19%
Rarely	38	17.19%
Sometimes	73	33.03%
Often	47	21.27%
Very frequently	25	11.31%

12) Appeal experience (n=195)

Excellent	4	2.05%
Good	15	7.69%
Okay	79	40.51%
Poor	53	27.18%
Terrible	29	14.87%

13) Have you used mediation through the federal Office of Government Information Services? (n=222)

Yes	41	18.47%
No	181	82.15%

14) (For those who used OGIS): How do you feel about the amount of authority or enforcement power the OGIS/appeals office has? (n=41)

Far too little	32	78.05%
Slightly too little	7	17.07%
Neither too much or too little	2	4.88%
Slightly too much	0	0%
Far too much	0	0%

15) (For those who used OGIS): Should OGIS be granted the power to compel agencies to provide requesters public records, if OGIS so deems? (n=42)

Yes	39	92.86%
No	3	7.14%

16) How often do you examine public records logs?

Never	75	33.78%
Rarely	56	25.23%
Sometimes	58	26.13%
Often	24	10.81%
Very frequently	9	4.05%

17) How often do you file a lawsuit? (*n*=221)

Never	131	59.28%
Rarely	40	18.10%
Sometimes	24	10.86%
Often	19	8.60%
Very frequently	7	3.17%

18) How often do you examine public records logs?

Never	75	33.78%
Rarely	56	25.23%
Sometimes	58	26.13%
Often	24	10.81%
Very frequently	9	4.05%

### **Fees**

19) How often are you charged a fee to complete a request?

Never	48	21.62%
Sometimes	116	52.25%
About half the time	28	12.61%
Most of the time	25	11.26%
Every time	5	2.25%

20) How often has a fee estimate dissuaded you from submitting or completing a request?

Never	76	34.23%
Rarely	51	22.97%
Sometimes	56	25.23%
Often	24	10.81%
Very frequently	15	6.76%

21) How often has a fee estimate caused you to narrow or limit a request?

Never	62	27.93%
Rarely	33	14.86%
Sometimes	66	29.73%
Often	41	18.47%
Very frequently	20	9.01%

22) How often do you appeal or file a lawsuit over a fee?

Never	132	59.46%
Rarely	45	20.27%
Sometimes	29	13.06%
Often	8	3.60%
Very frequently	8	3.60%

23) Would you support the elimination of all public records fees?

Strongly oppose	9	4.05%
Somewhat oppose	18	8.11%
Neither support nor oppose	27	12.16%
Somewhat support	55	24.77%
Strongly support	113	50.90%

24) If fees were eliminated, would you be more likely to submit more requests or request more records per request than you do currently?

No more likely	81	36.49%
Slightly more likely	30	13.51%
Somewhat more likely	40	18.02%
Much more likely	20	9.01%
Without a doubt	51	22.97%

25) Would you support a flat-fee structure (e.g., \$5 or \$35 per request) regardless of the nature of the request or the identity of the requester?

Strongly oppose	57	25.68%
Somewhat oppose	43	19.37%
Neither support nor oppose	40	18.02%
Somewhat support	55	24.77%
Strongly support	27	12.16%

## Congress & Judiciary

### 26) Congress should be subject to the FOIA

Strongly disagree	3	1.35%
Moderately disagree	6	2.70%
Neither agree nor disagree	10	4.50%
Moderately agree	32	14.41%
Strongly agree	171	77.03%

### 27) The federal judiciary should subject to the FOIA

Strongly disagree	7	3.15%
Moderately disagree	11	4.95%
Neither agree nor disagree	15	6.76%
Moderately agree	31	13.96%
Strongly agree	158	71.17%

## Issues/Concerns

### 28) Magnitude – General

#### a. Glomar (*n*=213)

Not a problem	14	6.57%
Minor problem	34	15.96%
Moderate problem	68	31.92%
Major problem	60	28.17%
Extreme problem	25	11.74%
N/A	12	5.63%

#### b. 3<sup>rd</sup> party (*n*=210)

Not a problem	14	6.67%
Minor problem	27	12.86%
Moderate problem	67	31.90%
Major problem	66	31.43%
Extreme problem	28	13.33%
N/A	8	3.81%

c. Delay ( $n=220$ )

Not a problem	2	0.91%
Minor problem	6	2.73%
Moderate problem	22	10.00%
Major problem	51	23.18%
Extreme problem	135	61.36%
N/A	4	1.82%

d. No responsive records ( $n=214$ )

Not a problem	7	3.27%
Minor problem	20	9.35%
Moderate problem	54	25.23%
Major problem	67	31.31%
Extreme problem	61	28.50%
N/A	5	2.34%

e. Excessive fees ( $n=215$ )

Not a problem	22	10.23%
Minor problem	33	15.35%
Moderate problem	55	25.58%
Major problem	48	22.33%
Extreme problem	49	22.79%
N/A	8	3.72%

f. File format ( $n=216$ )

Not a problem	27	12.50%
Minor problem	52	24.07%
Moderate problem	74	34.26%
Major problem	32	14.81%
Extreme problem	22	10.19%
N/A	9	4.17%

g. Metadata ( $n=202$ )

Not a problem	27	13.37%
Minor problem	44	21.78%
Moderate problem	63	31.19%
Major problem	30	14.85%
Extreme problem	18	8.91%
N/A	20	9.90%



## 29) Magnitude – Exemptions

### a. Law enforcement exemptions

Not a problem	14	6.31%
Minor problem	25	11.26%
Moderate problem	58	26.13%
Major problem	58	26.13%
Extreme problem	41	18.47%
N/A	26	11.71%

### b. Privacy exemptions

Not a problem	15	6.76%
Minor problem	32	14.41%
Moderate problem	77	34.68%
Major problem	55	24.77%
Extreme problem	32	14.41%
N/A	11	4.95%

### c. Statutory exemptions

Not a problem	7	3.15%
Minor problem	17	7.66%
Moderate problem	57	25.68%
Major problem	73	32.88%
Extreme problem	59	26.58%
N/A	9	4.05%

### d. National security exemptions

Not a problem	13	5.86%
Minor problem	28	12.61%
Moderate problem	60	27.03%
Major problem	42	18.92%
Extreme problem	43	19.37%
N/A	36	16.22%

e. Trade secret/Corporate info exemptions

Not a problem	14	6.31%
Minor problem	30	13.51%
Moderate problem	48	21.62%
Major problem	65	29.28%
Extreme problem	37	16.67%
N/A	28	12.61%

**Respondent Demographics**

30) Age (*n*=216)

Under 18	2	0.93%
18 - 24	9	4.17%
25 - 34	47	21.76%
35 - 44	51	23.61%
45 - 54	42	19.44%
55 - 64	27	12.50%
65 - 74	35	16.20%
75 - 84	3	1.39%

31) Gender (*n*=216)

Female	62	28.70%
Male	143	66.20%
Non-binary / third gender	7	3.24%
Prefer to self-describe	4	1.85%

32) Ethnicity (*n*=216)

Hispanic/Latinx - 11 / 216 = 5.09%

33) Race (*n*=215)

White	195	90.70%
Black	5	2.33%
Native American	2	0.93%
Hawaiian	2	0.93%
Asian	8	3.72%
Other	13	6.05%

34) Income (*n*=211)

Less than \$20,000	14	6.64%
\$20,000 - \$39,999	12	5.69%
\$40,000 - \$59,999	18	8.53%
\$60,000 - \$79,999	27	12.80%
\$80,000 - \$99,999	32	15.17%
\$100,000 - \$124,999	30	14.22%
\$125,000 - \$149,999	17	8.06%
More than \$150,000	61	28.91%

35) Education

Less than a high school degree	2	0.93%
High school or trade school degree or GED	24	11.16%
Bachelor's degree	72	33.49%
Graduate degree	117	54.42%

36) Census District (*n*=204)

Northeast	18	8.82%
Middle Atlantic	36	17.65%
East North Central	21	10.29%
West North Central	4	1.96%
South Atlantic	55	26.96%
East South Central	4	1.96%
West South Central	4	1.96%
Mountain	11	5.39%
Pacific	46	22.55%
Outside U.S.	5	2.45%

37) Politics (*n*=213)

Extremely conservative	1	0.47%
Moderately conservative	4	1.88%
Slightly conservative	5	2.35%
Neither liberal nor conservative	30	14.08%
Slightly liberal	19	8.92%
Moderately liberal	64	30.05%
Extremely liberal	57	26.76%
Other (please specify)	33	15.49%