

Formal Binding and Informal Advisory Opinions (6)

Hawaii, Illinois, Iowa, Mississippi, New Jersey, Pennsylvania

Formal Binding Opinions Only (3)

Arizona, Connecticut, Utah (State Records Committee)

Advisory Opinions Only/Serve as Mediator (10)

Indiana, Maine, Maryland, Minnesota, New York, Oregon, South Dakota, Tennessee, Utah (Ombudsman), Wisconsin

Appeals Only to Court/Attorney General/Public Body (20)

Alabama, Alaska, Arkansas, California, Colorado, Delaware, Georgia, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Montana, Nebraska, North Dakota, Ohio, Rhode Island, Vermont, Washington, Washington D.C.

Information Not Yet Compiled (12)

Idaho, Missouri, Nevada, New Hampshire, New Mexico North Carolina, Oklahoma, South Carolina, Texas, West Virginia, Wyoming, Florida

Alabama

No formal body or appeals process, must go to court.

Alaska

No formal body or appeals process, must go to court.

Arizona

Arizona Ombudsman – Citizen's Aide

<http://www.azoca.gov/>

- Investigate administrative acts pursuant to state Open Records/Meeting Laws
- Review all complaints about Open Records/Meetings laws and their potential violations
 - Respond on whether holding investigation or not within 30 days
- Submit annual report on activities and investigations
- Not advisory position, but investigatory; if critical opinion is reached, must first review and attempt to address with agency or person who is subject before releasing

Arkansas

No formal body, but the Attorney General, Arkansas Press Association, and others public a handbook after every regular session of the General Assembly.

<https://arkansasag.gov/resources/foia/>

- AG has hosted webinars and in person workshops
- Appeal can be made to Pulaski County Circuit Court or to the circuit court of the residence of the aggrieved party, if the State of Arkansas or a department, agency, or institution of the state is

involved, or to any of the circuit courts of the appropriate judicial districts when an agency of a county, municipality, township, or school district, or a private organization supported by or expending public funds, is involved. Must schedule court date within 7 days of filing.

California

No formal body or appeals process, must go to court.

Colorado

No formal body or appeals process, must go to court. But, must file written notice with party denying request 14 days before filing. Two sides must then meet speak via telephone to determine if issue can be resolved outside of court or via other means.

Connecticut

Freedom of Information Commission

<http://www.ct.gov/foi/site/default.asp>

- Hear complaints from persons denied access to records or meetings
 - If denied, can file complaint within 30 days and commission will review in hearing
- Issue binding decisions, can render improperly reached decisions by gov. bodies null & void

Delaware

No formal body or appeals process, must go to court or file complaint with Attorney General.

Florida

Georgia

No formal body or appeals process, must go to court. Statutorily required to create mediation program.

Hawaii

Office of Information Practices

<http://oip.hawaii.gov/laws-rules-opinions/uipa/>

- Can appeal denial to OIP before bringing to court for binding opinion
 - No deadline for OIP to respond, but if formal appeal filed, the agency subject of it must respond to OIP within 10 days
- Also offer advice, training, and advisory opinions

Idaho

Illinois

Public Access Counselor

<http://foia.ilattorneygeneral.net/>

- Offers training/education materials
- Issues advisory opinions, binding opinions, and mediates disputes

Indiana

Public Access Counselor

<https://www.in.gov/pac/>

- Solely an advisory position
 - Respond to informal inquiries from the public/agencies
 - Issue advisory opinions upon request of public/agency to interpret laws but not on specific matter to which a lawsuit has been filed
 - Make recommendations to general assembly

Iowa

Iowa Public Information Board

<https://www.ipib.iowa.gov/>

- Can appeal denial to PIB for binding opinion before/instead of going to court
 - Only binding on government agencies, no jurisdiction over Governor, Legislature, or Judiciary
- Also offer advice, training, and advisory opinions

Kansas

No formal body or appeals process, must go to court.

Kentucky

No formal body or appeals process, must go to court or file complaint with Attorney General.

Louisiana

No formal body or appeals process, must go to court. Attorney General statutorily required to create public awareness program about Public Records Law.

Maine

Public Access Ombudsman

<http://www.maine.gov/foaa/ombudsman/index.htm>

- Answer questions about requirements of law
- Prepare and provide educational materials
- Mediate complaints about compliance with law
- Work with Right to Know Advisory Committee to improve laws

Maryland

Public Access Ombudsman

<http://news.maryland.gov/mpiaombuds/>

- Mediates between applicants and records custodians but cannot compel action from either
- Public Action Compliance Board

<http://www.marylandattorneygeneral.gov/Pages/OpenGov/piacb.aspx>

- Hears complaints only if record requestor is charged unreasonable fee (jurisdiction is >\$350)

Massachusetts

No formal body or appeals process, must go to court. Can also appeal to the Supervisor of Records in the Secretary of the Commonwealth's Office.

Michigan

No formal body; to appeal may go to court or appeal to head of public body issuing denial. Head has 10 days to reverse decision or issue notice upholding denial.

Minnesota

Commissioner of Administration

<https://mn.gov/admin/data-practices/>

- Give advisory opinions for a \$200 fee
- Opinions given deference by courts but are non-binding
 - Governing bodies that follow opinions not liable after doing so

Mississippi

Mississippi Ethics Commission

http://www.ethics.state.ms.us/ethics/ethics.nsf/webpage/A_main?OpenDocument

- Can appeal denial or bring violation of Open Meetings/Public Records Acts to commission
- May take any reasonable action necessary to ensure compliance with those laws
- Also mediate or resolve issues between parties outside of official hearings

Missouri

Montana

No formal body or appeals process, must go to court. State Records Committee oversees retention and disposal of records but is not involved in other aspects of law.

Nebraska

No formal body or appeals process, must go to court. Can also file complaint with Attorney General.

Nevada

New Hampshire

New Jersey

Government Records Council

<http://www.state.nj.us/grc/>

- Can appeal denial or violation of open meeting law to council
- Offer advisory and binding opinions
 - No jurisdiction over judiciary, governor, or legislature
 - First offer mediation
- Maintain training website and offer in person sessions

New Mexico

New York

Committee On Open Government

<https://www.dos.ny.gov/coog/index.html>

- Give advice and written advisory opinions
- Offer training classes
- Advice offered to government, public, and news media
- Issue yearly report on Freedom of Information Law and Personal Privacy Protection Law
- Copies of all rejected requests and denied appeals sent to Committee for recordkeeping

North Carolina

North Dakota

No formal body or appeals process, must go to court or file complaint with Attorney General.

Ohio

No formal body but appeal to Court of Claims. Special Masters appointed by its clerk hears and adjudicates complaints within seven days of receipt.

Oklahoma

Oregon

Public Records Advocate

https://www.oregonlegislature.gov/bills_laws/ors/ors192.html

- Offers facilitated dispute resolution when requested by a person or agency/city
- Does not issue opinions etc., but if agreement is reached, advocate prepares document for execution by authorized representative of government
 - Agreement controls resolution of records request
- Offer training and advice to legislature with Public Records Advisory Council

Pennsylvania

Office of Open Records

<https://www.openrecords.pa.gov>

- Issues advisory opinions, offers training, and assigns local attorneys to work as appeals officers on individual matters
 - These appeals result in binding orders/opinions issued by the appointed appeals officer

Rhode Island

No formal body, for appeals must petition Chief Administrative Officer of public body. Can also petition Attorney General for review if CAO rejects request.

South Carolina

South Dakota

Open Meetings Commission

<https://atg.sd.gov/legal/opengovernment/MeetingCommission.aspx>

- Matters referred to commission for investigation by Attorney General or State's Attorney
 - Issue written decision on if violation occurred and reasoning behind decision
 - If violation is found, issue public reprimand, but party cannot then later be prosecuted by state for said violation

Tennessee

Office of Open Records Counsel

<https://www.comptroller.tn.gov/openrecords/>

- Serves to answer questions of public/officials and issue advisory opinions
 - State officials directed consult Attorney General for opinions
- Create schedule of charges for record requests and other guidelines

Texas

Utah

State Records Committee

<https://archives.utah.gov/src/index.html>

- Hear appeals regarding determinations of access
- Oversee retention and disposal of records

Government Records Ombudsman

<https://archives.utah.gov/opengovernment/ombudsman.html>

- Serve as a resource for public making requests and officials answering them
- Can provide mediation between said parties upon request

Vermont

No formal body, for appeals must appeal to head of agency. Requestor or Attorney General can appeal rejection to court, but must approach rejecting body and give 14 days to remedy supposed violation or denial first.

Virginia

Washington

No formal body, Attorney General provides information, assistance with, and training on Public Records Laws. They also review appealed denials.

West Virginia

Wisconsin

Office of Open Government

- Serves purely in an advisory/educational role
 - Open Meeting/Public Records Laws provide any person may request advice from Attorney General as to applicability of those laws

Wyoming

D.C.

No formal body, must go to court. Can file administrative appeal to Mayor as well.