



NATIONAL CONFERENCE *of* STATE LEGISLATURES

*The Forum for America's Ideas*

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**Statewide Public Records Offices/Ombudsmen**

*As of August 2017*

At least 19 states, listed below, have statewide public records/freedom of information offices, ombudsmen or counselors. These offices may provide advice, training and assistance concerning state public records laws to members of the public and to government officials. Some offices also mediate complaints or hear appeals to records denials, and may have enforcement authority. In additional states, the attorney general or other offices may be authorized to resolve public records disputes.<sup>1</sup>

<b>ARIZONA</b>	
<a href="#">Arizona Ombudsman-Citizens' Aide – Public Records</a> <a href="#">Ariz. Rev. Stat. 41-1371 to -1383</a>	<p>The Arizona Ombudsman-Citizens' Aide is an independent agency of the Arizona Legislature that was established to make government more responsive to Arizona citizens. It is the office that Arizona citizens can turn to when they feel they have been treated unfairly by a state administrator, agency, department, board or commission.</p> <p>In addition to other powers and duties, the ombudsman-citizens aide has two assistants, one of whom shall be an attorney, to help the ombudsman-citizens aide investigate complaints relating to public access laws involving an agency and complaints and compliance with reporting requirements pursuant to this article.</p> <p>The assistants shall train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. The assistants shall prepare interpretive and educational materials and programs in cooperation with the ombudsman-citizens aide and shall distribute to elected or appointed public officials the public access laws and educational materials concerning the public access laws.</p>
<b>CONNECTICUT</b>	
<a href="#">Connecticut Freedom of Information Commission</a> <a href="#">14 Conn. Gen. Stat. § 1-205</a>	<p>The FOI Commission hears complaints from persons who have been denied access to the records or meetings of public agencies in Connecticut. The FOI Commission will conduct a hearing on the complaint, which hearing is attended by the complainant and the public agency. A decision is then rendered by the FOI Commission finding the public agency either in violation of the FOI Act or dismissing the complaint if the public agency is found not to have violated the FOI Act. If the public agency has violated the FOI Act, the FOI Commission can order the disclosure of public records, null and void a</p>

	<p>decision reached during a public meeting, or impose other appropriate relief. In many instances, a hearing is not necessary as the parties are able to resolve their differences with the assistance of an FOI staff attorney, who acts as an ombudsman.</p> <p>The FOI Commission also conducts educational workshops and speaking engagements for public agencies throughout the State of Connecticut</p>
<b>FLORIDA</b>	
<p><a href="#">Office of Open Government Executive Order 11-03</a></p> <p>(The Florida Governor’s Office of Open Government has no authority over state agencies because its authority is not statutory. It only has authority over other governor-appointed offices.)<sup>1</sup></p>	<p>The Office of Open Government (1) facilitate Floridians’ right to know and to have access to information with which they can hold government accountable, (2) establish and maintain a website providing ready access to accountability information, (3) continue to assure full and expeditious compliance with Florida’s open government public records laws, and (4) provide training to all executive agencies under its purview on transparency and accountability. The Office will also have primary responsibility for ensuring that the Office of the Governor complies with public records requests in an expeditious manner.</p>
<b>HAWAII</b>	
<p><a href="#">Hawaii Office of Information Practices Hawaii Rev. Stat. §92F-41</a></p>	<p>The Office of Information Practices (OIP) administers two open government laws:</p> <ul style="list-style-type: none"> <li>• The <a href="#">Uniform Information Practices Act (UIPA)</a>, HRS Chapter 92F, which requires open access to government records, and</li> <li>• the <a href="#">Sunshine Law</a>, part I of HRS Chapter 92, which requires open public meetings.</li> </ul> <p>Both laws are intended to open up governmental processes to public scrutiny and participation by requiring government business to be conducted as transparently as possible, while balancing personal privacy rights guaranteed under the Hawai`i State Constitution.</p> <p>OIP provides uniform interpretation, advice, and training on these laws to nearly all state and county agencies and boards and to the general public. OIP renders advice and assistance on questions concerning the public’s right to access to government records or meetings, and also provides training to help agencies comply with the laws. Although the public has the right to go to court without having to involve OIP, it is not necessary to hire attorneys or observe judicial formalities to obtain OIP’s assistance, and OIP’s free and informal proceedings are not subject to the contested case procedures of HRS Chapter 91.</p>
<b>ILLINOIS</b>	
<p><a href="#">Public Access Counselor 15 ILCS 205/7</a></p>	<p>In 2009, Attorney General Madigan worked with legislators and open government advocates to draft and pass legislation (<a href="#">Senate Bill 189, Public Act 096-0542</a>) to strengthen the Freedom of Information Act and the Open Meetings Act to increase the transparency and accountability of governments at all levels. This law went into effect on January 1, 2010 and provides tools and provisions to make certain the public has</p>

	<p>timely access to public records and public meetings.</p> <p>The updated law makes it easier to enforce FOIA and OMA and fight for open and accountable government by making permanent the Public Access Counselor position within the Attorney General’s Office and empowering the Public Access Counselor with the authority to resolve FOIA and OMA disputes.</p> <p>The Public Access Counselor’s responsibilities include: Providing educational materials to the public and to respond to informal inquiries. To issue advisory opinions on FOIA and OMA in response to requests by public bodies. To mediate disputes, to issue opinions in response to requests for review, issue binding opinions, and offer electronic training.</p>
<b>INDIANA</b>	
<p><a href="#">Indiana Office of the Public Access Counselor</a> <a href="#">Ind. Code § 5-14-4</a></p>	<p>The powers and duties of the public access counselor are the following:</p> <ol style="list-style-type: none"> <li>1. To establish and administer a program to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws.</li> <li>2. To conduct research.</li> <li>3. To prepare interpretive and educational materials and programs in cooperation with the office of the attorney general.</li> <li>4. To distribute to newly elected or appointed public officials the public access laws and educational materials concerning public access laws.</li> <li>5. To respond to informal inquiries made by the public and public agencies concerning the public access laws.</li> <li>6. To issue advisory opinions to interpret the public access laws upon the request of a person or public agency. However, the counselor may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed.</li> <li>7. To make recommendations to the general assembly concerning ways to improve public access.</li> </ol>
<b>IOWA</b>	
<p><a href="#">Iowa Public Information Board</a> <a href="#">Iowa Code § 23.1 et seq.</a></p>	<p>The Iowa Public Information Board is a one-stop destination to answer questions or address concerns regarding Chapters 21 and 22, Iowa’s open meetings and public records laws. On the board website are forms for questions about the law or for filing a complaint if the law is not being followed.</p>
<b>MAINE</b>	
<p><a href="#">Public Access Ombudsman</a> <a href="#">Right to Know Advisory Committee</a></p>	<p>The Legislature created a public access ombudsman position to review complaints about compliance with the FOAA and attempt to mediate their resolution, as well as answer calls from the public, media, public agencies and officials about the requirements of the law. The ombudsman is also responsible for providing educational materials about the law and preparing advisory opinions. The ombudsman works closely with the Right to Know Advisory Committee in monitoring new</p>

	<p>developments and considering improvements to the law.</p> <p>All elected officials subject to this section and public access officers must complete a <a href="#">course of training</a> on the requirements of the FOAA. <a href="#">1 M.R.S. § 412</a></p> <p>A public access officer must be designated to serve as the contact person for an agency, county, municipality, school administrative unit and regional or other political subdivision for public records requests. An existing employee is designated public access officer and is responsible for ensuring that public record requests are acknowledged within five working days of receiving the request and that a good faith estimate of when the response to the request will be complete is provided.</p>
<b>MASSACHUSETTS</b>	
<p><a href="#">Division of Public Records and Supervisor of Public Records</a>  <a href="http://www.sec.state.ma.us/pre/prepdf/guide.pdf">http://www.sec.state.ma.us/pre/prepdf/guide.pdf</a></p>	<p>The Massachusetts Public Records Law (Law), found at Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts agency or municipality. Unless the requested records fall under an exemption to the Law, the responsive documents must be made available to a requester.</p> <p>Beginning January 1, 2017, the updated Public Records Law requires every agency and municipality to designate a Records Access Officer (RAO) to assist requesters in obtaining public records. Requests for public records may be made to the RAO.</p> <p>The Division of Public Records is not a warehouse for government records. The only records kept in the Division are those that are essential to the business operations of the Division. A requester must, therefore, seek records directly from the entity that created or received them.</p>
<b>MARYLAND</b>	
<p><a href="#">State Public Information Act Compliance Board</a>  <a href="#">Office of Public Records Ombudsman</a>  <a href="#">Md. Gen. Prov. Law § 4-101</a>  <a href="#">Md. Gen. Prov. Law § 4-1B-01 to -04</a></p>	<p>In October 2015, the <a href="#">State Public Information Act Compliance Board</a> was authorized (<a href="#">Chapters 135 &amp; 136, Acts of 2015</a>).</p> <p>The Board receives, reviews, and resolves complaints alleging that an applicant has been charged an unreasonable fee to inspect a public record. Further, the Board studies ongoing compliance with the Public Information Act by custodians of public records, and recommends improvements in the law to the General Assembly.</p> <p>With Senate advice and consent, the Governor appoints the Board's five members to three-year terms. From the five members, the Governor names the Chair (Code General Provisions Article, secs. 4-1A-01 through 4-1A-10).</p> <p><a href="#">Office of the Public Access Ombudsman</a>  In October 2015, the Office of the Public Access Ombudsman was created (<a href="#">Chapter 136, Acts of 2015</a>). The Ombudsman works to resolve disputes between applicants requesting public records and the custodians of public records.</p>

	<p>In 2016, the Public Access Ombudsman was authorized to investigate, evaluate, and issue a report to the public on access to public records, 2012-15, through the Howard County Public School System (<a href="#">Chapter 132, Acts of 2016</a>).</p> <p>Although the Office of the Public Access Ombudsman is housed in the Office of the Attorney General, the Office of the Public Access Ombudsman is autonomous and independent of the Attorney General.</p> <p>The Attorney General appoints the Public Access Ombudsman to a four-year term (Code General Provisions Article, secs. 4-1B-01 through 4-1B-04).</p>
<b>MINNESOTA</b>	
<p><a href="#">Minnesota Data Practices Office</a>  <a href="#">Minnesota Government Data Practices Act</a>,  <a href="#">Minnesota Statutes Chapter 13</a>  Commissioner of Administration’s duties:  <a href="#">Minn. Stat. § 13.07</a>  <a href="#">Official Records Act – Minnesota Statutes, section 15.17</a></p>	<p>Responsible for providing informal advice to members of the public (including the media) and members of government who have questions about data practices.</p> <p>Assists the Commissioner of Administration with his responsibility to issue non-binding advisory opinions on issues related to public bodies' conduct under data practices.</p> <p>Provides technical assistance and consultation on Minnesota’s data practices act, the Open Meeting law, and other information policy laws. The division also works with organizations, individuals, and government entities in drafting, proposing and tracking legislation related to Data Practices and Open Meetings.</p> <p>Government offices that hold public information have a “responsible authority” (RA). The Governor, Secretary of State, Attorney General, State Auditor, and Legislative Auditor are the RA for their offices. In state agencies, the RA is the commissioner, chief executive officer, or individual appointed by the agency.</p> <p>In cities or school districts, the RA is the employee appointed by a city council or school board. In counties, a county board must appoint an employee to be the RA. A sheriff, county auditor, county attorney is the RA for her/his office. The RA for a county social services office is the director of that office.</p>
<b>NEW JERSEY</b>	
<p><a href="#">New Jersey Government Records Council</a>  N.J. Stat. § <a href="#">47:1A-7</a></p>	<p>The Government Records Council (GRC) is committed to making the Open Public Records Act (OPRA) work for citizens. The GRC is the facilitator of open government in the state. Created under OPRA, the GRC:</p> <ul style="list-style-type: none"> <li>• Responds to inquiries and complaints about the law from the public and public agency records custodians</li> <li>• Issues public information about the law and services provided by the Council</li> <li>• Maintains a toll-free help-line and Web site to assist the public and records custodians</li> </ul>

	<ul style="list-style-type: none"> <li>• Issues advisory opinions on the accessibility of government records</li> <li>• Delivers training on the law</li> <li>• Provides mediation of disputes about access to government records</li> <li>• Resolves disputes regarding access to government records</li> </ul>
<b>NEW YORK</b>	
<a href="#">New York Committee on Open Government</a> <a href="#">NY Public Officers Law § 89.1</a>	<p>The Committee on Open Government, a unit housed in the Department of State, oversees and advises the government, public, and news media on Freedom of Information, Open Meetings, and Personal Privacy Protection Laws. The Committee offers guidance in response to phone inquiries, prepares written legal advisory opinions, and provides training to government and other interested groups. Recommendations to improve open government laws are offered in an annual report to Governor and the State Legislature.</p> <p>The Committee is responsible for overseeing and advising with regard to the Freedom of Information Law, the Open Meetings Law and the Personal Privacy Protection Law (<i>Public Officers Law, Articles 6, 7 and 6-A respectively</i>). Staff of the Committee gives advice by telephone, email, written advisory opinions, and training classes conducted throughout the state. Advice is offered to the government, the public and the news media.</p>
<b>PENNSYLVANIA</b>	
<a href="#">Office of Open Records</a> <a href="#">Pa. Unconsol. Stat. § 1300</a>	<p>The Mission of the Office of Open Records is to implement and enforce the state's Right-to-Know Law (RTKL) and serve as a source for citizens, agencies, public officials and members of the media in obtaining public records of their government.</p> <p>Agencies are to ensure that citizens are provided access to records to which they are entitled. Each agency is required to have an Open Records Officer. Appeals to denials must be made in writing and must be submitted to the Office of Open Records within 15 business days from the mailing date of the Agency's response or the date that the request was deemed denied.</p> <p>The Office of Open Records ("OOR") conducts training on the Right-to-Know Law ("RTKL") at the request of groups that wish to learn about the application of the RTKL, including those seeking records and agencies responding to those requests. In addition, the OOR will often partner with various organizations or associations (such as the Pennsylvania Bar Institute, the Pennsylvania State Associations of Township Supervisors, or the Pennsylvania State Associations of Boroughs) to provide a presenter or panelist.</p>
<b>SOUTH DAKOTA</b>	
<a href="#">Office of Hearing Examiners</a> <a href="#">S.D. Cod. Laws 1-27-38</a>	<p>Disputes regarding public records are subject to an administrative proceeding governed primarily by the Office of Hearing Examiners, a separate agency of state government. The statutes referring to the public records dispute process can</p>

	<p>be found at SDCL 1-27-38 through 1-27-43.</p> <p>If a public record officer denies a written request in whole or in part, or if the requestor objects to the public record officer's estimate of fees or time to respond to the request, a requestor may, within ninety days of the denial, commence a civil action by summons or, in the alternative, file a written notice of review with the Office of Hearing Examiners.</p>
<b>TENNESSEE</b>	
<p><a href="#">Tennessee Office of Open Records Counsel</a>  <a href="#">Advisory Committee on Open Records</a>  <a href="#">Tennessee Public Records/Open Meetings Acts</a></p>	<p>The Office of Open Records Counsel serves citizens, media, and local governmental entities as a resource for issues related to Tennessee's public records and open meetings laws. Although the Office assists requestors in determining and locating the correct governmental records custodian, the Office does not serve as a clearinghouse for all public records requests and does not make public record requests on behalf of others.</p>
<b>UTAH</b>	
<p><a href="#">State Records Committee</a>  <a href="#">Utah Code 63G-2-502</a>  <a href="#">Records Ombudsman</a></p>	<p>The State Records Committee is a public body that hears appeals of records access denials under the Government Records Access and Management Act <a href="#">GRAMA</a> and authorizes <a href="#">retention schedules</a> for government records.</p> <p>The Utah State Archives and Records Service has an ombudsman who is an advocate for fairness and compliance with (GRAMA). The ombudsman helps members of the public as well as government records officers, and can recommend solutions to difficult records access issues.</p>
<b>VIRGINIA</b>	
<p><a href="#">Virginia Freedom of Information Advisory Council</a>  <a href="#">Va. Code §30-178 to -181</a></p>	<p>The Virginia Freedom of Information Advisory Council, a state agency, is an office with the expertise to help resolve disputes over Freedom of Information issues. The FOIA Council answers questions from private citizens, state and local public officials, and the media about access to public records and meetings. Under Virginia law, the presumption is that all documents in the possession of public officials and all meetings of state and local public bodies are open to citizens of the Commonwealth. Of course, there are exceptions and these exceptions can lead to good faith disagreements between citizens or media and public officials.</p> <p>By issuing advisory opinions, whether oral or written, the FOIA Council hopes to resolve disputes by clarifying what the law requires and to guide future practices. The FOIA Council has no authority to mediate disagreements, but may be called upon as a resource to offer solutions to resolve FOIA disputes. Freedom of Information Advisory Council is charged with providing opinions about the application and interpretation of Virginia's Freedom of Information Act (FOIA), conducting FOIA training seminars, and publishing educational materials.</p>

WASHINGTON	
<p><a href="#">Assistant Attorney General for Open Government / Open Government Ombudsman</a></p> <p>The Government Trainings Act requires many public officials and all agency records officers to receive training (<a href="#">RCW 42.56.150</a>; <a href="#">RCW 42.56.152</a>; <a href="#">RCW 42.30.205</a>).</p>	<p>The Attorney General has appointed an Assistant Attorney General for Open Government who can assist citizens and agencies with Public Records Act and Open Public Meetings Act compliance. Some examples of what the office does:</p> <ul style="list-style-type: none"> <li>• A citizen emails a question to the office to ask whether an agency’s response (or lack of a response) violates the Public Records Act. If the office has enough information in the email (a copy of the request and the agency’s response), it might provide a short analysis of the law and apply it to the facts presented by the citizen.</li> <li>• A state or local agency calls the office to ask if its approach to providing public records is correct or not. The office might agree with the agency or suggest an alternate approach.</li> <li>• A citizen or agency asks the office if an agency meeting must be open to the public. The office would analyze the issue and provide an informal opinion by phone, email, or sometimes by letter.</li> <li>• Offers training resources to state agency records officers.</li> </ul>

**Additional Resources**

<sup>1</sup> The Open Records appeal process: State-to-state, where do you go?, [The News Media and The Law, Winter 2011](#), Reporters Committee for Freedom of the Press.

Evaluating Public Access Ombuds Programs: An Analysis of the Experiences of Virginia, Iowa and Arizona in Creating and Implementing Ombuds Offices to Handle Disputes Arising under Open Government Laws, [Journal of Dispute Resolution, Vol. 2012, No. 2, 2012](#)

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