

# THE FREEDOM OF INFORMATION ACT

## **Navigating the Freedom of Information Act and State Public Records Statutes**

The Freedom of Information Act (FOIA) and similar state public records act statutes can be double-edged swords. On the one hand, the public's broad right to request information from the government promotes transparency and accountability. On the other hand, these statutes can be leveraged to require disclosure of information concerning private entities.

Whether you need access to information or protection from compelled disclosure of proprietary material, experienced counsel is essential. Making requests for information can be a hyper-technical and arduous process, requiring diligence and a clear understanding of the unique administrative procedures and litigation options available under the applicable statutes. To successfully defend against improper or overbroad requests, you must have a working knowledge of FOIA and state public records acts, as well as effective strategies for articulating exceptions to their disclosure provisions.



*Understanding the new provisions in the FOIA Improvement Act of 2016 is crucial for businesses needing to protect private information, and for requesters seeking to use the new provisions effectively.*

**Recent amendments to FOIA have made it easier for requesters to access information held by government agencies. For example, requesters have more time (90 days) to appeal a FOIA denial. And, under the new “Rule of Three,” once a record is requested three separate times, government agencies are required to make that record electronically available for public inspection.**

## Effective Solutions

Formed to help our clients navigate this complex system, our FOIA team is comprised of talented transactional and litigation attorneys and professionals. We have assisted clients in both enforcing and defending against information requests, which has given us a unique yet practical understanding of the most effective strategies to achieve our clients’ interests.

We provide hands-on counsel throughout the process, including:

- Initiating and appealing requests for information under FOIA and state public records acts
- Working with public entities, requestors and third-party interveners
- Handling litigation to enforce or defend against requests for information
- Managing local counsel
- Monitoring changes to federal and state legislation

## About Nixon Peabody LLP

At Nixon Peabody, we see 21st century law as a tool to help shape our clients’ futures. We are constantly thinking about what is important to our clients now and next so we can foresee obstacles and opportunities in their space and smooth the way. We work together to handle complex challenges in litigation, real estate, corporate law, intellectual property and finance anywhere in the world.

FOR MORE INFORMATION,  
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