



Graphic Organizers

Created to help increase awareness of importance of open government and freedom of information

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Sunshine Week

Graphic Organizers

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For updated editorials and editorial cartoons related to Sunshine Week – see our website at <http://www.nynpa.com/nie/sunshine.html>



WHAT?

What is Open Government?

What do the words “open government” mean to you? As a student, you may think this concept doesn’t affect your life, but open government is as fundamental to our democracy as free speech.

If government records were not open to all, there would be no accountability and there would be no journalism (or at least, it would look quite different from what it does today). In essence, there would be no democracy, as democracy was founded on the principles of openness and freedom of information.

Imagine what it would be like if reporters were unable to report on the actions of government officials or could not access records about government meetings. A lack of accountability might mean that those who hold positions of power would be more likely to abuse it. When government is open every person has the power to hold those in power accountable for following through on their promises and serving the people.

Newspaper Activity: Select an article about local government in your newspaper (print or electronic) and cross out any information you think would NOT be printed without openness and freedom of information. How could this lack of information or not having this information affect you, your family and your community?

Assessment: Write what the words “open government” mean to you.



WHY?

Why is Open Government Important?

Did you ever wonder what goes on at your school board meetings? Want to know whether a shopping mall could be built on the vacant lot next door to your house? Wonder if your local water is safe to drink? You can find out.

New York's Freedom of Information Law and Open Meetings Law ensure that government decisions and records are available to you.

You have a right to know what your government is doing in your neighborhood, school, city, town, county and state.

With recent developments in communication technologies some of the information you'd like to know may be easy to find on government agency websites. If not, a request for the information, in almost all cases, can now be made via email.

A free and democratic society can work only if government works in the open. Access is what ensures that government officials will remain honest. It keeps us aware of how our taxes are spent and helps citizens decide whom to vote into office and whom to replace. It provides a check on government officials by providing voters with the information they need to evaluate public policies.

Newspaper Activity: Look through the newspaper for news about a local problem involving your government. Is there more information you would like to know about this topic? Which public office or agency could you go to find this information? Is there a meeting scheduled to address this issue? Check the agency's website. If you still cannot find out what you want to know, consider filing a FOIL request.

Assessment: Complete this statement – I was surprised to learn...



KNOW

Know the Terms

Match these words and phrases with the appropriate definitions below:

	Terms	Letter of the correct definition
1	Freedom of Information Act	
2	Freedom of the Press	
3	Inalienable Right	
4	Democracy	
5	Committee on Open Government	
6	Transparency	
7	Exemption	
8	Record	
9	Executive Session	
10	Open Meeting	

- A. A right according to natural law, a right that cannot be taken away, denied or transferred
- B. A form of government in which the supreme power is vested in the people and either exercised directly by them or through freely elected representatives
- C. The right to publish newspapers, magazines and other printed matter without prior governmental restriction
- D. Not subject to or release from an obligation or duty
- E. The full, accurate and timely disclosure of information
- F. Responsible for overseeing and advising with regard to the Freedom of Information Law, the Open Meetings Law and the Personal Privacy Protection Law in New York state.
- G. A federal law enacted in 1966 requiring that government records, except those relating to national security, confidential financial data and law enforcement, be made available to the public on request
- H. Any information kept, held, filed, produced or reproduced by, with or for an agency in any form whatsoever.
- I. The official convening of a public body for the purpose of conducting public business
- J. A portion of an open meeting during which the public may be excluded

Follow up: Look through the newspaper for current examples of these terms. Which did you find? Which proved difficult to find? What one new thing did you learn from this activity?



FOIL

New York's Freedom of Information Law

The Freedom of Information Law (FOIL) relates to the public's right to gain access to government records. Every New York state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function is subject to FOIL. Each of those governmental entities is an "agency." The courts are outside its coverage but often must disclose records under other provisions of law. The State Legislature is covered by the Freedom of Information Law, but is treated differently from agencies. Private corporations or companies are not subject to the Freedom of Information Law.

All records are available, unless an exception permits an agency to deny access. Most exceptions are based on common sense. For example, if making the records public would be an unwarranted invasion of personal privacy or prevent a government agency from carrying out its duties, it is likely that some aspects of the records may be withheld.

When an agency receives a request, the law states that the agency has five business days to grant or deny access in whole or in part, or if more time is needed, to acknowledge the receipt of the request in writing and indicate an approximate date by which the agency will respond to the request, usually not more than 20 additional business days. Nominal fees related to supplying the requested documents may apply. A denial of a request may be appealed. Copies of appeals and the determinations must be sent by the agency to the Committee on Open Government.

Newspaper Activity: Look through the newspaper for news and information about New York state or municipal (city, village, town or county) "agencies" as described by FOIL. Do any of these articles make reference to government records? Select one example and explain how this news and information affect you.

Assessment: Do you feel differently about freedom of information now that you've learned more about it? Explain why.



New York's Open Meetings Law

The Open Meetings Law (OML) gives the public the right to attend meetings of public bodies, listen to the debates and watch the decision-making process in action. It requires public bodies to provide notice of the times and places of meetings, and to keep minutes of all action taken. Part of a meeting may exclude the public; these are known as executive sessions. An executive session may be called during an open meeting and after a majority votes to hold such a closed meeting, the public body can only discuss certain issues as dictated by law. These matters generally involve personal privacy or public safety issues. A public body cannot vote to appropriate public monies during a closed session.

While there is no law requiring that a public body let you speak, you are allowed to watch, provided you are not making a public disturbance. But many meetings include a process for allowing people to speak, so attend, as you can often make your voice heard. On February 2, 2012, the Open Meetings Law was amended to require public access to documents that will be discussed at an open meeting, to the extent practicable, either prior to or at the meeting. If possible the records should be posted on the agency's website.

Through the disclosure of records scheduled to be discussed during open meetings, the public can better understand and appreciate the issues faced by government. Interested citizens can offer information and points of view, thus assisting in the improvement of government and benefiting our communities.

Newspaper Activity: Look through the newspaper and other sources (print or online) for notices or announcements of public meetings. (Example: school board meetings) Select one and check online to see if documents that will be discussed at this meeting are posted on the agency's website. If so, what did you learn about the meeting? Consider attending one to experience it firsthand.

Assessment: What is the most interesting thing you learned about open meetings? Explain.



WHO?

Who has Access?

In a word – EVERYONE

The New York state Legislature clarified the principles of open government by including the following statement in the Legislative declaration of the Freedom of Information Law (FOIL):

“...The people’s right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. The legislature therefore declares that government is the public’s business and that the public, individually and collectively and represented by a free press, should have access to the records of government in accordance with the provisions of this article.” Public Officers Law, Article 6, Section 84

These ideals were reinforced with similar wording in the Legislative declaration of the Open Meetings Law (OML):

“It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it.” Public Officers Law, Article 7, Section 100

There are no age limitations on FOIL or OML. Under these laws anyone can ask for public documents or attend an open meeting for any reason.

Newspaper Activity: Look through the newspaper (print or online) for news and information about local government agencies that you think would be interesting to other students. Briefly write why you think young people should be allowed to attend public meetings and obtain public documents.

Assessment: Complete this statement – I still have a question about...

Public Documents in the News

Look through the newspaper (print or electronic) for articles that refer to information obtained from public records – for example: police reports, school board or city council meeting briefs, local state or national budget/financial records. Select one article and answer the following questions.

What are the key facts reported in this article? _____

If freedom of information laws didn't exist, which of these facts would not be known? Why?

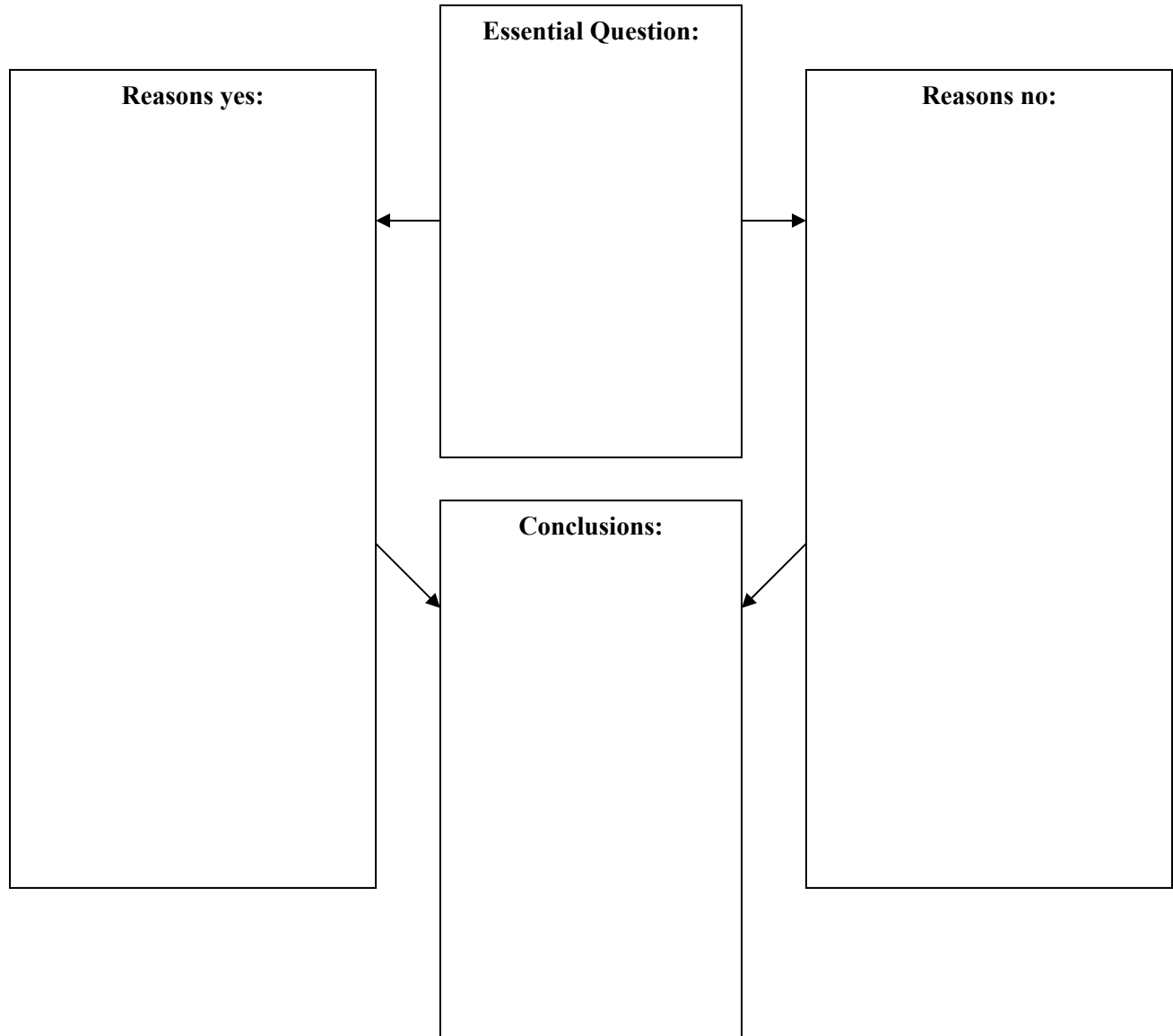
What issue in society is being addressed by having this information known publicly?

How does this issue affect you? _____

Follow up: Share your observations with the class. What did you learn by completing this activity?

Writing an Editorial: My Right to Know

After reviewing the Freedom of Information Act (1966) or New York State’s open government laws, working with a small group of students, decide what public record you’d like to have access to. Under the law do you have a right to that information? Review several newspaper editorials paying close attention to the writing style and content. Now write your own editorial defending your right to know. Prepare an outline before writing. First, choose and write an “essential question” such as – Should citizens have access to the public record you selected? List reasons citizens and leaders give for answering “yes” or “no” to the question. Be sure to back up your conclusion/opinion with facts.



Follow up: Can you think of instances when information should be kept secret? Discuss the advantages and disadvantages of keeping information from the public.

This activity was originally developed for *Community Connections with Geography and the Newspaper* curriculum guide for the NAA Foundation by Dr. Sandra Cook.

Editorial Cartoon

Now that you have a better understanding of the importance of open government and freedom of information create your own editorial cartoon for Sunshine Week. If editorial cartoons are new to you, you might want to learn more them before you start. Visit the Association of American Editorial Cartoonist's website *Cartoons for the Classroom* at <http://nieonline.com/aaec/cftc.cfm>.

Follow-up: Display the finished cartoons on a class bulletin board. Was this assignment harder or easier than you expected it would be? Why?

Sunshine Poem

Now that you know more about the principles of Sunshine Week, why not write a poem about it? Acrostics are a fun poetic form that anyone can write. The first letters of each line spell out a word or phrase, in this case SUNSHINE. Each line in the poem should describe the main topic, Sunshine Week – open government and freedom of information.

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Follow-up: Display the finished poems on a class bulletin board. Was this assignment harder or easier than you expected it would be? Why?

The “Public Watchdog”

Look through the newspaper, print or digital, for examples of the news media acting as the “public watchdog.” These stories could be at the national, state or local level. Select stories about each of the levels of government listed below. Explain why it is important for citizens to know about the news reported in the stories.

Government official/group	Which story?	Why citizens should be informed
National elected official (The President or a member of Congress)		
State elected official (The governor, state lawmaker)		
Local elected official (Mayor, city council representative, etc.)		
Local governmental group (Zoning commission, waste authority)		
Tax supported service agency (Human service agencies)		

Follow-up: Look at the information on your chart. Which of the articles is most important to you as a citizen? Discuss your ideas with another student.

This activity was originally developed for *Citizens Together: You and Your Newspaper* curriculum guide written by Sherrye Dee Garrett, Ed.D. and Beverly S. Morrison, Ph.D. for the Newspaper Association of America Foundation.

The First Amendment – Freedoms of Speech and the Press

People make their voices known in our government directly such as in congressional hearings, and indirectly through letters to their representatives in Congress. Other indirect methods to influence change include the use of newspapers and other media. Letters to the editor, political cartoons, press releases and even newspaper advertising are all vehicles used to sway public opinion and potential voters. Select one of the newspaper methods listed and create a persuasive argument based on a local issue in the news. Be sure to use facts to strengthen their point of view.

Follow-up: Select an interesting editorial from the newspaper and write a new editorial expressing the opposite point of view.

Reporting without the Freedoms of the First Amendment

Locate articles, editorials or political cartoons that focus on the decisions or actions of local, state or national government officials. As a class, discuss how this information would be different without the protections of in the Constitution and other Shield Laws. Rewrite or redraw this coverage as it might be reported without the First Amendment.

Follow-up: Briefly write how the Freedom of Speech and the Press are important to you.



INFOGRAPHIC

WHAT IS THE **FREEDOM** OF INFORMATION ACT?

The Freedom of Information Act (FOIA) requires Federal agencies to make specific records available on their websites and gives the public the right to request agency records. Federal courts, Congress, and many offices within the White House are not subject to FOIA.



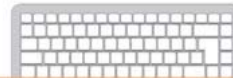
WHO FILES FOIA REQUESTS?

Anyone can file a FOIA request. Some people who use FOIA are journalists, historians, genealogists, researchers, students, corporations, and nonprofit organizations.



WHY WOULD I FILE A FOIA REQUEST?

The purpose of FOIA is to help the public better understand the government's actions. The law is also frequently used to learn more about family history, or to request copies of records people need for immigration-related processes or to apply for certain government benefits.



HOW DO I FILE A FOIA REQUEST?

Most agencies require that FOIA requests be made in writing. To find out how to submit a FOIA request to a particular agency, visit FOIA.gov.



WHEN WILL I RECEIVE A RESPONSE TO MY FOIA REQUEST?

The law provides agencies 20 working days to respond to your request. However, responses can take a significantly longer time—especially if the agency has lots of records that might be responsive to your request or if it has to search several offices for responsive records. Before you file a FOIA request, be sure to look on the agency's website to see if the information you need is already public.



WHAT WILL AGENCIES RELEASE UNDER FOIA?

Agencies are required to release records that are responsive to your request unless they include information that is protected under the law. FOIA includes nine exemptions that allow agencies to withhold categories of records, including some law enforcement records, national security information, and some geological or geophysical information.





RESOURCES

Associated Press Vido - offers transparency about their process, pulling back the curtain on how journalists go about reporting a complex news story fairly and accurately - www.youtube.com/watch?v=O6Q2OSv2LWs&feature=youtu.be

FOIA lesson plans for high school students - <https://sites.google.com/site/foiahelp/foia-lesson-plan-for-high-school-teachers>

Media Ethics: Where Do You Draw the Line? A Case Study Approach to Understanding News Coverage and Journalistic Decision-Making. For Students and Teachers in High School and College by Rosalind G. Stark for The Newseum. This teaching package, for teachers and students in high school and college, has been developed to give students an in-depth look at the media in the United States, with an emphasis on the values, standards, and practices of good journalism. Several lessons specifically focus on the balance between freedom of personal privacy protection and freedom of information and the press. <http://eric.ed.gov/?id=ED458164>

Student Press Law Center article about FOIA for student journalists - <http://www.splc.org/article/2014/08/know-your-rights-freedom-of-information>

Freedom of Information Act (FOIA) (1966) – <http://www.foia.gov/about.html>

Electronic Freedom of Information Act amendments (1996) - <http://www.balancedscorecard.org/EFOIA/tabid/113/Default.aspx>

National Security Archive Freedom of Information Act website - <http://www.gwu.edu/~nsarchiv/nsa/foia.html>

NYS Committee on Open Government – www.dos.ny.gov/coog/foil2.html – this site contains a tremendous amount of information about your rights under the law, including an alphabetical listing of advisory opinions, videos demonstrating how to access records and meetings, and a list of contact information for people you can call for assistance.

Right to Know Network – www.rtknet.org – a site that focuses on access to government-held data on the environment, health and safety and also has searchable environmental databases.

Student Press Law Center – www.splc.org – a leading resource for student-focused information access issues and resources for action

Sunshine Week – www.sunshineweek.org – a site dedicated to the national initiative to promote a dialogue about the importance of open government and freedom of information.

DocsTeach.org – www.docsteach.org/activities/teacher/the-impact-of-bloody-sunday-in-selma – an activity using the infographic will explore the public’s response to the civil rights marches beginning in Selma, Alabama, in 1965. In response to FOIA requests, the Federal Bureau of Investigation released a number of records detailing the events that occurred in Selma.

National Archives FOIA Library – www.archives.gov/foia/electronic-reading-room – The National Archives and Records Administration (NARA) processes FOIA requests for two distinct types of records in our legal custody: Operational and Archival. Operational records are the records created by NARA and its employees in the process of carrying out its mission and responsibilities as an executive branch agency. These records include contracts, agency

policies, employee directories, and other types of policy, administrative, and personnel records. These requests are processed by NARA's Office of General Counsel. Archival records subject to FOIA are the records created by Executive branch agencies and the White House that have been accessioned into the legal custody of the National Archives, and include records subject to the Presidential Records Act (PRA) that have been transferred to NARA since the Reagan Administration. Archival records are located at NARA's archival facilities in the Washington, DC area and around the country, as well as at our Presidential Libraries. The FOIA does not apply to records of Congress and the Supreme Court, archival records created by Legislative and Judicial branches, nor to records at the pre-Reagan Presidential Libraries.

Answers to Know the Terms on Page 5:

Matchups: 1,G; 2,C; 3,A; 4,B; 5,F; 6,E; 7,D; 8,H; 9,J; 10,I