

Paragraph for Board Memo:

Katy Smyser  
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requested the following records:

“Please provide me with the following material:

- 1) All settlement agreements resolving any Freedom of Information Act (FOIA) lawsuits;
- 2) All judgments or other court orders requiring you to pay attorney fees, costs, and/or civil penalties in any FOIA lawsuits;
- 3) All invoices from law firms for work on any FOIA lawsuits or Public Access Counselor reviews, where the lawsuit or the PAC review was ultimately decided in favor of the requestor;
- 4) All claims made to an insurance company for coverage involving a FOIA action;
- 5) All studies, reports, or other records calculating or referencing the cost of FOIA lawsuits or PAC reviews on an annual or other time-period basis.

I am requesting all such records from January 1, 2013 to the present.” Then, after staff emailed Ms. Smyser for clarification on her request, she replied with additional requests. Staff requested an extension to July 3:

“My original story – the one I originally requested documents for – is about the money that governmental entities have paid out, because they withheld information later determined to be public, either through a lawsuit or via a PAC decision in favor of the requestor. For that request, I am asking for documents that would reflect court settlement amounts, judgment amounts, and attorney costs to contest FOIA requests where the information was later determined to be public, and ultimately released to the requestor.

However, I clearly understand, now, that there is another side to my original FOIA story: The time and expense that FOIA officers (and their attorneys) are sometimes forced to incur, as the result of FOIA requests that are unreasonable, overly-burdensome, or even harassing. I have started hearing lots of war stories from FOIA officers who have been put through the wringer, dealing with unreasonable FOIA requests. So – for that story – I’m hoping to also get records of attorney fees that were incurred in PAC appeals or lawsuits, to fight these unreasonable requests

– and where the PAC decided against the requestor. Those expenses will be part of my “other side of FOIA” story which I will do after my original story.

Does this all make sense? I hope so. On both sides of the issue, I’m basically interested in all legal fees, judgments, and settlements – but I’m not going to try to tally up the cost (immense as it is) for FOIA officers’ time.”

This FOIA request was received 6/16/23, and responded to on 7/3/23. It took 5 District employees a total of 150 minutes (\$101.34) to respond to this FOIA request. Total attorney time equaled 0 hours (\$0).