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Public Records Officers' Perspectives on Transparency and Journalism

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Abstract

Public records officers are often the first point of contact for citizens and journalists requesting public records through state and federal sunshine laws. Very little research has explored the opinions of public records officers about the process of open records requests, particularly in the context of journalism. Adopting a theoretical framework synthesizing the sociology of law with journalistic discursive institutionalism, this study applies an exploratory survey to better understand this aspect of the open government process. Findings suggest that public records officers exhibit a high level of paternalism, challenging journalists' foundational discursive role as government watchdogs. These findings offer guidance for journalists and public records officers on how to better cooperate with each other in the transparency process.

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Introduction

Public records laws, such as the federal Freedom of Information Act (FOIA) and state sunshine laws, have helped journalists retrieve millions of important documents from government agencies. However, a big part of the problem with public records laws is the complicated and fraught process of negotiations that they set up between journalists and public records officers. By having the responsibility of administering public records laws, public records officers become “gatekeepers of government information” (Kimball, 2003, p. 314). Government officials in Missouri,¹ Kansas,² and Georgia³ recently have been scrutinized for attempting to stall journalists’ requests for information. Due to examples like these, journalists often are taught that public records officers are adversaries to the transparency process, and that reporters must be persistent and push back against denials of records requests (Cuillier & Davis, 2020). However, little is known in the journalism studies literature about how public records officers view the requesting process. Do they, like journalists, see the requesting process as essentially combative? Do they see journalists as their enemies? Do they see their main duty being to transparency, or to the interests of their agency?

The purpose of this study is to better understand public records officers’ attitudes toward the process of government transparency in general—and, in particular, their perceptions of the role of journalists within that process—by way of an exploratory survey. This study contributes to journalism studies literature by opening a window for journalism students, educators, and researchers to see into the minds of their traditional “adversaries,” public records officers. The study is also valuable to the field of communication law and policy because it offers a sociological view of the workings of laws that are central to the practice of journalism. Indeed, because of its value to both of these fields, and because it focuses on the function of a legal institution and its integral relationship with the function of the press in American democracy, this study adopts a theoretical framework that combines elements from the sociology of law and the theory of journalistic discursive institutionalism. This study is exploratory in nature; its findings are designed to spark future research devoted to revealing generalizable findings on the behaviors of public records officers rather than come up with those generalizations itself (Cresswell & Plano Clark, 2007; Johnson & Dade, 2019).

Literature review

Sociology of law in mass communication

The sociology of law is a field with a rich history devoted to applying theories, methods, and values of various schools of sociological knowledge to the study of law. Deflem (2008) contends the purpose of the field is “to unravel the patterns and mechanisms of law in a variety of social settings” (p. 2). Treviño (2008) offers an even broader mandate for the field, “explaining the relationship between law and society” (p. 1). Abel (2010) sees sociology of law as studying

¹ Jason Hancock, “Greitens’ Office’s Response to Public Records Requests: Deny, Delay, Set High Fees,” *Kansas City Star* (November 21, 2017).

² Laura Bauer, Judy L. Thomas & Max Londberg, “‘One of the Most Secretive, Dark States’: What is Kansas Trying to Hide?” *Kansas City Star* (November 12, 2017).

³ Richard Fausett, “‘Drag This Out as Long as Possible’: Former Official Faces Rare Criminal Charges Under Open-Records Law,” *The New York Times* (July 7, 2019), A13.

the distinctions between “law on the books” versus “law in action” (p. 5), and Hopman (2017) urges scholars to study “law in action” with an appreciation for nuances, such as the role of community norms and (often contradictory) customs in interpreting the “law on the books.” Meanwhile, Griffiths (2017) contends that sociology of law is about something more specific: studying social control by understanding the circumstances under which people follow legal rules. Understanding how public records officers interpret public records laws evokes the norms and customs of their community and their interpretations of public records laws. Importantly, these norms and customs include public records officers’ attitudes toward journalists and journalism, and the role of transparency and secrecy within democracy.

The sociological study of law has a rich history within the field of journalism and mass communication. In a seminal chapter on legal research methods, Gillmor and Dennis (1981) called for scholars to study the law of mass communication in terms of how it operates in society. The purpose of studying legal issues in mass communication through such a lens is to diminish the isolation of mass communication law within its academic home of mass communication (Gillmor & Dennis, 1981).

The sociological study of communication law has proven fruitful in the context of understanding government transparency: the process through which citizens can view and assess how government operates in an effort to hold public officials accountable for their actions (Piotrowski, 2007, p. 10), most frequently via state or federal freedom of information laws (Roberts, 2001). Kimball (2003) observed and interviewed public records officers at Florida sheriff’s offices, finding that several factors—such as ambiguity in the language of the Florida sunshine law, fear of releasing confidential information, and sympathy for certain vulnerable classes of requesters—led public records officers to act subjectively and inconsistently when fulfilling records requests. Elsewhere, Kimball (2011) interviewed individuals who conduct training sessions for public records officers about their experiences working with these officers. She found that trainers generally perceived the public records officers they worked with as harboring hostile attitudes toward the press and toward government transparency in general. They especially remarked about how public records officers detested burdensome requests (those requiring extra time for searching and sorting), which they viewed as malicious and which led them to want to know why requesters (journalists or otherwise) wanted government information—something laws forbid public records officers from asking. Such perceptions are significant and deserve further exploration in a way that can capture them directly rather than through second-hand accounts.

Kimball (2012) surveyed government records custodians and found that these professionals often complained about annoying interactions with records requesters, and has documented frustration among public records officers responding to vague requests for voluminous amounts of documents (Kimball, 2016). All told, Kimball has documented that factors other than the letter of the law can have an impact on the disclosure process—their fear of making mistakes and their attitudes toward the press and toward open government in general being foremost among them. The present study seeks to expand upon Kimball’s work by exploring public records officers’ perceptions of and attitudes toward the transparency process, particularly within the context of working with journalists.

Other studies on the sociology of the transparency process have focused on specific extralegal factors that could potentially influence public records officers in disclosing records. Such studies are founded on the notion that government transparency in the United States operates “in an administrative environment that increasingly favors the cost-effective achievement of

results and views procedurally oriented public administration with skepticism” (Piotrowski, 2007, p. 10). Cuillier (2010) found that the tone used in a letter requesting access to information could influence the speed with which documents were disclosed, reinforcing the notion that the form and style of interaction between journalists and public records officers are worthy of continued study. Studies by Wagner (2017) and Wasike (2016) have shown how extralegal factors such as fee structures, backlogs and lack of resources hamper the transparency process. Meanwhile, journalistic organizations like the Center for Public Integrity have criticized state governments on their level of transparency using metrics that assess such factors as whether public records officers routinely give reasons for denying requests for records or whether public records officers who routinely deny access in an unreasonable fashion are monitored and penalized (Center for Public Integrity, 2015).

Another important area of sociological research on the transparency process involves public opinion toward transparency. In a survey of a random sample of the U.S. population, Cuillier (2008) found that support for the press and its role in democracy is associated with higher levels of favorability toward granting access to public records. In another study relying on a random-sample survey of residents in the U.S. state of Washington, Cuillier and Pinkleton (2011) found that political liberalism, skepticism, and cynicism were strongly correlated with support for government transparency. These studies beg the question of whether similar opinions and psychographics could influence public records officers’ attitudes toward transparency—and, concomitantly, their actions within the transparency process. Although public records officers are obligated by law to treat all requests for records equally (i.e., regardless of whether they come from journalists or not), little is known about whether public records officers’ attitudes toward the press might influence their decisions on granting access for requests from journalists. Furthermore, the relationship between political ideology and other psychographic characteristics and public records officers’ attitudes toward transparency deserves exploration. Chief among the psychographic characteristics is paternalism, which McLeod, Detenber, and Eveland (2001) define as a disposition toward “treating or governing people in a fatherly manner, especially by providing for their needs without giving them rights or responsibilities” (p. 683). McLeod and colleagues found paternalism to be highly correlated with a willingness to censor. Although public records officers do not play a censorial function in the traditional sense of the term, the extent to which these officers harbor paternalistic tendencies could influence how they exercise their power over the release of records.

The (external) discursive construction of journalism

Although the primary goal of this study is to understand how public records officers perceive of their roles within the process of government transparency, a related secondary goal is to understand public records officers’ perceptions of journalism and journalists within that process. Properly placing this sociological legal study within the field of journalism studies requires the recognition that journalism is a discursively constructed field (Vos & Thomas, 2018). According to this theory, journalism, by not being a “traditional” profession such as medicine or law that is defined by licenses and other state regulations, must assert itself—its norms, boundaries and exemplars—through discourse (Carlson, 2016; Hanitzsch & Vos, 2017). Put differently, the *profession* of journalism is what its practitioners say it is. This discourse is fundamentally normative: the definitions and precepts of journalism are organized within a discourse on how journalism *ought* to be practiced (Ryfe, 2006; Hanitzsch & Vos, 2017). Vos and Thomas (2018)

contend that the central focus of the discursive construction of journalism is *authority*: over the definition of the field, over the standards of journalistic practice, and over the role journalism should play in democracy. Similarly, Carlson (2016) contends that journalism must necessarily be studied “within a field of discourse that continually constructs meaning around journalism and its larger social place” (p. 350). That is, journalism’s *role as a pillar of democracy* is what its practitioners say it is.

Carlson identifies one specific locus for the discursive construction of journalism: “metajournalistic discourse,” which is made up of “public expressions evaluating news texts, the practices that produce them, or the conditions of their reception” (2016, p. 350). He views such metajournalistic discourse as “a complex site where actors *inside and outside* of journalism debate the context of what the news ought to look like through presenting definitions, setting boundaries, and seeking legitimacy” (p. 361, emphasis added). Thus, part of the discursive nature of journalism is that the boundaries of the field are sites of contention (Carlson, 2016), meaning that journalists must defend the definitions and values of their field from (often critical) discourses from outside actors (Reich & Hanitzsch, 2013; Vos & Craft, 2016). That is, the field of journalism is as much what *non-journalists* say it is as what journalists say it is. Thus, this study expands the scope of the discursive analysis of journalism to argue that journalistic discourse can also be found in the opinions of non-journalists who deal with journalists on a regular basis—such as public records officers.

Although journalistic requests make up a fraction of all requests for government records—and, thus, dealing with journalists may not be the top priority of many (if not most) public records officers—the requesting of public records is widely seen as essential to public affairs journalism. Therefore, understanding how public records officers discursively construct journalism in the context of the requesting process offers a window into how non-journalists define journalism. Understanding this phenomenon can, in turn, offer a clearer understanding of the complicated relationship between public records officers and journalists.

Although anecdotal accounts exist of the often adversarial relationship between public records officers and journalists (Berry, 2009; Cuillier & Davis, 2020), scholars have not deeply explored this relationship. Such research could add to the literature on the discursive construction of journalism’s essential identity as an adversary of government (Gans, 1979; Weaver & Wilhoit, 1996; Hanitzsch & Vos, 2017). In particular, one of the goals of this study is to explore perspectives about this relationship from officials on the other side of this adversarial relationship. This discursive site is especially significant given that public records officers, unlike public relations officials for government agencies, do not play a purely adversarial role when dealing with requests for information (Grusin, 1990; Carlson & Kashani, 2016; Carlson & Cuillier, 2017), but rather straddle the line between agents of government and neutral arbiters of transparency. In an ideal world, these officers are supposed to be helpful to journalists, but the reality is sometimes they are not. This study seeks to explore why that is. In particular, the extent to which public records officers describe their relationship with journalists as adversarial could reveal a potential flashpoint in the discursive battle over constructing journalism’s role in democracy.

Research questions

Based on the relative scarcity of research regarding public records officers' attitudes toward transparency and journalists, this study seeks to address the following research questions:

RQ1: What are public records officers' attitudes toward government transparency?

RQ2: What are public records officers' attitudes toward their job role?

RQ3: What are public records officers' attitudes toward journalists?

RQ4: What are public records officers' attitudes toward handling journalists' requests?

RQ5: What role does paternalism play, if any?

Method

This study employed two surveys of federal and state/local public records officers, one by mail and one by email, conducted from January 2018 through July 2018.

Survey procedures

The first survey, from January 2018 to April 2018, involved 271 paper surveys mailed to federal FOIA officers whose office addresses were listed on government websites.⁴ A \$2 incentive was included with the survey. The Institutional Review Board at the author's university approved the study design and use of the \$2 incentive, provided in advance as a token of appreciation for considering to complete the survey. All participation was voluntary. In general, paper surveys sent through the mail and surveys that include incentives tend to be returned at a higher rate than surveys sent via email (Fan & Yan, 2010). However, this wave yielded only 13 valid responses (4.8% response rate). Most of the returned surveys included statements that the FOIA officer could not complete the survey due to an internal policy prohibiting him or her from completing outside surveys, and/or federal law prohibiting him or her from receiving outside payment. These responses came in varying degrees of formality, ranging from official letters from the department's general counsel, to sticky notes with a one-sentence declaration of inability to complete the survey. In each of these responses, the \$2 incentive was returned. One response cited the laws in question that generated the concern: 18 U.S.C. § 209, and 5 CFR § 2635.807. In particular, the latter stipulates that an employee of the federal government "shall not receive compensation from any source other than the Government for teaching, speaking or writing that relates to the employee's official duties."

In the second wave, from May 2018 to July 2018, the survey was emailed to 3,779 members of the American Society of Access Professionals (ASAP), a non-government organization made up of highly professionalized public records officers "dedicated to bringing government FOIA and Privacy Act personnel in touch with the requester community."⁵ The 3,779 potential subjects included both state and federal public records officers. Of these, 498 opened the email (13.2%), 56 clicked on the link to the survey (1.5%) and 39 completed all or most of the survey (1%). This response rate is far below most standards for response rates in survey research (Fan & Yan, 2010). Despite these results, studies by Pew Research Center have shown that little relationship exists

⁴ <https://www.foia.gov/report-makerequest.html> (note: this site is no longer updated, but it was available at the time work on this project began.)

⁵ <https://www.accesspro.org/about-asap/who-we-are/>

between survey response rate and accuracy of survey data (Kennedy & Hartig, 2019). More importantly, the highly specialized knowledge of the participants still makes the results valid data for exploratory research (Cresswell & Plano Clark 2007, p. 76; Cresswell & Hirose, 2019; Malterud, Siersma, & Guassora, 2016).

Survey questions

The survey included 59 questions, most indicating agreement to a series of statements using a five-point Likert scale. The initial version of the survey was shared with several faculty members from other academic institutions who had an expertise in the area of studying transparency. The feedback from these faculty members was used to adjust the wording of several of the survey's questions to give them greater resonance with public records officers. Questions were clustered into several areas, measuring several key concepts:

Attitudes toward government transparency

The first group of statements explores opinions toward government transparency in general. These statements are based on studies by Cuillier (2008; Cuillier & Pinkleton, 2011) that have explored attitudes toward transparency among the general public. In particular, statements seek to address the extent to which public records officers feel a duty toward transparency versus a duty toward protecting their agency through keeping records secret (see Table 2, below, for questions).

Attitudes toward job structure

Questions (Table 3) probed how public records officers' agencies handle records requests, as well as how factors such as fees, potential promotions, and legal repercussions affect the transparency process. These statements are based off of Kimball's (2003; 2011; 2012) work documenting the role that fear of punishment plays in leading public records officers to be more likely to withhold records. They are also based on findings from Wagner (2017) and Wasike (2016) about the roles that extralegal factors play in hampering the transparency process, such as insufficiency or resources or pressures from supervisors to withhold or delay the release of information. Participants also were asked to self-report their political ideology on a seven-point Likert scale (1 being very liberal, 7 being very conservative), as well as indicate their trust in the news media on a seven-point scale (1 being very low, 7 being very high).

Attitudes toward journalists in general

The third group of statements (Table 4) explores opinions toward journalists in general. These statements borrow from the work of Cuillier (2008; Cuillier & Pinkleton, 2011) regarding the role of public support for the press in shaping attitudes toward transparency.

Attitudes toward handling journalists' requests

This group of statements (Table 5) explores opinions toward handling journalists' records requests. The statements reflect the Cuillier (2010) study of the role that tone and forcefulness can

play in the process of requesting records, and on Kimball's (2011; 2012; 2016) findings on the role that hostile relationships between public records officers and journalists (especially, "nosy" ones who request reams of documents) play in the transparency process.

Paternalism

Participants were asked to indicate their agreement to five statements (Table 6) designed to assess their level of paternalism, borrowed from McLeod, Detenber and Eveland (2001).

Open-ended questions

Finally, the survey invited participants to respond to three open-ended questions about their jobs:

- What types of records do journalists most routinely request from your office?
- What advice would you give to journalists requesting records?
- What changes, if any, would you make to the FOIA/your state's public records law?

The purpose of the first question was to gather specific information on requests public records officers receive, thereby supplementing responses to statements in the survey about the process of working with journalists' requests. The second and third questions were framed in a way that would elicit prescriptive, normative responses from participants. The goals of gathering such responses were to collect valuable information to share with early-career journalists and journalism students about the requesting process, and to elicit opinions from public records officers about working with journalists and about the transparency process in general.

Analysis

An undergraduate research assistant compiled the responses to the survey in a spreadsheet, and transcribed the participants' free written responses in a word processing document. The author then coded the responses in the spreadsheet into the distinguishable constructs noted above. Participants' responses to open-ended questions were inductively coded and grouped by theme (Lindlof & Taylor, 2011, p. 247). All data and open-ended responses are on file with the author and available upon request.

The software SPSS was used to organize the data and calculate descriptive statistics. Responses to the questions are reported via the means for each individual item as well as in the aggregate in the form of overall means. Because some statements are framed using negative language while opposing statements are framed using positive language, responses to negative statements were reverse-coded to calculate aggregate means. These statements are indicated below in the tables of means to responses to each statement.

Findings

Of the 52 respondents, 28 were federal employees, while 24 were state public records officers. Responses are explored in tables and narrative detail below. As is standard practice in qualitative research, exemplar quotes are cited throughout as a means to interpret the descriptive statistics (Nowell, et al., 2017).

Overall characteristics

Table 1 below reports the means of participants' characteristics and aggregate means of their opinions on the main concepts assessed in this study. Overall, the participants in this study self-reported as politically moderate ($M = 3.43$ on a seven-point scale). Participants reported relatively high aggregate means for transparency in general, job structure, and journalists.

Table 1: Descriptive statistics for participants' overall characteristics

	N	Min.	Max.	Mean	Std. Dev.
Political ideology (1 being very liberal, 7 being very conservative)	51	1	6	3.43	1.5
Paternalism (5-point scale)	52	3	5	3.97	0.54
Overall trust in the news media (1 = very low, 7 = very high)	50	1	7	4.40	1.63
Increase in trust in the news media over past year (1 = decreased a lot, 5 = increased a lot)	53	1	5	2.51	1.01
Attitudes toward Government Transparency	53	2.45	4.64	3.79	0.55
Attitudes toward Journalists	53	2.14	4.64	3.46	0.65
Attitudes toward Job Structure	53	1.94	4.06	3.30	0.39
Valid N (listwise)	48				

Attitudes toward government transparency

In answering the first research question, the highest aggregate mean for the main concepts explored here was indeed for support for government transparency in general ($M = 3.79$). This should perhaps not be very surprising given that the subjects of this study are access professionals. However, a look at means to responses to individual questions within this concept can reveal some more interesting conclusions (see Table 2, below). For example, participants tended to not see two otherwise opposite primary functions of the transparency process as mutually exclusive: protecting information that should not be made public ($M = 2.79$) and providing access to as much information as possible ($M = 4.28$). Although the difference between these means is substantial, the fact that these means are not located on diametrically opposite sides of the midpoint of the five-point scale reveal that the two functions of transparency and protecting information still must coexist to some degree.

Table 2: Attitudes of public records officers toward government transparency

	N	Min.	Max.	Mean	Std. Dev.
Secrecy can help government run more efficiently.*	53	1	5	2.08	1.11
In general, I think less information should be made available to the public.*	52	1	5	2.08	1.20
Some information just should not be made public, even if the law says it should be.*	52	1	5	2.23	1.44
I see the main purpose of my job as protecting information that should not be made public.*	53	1	5	2.79	1.43
In general, I think more information should be made available to the public than is currently allowed.	53	1	5	3.25	1.18
There is less wrongdoing in government than journalists think there is.*	53	1	5	3.43	1.05
Those who leak classified government information should be prosecuted even if the information is found to serve the public interest.*	53	1	5	3.60	1.25
I see the main purpose of my job as providing access to as much information as possible.	53	1	5	4.28	1.01
My job is important to democracy.	53	1	5	4.43	.84
Providing access to government information is important for a strong democracy.	51	1	5	4.49	.95
Valid N (listwise)	51				

NOTE: The responses to statements denoted with a (*) were reverse-coded to calculate the aggregate means in Table 1.

Attitudes toward job structure

In addressing the second research question, regarding attitudes toward job structure, participants tended to have favorable opinions toward their own ability to follow the law and properly undertake their function in the transparency process, as well as their agency's ability to foster a culture that promotes transparency (see Table 3, below). In particular, there was a very high level of agreement with the statement "my office operates with a culture that promotes transparency and the releasing of records as often as possible" ($M = 4.23$). Consistent with these highly favorable opinions, very few participants leveled criticism on themselves or their agencies when asked about what they would change with public records laws. Rather, coding of responses revealed the most frequent criticism they gave ($n = 26$) involved the insufficiency of resources that their offices had to do their jobs. Officer 16 lamented that his or her office had to "fight for scraps" from Congress, and that more funding should be devoted in particular to search and retrieval systems—mechanisms at the heart of the issue of dealing with backlogs of requests (Wasike, 2016). Officer 44 argued that a major part of the problem with securing funding was the fact that there is "not enough public awareness of FOIA."

Through some illustrative examples, participants seemed to argue that flaws within the requesting process were systemic and related to top-down mismanagement. Officer 50 suggested that mechanisms need to be put in place to "enforce ... accountability—there is none at the Federal level and ... the complete lack of it is used as a justification to routinely and systemically violate the law." Officer 1 admitted that "we FOIA Officers are hampered by other employees in our organization that don't want to release records, even if we tell them that we are legally compelled

to do so.” Officer 28 called on authorities to “find out why each agency is not meeting its statutory deadlines, especially if they were able to meet those deadlines in the past,” appearing to imply that such delinquencies were common. Officer 35 criticized the transparency culture coming from Trump administration:

The admin[istration] sets the tone for FOIA and public disclosure. [The] current admin is clearly anti-disclosure, and this is the first admin since Johnson which didn't issue an Atty General memo on implementation of the FOIA. That tells you something.

Table 3: Attitudes of public records officers toward job structure

	N	Min.	Max.	Mean	Std. Dev.
I know records custodians who routinely use tricks to keep journalists from gaining access to records.*	53	1	5	1.38	0.81
My supervisor encourages me to withhold as much information as possible.*	53	1	5	1.40	0.84
My office operates with a culture that promotes secrecy and withholding records as often as possible.*	53	1	5	1.49	0.85
If I release records more frequently than not, I am more likely to get a promotion.	53	1	3	1.62	0.86
If I release records more frequently than not, I am more likely to get a raise.	53	1	3	1.62	0.86
The exemptions in the FOIA/my state's public record law are broad enough to allow for withholding almost any record.*	53	1	5	1.91	1.11
At least once, I have been asked to stretch the interpretation of exemptions in the FOIA/my state's open records law to withhold information that otherwise could be made public.*	53	1	5	1.94	1.37
It is common for my office to ask requesters to pay fees to search for documents to dissuade journalists from pursuing a records request.*	53	1	5	2.00	1.32
The threat of jail time or paying a fine for improperly withholding information makes me more likely to disclose information.	53	1	5	2.30	1.30
When fulfilling requests for journalists, I worry that they (the journalists) will report on me unfairly or give my office bad publicity if I withhold the records they request.*	53	1	5	2.51	1.37
The threat of getting my agency sued for improperly withholding information makes me more likely to disclose information.	53	1	5	2.64	1.29
I regularly worry that I will disclose information that should not be disclosed according to the law.*	53	1	5	2.68	1.45
If I withhold information that should have been disclosed under the law, I will be punished.	53	1	5	2.83	1.30
If I release information that should not be disclosed according to the law, I will be punished.*	53	1	5	3.36	1.18
In my opinion, the FOIA/my state's open records law does a good job of balancing disclosure of information and protecting information that should not be made public.	53	1	5	3.66	1.06
My office operates with a culture that promotes transparency and the releasing of records as often as possible.	52	1	5	4.23	1.04
Valid N (listwise)	52				

NOTE: The responses to statements denoted with a (*) were reverse-coded to calculate the aggregate means in Table 1.

Attitudes toward journalists in general

Participants tended to harbor positive opinions toward journalism in general. For example, participants reported high levels of agreement with statements about the value of journalism to democracy (see Table 4, below).

However, results from responses to several statements reveal specific sources of criticism that participants have about journalists. Respondents tended to agree that “journalists care more about getting the story than about the potential harms the story could cause” ($M = 3.43$), and that journalists did not take concerns for individuals’ privacy ($M = 3.36$) or national security ($M = 3.06$) seriously enough. Although these criticisms are interesting and deserving of future exploration, it is also possible that self-reporting bias can explain the differences between the relatively high favorability toward journalism overall and the relatively high unfavorable opinions toward journalists in specific contexts.

Table 4: Attitudes of public records officers toward journalists in general

	N	Min.	Max.	Mean	Std. Dev.
I detest working with journalists.*	53	1	4	1.49	.78
In general, journalists are just out to get people.*	53	1	5	2.21	1.12
Journalists request too much information from my agency.*	52	1	5	2.58	1.36
Overall, the news media have an anti-government bias.*	53	1	5	2.92	1.37
In general, journalists do not take matters of national security seriously enough.*	53	1	5	3.06	1.34
In general, journalists have a good understanding about how the FOIA/our state's open records law works.	53	1	5	3.13	1.16
In general, journalists do not take matters of individuals' privacy seriously enough.*	53	1	5	3.36	1.19
Most journalists try to cover the news in a way that serves the public interest.	53	1	5	3.38	1.08
Journalists care more about getting the story than about the potential harms the story could cause.*	53	1	5	3.43	1.25
Journalists are the eyes and ears of the people.	53	1	5	3.68	1.22
The public should be grateful for the work that journalists do.	53	1	5	3.70	.91
Most journalists who work for the mainstream news media are dedicated professionals.	53	1	5	3.83	.96
It is important for our democracy that the news media act as a watchdog on government.	53	1	5	3.91	1.20
Journalists play an indispensable role in safeguarding democracy.	53	1	5	3.98	1.05
Valid N (listwise)	52				

NOTE: The responses to statements denoted with a (*) were reverse-coded to calculate the aggregate means in Table 1.

Attitudes toward handling journalists' requests

When it comes to attitudes toward journalists' records requests (research question 4), the most common response, coming from nearly half of respondents ($n = 26$), was the recommendation that journalists be more specific about the records they are requesting. This finding is consistent with past findings from Kimball (2016). Participants argued that not only would they be able to complete the requests more quickly, but more specific requests would make things better for all requesters as they would help free up time and resources. As Officer 47 noted, "When you ask for a broad set of information it can bring up tens of gigs worth of data, [and] it is humanly impossible to fulfill that in a timely manner without forsaking every other FOIA request and making every other requester wait months longer."

Participants strongly suggested that they do not prefer informal modes of fulfilling requests (see Table 5, below). This could suggest that public records officers prefer that requests be made within the legal parameters of the requesting process, with all requests documented so that accountability of the process is assured.

Most interestingly, some of the respondents accused reporters of bad journalism by making overly broad requests. For example, Officer 52 responded, "Transparency is important but please stop asking for records just out of nosiness or trying to be a detective. Media rarely gets the full story and they are doing more harm than good." Officer 20 noted that most requests from journalists dealt with what he or she perceived as a nosy desire to see public officials' emails. He or she argued that public records requests "should be [about] topics of importance, but they [journalists] just want to see employee emails." Officer 2 agreed: "Too many requests we get are from agency personnel for 'any and all' emails concerning this or that—people wanting to be in another person's personal business not all about showing operations/activities of the government." Several participants went so far as to call for updates to the FOIA or state sunshine laws that would outlaw overly broad requests.

A couple of participants went even further on the issue of specificity and called on journalists to share with them what their stories were about. Officer 44 suggested, "When possible, indicate what the story is about so that FOIA officers could produce all documents relevant to their requests." Officer 13 agreed, saying, "For transparency it should be stated why the request is made." These opinions were outliers, matching the relatively low levels of agreement with the statements "journalists should have to give a reason for making requests" ($M = 2.21$) and "when journalists request records, I want to know why" ($M = 2.64$), and the high level of agreement with the statement "it does not matter why people ask for records" ($M = 3.96$). However, criticism from Officer 36 about journalists' ability to make sense of the many documents they receive suggest that a paternalistic disposition undergirds these sentiments. "Too many reporters don't understand the records that they receive, resulting in misinforming the public when using FOIA," Officer 36 said. "Use public relations whenever possible."

A few participants argued that the specificity issue was easily solvable by journalists doing their homework and understanding more about the unique workings of each agency. "Learn more about what records are generated and maintained," Officer 34 suggested. Officer 16 echoed that sentiment, and offered some very specific advice for journalists who frequently request government emails: "Learn how agency email system works, e.g. Gmail v. Outlook and how that may impact search and retrieval capabilities." Officer 46 noted that "the FOIA does not supersede any existing statute, and it makes no difference that it might be in the public interest."

Several participants also criticized journalists for being too pushy, which they saw as coming from undue skepticism among journalists that public records officers were hiding information from journalists. Officer 3 mused, “Never ceases to amaze me how everyone expects we have records of everything!” Officer 44 urged journalists to “refrain from assuming that FOIA Officers are ‘covering up’ information.” Officer 39 similarly lamented the pushback he or she received from skeptical journalists, saying, “Trust me if I tell you it’s not there!” These responses could be seen as consistent with the high levels of paternalism reported by participants, as well as the relatively high level of agreement with the statement “there is less wrongdoing in government than journalists think there is” ($M = 3.43$; see Table 2). That could also simply reflect a high degree of frustration with journalists for their perceived lack of knowledge of the requesting process.

Many ($n = 23$) respondents called on journalists to be more respectful of the process of requesting records. Some of these respondents argued that the journalists they work with are indifferent toward the feasibility of fulfilling large requests, especially in a timely fashion. Officer 32 offered the following advice: “Be patient. ... Be considerate of our time. Our staff is small. Your request is not the only one we have to process. Stop asking for mountains of documents and expect it to be processed in 20 days.” Officer 17 criticized journalists for believing they deserved special treatment: “Don’t be so forceful and aggressive [about] what you think you should have because of your position.” Officer 39 echoed this sentiment: “I dislike working with journalists who aren’t realistic about backlogs, or who expect different customer service than any other requester.” Several other participants suggested that public records laws were to blame for journalists feeling such a sense of entitlement, arguing that these laws should no longer give journalists special treatment through fee waivers. They argued that ending this provision would solve the problem of journalists making broad requests for numerous documents by making such requests costlier. These sentiments further point toward the notion that journalists can potentially do more harm than good to the transparency process, according to many participants.

For several respondents, respecting the transparency process simply meant being treated with respect when being asked to fulfill requests for records:

Please be nice!! I get so many nasty requests. We feel like everyone hates us (requestors, congress, the public). We fulfill all requests the same, but if you seem approachable, we are more likely to call [you back] with questions and updates. (Officer 7)

Be kind, work with us, we are severely short staffed and lack technology that works efficiently, we want to fulfill requests, we just don’t have the resources to do it as fast as we would like. (Officer 18)

Refrain from being antagonistic with FOIA Officers. (Officer 44)

Table 5: Attitudes of public records officers toward handling requests from journalists

	N	Min.	Max.	Mean	Std. Dev.
I am more able to help fulfill a journalist's request for records if he or she asks for it in person rather than through an official FOIA/Open Records request.	52	1	4	1.44	.80
I prefer dealing with records requests from journalists informally and in person rather than through an official FOIA/Open Records request.	52	1	4	1.81	.99
Journalists use official FOIA/Open Records requests too often. They should ask for records face-to-face more instead.	52	1	5	1.83	1.18
Journalists should have to give a reason for making a records request.	53	1	5	2.21	1.50
I only consider a request to be from a journalist if the requester works for a professional media outlet, like a newspaper, TV station or a reputable news website.	53	1	5	2.38	1.44
When journalists request records, I want to know why.	53	1	5	2.47	1.30
To me, a "citizen journalist" is not a journalist when it comes to requesting public records.	53	1	5	2.75	1.33
I have a good working relationship with members of the news media.	52	1	5	3.63	.91
Journalists don't appreciate how difficult my job is.	53	1	5	3.68	1.28
It does not matter why people ask for records.	53	1	5	3.96	1.30
I treat requests from journalists no differently from requests from non-journalists.	52	1	5	4.08	1.28
Valid N (listwise)	51				

NOTE: These statements are not designed to make up a scale. Rather, they are meant solely for gathering information about public records officers' experiences with the requesting process. Furthermore, not every item in this category from the original survey is reported here due to space limitations.

Paternalism

Table 6 reports means for the five statements used to build the paternalism scale. Participants reported high levels of paternalism ($M = 3.97$ on a five-point scale).

Table 6: Paternalism

	N	Min.	Max.	Mean	Std. Dev.
Just because people are unable to help themselves doesn't mean the government should step in and try to help them.*	52	1	5	3.60	1.03
If people are unable to help themselves, it is the responsibility of others to help them.	52	2	5	3.77	.88
Sometimes it is necessary to protect people from doing harm to themselves.	52	2	5	4.02	.85
Some people are better than others at recognizing harmful influences.	52	2	5	4.19	.79
It is important for the government to take steps to ensure the well-being of citizens.	52	2	5	4.29	.75
Valid N (listwise)	52				

NOTE: The responses to statements denoted with a (*) were reverse-coded to calculate the aggregate means in Table 1.
Source: McLeod, Detenber, & Eveland, 2001

Discussion and conclusion

This study has important implications for both scholarship and practice. In the context of law and sociology, participants' opinions toward the transparency process suggest that the focus of study should not be on whether or not public records officers follow the letter of the law (Hopman, 2017). Rather, they point toward Griffiths' (2017) notion that the operation of the law is all about power relationships; in the context of the operation of FOIA or state sunshine laws, findings here suggest that public records officers may seek to wrest authority from journalists as primary agents of the transparency process. Indeed, findings from this study point toward a strong sense of paternalism among public records officers that may lead them to contend that they (not journalists) know best about how to make government transparency work for democracy.

Viewed in the context of journalistic discursive institutionalism, public records officers staking such a claim suggests that journalists' fundamental role as watchdogs of government (Hanitzsch & Vos, 2017) is more of a site of discursive struggle than we might commonly believe. This implication adds a new dimension to Vos and Thomas' (2018) notion of the discursive struggle over journalistic *authority*. Indeed, many of the sentiments shared by participants in this study point toward the existence of a somewhat antagonistic relationship between journalists and public records officers, which corroborates work by Kimball (2011; 2012; 2016) and adds a new perspective to studies on journalism's essential adversarial role vis-à-vis government (Gans, 1979; Weaver & Wilhoit, 1996; Hanitzsch & Vos, 2017). It is especially significant that participants appear to suggest that journalists are to blame for causing this antagonistic relationship with records officers. Not only do the participants in this study see journalists' perpetuation of this relationship as morally wrong, they also argue that it is counterproductive, as it could unnecessarily harm the goal of furthering government transparency. Thus, to the extent that journalists see

themselves as adversaries of government, they would be wise to understand that performing this adversarial role does not necessarily require being adversarial with public records officers.

These theoretical implications beget several practical implications, as well, both for journalists and public records officers (see Table 7, below). Journalism students are taught to doggedly pursue public records using the federal FOIA or state sunshine laws (Cuillier & Davis, 2020). This pursuit comes from a spirit of journalists being the primary agents of the transparency process (Cuillier, 2008). The results of this study suggest that journalists should approach the transparency process with the understanding that they are at least equals in the transparency process with public records officers. This does not in any way mean that journalists should be less assertive or give up their pursuit of records at the first “no” from public records officers. Rather, it suggests that cooperation might be more helpful to the transparency process than not, and that cooperation is not necessarily the same as compromise. Following the advice offered here by participants—be respectful of the process, treat public records officers with dignity, be specific in your requests, know what kinds of records agencies produce before you request them—is a good place to start to build this spirit of cooperation. Indeed, another interpretation of the findings of this study could be that any sense of enmity of public records officers toward journalists is the result of the former having a pretty thankless job, with requests from journalists only exacerbating the pressures public records officers face from backlogs and a lack of resources. Greater empathy among journalists toward public records officers could go a long way in improving the requesting process.

Table 7: Practical takeaways for public records officers and journalists

<i>Advice for Public Records Officers</i>	<i>Advice for Journalists</i>
1. Be prepared to educate journalists on the transparency process.	1. Treat public records officers as equals in the transparency process.
2. Become more familiar with what journalists actually do.	2. As a journalist, you have to assume all officials are hiding critical things, unless you can prove differently. But you can still be polite when acting on skepticism.
3. Understand that many journalists are operating in the same context of diminished resources as many public records officers are.	3. Treat public records officers with dignity.
	4. Be specific in requests.
	5. Know the kind of records agencies produce before requesting them.

Meanwhile, the results of this study can also offer advice for public records officers when working with journalists. First, public records officers should try to empathize with journalists (particularly less experienced reporters) when it comes to their lack of knowledge about the requesting process, as these reporters are spread just as thin as public records officers when doing their jobs. Second, just as journalists should seek to better educate themselves about the requesting process, public records officers should better educate themselves about what journalists actually do beyond their own day-to-day interaction with reporters. Doing so could give public records officers a greater appreciation for journalists' claims to be arbiters of transparency in American democracy, which could, in turn, lead to greater cooperation between the two parties.

This study is limited by several factors. First, the low response rate of the study's survey means that the findings of this study cannot be generalized to the greater population of public records officers. The low response rate could be indicative of self-reporting bias, whereby only the most opinionated or vocal public records officers were motivated to respond. Second, this survey was designed to gather a broad range of information without inducing fatigue that could lead to a decline in participation or a drop in the thoroughness of participation. Thus, invitations for open-ended responses from participants were limited to three questions designed to simultaneously elicit advice for journalists and honest opinions about the working with journalists in the transparency process.

Despite these limitations, the responses here contain a high degree of information power (Malterud, et al., 2016), and thus they should be seen as offering insights into future research on the opinions of public records officers toward the transparency process and journalists' role in it. In particular, more attention should be paid to studying specific instances in which public records officers' paternalistic attitudes might affect their relationships with journalists or their willingness to release information.

Future research should seek to more deeply study the concepts addressed here through a more sophisticated instruments or through more thorough qualitative interviews. Further research also should be done to corroborate public records officers' opinions with opinions of journalists about the transparency process. For instance, if overly broad requests for documents are truly a problem, scholars should investigate what the driving forces are that prompt journalists to continue making such requests. One avenue for future research here is to test journalists' knowledge of which kinds of records exist and which do not, as well as which agencies are responsible for which records.

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