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# Editor's Note: Sunshine Fest Research Ideas

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Scholars rarely suffer from a lack of research ideas, but sometimes we need to get grounded in the big questions that practitioners want answered.

On March 20, 2025, the editors of *The Journal of Civic Information* attended Sunshine Fest, which was coordinated by the University of Florida Joseph L. Brechner Freedom of Information Project (publisher of this journal), and featured nine sessions about access to government information.

The in-person convening, held at the Johns Hopkins Bloomberg Center (former home of the First Amendment Museum) in Washington D.C., noted the 20th anniversary of Sunshine Week. It attracted a broad range of civic information-interested parties, about 160 in all, with representatives from the federal government, conservative and liberal nonprofits, the journalism industry, state FOI coalitions, academics, law, and FOI-dedicated civilians.

While in attendance, the editors solicited research ideas with a particular interest in bridging the gap between scholars and practitioners. The goal, as always, is to produce actionable information for professionals and research that aids in improving civic information laws.

Below, we summarize some of the research ideas that attendees proposed. Where applicable, we have provided citations to relevant studies to add context. For further information on each idea, feel free to reach out to the individual that proposed the idea.

**Technological solutions.** Toby Mendel of the Centre for Law and Democracy suggested a multidisciplinary study exploring right to information systems and the integration of technology. Mendel was of the belief that many systems are quite behind and that teaming up FOI and technology experts could produce a range of ideas. Relatively small financial commitments could level-up these systems and deliver considerable efficiencies.

Attorney Robert Becker had an idea in-line with Mendel's. Becker suggested that many information management infrastructure systems are antiquated. He suggested the excuses for failing to update the technology are false and proposed a two-part study that would first seek to record the actual costs of continuing to use dated information infrastructure, then demonstrate the value of switching to more current technology. Previous research on this topic include:

- Jaeger, P. T. & Bertot, J. C. (2010). Transparency and technological change: Ensuring equal and sustained public access to government information. *Government Information Quarterly*, *27*(4), 371-376. https://doi.org/10.1016/j.giq.2010.05.003
- Baron, J. R., Sayed, M. F., & Oard, D. W. (2022). Providing more efficient access to government records: a use case involving application of machine learning to improve FOIA Review for the deliberative process privilege. *ACM Journal on Computing and Cultural Heritage*, *15*(1), 1-19. https://doi.org/10.1145/3481045

**State-level research.** Megan Rhyne of the Virginia Coalition for Open Government made the perennial call for more state-focused government research. While there exists a good deal, the volume of state FOI research has always paled in comparison with federal FOIA scholarship.

- Peltz-Steele, R. J. & Steinbuch, R. (2020). Transparency's blind spot: A respond to "Transparency deserts," Rutgers Law Record 48(1), 1-23. https://lawrecord.com/2020/10/02/transparency-blind-spot-a-response-to-transparency-deserts/https://lawrecord.com/2020/10/02/transparency-blind-spot-a-response-to-transparency-deserts/
- Wagner, A. (2021). Piercing the veil: Examining demographic and political variables in state FOI law administration. *Government Information Quarterly*, *38*(1), https://doi.org/10.1016/j.giq.2020.101541

**Exemption tracking.** Nate Jones of the Washington Post proposed tracking FOI exemptions that are proposed or passed at the state level (and proposed statutory exemptions at the federal level). Jones suspects there is political coordination and significant money being dedicated to degrading FOI laws. He believes a comparison of pro-transparency spending against pro-secrecy spending would shed valuable insight into what transparency is up against. This would extend the existing research on anti-FOI lobbying.

- Relly, J. E. & Schwalbe, C. B. (2016). How business lobby networks shaped the US Freedom of Information Act: An examination of 60 years of congressional testimony. *Government Information Quarterly*, *33*(3), 404-416. https://doi.org/10.1016/j.giq.2016.05.002
- Kwoka, M. B. (2016). FOIA, Inc. *Duke Law Journal*, *65*(7), 1361-1437. https://scholarship.law.duke.edu/dlj/vol65/iss7/2/

**Nature of requests and fees.** Michael Binder had several research ideas. First, he suggested separating requests for historical information and requests for current information, then prioritizing requests for recent information. Such a study could be grounded in the copious scholarship on delay. Binder also proposed a reconsideration of the FOIA fee structure, observing there is no incentive for requesters to be judicious in their requesting, which in turn results in the flooding of agencies. Last, Binder suggested reviewing representation on the Public Interest Declassification Board. At present, Binder believes there is a lack of public interest representation on the board. A study examining like-minded boards may provide valuable context in improving the PIDB composition.

- Pozen, D. E. (2017). Freedom from information: Beyond the Freedom of Information Act. *University of Pennsylvania Law Review*, *165*(5) 1097-1158. https://scholarship.law.upenn.edu/penn_law_review/vol165/iss5/2/

- Wagner, A. & Cuillier, D. (2023). To fee or not to fee: Requester attitudes toward freedom of information charges. *Government Information Quarterly*, *40*(4). https://doi.org/10.1016/j.giq.2023.101879
- Dudding, S. (2021). Spinning secrets: The dangers of selective declassification. *Yale Law Journal*, *130*(3), 546-777. https://www.yalelawjournal.org/note/spinning-secrets-the-dangers-of-selective-declassification


**Tracking FOIA data.** Attorney Kevin Bell suggested reconsidering FOIA annual reporting practices. Given his personal experience in a federal FOIA office, he expressed skepticism regarding the quality of data available in the reports, noting the disposition figures, in particular, are likely off significantly. Bell suggested exploring international reporting practices, like Mexico's, and reconsider some of the metrics reported (e.g., reporting number of pages released and withheld rather than full or partial disclosure). There is a history of scholars using FOIA annual reports, but Bell is suggesting a more critical look to find alternatives.


- Wasike, B. (2020). FOI in transition: a comparative analysis of the Freedom of Information Act performance between the Obama and Trump administrations. *Government Information Quarterly*, *37*(2). https://doi.org/10.1016/j.giq.2019.101443
- Kim, M. (2007). Numbers tell part of the story: A comparison of FOIA implementation under the Clinton and Bush administrations. *Communication Law and Policy*, *12*(3), 313-339. https://doi.org/10.1080/10811680701338631


**Look at the rules.** David Reed, of the Center for Public Administrators, offers a nuanced suggestion on the internal rules for processing requests. Reed called them "undercontroling rules" and described them as vague and contradictory. He suggested such protocols leave FOI personnel in a bind, and his research idea is to review existing FOI rules, federal and state, and produce a model guide that could act as a resource for FOI offices.


- Kimball, M. B. (2011). Mandated state-level open government training programs. *Government Information Quarterly*, *28*(4), 474-483. https://doi.org/10.1016/j.giq.2011.04.003
- Johnson, B. G. (2020). Public Records Officers' Perspectives on Transparency and Journalism. *The Journal of Civic Information*, *2*(1), 1-22. https://doi.org/10.32473/joci.v2i1.121553


**Effects of populism.** The most attended panel was on "Trump, Populism, and the Backslide," with panelists Kelly Kauffman, MuckRock, moderator; Susan Harley, Public Citizen; Nate Jones, The Washington Post; Jason Leopold, Bloomberg News; and Greg Michener, Fundacao Getulio Vargas, Brazil. The panel focused primarily on the effects of Trumpism, but there remains a substantial need for continued research on the effects of populism, generally, on government transparency and FOI laws.


- Fenster, M. (2021). Populism and transparency: The political core of an administrative norm. *University of Cincinnati Law Review*, *89(*2), 286-343. https://ssrn.com/abstract=3780371
- Michener, G. (2023). Transparency versus populism. *Administration & Society*, *55*(4), 671-695. https://doi.org/10.1177/009539972211472

**FOIA and politics.** Similarly, a panel on "FOIA and Politics" was well attended and featured panelists Lauren Harper, Freedom of the Press Foundation, moderator; Katie Anthony, American Oversight; Allan Blutstein, Argus Insight; Mike Howell, The Heritage Foundation's Oversight Project; Raul Pinto, American Immigration Council; and Anne Weismann, George Washington University. The spirited conversation primarily focused on whether nonprofits have weaponized FOI requesting. Panelists provided ideas for statutory changes and improved processing practices that could help the resource-strapped agencies combat these large FOI campaigns. The audience questioned the motives of these politically motivated efforts.

- Worthy, B. (2017). The politics of freedom of information: How and why governments pass laws that threaten their power. Manchester, UK: Manchester University Press.
- Kreimer, S. F. (2018). The ecology of transparency reloaded. In D. E. Pozen & M. Schudson (Eds.), *Troubling transparency: The history and future of freedom of information*. (pp. 135-165). New York City, NY: Columbia University Press.

**Enforcement.** Another popular panel focused on enforcement mechanisms outside of litigation, and featured Margaret Kwoka, Ohio State University, moderator; Yaw Sarpong Boteng, Right to Information Commission, Ghana; Mitch McKenney, Kent State University; Colleen Murphy, Connecticut Freedom of Information Commission; and Liz Wagenseller, Pennsylvania Office of Open Records. The group explored international and state approaches to independent enforcement. Efforts to enforce right to information laws continue to evolve as compliance still leaves something to be desired. The panel provided new and old perspectives on the challenges of enforcing FOI laws.

- Kwoka, M. B. (in press). Transparency guardians. *George Washington International Law Review*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4969852
- McKenny, M. (in press). Just $25 to file, no lawyer required: Assessing an alternative public record complaint procedure. *Journal of Civic Information*, *7*(2).

A post-conference survey completed by 45 attendees (28% response rate) found high satisfaction with the conference panels, and 95% noted that they would come again next year. The most common suggestion was to extend the conference from one to two complete days of programming. As a result, it's likely to see another Sunshine Fest in 2026 during Sunshine Week, March 15-21, 2026, the 60th anniversary of FOIA.

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