



Hand it Over: State Public Records Acts in Data Integration

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TELL US IN THE CHAT:

What is the freedom
of information law
called in your state?

What We Do

- **Convene** and advocate on behalf of communities that are sharing and using cross-sector data for good
- **Connect** to innovations, best practices, and research and funding opportunities that support ethical data sharing
- **Consult** with data sharing collaborations to build the human and technical capacity to share data and improve lives

Why We Do It

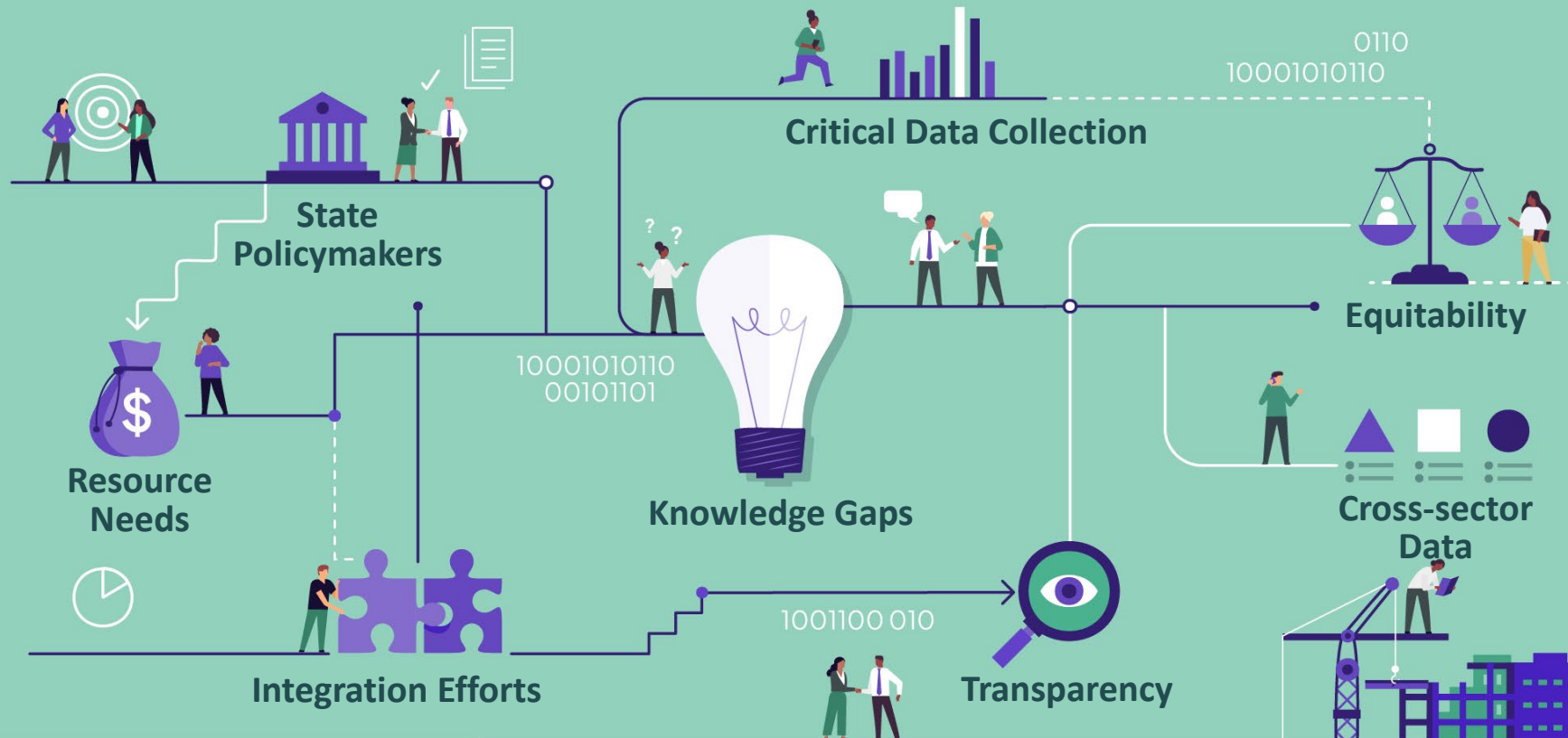
When communities bring together cross-sector data safely and responsibly, policy-makers, practitioners, and schools are better equipped to:

- Understand the complex needs of individuals and families
- Allocate resources where they're needed most to improve services
- Measure long-term and two-generation impacts of policies and programs
- Engage in transparent, shared decision-making about how data should (and should not) be used

www.aisp.upenn.edu



The Data Integration Support Center (DISC) at WestEd provides expert integrated data system planning and user-centered design, policy, privacy, and legal assistance for public agencies nationwide.



Our roles



We are:

Data evangelists

Connectors, community builders,
thought partners, cheerleaders,
and data sharing therapists

Focused on ethical data use
for policy change



We are not:

Data holders or intermediaries

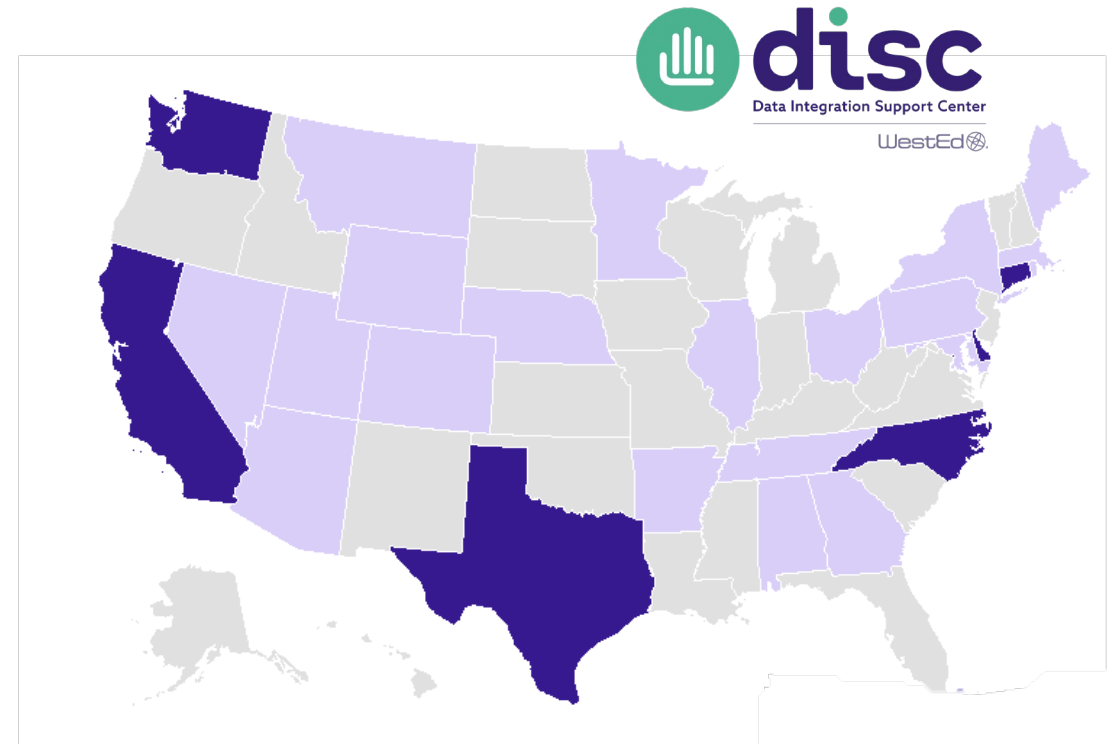
A vendor or vendor recommenders

Focused on academic research

Our Networks



★ Statewide ◆ Local

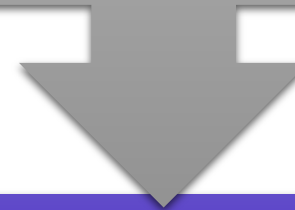


● Intensive support ● Moderate support

Our approach



Data sharing is as relational
as it is technical.



We don't just need to integrate
data;
we need to integrate people.

LEGAL DISCLAIMER

- Not Legal Advice
- Training will only cover **federal law**
- Laws change, this is based on the law at the time of the training
- Consult your general counsel for specific legal questions

ESSENTIAL QUESTIONS



What are the key provisions and exemptions within state freedom of information laws that lawyers must consider when facilitating data sharing and integration, and how can they ensure compliance while navigating these legal frameworks?



What strategies and best practices can lawyers employ to overcome legal barriers posed by state freedom of information laws in the development and management of Integrated Data Systems (IDS) for routine data access and use?



How can lawyers balance the requirements for transparency and public access under state freedom of information laws with the need to protect sensitive and confidential information in data integration efforts?

Parallel Purposes

Freedom of Information Laws

Establish the public's right to obtain information from government agencies.

Integrated Data Systems

Connect data over time and across sectors to support decision-making in answering policy questions, directing resources, and better supporting individuals.

PROVIDE ACCESS TO INFORMATION

A Brief History

FREEDOM OF INFORMATION ACT



1966

**FOIA
ENACTED**

After a decade of efforts

1974

**POST
WATERGATE**

Amended to include the core FOIA still in effect with judicial review of executive secrecy claims

1976

**THE
SUNSHINE
ACT**

Exemption 3 (prohibited by other statutes) of the FOIA was amended

1986

**ANTI-DRUG
ABUSE ACT
OF 1986**

Amended to address the fees charged by different categories of requesters and the scope of access to law enforcement and national security records

1996

**ELECTRONIC
FREEDOM OF
INFORMATION
ACT**

Amendments required agencies to make documents available in electronic formats and digitally distributed

2002

POST 9/11

Amended to limit the ability of foreign agents to request records from U.S. intelligence agencies

2007

**OPEN
GOVERNMENT
ACT OF 2007**

Amended to address some of the most persistent problems in the FOIA system, including excessive delay, lack of responsiveness, and litigation by federal agencies

Common Elements in Freedom of Information Laws

**Access to
information**

**Scope and
coverage**

**Request
procedures**

**Response
time**

Exemptions

Fees

**Appeals
Process**

Penalties

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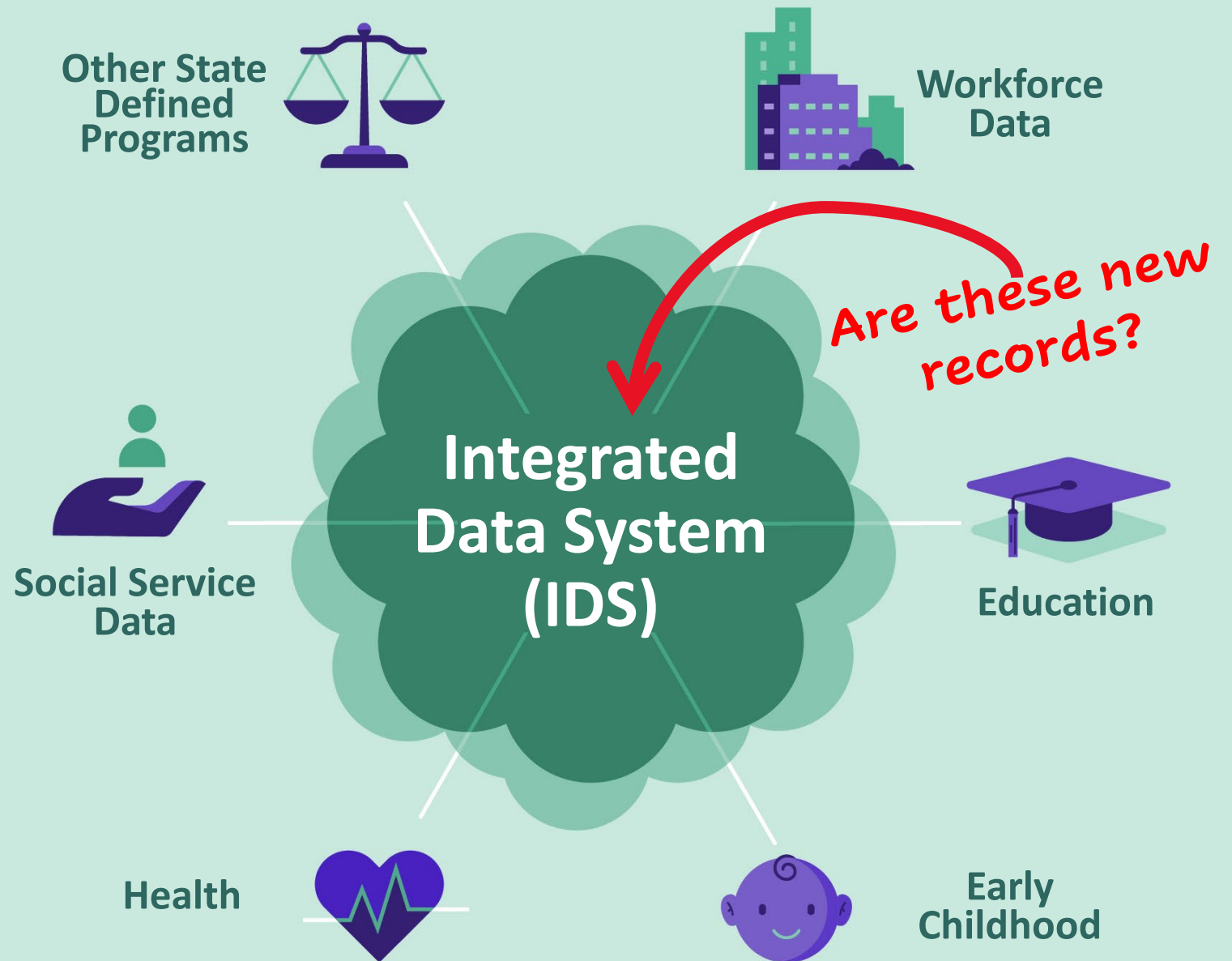


Scope and Coverage

What are agency records?

**Does searching or querying
databases create a new
record?**

What are IDS records?



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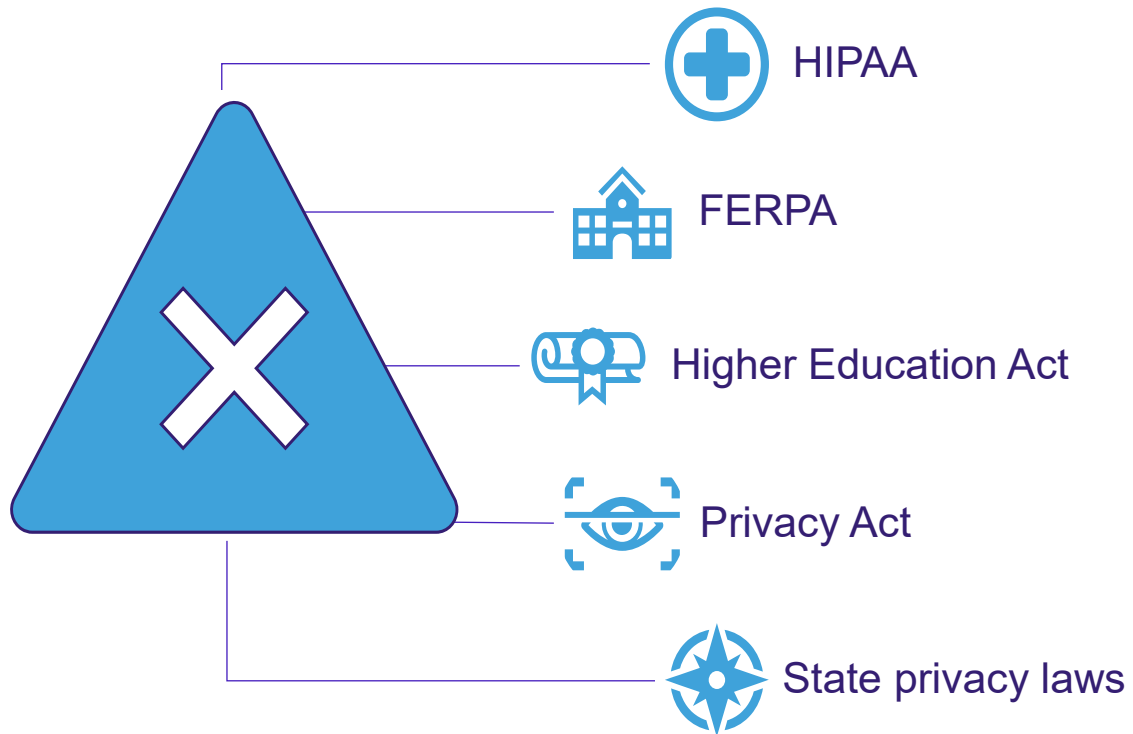
Penalties

Exemptions from Disclosure

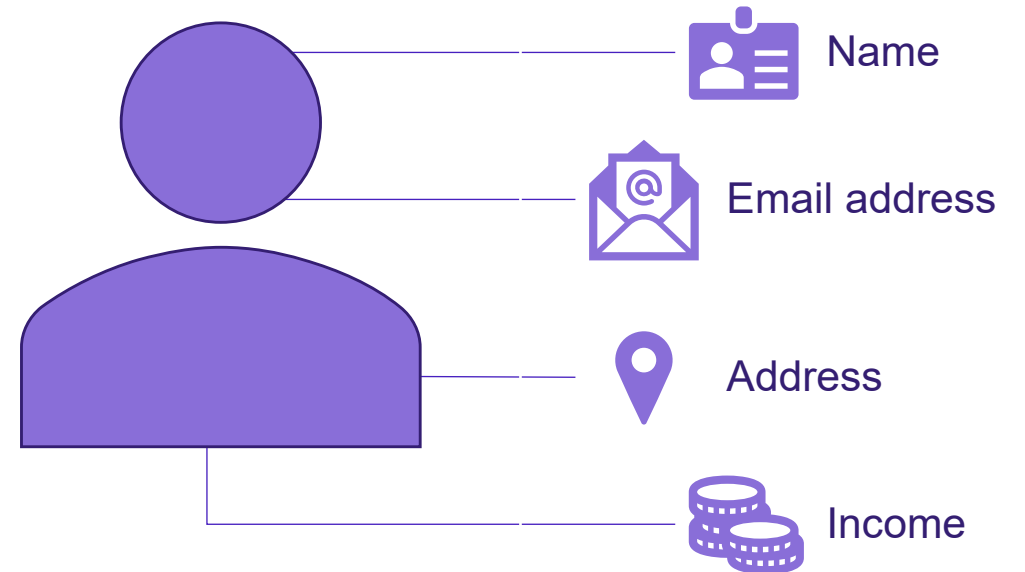
Freedom of information laws typically contain several exemptions that permit agencies to withhold records or portions of records in response to a request.

Exemptions from disclosure

Prohibited by other statutes



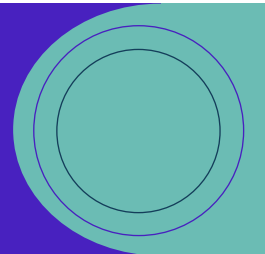
Personal privacy



Questions?



State Examples



California Cradle to Career

Notwithstanding any other law, records or source data contained in the data system **shall not be subject to disclosure** under the California Public Records Act.

California Education Code, Section 10872

North Carolina

"Research data, records, or information of a proprietary natured, produced or collected by or for state institutions of higher learning in the conduct of commercial, scientific or technical research where the data, records, or information has not been patented published, or copyrighted are not public records as defined by G.S. 132-1."

N.C.G.S. §116-43.17.

North Dakota

"Except as otherwise specifically provided by law," state records are open to the public. (NDCC 44-04-18(1))

- NDCC 44-04-17.1 defines "law" to include both federal law, state law, and regulations.
- "Education records" that SLDS uses or creates – and other materials deemed confidential by law – are not subject to open records requests.

Maryland

The [Maryland Public Information Act](#) gives the public the right to information about government activities. Public records available for review include:

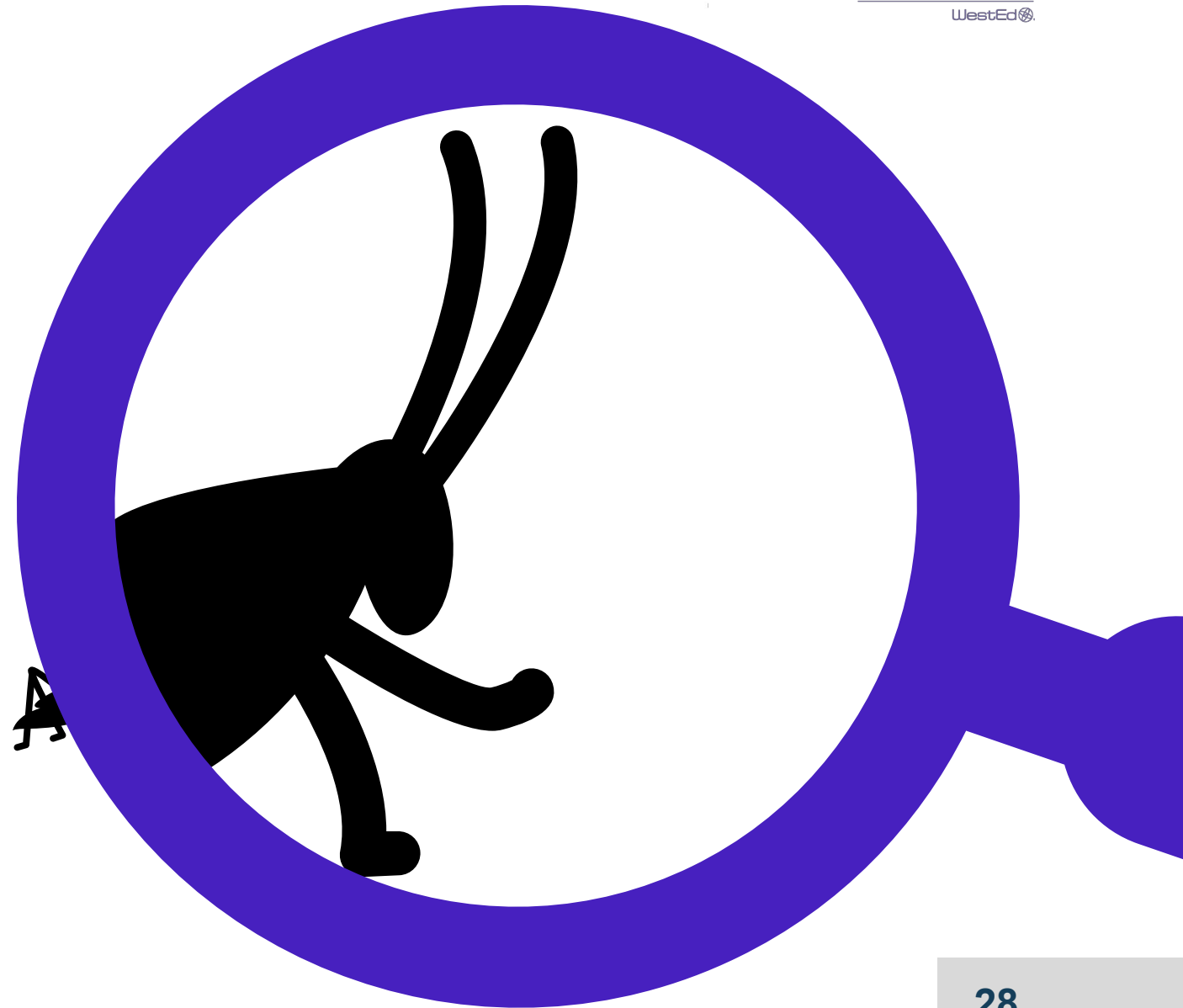
- Documents and records relating to all aspects of the **operations and management** of the MLDS Center; and
- **De-identified aggregate data** maintained by the Center.
 - The Center may only use aggregate data in the release of data in reports and in response to data requests.
 - (Md. Ann. Code, Ed. Art. §24-704(h)(3))
 - Data that may be identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the Center.
 - (Md. Ann. Code, Ed. Art. §24-704(h)(4))
- The Center may only fulfill data requests for data that are derived from **more than one of the Center’s data partners**.
 - The Center shall deny a request for a nonlongitudinal data set and refer the requestor to the appropriate agency.
 - “...a data set is non-longitudinal if it contains data provided by only one of the following agencies that contribute data to the Center”
 - ([COMAR 14.36.04.07](#))

Washington

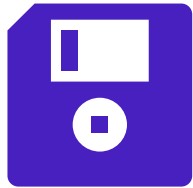
“Each agency...shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (8) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records.”

Revised Code of Washington, [42.56.070](#)

Under Scrutiny



IDS Best Practices for Transparency

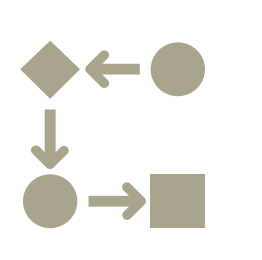


Provide information around the data in the IDS

Identify a Public Records Officer



Demonstrate how the data is used



Develop and publish procedures for responding to FOI requests



Publish policies on who has access to data and for what purpose

Provide comprehensive training for all staff



Five key components of quality that set successful efforts apart



Governance

The people, policies, and procedures that support how data are used and protected.



Legal

The legal framework supports the purpose for data sharing, documents the legal authority of the host organization, and ensures that data sharing complies with all federal and state statutes.



Technical

Technical components are created to support the core purpose



Capacity

Staff, relationships, and resources that enable an effort to operate governance, establish legal authority, build technical infrastructure, and demonstrate impact.



Impact

All components of quality – governance, legal agreements, technical tools, staff capacity – exist to drive impact.

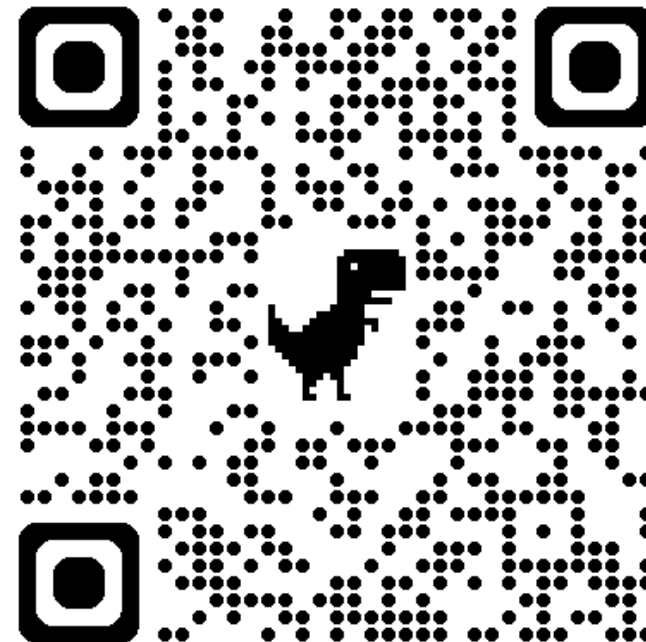
Questions?

Let us know in the chat:
What is one thing you are
taking away from this training
today?

Share your thoughts

Take a quick
[Workshop Survey](#)

For more trainings, visit:
<https://disc.wested.org/>





Thank you.

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A Project of
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