Key Points of the Freedom of Information Act (FOIA)

I. The Freedom of Information Act requires that all public records and meetings be open and accessible to the public, unless one of the statute’s narrowly defined exceptions applies.

II. To comply with FOIA’s open meeting requirements, three is the magic number:

In order for three or more Board members to discuss public business, notice of the discussion must be provided at least three working days in advance.

III. In order for the Board to take action, a quorum of the members must be physically assembled in one location that is open to the public. Once a quorum is assembled, other members may call into the meeting from remote locations provided that either substantially similar call-in options are also provided to the public or the requirements of the Board’s Policy on Individual Participation in Meetings by Electronic Means have been satisfied.

IV. The Board’s Policy on Individual Participation in Meetings by Electronic Means requires that the following information be recorded in the meeting minutes: a) the general reason that the member is unable to attend the meeting; and b) the remote location from which the member participates. When such remote participation is due to a personal matter, such participation is limited by law to two meetings of the public body per member per calendar year.

V. FOIA sets out detailed procedures by which the Board may go into closed session and exclude the public from attending its discussions. NO BIRDWALKING IS PERMITTED - ONLY TOPICS IDENTIFIED IN THE MOTION TO GO INTO CLOSED SESSION MAY BE DISCUSSED.

VI. The Board must respond to a request for public records within five working days after the request is received.

VII. A public record is determined by its content not the medium on which it is stored or communicated.

VIII. FOIA applies only to existing records; it does not require that records be created.