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Popular information: An analysis of FOI use and behavior

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ABSTRACT

A substantial amount of freedom of information research exists, though a majority is focused on U.S. laws' outcomes and FOI's shortcomings. But little is known about who makes requests and why requests are made in the United States. The exploratory study addresses these gaps via a nationally representative survey across key demographic variables of 1116 U.S. residents. Analysis found advanced education to be a strong, positive predictor of FOI familiarity and request submission. Malegender and a belief that FOI improves government accountability were also found to be significant predictors of FOI knowledge and use. The survey sampled U.S. residents, but the results may have international application and suggest continued research on who uses FOI laws and why.

1. Introduction

There exists a great deal of research on freedom of information (FOI) laws—their failures, conventional legal research on statutes and adjudication (Halstuk & Chamberlin, 2006; Peters, 2021), opinion polling of public support (Cuillier & Pinkleton, 2011; Piotrowski & Van Ryzin, 2007), field experiments testing compliance (Spac, Voda, & Zagrapan, 2018; Wagner, 2021a; Worthy, John, & Vannoni, 2017), examinations of the technology used in FOI processing (Coglianese & Lehr, 2019; Jaeger & Bertot, 2010) and surveys of records custodians (Johnson, 2020; Kimball, 2003)—though surprisingly little consideration is given to who is submitting requests and why they do so.

In the existing FOI use scholarship, researchers have painted a fairly bleak picture of who is submitting FOI requests. The consensus suggests it is largely savvy commercial enterprises able to turn a profit on government information and immigrants and veterans desperate for personal records (Fink, 2018; Kwoka, 2016; Kwoka, 2017; Kwoka, 2021), rather than journalists or accountability-oriented citizens the laws were designed to serve (Kwoka, 2018; Silver, 2016). And while the laws' users may not meet legislators' original intentions, the implementation and administration of FOI laws have also been met by a nearly universal disapproval. Scholars, legislators and journalists alike routinely castigate FOI laws and records custodians for failing to deliver on the laws' aims (Delayed, Denied, Dismissed, 2016; FOIA is Broken, 2016; Pozen, 2017; Stewart & Davis, 2016). This exploratory study seeks to help better understand who uses FOI laws and how they do so by evaluating FOI behaviors via a nationally representative U.S. survey of 1116

respondents. The survey examines familiarity with FOI and submission of FOI requests across a range of demographic, geographic and political variables.

2. The rise and role of freedom of information

FOI laws materialized in the United States largely as a product of the journalist-led right to know movement, but the importance of public access to government information was established well before. The Framers were aware of the necessity of government transparency. Uhm (2008) found regular discussion and emphasis on a people's right to know during the nation's earliest days, suggesting the Framers recognized the belief in access as “one of the most important democratic principles...the embodiment of the transcendent idealism of the democratic yearning of the people” (p. 393). Harold Cross, perhaps the single most important figure in establishing access rights in the United States, was deeply influenced by the early language of the Framers, rooting his book in in the early democratic discourse of the nation. The right to know movement catalyzed the federal Freedom of Information Act (FOIA), which was the product of an unusually strong alliance between the journalism profession and the newly established House Subcommittee on Government Information (Blanchard, 1972; Hudson, 1973; Scher, 1960). Michael Schudson described the cohesiveness between the legislative committee and journalists as a “unique political hybrid,” finding the “committee's investigations were organized in consultation with key leaders in the press, and [Chair John] Moss's staff was dominated by former newspaper reporters” (pp. 44–45). Journalists across

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the country had become exasperated with the growing recalcitrance of governments to share records or grant entry to meetings (Schudson, 2015; Uhm, 2005). The American Society of Newspaper Editors commissioned Cross to survey the unsatisfactory FOI landscape. The resulting book documented the piebald nature of information practices in the country and how governments had begun walking away from the handshake agreements on sharing government-held information (Cross, 1953). He found governments had become more secretive during the World Wars and simply, conveniently continued denying access to government information after the fighting ceased. The press's advocacy not only spurred the right to know movement and helped shape FOIA legislation, but it also established the ethos of FOI laws. Functionally, they are transactional, but the laws are galvanized by a righteous demand of the people to gain access to their government.

Cross and journalism organizations cannily grounded their call for access in one of the county's most cherished tenets, the First Amendment. Cross's thinking and the right to know movement's language mirrored the early democratic discourse of the nation. The mid-century transparency efforts used the language of First Amendment and frequently cited to the Framers and First Amendment theorists in demanding access to the government. Alexander Meiklejohn's First Amendment interpretation, which prioritizes shared governance, was a significant influence on Cross. Meiklejohn is credited with popularizing the self-governance theory of the First Amendment, writing, "Self-government can exist only insofar as the voters acquire the intelligence, integrity, sensitivity and generous devotion to the people's welfare" (Meiklejohn, 1961, p. 255). To Meiklejohn, voting was the ultimate activity of the democratic citizen, and it was imperative that voters be knowledgeable and public discussion be informed. Thomas Emerson (1976) saw the right to know as a natural appendage to the First Amendment right of expression, observing that the right to be informed and the right to obtain information "constitute the reverse side of the coin from the right to communicate. But the coin is one piece, namely the system of freedom of expression" (p. 2). Vincent Blasi also saw a public right of access as a corollary right of expression. He called for an accountability function as a first-order objective of the First Amendment, and his justification was grounded in the awesome power of the federal government and the frequent abuse of that power. Blasi (1977) argued for a radical brand of transparency, suggesting official misconduct "is so antithetical to the entire political arrangement, is so harmful to individual people, and also so likely to occur, that its prevention and containment is a goal that takes precedence over all other goals of the political system" (p. 558). Without trust in government buoyed in substantial transparency, ideas of sovereignty and political agency become sclerotic. Another First Amendment interpretation, rational audience theory, emphasizes the individual role in the democratic process and rests on an informed public. Lidsky (2010) resists limitations on discourse, instead calling for trust in the populace's ability to digest complex or controversial information. Resorting to paternalistic restrictions on information and discourse gives rise to fundamental questions about the strength of the democracy and casts doubt on the citizens' capacity. While there are justifiable limits to expression and access to information, those in power must defy the easy, short-sighted appeal of constraining discourse and access. The democratic project relies on an essential belief in an informed public and public knowledge rests on expansive access rights.

3. Literature review

3.1. FOI attitudes

There is almost universal agreement with these First Amendment theorists. Participatory government requires informed citizens, and knowledgeable citizens are the product of ready access to the people and the processes of the government. And in the United States, public support for FOI laws has been steady, consistently favoring access to

government information. There are subtle differences in who supports what kind of transparency though. Driscoll, Splichal, Salwen, and Garrison (2000) surveyed a nationally representative sample on support for specific instances of potential access (e.g., juror names, political donations, etc.), general motivations for access and questions about who should have access and who should pay for access expenses. They found a relationship between increased support for access by males, but no significant relationships between support for access and age, education or race. Cuillier & Pinkleton surveyed registered voters in Washington state, exploring a range of demographic, political and psychographic variables. They found strong general support for access to government information, but no significant correlations between common demographics and support (though the psychographic variables—apathy, cynicism and skepticism—produced strong, significant relationships). Notably, political variables, namely liberal ideology, produced a significant positive relationship with support for access. Piotrowski & Van Ryzin conducted an online survey of more than 1800 citizens, exploring support for specific instances of access before recategorizing them into categories like fiscal transparency and safety transparency. The strongest predictors of positive support across the four scales were age and political engagement.

Cuillier (2008) surveyed the influence of a range of demographics, news habits and political variables and their relationships with support for access. His findings were mixed, but he did find a significant relationship between political involvement and political interest and support for access. Cuillier and Piotrowski (2009) recontextualized previous surveys, while adding a third new survey in exploring how internet-use related to government transparency. Age was the strongest predictor of support for access to public records. Income was the other significant positive variable in support of access. In their online survey, there was a strong significant positive relationship between support and education. Grimmelikhuijsen, Piotrowski, and Van Ryzin (2020) primed respondents with info on FOI and transparency. Across two large U.S. surveys, the study determined FOI priming had no significant relationship with trust in government. However, they did find some small significant relationships between trust in government and Democratic Party affiliation, a college degree and higher income.

3.2. FOI use and behavior

In 2001, Raymond Lee observed, "Very little is known about who uses the FOIA or how it is used" (p. 373). A substantial amount of research has occurred since, yet how and why FOI laws are used is still relatively unknown. To date, the preferred method for examining requester behavior has been FOI logs—agency listings of all requests processed. The data included in these logs vary by agency, but the most complete logs will include date of request, request identification number, requester name, organizational affiliation, a brief request description or subject and request disposition or outcome. A 2005 study of FOIA logs across 17 large federal agencies by the Society of Professional Journalists found more than 60% of requests came from commercial interests, and 25% of those were filed by data brokers. News media accounted for 6% of the requests (Frequent Filers, 2006). Lee's review of FBI FOIA logs documented less than 7% of requests could be attributed to news media. Galka (2017) collected FOIA logs from 85 federal agencies. Of the more the 229,000 requests, businesses accounted for 39% of requests, law firms 17%, news media 8%, nonprofits 8%, universities 5% and individuals 20%.

Margaret Kwoka has used FOI logs to great scholarly effect, producing a 2016 study that gathered logs from six different federal agencies. She found commercial requesters accounted for the vast majority of requests. At the six federal regulatory agencies, commercial requesters typically represented more than two-thirds of total requests, while news media accounted for relatively small portions. Fink looked to duplicate a part of Kwoka's study at the state-level, examining FOI logs of 21 state environmental offices. She found that news media amounted

to only 1% of requests in aggregate. In examining individual state logs, she found “consultants” made up nearly half of Pennsylvania environmental requests. [Velasco \(2016\)](#) has also documented that FOI regimes often favor institutional requesters, lending credence to the view that enterprise-scale knowledge and resources either aid processing and/or are received more favorably by custodians. In her 2017 article, Kwoka examined the first-person requester: Individuals seeking government-held information on themselves (e.g., “immigration files, medical history, family events, financial affairs, or investigatory materials about their own complaints” (p. 2208)). The most striking of Kwoka's analysis of nine federal agencies' FOIA logs involve the Department of Homeland Security (DHS). DHS is the federal government's largest recipient of FOIA requests, regularly processing over 40% of all federal requests. Among the three sampled DHS offices, first-person requests account for at least 97% of their total requests processed. She also found large percentages of first-person requesters in the logs of the Veterans Health Administration, the Social Security Administration and the Equal Employment Opportunity Commission. [Berliner, Bagozzi, and Palmer-Rubin \(2018\)](#) conducted an analysis of Mexican FOI systems and discovered a similarly strong appetite for first-person information.

[Michener and Worthy \(2018\)](#) proposed FOI use was much less political and more nuanced than is typically understood. They examined FOI identity and motivations via case studies and proposed an information-gathering matrix that plotted requester motivation along political-non-political and public-private dimensions. They found FOI motivation difficult to label on a grand scale, noting the porous nature of categorizing requester and request intent. Their analysis concluded even their matrix failed to capture the scope of requester motivation and that the de facto defensive posture of government records offices often transforms private, non-political requests into acrimonious interactions. Piotrowski and Van Ryzin took a different approach, asking survey respondents about behaviors in their survey. Across a battery of demographic and psychographic variables, they found a significant positive relationship between non-white identity and having obtained documents from the government in the last few years. Gender, education and income had no significant relationship with having obtained documents. However, age had a significant negative relationship.

The present study explores familiarity and use of FOI laws. Unfortunately, scholarship testing relationships between requesting behavior and demographic variables is scant. Aside from Piotrowski and Van Ryzin, most of the scholarship explores opinions and demographic variables. As a result, the author uses support for transparency as a guide or proxy in developing hypotheses and research questions for who submits requests and who may be familiar with FOI laws. While support for transparency measures is not a perfect analog for familiarity and submission, there is a logical symmetry to these concepts. One of the more reliable findings has been liberal political beliefs and support for transparency and FOI laws. While individuals with conservative political ideologies or identifying with the U.S. Republican Party have consistently demonstrated support for transparency—again, government transparency is universally popular—the types and the magnitude of the support has differed. Three surveys—[Cuillier and Pinkleton](#); Piotrowski and Van Ryzin and [Grimmelikhuijsen et al. \(2020\)](#) all documented significant ties between political liberalism or affiliation with the U.S. Democratic Party and support for access or trust in government. [Cuillier \(2008\)](#) found a negative correlation between conservatism and support for access. [Wagner \(2021b\)](#) also found that FOIA requests rise at a significantly faster rate when a Republican is in the White House, and during President Barack Obama's tenure, requests submitted declined on a year-over-year basis. This suggests Democrats are more motivated requesters. Collectively, these findings indicate individuals with liberal political ideology are more likely to use FOI laws.

Hypothesis 1. Liberal political ideology will predict positive relationships with FOI familiarity and request submission.

Education and income are two other recurring variables that

demonstrate relationships with support for transparency. Education was a common independent variable among FOI scholarship and frequently found to predict support or familiarity with access. [Grimmelikhuijsen et al.'s \(2020\)](#) study found the variable to have a significant positive relationship with perceived openness, and in [Cuillier and Piotrowski](#) education was a leading predictor of support for access. There is growing evidence that education is a significant factor in U.S. social and political life, and the existing FOI scholarship suggests it likely has a relationship with FOI opinions and behavior.

Hypothesis 2. Education will have a positive relationship with FOI familiarity and request submission.

Two studies—[Grimmelikhuijsen et al. \(2020\)](#) and Piotrowski and Van Ryzin—documented significant positive relationships between higher income and support for access to information. [Cuillier and Piotrowski](#) also found income to have a significant, positive relationship with support for access. Other studies have found no relationship between household income and request processes and outcomes ([Grimmelikhuijsen, John, Meijer, & Worthy, 2018](#)). [Lagunes and Pocasangre \(2019\)](#) submitted hundreds of requests in Mexico across an 8-year period. Some of the requests were submitted using the identity of an average male citizen, while others were submitted using a male identity with recognizable wealth and political influence. These common indicators of socioeconomic status were found to have no significant relationship with request results. As with education, there is a simple logic to income and familiarity and use of FOI laws. Multiple studies found positive relationships with income and support, while the studies testing compliance found no relationship. This suggests that income may be tied to individual behaviors but not request outcome.

Hypotheses 3. Income will have a positive relationship with FOI familiarity and request submission?

Across two surveys, [Cuillier \(2008\)](#) found political involvement and interest to have a positive relationship with support for access. Piotrowski and Van Ryzin found political engagement to be one of the strongest predictors of support for transparency. Again, the author makes a logical extension in hypothesizing not only a tie between support with familiarity and submission but in voter activity as an example of political involvement and civic engagement. There is a kindred civic-mindedness to both understanding and using FOI laws and participating in elections, and the study seeks to examine the First Amendment language and civic spirit on which FOI laws are founded and consider whether there are relationships between these behaviors.

Hypothesis 4. Voter registration and intention to vote in the upcoming election will predict higher FOI familiarity and request submission.

Previous research has often found age to be a significant variable in predicting FOI attitudes and behaviors, but the valence of the relationship has been mixed. [Cuillier and Piotrowski](#) found a strong positive relationship with age and support for access. While Piotrowski and Van Ryzin found that the age variable positively correlated with support for transparency but had a significant negative relationship with having obtained government documents.

Research Question 1: Does age have a significant relationship with FOI familiarity and request submission?

In a FOI audit, [Wagner's \(2021c\)](#) strongest finding was geographic; counties in the Central South had strong negative relationships with all FOI outcomes and processes. The findings in the U.S. Central South corroborated [Cuillier's \(2019\)](#) findings. [Cuillier \(2019\)](#) examined more than 7000 requests submitted between 2014 and 2017 through the FOI service MuckRock, then sorting and analyzing the outcomes by geography and constituency variables. The strongest predictor in the analysis was the Central South demonstrated lower FOI compliance. Piotrowski and Van Ryzin also found some significant relationships regarding geography, including a negative correlation between the Northeast region

and obtaining government documents. This suggests there are notable differences in FOI by geography. The study seeks to understand whether these findings signal any geographic differences in how individuals perceive and use FOI laws.

Research Question 2: Will respondents from the Central South demonstrate different FOI familiarity and request submission from other U.S. geographies?

3.3. FOI request purpose and target

One finding consistent across these examinations of FOI logs: the light representation of news media requests, which aligns with Lanosga and Martin's (2018) and Hamilton's (2016) evaluations of investigative reporting. News media comprise a fairly small portion of FOI requesters, and this has been observed across many studies and different scholarly methods. Michener and Worthy directly considered purpose, finding that requester motivations were likely too multifarious to capture and taxonomize but concluded that across several nations requester motivation was likely less political than often assumed. Given the findings about requester identity and motivation, it is difficult to make hypotheses about the public's purpose or motivation in pursuing records, and the study seeks to further the inquiry into requester purpose or motivation.

Research Question 3: What are the purposes or motivations for FOI requests?

Federal FOIA receives the most attention, but state and local FOI laws are of real and growing importance. Scholars have suggested non-federal governments are larger in aggregate than the federal government, and state transparency laws are of critical importance (Koningisor, 2020; Peltz-Steele & Steinbuch, 2020). Braverman and Heppler (1981) called the collective state FOI laws a "storehouse of information of nearly equal proportions and potential utility" as the FOIA. Fink (2018) found that journalists submit more state and local requests than federal FOIA requests. Worthy (2013) found similar patterns in the United Kingdom with local requests outnumbering requests to the central government by a wide margin. The study seeks to corroborate the relatively consistent observation that federal requesting accounts for a smaller portion of FOI requests than non-federal requests.

Hypothesis 5. Non-federal governments will be the recipient of the majority of respondent FOI requests.

4. Method

4.1. Survey and sample

The study was predicated on a 43-item survey administered by Qualtrics, a trusted survey company. Qualtrics recruits and maintains an in-house online panel, which involves compensation for panelists participating in surveys. Participants were drawn from Qualtrics's online research panel of U.S. adults and selected by the company to meet quotas derived from U.S. national Census data for sex, age, race and income. The survey was live from Oct. 8, 2020, to Oct. 11, 2020, and the sample is comprised of 1116 people 18-and-older residing in the United States (including U.S. territories). A screening question was placed halfway through the survey as a method for mitigating deceit and insincerity, and respondents that were unable to provide the correct answer to the obvious COVID-19 question—"What is the name of the infectious disease that has caused the current global pandemic?"—were removed from the data pool. The survey included another internal check via geography questions. Respondents were asked separately to choose their home state from a drop-down menu and to enter their home ZIP Code. A manual check of these found them to correspond 90% of the time. Incomplete questionnaires were removed from the sample pool.

The sample was within half a percentage point of national Census data for both male and female genders. The age sample was equally

distributed between the three age categories. Ethnicity and race quotas were met, nonetheless the sample underrepresents Hispanic and Latinx-identifying individuals by 6.3%. Income was also fairly representative of national Census data with a slight underrepresentation of the highest and lowest income categories and the corresponding overrepresentation of the middle income category. Political ideology was more or less evenly distributed across the spectrum with no meaningful skew to liberal or conservative ideologies. There was good distribution across political party identification as well. Of the 1116 responses, 38.1% chose Democratic Party, and 39.1% chose Republican Party. Another 16.0% identified as "None" or "Other," with the majority of the latter specifying Independent in the fill-in. While the sample was not controlled for geography, the results were quite representative and accurately characterize state populations. The study did not apply an education quota, and as a result the sample is skewed in this facet. The survey oversampled those with bachelor's degrees and graduate degrees, both by at least 11 percentage points. As a result, the study has weighted education to represent the general U.S. population more accurately.

4.2. Measurement

Many of the independent variables were derived directly from or lightly modified versions of U.S. Census questions and answer choices. The age, ethnicity, race questions were all simple and straight-forward and consistent with typical survey practices. Gender provided three possible options, male, female and non-binary or other. The male variable was recategorized as dummy due to the few non-binary or other responses. Geographic categories were determined by recoding the state choice to the appropriate U.S. Census Bureau-designated divisions.

For education, respondents were asked about their highest academic achievement and given four options: "Less than a high school degree," "High school degree or its equivalent," "Bachelor's degree" and "Graduate degree." The income question collapsed seven ranges for median household income to three equal categories—less than \$50,000, \$50,000 to \$99,999 and \$100,000 and above—for statistical analysis purposes. Both education and income were treated as ordinal in statistical analysis.

To gauge political ideology, a 7-point Likert scale was provided with "Extremely liberal" on one end and "Extremely conservative" on the other; 4 was "Neither liberal nor conservative." "Other" was also an option. For the purposes of analysis, answers were recoded into three categories: Liberal for those who answered extremely, moderately and slightly liberal; and similarly for the conservative side of the scale. The third category included both Other and Neither. Two questions were posed in an effort to understand voting behavior. Respondents were asked separately whether they were registered and intended to vote in the upcoming 2020 U.S. presidential election. Answer options included "Yes," "No" and "Not Applicable." Due to the small number of not applicable responses, the registered to vote and intend to vote variables were recategorized as affirmative (i.e., yes) and non-affirmative (i.e., no and not applicable) binary variables. In a yes-no question, the survey asked whether the respondent believed FOI laws improve government transparency and accountability. The responses to the question are presented as the improve government accountability variable.

4.2.1. Familiar

A question seeking to gauge respondent familiarity with FOI laws was preceded by a brief primer of the laws and their purposes, followed by asking whether the respondent was familiar with FOI laws. The responses to the question included: "Yes, very familiar," "Yes, somewhat familiar" and "No, not at all familiar." Both "Yes" responses were collapsed into a single variable to create a binary variable for assessment purposes.

4.2.2. Submit

A sentence providing a very general outline of the requesting process preceded the question on FOI submission, then the respondent was

asked whether they had ever formally submitted a FOI request. Respondents were given the options of “Yes” and “No.”

For respondents that had submitted a FOI request, a contingent series of questions inquired about their use and behavior. One question asked which government(s) they had submitted their request(s) to: “Federal,” “State,” “Local (municipal, city, county)” or other. In analysis, these were treated as distinct, dichotomous variables. Another follow-up question sought the motives or purposes of the request(s). The answer options were: “Personal interest in government operations accountability,” “Personal interest in records unrelated to government accountability (e.g., information on housing, zoning or schools),” “Work-related” or other. With legibility in mind, these were relabeled for the article tables, respectively: “Government Accountability,” “Personal Interest” and “Work.” The purpose or motivation variables were each treated as independent, dichotomous variables.

4.3. Data analysis

Binomial logistic regression was used to test the hypotheses. The familiarity and submission variables are all measured discretely at the binary level. Linear regression models were not apt as assumptions predicated on a continuous dependent variable were violated, along with concerns about normality and homoscedasticity. A range of logistic and probit models were considered, but logistic models best suit the objectives of the study. Odds ratios provide clear and comparable predictors across the independent variables. Logistic regression models also produce pseudo R-square statistics that approximate linear regression models’ R-square. Scholars have demonstrated that many R-square analogs have limitations in describing effect size and are often better suited in comparing logistic regression models (Allen & Lee, 2008). Despite this, Nagelkerke R^2 and Cox & Snell R^2 are used as ready and available tools for estimating the strength of model relationship.

5. Results

A binomial logistic regression was performed to determine the effects of the independent variables on the likelihood that respondents are familiar with FOI laws or have submitted a FOI request. The logistic regression model for familiarity was statistically significant, $\chi^2(24) = 208.372, p < .001$. The model explained between 24.4% (Nagelkerke R^2) and 17.0% (Cox & Snell R^2) of the variance in familiarity and correctly classified 73.8% of cases. Sensitivity was 91.3%, specificity was 30.7%, positive predictive value was 76.5% and negative predictive value was 58.9%. The logistic regression model for submission was also statistically significant, $\chi^2(24) = 341.666, p < .001$. The model explained between 38.0% (Nagelkerke R^2) and 26.4% (Cox & Snell R^2) of the variance in request submission and correctly classified 82.8% of cases. Sensitivity was 57.7%, specificity was 92.4%, positive predictive value was 74.6% and negative predictive value was 85.0%.

Hypothesis 1 was partially supported. The regression analysis predicted a significant relationship with FOI submission and the political ideology variables. Those that identified as conservative, neither liberal nor conservative or other were predicted to be negatively associated with likelihood of having submitted a FOI request. However, the same relationships did not hold for FOI familiarity. This suggests that all ideologies are relatively similar in knowledge of FOI, but those with a liberal ideology are predicted to be more likely to submit a request.

Hypothesis 2 was supported. The education variable was a strong significant predictor of both FOI familiarity and submission. The regression analysis points to increased education as a strong predictor of FOI knowledge and use.

Hypotheses 3 was not supported. Income demonstrated notable descriptive results, but the income variable was not statistically significant in predicting increased likelihood of familiarity or submission of request. Despite the observable progressive impact on raw use and behavior data, regression analysis suggests income is not a significant

predictor of FOI use.

Hypothesis 4 was not supported. Statistical analysis did not predict a significant relationship between voter registration, intention to vote and FOI familiarity or use.

Hypothesis 5 was supported. The most common recipient of requests was the state government by a fairly wide margin, with nearly two-thirds of requesters having submitted a request to a state government (see Table 1). Federal government followed, then local government lagging well behind.

In response to Research Question 1, age did demonstrate a significant relationship with FOI submission but not FOI familiarity. Age predicted a negative, albeit not particularly strong, relationship with submission. Analysis suggests FOI familiarity is relatively uniform, but younger individuals are more likely to submit requests.

In response to Research Question 2, there were no findings of significance, which suggests FOI familiarity and use are unrelated to geography. The regression analysis found no significance among the geographic divisions with familiarity or submission (see Table 2). The descriptive findings do not uncover any remarkable differences among the various geographic variables. There are slight discrepancies in the crosstabs from region-to-region and division-to-division but little that stands out in a surface-level review of frequencies. The Central South scored below the overall average in familiarity and submission but lacked significance in statistical analysis.

In response to Research Question 3, the most frequent response to requester purpose or motivation was government accountability (see Table 1). Personal interest in non-accountability records, like information on housing or schools, was second. Requests for the purposes of a job were a distant third.

In addition to the research questions and hypotheses, the study found two other noteworthy results. Perceptions of improved government accountability and gender were strong significant predictors of both familiarity and submission. Improved government accountability predicted high odds ratios with FOI familiarity. These findings for improved government accountability variable were duplicated with the submission variable, with even stronger odds ratios. Males had substantially higher odds than females and non-binary individuals of being familiar with FOI. Males were also associated with much higher odds of having submitted a request.

6. Discussion and conclusion

Analysis documents three unmistakable findings. Education, gender and a belief that FOI laws improve government accountability were strong, significant findings across both dependent variables. Familiarity and submission are two logically similar concepts, so, to some degree, the results reflect a singular sentiment. However, being aware or knowledgeable of a concept and acting on the same concept are markedly different and represent a difference of agency. And while there are multiple shared significant independent variables, the odds ratios grow from familiarity to submission in all significant variables. This may be of particular interest in the future as scholars continue to examine where

Table 1 Submitted (N = 310).

Submitted	% (n)
Government	
Federal	39.7 (123)
State	64.2 (199)
Local	20.3 (63)
Other	1.3 (4)
Purpose	
Gov’t Acct.	55.2 (171)
Personal Interest	45.2 (140)
Work-Related	25.2 (78)
Other	4.8 (15)

Table 2
Binomial logistic regression predicting familiarity and submission ($N = 1116$).

Variable	Familiar			Submit		
	B	SE B	β	B	SE B	β
Age	-0.007	0.005	0.993	-0.041	0.006	0.960***
Male	0.784	0.154	2.191***	1.080	0.171	2.944***
Latinx/Hispanic	0.062	0.252	1.064	0.308	0.275	1.360
Race						
White	-	-	-	-	-	-
Black	0.207	0.373	1.231	-0.204	0.439	0.815
Am. Ind.	0.089	0.406	1.093	-0.149	0.476	0.861
Hawaiian	0.086	0.889	1.090	0.728	1.004	2.071
Asian	0.110	0.997	1.116	-0.703	1.045	0.495
Other	-0.707	0.481	0.493	-1.015	0.561	0.362
Income	0.057	0.110	1.058	0.190	0.122	1.210
Education	0.674	0.108	1.962***	0.712	0.113	2.038***
Political Ideology						
Liberal	-	-	-	-	-	-
Conservative	-0.293	0.196	0.746	-0.500	0.236	0.607*
Neither/Other	-0.098	0.177	0.906	-0.373	0.181	0.688*
Reg. to Vote	0.534	0.287	1.706	-0.336	0.374	0.715
Intend to Vote	-0.213	0.296	0.808	-0.436	0.392	1.546
+ Gov. Acct.	1.080	0.162	2.946***	1.962	0.287	7.115***
Geography						
New England	-	-	-	-	-	-
Mid-Atlantic	-0.316	0.440	0.729	0.793	0.501	2.209
E. N. Central	-0.489	0.433	0.613	0.703	0.509	2.019
W.N. Central	-0.311	0.499	0.733	0.497	0.600	1.644
S. Atlantic	-0.354	0.414	0.702	0.539	0.486	1.714
E. S. Central	-0.146	0.501	0.864	1.046	0.578	2.846
W. S. Central	-0.540	0.438	0.583	0.238	0.518	1.268
Mountain	-0.383	0.473	0.682	0.694	0.538	2.002
Pacific	-0.467	0.440	0.627	0.819	0.507	2.267
U.S. Territories	-0.347	1.425	0.707	0.802	1.445	2.230
Constant	0.903	0.066	2.466***	-0.956	0.067	0.385***
Nagelkerke R^2	0.244			0.380		
Cox & Snell R^2	0.170			0.264		

Note: New England (Geography), White (Race) and Liberal (Ideology) are the reference categories for the corresponding categorical variables.

* $p < 0.05$. ** $p < 0.01$. *** $p < 0.001$.

education or training becomes civic engagement or political action.

The strength and significance of the predictor make a fairly compelling case for education as a primary driver in FOI behavior. Given the literature in the field, the finding has real validity in understanding what is known about FOI and how it is used. Perceptions of FOI improving government accountability had even larger odds ratios, but the tie between this belief and use is not especially surprising. That those that believe FOI laws produce tangible outcomes would be aware of FOI and more likely to submit requests is expected and somewhat mundane. The gender findings are notable. Males are more likely to be knowledgeable of FOI and much more likely to submit requests than females, while in-line with previous research, comes as another remarkable finding.

That males and more educated individuals are more likely to be familiar with FOI and submit FOI requests may have ties to individual agency and general belief in government efficacy. For instance, [Grimmelikhuijsen et al. \(2020\)](#) found significant, positive relationships between increased trust in government and males, more highly educated and those with higher income. A previous study found political agency and government responsiveness variables tied to elements of socioeconomic status (i.e., electoral turnout, literacy, newspaper circulation) ([Besley & Burgess, 2001](#)). There is a long history of research supporting educational attainment as a correlate of voting and civic engagement ([Berelson, Lazarsfeld, & McPhee, 1954](#); [Verba & Nie, 1972](#); [Wolfinger & Rosenstone, 1980](#)). Recently, Pew found class differences, especially those related to educational attainment, to be prominent in defining a broad range of political engagement ([Smith, 2013](#)). Voting has been especially closely tied to education, and U.S. voting research has documented decades of socioeconomic status, operationalized as income and educational attainment, driving voting behavior ([Leighley & Nagler,](#)

[2014](#)), and education only continues to grow in predicting voting patterns ([File, 2018](#)). It also bears noting that research has shown educational attainment to not be a proxy for cognitive ability ([Hauser, 2000](#)), which supports Wolfinger & Rosenstone's hypothesis that educational attainment's tie to civic engagement is likely due to education reducing the cognitive and material costs in participating. As the 21st century enters its third decade, evidence supporting education as a defining demographic characteristic of the U.S. population grows, and it appears FOI behaviors may be no exception.

While FOI use and voting are not necessarily analogous, there seems to be shared civic interest, which makes another of the survey's findings somewhat surprising. Political engagement, *vis a vis* voting behavior, did not predict a significant relationship with FOI use (H4). It would seem the two activities share a politically engaged ethos, but regression suggests there is no significant relationship. The study may be an outlier, the preponderance of registered voters and likely voters (84.9% and 85.7%) suggest a ceiling effect and may make significance unlikely or the two methods of civic and political engagement may not correlate.

Another noteworthy finding was the lack of a relationship between geography and familiarity and submission. Despite recent scholarship documenting the U.S.'s Central South to have considerably poorer compliance and worse outcomes and processes than other U.S. geographies ([Cuillier, 2019](#); [Wagner, 2021c](#)), there appears to be little substantive difference in FOI use or behaviors throughout geographies. The finding suggests FOI administration may be influenced by geography, but public knowledge and use are not.

The practical implications of these findings suggest that FOI familiarity and use may be concentrated in more privileged elements of the U.S. population. FOI processing requires time, resources and confidence, and these are attributes that can be inordinately tied to males and more

educated individuals. While FOI laws are designed to be simple and transactional, the process can quickly become bogged down in legal language thick with statutory citations. For those uncertain of their civic rights and less assertive in pursuing them, an agency response asking for clarification can be a real deterrent. There is a faction in the FOI community that espouses the credo, "Always appeal," assuming that any denial may be illegitimate or an opening salvo in a contentious FOI battle. This is sensible for the seasoned requester comfortable with the laws and norms. Government offices are all too often resource-strapped and doing their best with very small teams and antiquated systems. Veteran requesters know the laws and understand the potential for confusing exemptions, hostility and delay inherent in FOI processing. However, these common FOI characteristics and interactions act as sentries around public information. They discourage requests and pursuit of information, signaling to the inexperienced and unfamiliar that requests are difficult and ultimately unsatisfying.

Many U.S. states have codified language requiring public bodies to honor nearly anything that faintly resembles a FOI request as a formal request; the objective being a lower barrier of entry. This ease should be embedded in the process through completion. Communication should be conducted in plain, easily understandable language. Expectations and timelines should be clearly conveyed and honored. Fees should be kept to a minimum and assessed in good faith. Custodians should be encouraged to help solve confusion, not exacerbate it (or use it as a convenient excuse to close a request). If the laws are to meet their high-flown expectations, FOI needs to work for everybody, not just lawyers, commercial requesters and the tenacious. In short, a successful request should not require advanced degree, hours of legal research and an unshakeable conviction. Requesters must be informed of their rights and encouraged to pursue them. Public bodies should make every effort, within reason, to disburse information and treat requesters humanely and not merely as a tracking number.

6.1. Limitations

The primary limitation of the survey was the sample, and weighting of the education and ethnicity variables was introduced to better reflect national demographic averages. Education and ethnicity variables aside, the study's sample is strong and representative of U.S. demographics, and the margin of error was a reasonable $\pm 2.93\%$ at a 5% confidence interval. Qualtrics's online panels are widely accepted and trusted across scholarly fields. The survey employed a screening question and used an internal cross-check to ensure respondent attention and sincerity. While the overall size of the sample is robust, the study is also limited to descriptive analysis of contingent variables due to statistical validity concerns.

The data gathering also occurred a month before a hotly contested federal election, and this may have primed political prejudices, potentially influenced general government opinions on and affected respondents' answers to questions about voting. There is no perfect time for a survey, but future scholars should keep this in mind, especially when considering the findings that may have been affected by a highly politicized climate. As with any survey, the study also suffers from self-reporting bias, namely social desirability bias, where systematic error results from respondent desire to avoid embarrassment or project a favorable image (Fisher, 1993). The survey employed direct questions, which have found to be more prone to bias (Fisher). While identifying as a FOI requester is not as clearly socially desirable as, say, identifying as one who recycles or does not cheat on their partner, FOI requesting has been generally understood as a community-minded, civically engaged activity. It is assumed that the general FOI submission data are slightly inflated due social desirability bias.

6.2. Future research

For too long, scholars have assumed the general public did not

account for a substantial portion of requesters and focused on tracing statutes and their adjudication and surveying general FOI attitudes. There has been too much critique, author included, without a thorough assessment or understanding of how the laws are being used. Future research should continue mining FOI use and behaviors resources. Valuable insights have been discovered by Kwoka and Fink. Through their research, it has become clear that in select federal (and some state) agencies, FOI processes are dominated by commercial and first-person requesters. It has also been well-established that news media are not especially heavy users generally. However, there remains an incredible amount of FOI use and behavior territory to explore.

Analysis of FOI logs is valuable, but it also suffers from significant constraints and offers only one flawed lens into FOI use. Due to a lack of reliable state and local FOI logs, analysis of FOI logs relies almost exclusively on federal FOIA requests. The federal logs also suffer from inconsistency in data categories, and in some instances the data can be incomplete and unreliable. Amassing enough comparable state or local logs to perform statistically valid or relevant research is likely prohibitively difficult. But researchers must continue to strategically acquire logs (and encourage states and local governments to keep and publish logs). With effort and imagination, there are important insights to be gleaned from existing logs at all levels of government.

Surveys are the other current best method for continuing the inquiry into FOI use and behavior. While the present survey is focused on user familiarity, behavior and motivation, it is limited in the characterization of the requests. More and better surveys are an important path forward. In particular, surveys with larger samples are desirable. The present survey is inadequate for valid statistical analysis of contingent variables like receipt or satisfaction due to small subsample size. Even in a reasonably large study, such as this one, there are limitations in analyzing a requester subsample, and the margin of error more than doubles as a result of the statistically small number of respondents having submitted requests. International surveying is also of great interest. Are the present study's findings broadly applicable, or are they specific to the United States? It seems many FOI opinions have been consistent across borders. A recent study by the [New Zealand Office of the Ombudsman \(2021\)](#) mirrored many of the U.S. findings. Descriptive findings documented males were both much more likely to be aware of access to information laws and more likely to attempt to access information. Age also demonstrated interesting results. Among the our age groups, each, starting with the youngest, showed a progressively higher awareness of FOI laws, while the inverse was true of attempts to access information. This corresponds with this study's finding of an inverse correlation between age and likelihood of having submitted a request. By running more FOI use and behavior surveys, it can be determined whether there is a consistent sociological and/or political profile of FOI users. This would be very beneficial in improving FOI laws and expanding the reach of government transparency mechanisms.

Finally, the author suggests interviewing as a valuable FOI research avenue. Finding subjects would be difficult and finding anything beyond a convenience sample or opt-in sample may prove unlikely. But these limitations may be a pragmatic tradeoff for extending research into the psychology, interests and experiences of requesters, especially if the study can find less obvious or non-high-profile requesters (i.e., not news media, scholars or lawyers). Fewer, but deeper and more engaged inquiries may provide paths to new understandings of FOI use and behaviors.

The modern realities of U.S. FOI laws are considerably different than the aspirations of journalism organizations that agitated for an established right of access. Yet, the language of the U.S. Framers, early right to know advocates and contemporary First Amendment scholars remains true: An informed public is a democratic imperative. Without transparency and public discourse, government objectives and activities become insular and untethered to the will of the people. FOI laws establish the right to access government information.

However, the disparate popularity among traditionally influential

demographic segments (i.e., males and the more educated), poses concerns about broadening the reach and empowering wider sections of the population. The objective of FOIA laws has never been exhaustive use by the entire population, but instead a powerful tool that is available to all when needed. Given the advances of the digital age and the affordances of contemporary information, the public should demand more information of their governments. These government offices should be pushed to raise awareness, increase training and create new methods of disbursing more and better information. Present limitations are largely artificial and self-imposed. Kwoka has shown that the FOIA has evolved in ways both known and somewhat expected (e.g., commercial requesting) and surprising (e.g., first-person requesting). Governments must embrace the public desire for and utility in government-held information, no matter the recipient, motivation or purpose of the request.

Author statement

The corresponding author is solely responsible for all elements of the work, including conceptualization, methodology, formal analysis, investigation, resources, data curation, writing (original and revisions), funding analysis.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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