

9. Public Right to Know (Model FOIA or Public Records Letter)

Issue Overview

Legislators and the public know little about the state’s interactions with Unregulated Pregnancy Clinics (UPCs). In states that grant funding to UPCs, it is not clear: (a) how much money has been granted from year to year; (b) who receives those funds and how much is passed along to other groups or individuals; (c) how many unique clients are served in a year; (d) what measurable quantity of products and services each of those clients receive; (e) whether the nonprofits are appropriately audited; and (f) whether audits are reviewed to ensure that state funds are spent in accordance with grant guidelines and protocols. In states that do not fund UPCs, it is unclear whether complaints have been filed against them, what complaints allege, what investigations state agencies have initiated, and whether state actions were taken.

The Freedom of Information Act (FOIA) or Public Records Act (PRA) can provide answers. State law allows members of the public to obtain most government-held documents, including electronic files of all kinds. In about 40 states, there are nonprofit organizations that will help individuals and organizations navigate the FOIA or PRA system.¹⁴²

To make requests more successful, be specific. In the case of UPCs, your request should name all the individual UPCs that you are aware of. Both electronic and hard-copy documents are most easily found by searching for a specific name.

To make requests more successful, limit the dates. You need to limit the request to a specific period of time, for example, the past three calendar years. If you ask for too much, you may be overwhelmed by the volume of documents and the fees for producing them.

Legislators and advocacy groups need information to create rational state policy. The UPC industry is opaque. The American Medical Association urges: “the development of effective oversight for entities offering pregnancy-related health services and counseling.” The first step is transparency. That’s not too much to ask.