Public records request pack

How to get the papers behind a proposed data center.

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Most papers about a proposed data center are public records. Send a short written request to the office that holds them. Name the project and the records. Ask for electronic copies. Keep the date you sent it.

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1. What to ask for

- ▢ **The rezoning or land-use application.** The filing that asks to change the zoning or approve the use.
- ▢ **Any tax or incentive agreement.** Abatements, payments in lieu of taxes, development agreements, and letters of support to a state incentive board.
- ▢ **The site plan.** The drawings that show buildings, setbacks, generators, cooling equipment and ponds.
- ▢ **The staff report.** What the planning staff recommends and why.
- ▢ **Studies filed with the application.** Sound, traffic, water, stormwater, environmental and property value studies.
- ▢ **Letters of intent and non-disclosure agreements.** Early papers between the developer and the city or county, often under a code name.
- ▢ **Meeting minutes and agendas.** Planning commission, governing board and economic development board, including closed-session agenda items.
- ▢ **Utility papers.** Requests for new electric service, water and sewer service agreements, and any utility commission case number.
- ▢ **State permits.** Air permits for generators, water withdrawal and discharge permits.
- ▢ **Emails about the project.** Between officials and the developer, for a set date range.

2. Which office has it

Application, site plan, staff report, studies	City or county planning and zoning office
Local tax or development agreements	County clerk, fiscal court or county commission, city clerk
State incentive approvals	State economic development agency or its incentive board
Sales-tax exemption filings	State revenue department or economic development agency
Electric service and rate cases	The electric utility, and the state utility commission's case files
Water and sewer service	The local water utility or water district
Air and water permits	State environmental agency
Deeds and recorded land options	County clerk or recorder
Agendas and minutes	The clerk of each board

Not sure? Ask the county clerk.

3. Deadlines in three states

- **Kentucky:** the agency must answer in writing within five days, not counting weekends and legal holidays (KRS 61.880). The right belongs to Kentucky residents (KRS 61.872).
- **Virginia:** five working days (Va. Code § 2.2-3704).
- **Ohio:** "promptly", with copies "within a reasonable period" (ORC 149.43).
- **Other states:** look up your law at nfoic.org or rcfp.org.

4. The letters

Fill in every [BRACKET].

1. General state open-records request

```
[DATE]

To: Records Custodian, [AGENCY NAME]

Re: Public records request, [PROJECT NAME OR CODE NAME], [ADDRESS OR PARCEL NUMBER]

Under [NAME OF YOUR STATE'S OPEN RECORDS LAW], I request copies of these records:

1. [RECORD, for example: the rezoning application and site plan for case number ___]
2. [RECORD, for example: any tax incentive or development agreement for this project]
3. [RECORD]

Please send the records in electronic form if you have them that way.

If you deny any part of this request, please cite the specific exemption for each
record you withhold, and release the rest.

If fees will be more than $[AMOUNT], please tell me before you make copies.

Thank you.

[YOUR NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL OR PHONE]
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2. Kentucky (Open Records Act)

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[DATE]

To: Official Custodian of Records, [AGENCY NAME]

Re: Open records request, [PROJECT NAME], [ADDRESS OR PARCEL NUMBER]

I am a resident of Kentucky. Under the Kentucky Open Records Act, KRS 61.870 to
61.884, I request copies of these public records:

1. [RECORD]
2. [RECORD]
3. [RECORD]

Please send the records in electronic form if available.

Under KRS 61.880(1), please tell me your decision in writing within five days, not
counting Saturdays, Sundays and legal holidays. If you deny any part, please state
the specific exception and briefly explain how it applies to each record withheld.

If fees will be more than $[AMOUNT], please tell me before you make copies.

Thank you.

[YOUR NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL OR PHONE]
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3. Virginia (Freedom of Information Act)

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[DATE]

To: FOIA Officer, [PUBLIC BODY NAME]

Re: Virginia Freedom of Information Act request, [PROJECT NAME], [ADDRESS OR PARCEL
NUMBER]

Under the Virginia Freedom of Information Act, Va. Code § 2.2-3704, I request copies
of these records:

1. [RECORD]
2. [RECORD]

I understand you must respond within five working days of receiving this request. If
any record is withheld, please identify it and cite the specific Code section that
allows it.

Please give me a cost estimate before you make copies if the charge will be more than
$[AMOUNT].

Thank you.

[YOUR NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL OR PHONE]
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4. Ohio (Public Records Act)

```
[DATE]

To: Records Officer, [PUBLIC OFFICE NAME]

Re: Public records request, [PROJECT NAME], [ADDRESS OR PARCEL NUMBER]

Under Ohio Revised Code 149.43, I request copies of these public records:

1. [RECORD]
2. [RECORD]

Please make the records available promptly, and provide copies within a reasonable
period of time. If any record or part of a record is withheld, please explain why and
cite the legal authority.

Please tell me the cost before you make copies.

Thank you.

[YOUR NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL OR PHONE]
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5. Federal agency (FOIA)

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[DATE]

To: FOIA Officer, [FEDERAL AGENCY AND OFFICE]

Re: Freedom of Information Act request

Under the Freedom of Information Act, 5 U.S.C. § 552, I request copies of these
records about [PROJECT NAME] at [LOCATION]:

1. [RECORD, for example: permit applications and correspondence since (date)]
2. [RECORD]

Please send the records in electronic form.

I am an individual seeking this information for personal use, not for commercial use.
I am willing to pay fees up to $[AMOUNT]. Please tell me first if fees will be
higher.

Thank you.

[YOUR NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL OR PHONE]
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6. Question to a utility or utility commission

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[DATE]

To: [UTILITY NAME], Customer or Regulatory Affairs
Copy: [STATE UTILITY COMMISSION]

Re: Proposed large electric load at [ADDRESS OR AREA], [PROJECT NAME OR CODE NAME]

I am a customer of [UTILITY] at the address below. Please tell me:

1. Whether a request for new large-load service has been made for this site.
2. Whether any case about it has been filed with the commission, and the case number.
3. What new lines, substations or power plants are planned to serve it.
4. Who will pay for that equipment if the project is delayed or cancelled.

Thank you.

[YOUR NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL OR PHONE]
```

7. Follow-up when no one answers

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[DATE]

To: Records Custodian, [AGENCY NAME]

Re: Follow-up on my records request of [ORIGINAL DATE]

On [ORIGINAL DATE] I asked for [SHORT LIST OF RECORDS] under [LAW].

The time to respond under that law has passed and I have not received a response.
Please send the records, or a written update with the date I can expect them, within
five business days.

A copy of my first request is attached.

Thank you.

[YOUR NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL OR PHONE]
```

8. Reply to a high fee estimate

```
[DATE]

To: Records Custodian, [AGENCY NAME]

Re: Fee estimate for my records request of [DATE]

Thank you for the estimate of $[AMOUNT].

[CHOOSE ONE]

Option A: To reduce the cost, please limit my request to [SPECIFIC RECORDS OR DATE
RANGE] and send a new estimate.

Option B: I ask that the fee be reduced or waived. The records are about a public
decision and I am not asking for a commercial purpose.

Option C: I would like to inspect the records in person instead of receiving copies.
Please tell me when I may come in.

Thank you.

[YOUR NAME]
[STREET ADDRESS]
[CITY, STATE, ZIP]
[EMAIL OR PHONE]
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5. Request log

One row per request.

Office and person	Records asked for	Date sent	Answer due	What came back	Withheld, and why

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