

# Criteria for quality in qualitative research and use of freedom of information requests in the social sciences

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## Abstract

Access to information (ATI) and freedom of information (FOI) requests are an under-used means of producing data in the social sciences, especially across Canada and the United States. We use literature on criteria for quality in qualitative inquiry to enhance ongoing debates and developments in ATI/FOI research, and to extend literature on quality in qualitative inquiry. We do this by building on Tracy's (2010) article on criteria for quality in qualitative inquiry, which advances meaningful terms of reference for qualitative researchers to use in improving the quality of their work; and illustrating these criteria using examples of ATI/FOI research from our own work and from others' in Canada, the United States, and the United Kingdom. We argue that, when systematically designed and conducted, ATI/FOI research can prove extraordinary in all eight of Tracy's criteria.

## Keywords

access to information, data analysis, data production, freedom of information, law, qualitative research, quality

## Introduction

Traditionally, when a qualitative researcher wanted to gain inside knowledge about a government program, they had to negotiate physical access and conduct participant observation and interviews. For some topics, however, negotiating this kind of access

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has not always been possible, nor has it been desirable in all cases. Agencies such as the public police have long been wary of the potential consequences of letting qualitative researchers into their professional worlds. Even government agencies with less to hide may have concerns about ethnographic research. When access has been gained, these agencies have been known to place conditions on research design and publication rights, bar future access, and even respond to the results of the research by publicly criticizing its quality (for example, Ericson, 1981; Gusterson, 1997). These experiences have led qualitative researchers to develop new, investigative means of producing data in the social sciences. One of these novel research tools is the access to information (ATI) and freedom of information (FOI) request. ATI/FOI requests provide qualitative researchers the ability to access previously inaccessible sites, and disclose information that may not have been accessible even if physical access was negotiated.

ATI/FOI requests are an increasingly popular but still under-used means of producing data in the social sciences. Brown (2009: 89) expressed astonishment that so few of his British colleagues were willing or able to use ATI/FOI requests as part of their research, and we would indicate the same for our counterparts in Canada and the United States. More than 100 countries across the globe now possess ATI/FOI laws at federal, state, and provincial levels of government allowing citizens to make requests for insider records (Hazell et al., 2010; Kazmierski, 2011).<sup>1</sup> Most literature on ATI/FOI takes three forms. First, there is literature based on analysis of disclosures, usually in sociology, legal studies, history, criminology and criminal justice, and political science (e.g. Greenberg, 2016; Jiwani and Krawchenko, 2014; Keen, 1999; Savage and Hyde, 2014). In Canada, for example, there is literature on policing, national security, corporate security, post-secondary education, and other topics that uses ATI/FOI as a primary data source (e.g. Brownlee, 2015; Luscombe and Walby, 2014, 2015; Monaghan, 2015; Piché, 2012; or in the United Kingdom, see e.g. Brown, 2009; Murray, 2013). Second, there is work on the administrative efficacy of ATI/FOI regimes, chronicling performance by indexing and benchmarking delays, fee charges, redactions, and appeals (Hazell et al., 2010; Hazell and Worthy, 2010; Holsen, 2007; Holsen and Pasquier, 2011; Roberts, 2006, 1999; Worthy, 2013; Worthy et al., 2012). Third, there are legal studies of ATI/FOI laws that report on legislative changes and case law, and propose amendments (Feinberg, 2004; Halstuk and Chamberlin, 2006; Kazmierski, 2013; Relyea, 2009). While these contributions are significant, they also reveal a void in literature on ATI/FOI: there is next to no methodological literature examining how ATI/FOI fits into trends in qualitative research, particularly current criteria for quality (e.g. Lee, 2014; Lincoln, 1995; Morse, 2015).

A recent article by Tracy (2010) establishes unique, meaningful terms of reference for qualitative scholars to guide their research (also see Gordon and Patterson, 2013). We build on the work of Tracy (2010) by advancing standards for quality in ATI/FOI research. To do this, we differentiate criteria for quality in qualitative research from the standard social scientific criteria that are ingrained in students from their first undergraduate courses: validity, reliability, and generalizability. We argue these three core criteria of quantitative work are less helpful for understanding the contributions of qualitative research and ATI/FOI requests specifically. Among other things, these criteria reflect what Abbott (2001) calls 'general linear reality,' characterized by monotonic causality and univocal meaning, making them inappropriate for qualitative research (also see Savage and

Burrows, 2007). To replace these criteria, Tracy (2010) offers the categories of rich rigor, credibility, and resonance. She argues that qualitative research should also be judged on the worthiness of its topic, its sincerity, the significance of its contribution, its ethical commitments, and the meaningful coherence of its findings, explanations, and overall exposition. The purpose of these replacement criteria is to establish an agreed upon yet flexible framework for designing and evaluating qualitative research using terms of reference that are more reflective of the interests, techniques, and history of qualitative research. In this article, we consider Tracy's (2010) criteria for quality in light of the unique demands and outcomes of ATI/FOI research. We argue that, when systematically designed and conducted, ATI/FOI research demonstrates all eight of Tracy's criteria.

First, we review existing literature on ATI/FOI in the social sciences. Second, we reflect on contributions to literature on criteria for quality in qualitative research. Third, we use this literature on criteria for quality to illuminate the contributions that ATI/FOI requests can make to social research, and how practical considerations arising from ATI/FOI requests can be used to further debates about qualitative criteria. Throughout we provide recent, critical examples of ATI/FOI research from our own research and from others' in Canada, the United States, and the United Kingdom. In conclusion, we discuss the increasing legitimacy and future of ATI/FOI requests in social research.

## **Existing literature on freedom of information requests in social research**

ATI/FOI requests are under-used in social research. However, this under-use is unfortunate since, as authors such as Savage and Hyde (2014) point out, ATI/FOI requests enable access to records that most researchers do not regularly engage with (such as internal government communiqués and reports, emails, raw statistical datasets, drafts of speeches, or occurrence reports). On the other hand, they argue that researchers need to be aware of the limited scope and reach of ATI/FOI laws. As Savage and Hyde note, the wording of the request is a key factor in the ATI/FOI process, and this requires background information about the organization and the file structure in question. There are also many additional challenges to using ATI/FOI requests including costs, delays, redactions, exemptions, and overwhelming amounts of discontinuous data (see Clément, 2015; Jiwani and Krawchenko, 2014; Kazmierski, 2011; Monaghan, 2015; Nath, 2013; Piché, 2012). To address such limits, Savage and Hyde suggest that ATI/FOI requests should be combined with other research methods, most of which are easily complemented by ATI/FOI. What makes ATI/FOI such a unique and worthy means of producing data is that the records disclosed document trends in government deliberations and decision-making (Greenberg, 2016; Gingras, 2012; Jiwani and Krawchenko, 2014; Keen, 1992; Lee, 2005; Savage and Hyde, 2013; Walby and Larsen, 2012), and as such these disclosures are not subject to the same rhetorical flashes and impression management that political speeches and media releases are.

There is not the space here to review the many studies composed around the world using disclosures from ATI/FOI requests. An increasing number of academic reports now use ATI/FOI disclosures, both as standalone data sources and in concert with others. In Canada, for example, Brownlee (2015) drew from ATI/FOI data to empirically

demonstrate the increasing use of temporary contract labor by universities (which are part of the public, provincial jurisdiction in Canada) that had never been previously released. In the United Kingdom, Rappert (2012) analyzed the British government's inside efforts to undermine the validity of quantitative studies reporting civilian death counts during the Iraq War. In the United States, Diamond (1992) and Keen (1999) used FOI requests to trace how the Federal Bureau of Investigation (FBI) conducted surveillance on academics suspected of having radical research agendas. Such contributions use ATI/FOI requests in a systematic manner to produce qualitative data that are then analyzed and explained using diverse theoretical perspectives, writing styles, and modes of exposition. Nevertheless, while there exists an impressive, expanding body of empirical and theoretical research using ATI/FOI, it is only recently that scholars have begun to develop the methodological aspects of this research tool. One dimension literature on ATI/FOI is lacking is discussion of how ATI/FOI fits into debates in qualitative inquiry about what constitutes quality research. This includes what values and practical standards ATI/FOI researchers might use to ensure quality in their work and to assess the contributions of others.

### **Debates about criteria for quality in qualitative research**

Tracy (2010) contends that criteria for quality in qualitative inquiry are important to demarcate fundamental differences between quantitative and qualitative research (for a critique of Tracy, see Correa, 2012). In particular, Tracy argues validity, reliability, and generalizability have limited value for qualitative researchers. Validity assumes researchers are trying to measure something by correlating variables that can be measured through quantification (also see Lather, 1993). Reliability assumes results should hold constant if the conditions of the study are held constant, which assumes the thing under study is relatively static (Abbott, 2001: Ch.1). Generalizability assumes there is a larger population researchers want to apply their findings to that extends beyond their random sample. Obviously there is much more to these criteria, but such crude summaries are sufficient to make our point: while these criteria are suitable for research in the natural sciences and in quantitative social research, they are not suited for the goals and methods of qualitative inquiry. This position is already well established (Gordon and Patterson, 2013; Guba, 1981; Lee, 2014; Lincoln, 1995; Morse, 2015; Tracy, 2010).

For decades, particularly in North America, the prevalence of quantitative standards of truth in qualitative research has been nothing but detrimental. Among other consequences, the predominance of validity, reliability, and generalizability as benchmarks has served to divide social scientists. The division is epistemologically troublesome (c.f. Fox, 2004; Poortman and Schildkamp, 2012; Swanborn, 1996), but nonetheless real in its consequences in academia today. Researchers in many social science departments operate on two sides of an imaginary chasm: on the one side quantitative researchers who hold more power and legitimacy inside and outside of the academy; on the other side qualitative researchers who, although an increasingly large scholarly community, still struggle on many fronts to convince others of the value and legitimacy of their work (this is true to varying degrees across Canada, the United States, and the United Kingdom).

Despite interesting endeavours in mixed methods, attempts to bridge this imaginary abyss have been generally unsuccessful. Qualitative researchers have time and time again been excluded from participating in certain debates and academic circles because of methodological choices. We return to this issue in the conclusion. For these reasons, many qualitative researchers have suggested that we not concern ourselves with quantitative standards for truth and instead strengthen alternative terms of reference.

One of the first contributions in this area was Guba (1981), who argued that credibility, transferability, dependability, and confirmability should replace internal validity, generalizability, reliability, and objectivity (also see Easterby-Smith, Golen-Biddle and Locke, 2008; Lincoln, 1995; Lincoln and Guba, 1985; Morse, 2015). Denzin and Lincoln (2003) suggested that trustworthiness, credibility, and transferability are the most suitable criteria for qualitative research. O'Reilly and Parker (2013) have used this literature on quality to interrogate notions of sampling in qualitative research. O'Reilly and Parker conclude that use of criteria such as validity, reliability, and generalizability in qualitative research can lead to unrealistic expectations.

Shenton (2004) and others have critiqued replacement criteria, suggesting these constructs (too) closely correspond with the criteria used in quantitative research. Bochner (2000) has argued the word 'criteria' itself is antithetical to qualitative research, and that such criteria are inevitably the result of human decisions, choices, and beliefs rather than some Archimedean point. Garratt and Hodkinson (1998) have similarly suggested it is impossible to find proper criteria to use to designate quality research. Lee (2014) has argued that criteria for quality should not be applied using a blanket approach. Across research genres, frameworks for inquiry (e.g. case studies, phenomenology, grounded theory, narrative analysis), and disciplines, different criteria will make more or less sense (also see Freeman et al., 2007). With Lee's (2014) and Shenton's (2004) arguments in mind, below our goal is not to suggest that Tracy's (2010) replacement criteria are the most suitable out there, or that they should be applied in all genres of research indiscriminately. Nor are we suggesting that Tracy's criteria are faultless. Nevertheless, a substantial debate and set of contributions have emerged in relation to Tracy's article, making her criteria a major talking point.

Though Tracy's (2010) replacement criteria at times mimic criteria found in quantitative work, they are a step toward creating consequential language and frames of reference for exceptional qualitative research. As Tracy (2010: 838) puts it, criteria are crucial because they 'serve as a shorthand about the core values of a certain craft.' Tracy's criteria are universal yet flexible; rather than applying to only some qualitative methods but not others, each criterion for goodness in qualitative research is intended to be useful for 'a variety of paths and crafts' (Tracy, 2010: 837). Tracy's hope is that by agreeing upon specific but flexible standards for goodness, qualitative researchers can operate as a coherent community while also celebrating difference. Drawing from their own research projects and engagement with womanist caring theory, Gordon and Patterson (2013) respond to Tracy by assessing how well these criteria align with feminist inquiry. In a similar move, we consider the craft of ATI/FOI research in light of Tracy's eight criteria for quality, to advance discussion of these criteria but also to reflect on the complexity of ATI/FOI data in the social sciences.

## Criteria for quality in ATI/FOI research

Tracy's (2010) typology for quality in qualitative research consists of the following eight criteria: worthy topic; rich rigor; sincerity; credibility; resonance; significant contribution; ethics; and meaningful coherence. There is some crossover – these criteria are not totally distinct from one another, nor do they need to be. With these new criteria for quality in qualitative inquiry, the primary goal is to be open and honest about the strengths and limits of research. Indexing our claims to advancements in ATI/FOI research, we discuss each of Tracy's eight criteria in turn.

The first criterion examined by Tracy (2010) is worthy topic. The worthiness of a topic is defined by how relevant, timely, and interesting it is. Although this criterion may seem overly idiosyncratic, being heavily contingent on the situated preferences of individuals and likeminded scholarly communities, few could deny the worthiness of data produced through ATI/FOI. The information produced through ATI/FOI is not just about government, it is about the active process of *governing*, which can involve contentious practices and abuses of due process (Marx, 1984). Monaghan's (2015) research demonstrates the way decisions are made about citizenship and immigration as well as foreign aid, including the racialized nature of such government actions, categories, and decisions. Such practices, which may affect thousands of people (or more), are high on the worthiness scale. Government practices are relevant to everyone they affect, as well as to anyone who cares about democratic processes and the legal and moral obligations of politicians and civil servants. Texts disclosed through ATI/FOI can also be timely in that they may be able to initiate an end to a certain practice or program before it does more harm (an outcome government agencies may seek to prolong through practices like delayed disclosure). Frequently, the response garnered from ATI/FOI texts is neither 'that's obvious' or 'that's interesting' (Tracy, 2010: 841), but 'that's concerning'.

Surprise is another condition that makes a topic worthy. Surprise can occur when findings overthrow a reader's taken-for-granted assumptions about how the world works. Surprise is of course dependent on the knowledge, experience, and interpersonal network of the reader. Nevertheless, the strength of ATI/FOI to release previously undisclosed information, sometimes formerly classified depending on the country, makes its data production outcomes unique. Although there are always barriers to accessing new knowledge and information, the obstacles contested and negotiated through ATI/FOI can be intentional and far reaching. Government actors may not want a public to have access to a particular record. If information was successfully kept confidential by government actors, its disclosure through ATI/FOI has the potential to surprise everyone. The ATI/FOI research of Diamond (1992) and Keen (1999) showed the surprising extent of FBI surveillance on academics and campus activists in the 20th century. Although not all ATI/FOI data is worthy in this sense, the potential is unequivocal.

The second criterion discussed by Tracy (2010) is rich rigor. Rich rigor includes issues such as use of theory, research design, data production, and analysis strategies like coding. To achieve rich rigor, qualitative inquiry requires a sophisticated research design and a clear demonstration of the rigorous application of theories and methods. While we have some reservations about the term rigor given its affinity with notions of reliability and generalizability (also see Morse, 2015), elsewhere researchers have shown consideration

for the unique methodological strategies that can be used to enhance quality in ATI/FOI sampling, analysis, and exposition practices (for example, Lee, 2015; Walby and Larsen, 2012). The primary way that rich rigor can be achieved in ATI/FOI research is by approaching it systematically at each step of the process, the same way one would any qualitative method. Using ATI/FOI requests in social research requires significant planning, perseverance, and attention to sampling and data production strategies. In one of our own research projects, we filed 100s of ATI/FOI requests with police departments across Canada and the United States. Each request was filed using a standardized request template and made over the same two day period. This required a high level of planning, organization, records management, and team work. We also made sure to include both small and large police departments in our sample, to represent the diversity of viewpoints, and did online background research on each one before filing the request. Discourse and content analyses are two ways of making sense of ATI/FOI disclosures, although there are limits to this (see Rappert, 2012). Other data analysis techniques have been elaborated in the ATI/FOI literature (for example, Lee, 2015; Walby and Larsen, 2012). Scholarly reports based on ATI/FOI findings have engaged a variety of theories, including theories of bureaucracy, policing, professionalization, law, social movements, secrecy, statecraft, and sexuality (for example, Gentile, 2009; Luscombe and Walby, 2014; Monaghan, 2015; Roberts, 2006). Few could deny the rich rigor of ATI/FOI requests and findings in each of these aspects of the research process.

Another element of rich rigor in qualitative research is the idea of 'requisite variety,' an idea Tracy (2010) draws from Weick (2007). Originally from cybernetics, requisite variety states that in order for a research instrument to accurately account for the thing it is studying, it must be at least as complex. Qualitative phenomena require complex means of data collection, analysis, and explanation. This is in contrast to quantitative fields in the social sciences, where the opposite rule of parsimony is still held in high esteem. Although tempting, ATI/FOI researchers should avoid simple explanations when interpreting insider documents. Government offices are complex institutional spaces conflicted with competition, slipups, knowledge gaps, tacit assumptions, and confusion. As Rappert (2012: 47) argues, researchers should take caution when attributing action and intention to the practices detailed in ATI/FOI records. ATI/FOI records are 'laden with mutual expectations (e.g. about literalness), taken-for-granted understandings, varying levels of trust, organizational idioms and unspoken presumptions' that are not easily identified without the additional analysis of other data types. To achieve requisite variety in the analysis of ATI/FOI records, qualitative researchers must develop 'polymorphous' (Gusterson, 1997: 116) research designs (consisting of multiple methods), as well as sophisticated theories that allow them to accurately account for the complexity of government.

Tracy's (2010) third criterion is sincerity. A key element of sincerity in qualitative inquiry is reflexivity and transparency about the researcher's unique goals and interests, and about challenges faced in the research process (also see Trainor and Graue, 2014). Transparency about the brokering process is particularly crucial to achieving sincere ATI/FOI research, as different researchers will achieve varying degrees of access depending on requester experience and brokering outcomes. In a previous contribution (see Luscombe and Walby, 2015), we have elaborated the basics of brokering access using

ATI/FOI requests. In Canada, a good deal of this brokering process involves informal, 'off the record' interactions with the ATI/FOI coordinator in the agency in question, who face dual pressure from both the ATI/FOI users and the office tasked with disclosing the information (Mann, 1986; also see Savage and Hyde, 2013 for UK examples). Openness about the brokering process is also crucial when scholars wish to use their ATI/FOI experiences to comment on the transparency of the agency. For example, Piché (2012) was able to show how corrections agencies were being untruthful in their media release about prison and jail capacity planning. He used information from ATI/FOI disclosures to pressure these agencies into releasing their full plans. Piché was open in his report about how he pressured these agencies, which he sees as a necessary tactic to prevent what Roberts (2006) calls 'intractable secrecy' (2006: 147). Not all situations where researcher's face barriers to access, however, justify the conclusion that the agency is being strategically opaque. Access may be blocked on other grounds that the researcher needs to document in their fieldnotes and final reports. Reasons include the nonexistence of certain types of information or formats, request wording, miscommunications, misinterpretations, and other idiosyncrasies that the agency may be responding to. ATI/FOI users can achieve this level of sincerity in their research by keeping extensive fieldnotes, citing access request numbers in their studies, using thick description, and by documenting the brokering process as part of the methodological requirements of any publication based on ATI/FOI disclosures.

The fourth criterion advocated by Tracy (2010) is credibility. Credibility refers to trustworthiness and plausibility of results (also see Moran-Ellis et al., 2006), and the fair representation of participant voices and feedback. Under credibility, Tracy (2010) includes thick description, triangulation (or crystallization), team research, audits, and member reflections. Each of these practices is a vital part of efforts to confirm results (see Miles and Huberman, 1994 on the criterion of 'confirmability'). While we have some reservations about the term credibility (also see Morse, 2015) given its proximity to the notion of validity, elsewhere in the literature researchers have shown how crystallization, team research, and member reflections are integral parts of ATI/FOI processes (Walby and Larsen, 2012). Another aspect of credibility in ATI/FOI research concerns the unique trustworthiness and plausibility of ATI/FOI texts themselves. Compared to documents designed for public consumption, ATI/FOI records are not necessarily shaped by the spin and rhetoric of public relations specialists. Government officials may take into account this potential when they are processing records for disclosure, but this nowhere near puts them into the same category as the annual report or press release, which are designed for public consumption and impression management. Finally, there is the trustworthiness of the disclosure. Disclosures may not be complete or reflective of requester meaning. The same standardized request letter sent to multiple agencies can generate different results depending on the interpretations of ATI/FOI coordinators (Savage and Hyde, 2013). Researchers can make readers aware of such complexities of ATI/FOI by transparently documenting the original request wording, researcher-coordinator interactions, and other aspects of the brokering process as part of any research report (see sincerity, above).

The fifth criterion is resonance. For Tracy (2010), resonance refers to the transferability of findings, or whether the findings enrich other empirical and theoretical perspectives on the thing being investigated. The findings of ATI/FOI research can be extended

to deepen empirical and theoretical perspectives on government practices and theories of the state. In our own research, we have used ATI and FOI requests to explore the emergence of corporate security personnel and conservation officers as key agents involved in urban policing operations (Luscombe and Walby, 2014; Walby et al., 2014). These empirical contributions have allowed us to advance conceptual claims about policing networks and current trends in policing and security. ATI/FOI records are also relevant to theories of the state given longstanding tendencies in sociology, political science, and other disciplines to confer 'the state' as a fixed and monolithic entity (Abrams, 1988). ATI/FOI documents can counteract such theories of the state by providing evidence for the messiness and complexity of the backstage.

Another part of resonance is what Tracy calls 'aesthetic merit'. Aesthetic merit is high when readers are deeply affected in some way by the researcher's text. ATI/FOI allows users to expose evidence for contentious and unlawful practices, what Marx (1984) has called 'dirty data'. If these practices are previously unknown to readers, it's likely to affect them. But there is also a second sense in which ATI/FOI data can affect readers. This occurs when an ATI/FOI request discloses evidence for a contentious practice that most people had already expected was taking place. In some cases, limited public knowledge about a government practice may take the form of a 'public secret' (Tausig, 1999), a generally known reality that people do not further probe or openly discuss. As Zizek (2013) observed in *The Guardian* following the Snowden leaks:

We didn't really learn from Snowden (or Manning) anything we didn't already presume to be true. But it is one thing to know it in general, another to get concrete data. It is a little like knowing that one's sexual partner is playing around – one can accept the abstract knowledge, but pain arises when one gets the steamy details, pictures of what they were doing.

There can be a similar aesthetic merit to data produced through ATI/FOI. We have often experienced this ourselves in 'bearing witness'<sup>2</sup> to the content of ATI/FOI disclosures, and have received reactions at many academic conferences that fit this idea of ATI/FOI aesthetic merit. The information may not be surprising to us, but somehow it still stirs an emotional response. Often we know certain unlawful or unjust practices are occurring within government, which is why we file ATI/FOI requests in the first place. As with leaks from whistleblowers, ATI/FOI disclosures frequently move us in unexpected ways, invoking emotional responses but also the desire to act politically (also see heuristic and political significance below). Piché (2015) has similarly discussed ways to enhance the resonance of writings produced using ATI/FOI requests.

The sixth criterion examined by Tracy (2010) is significance. Tracy offers three categories of significance: heuristic, practical, and methodological. ATI/FOI research is significant in all three registers. Information produced through ATI/FOI is heuristically and practically significant given its ability to reveal new practices in government, practices which can then be further pursued by a variety of methods, not just ATI/FOI. In contrast to interview transcripts, which are crafted by interviewers and participants in localized research contexts (Kvale and Brinkmann, 2009), ATI/FOI discloses insider records from government officials in a more 'raw' format. These records therefore enjoy a high level of versatility across audiences and contexts. In addition to academic researchers, these records are of immediate interest to activists, who can use them as evidence for the

practices they are resisting; journalists, who use ATI/FOI records as empirical support for their commentaries and political spins; and lawyers, who can use ATI/FOI disclosures as evidence in a legal trial. In his research on prison expansion in Canada, Piché (2015) used ATI/FOI to disclose new information with political and social justice implications, information he then used to inform interviews with political officials and shared with journalists, activists, lawyers, politicians, and criminal justice practitioners. FOI data is methodologically significant as well because it can be used to bypass the filler and rhetoric that comprise official government communications and political speeches. Finally, ATI/FOI is methodologically significant insofar as it is a new approach in social research. ATI/FOI has a long history of use in journalism, but has not received the same level of engagement from academics until recently. The ongoing development of ATI/FOI into an accepted method of data production in social research leaves much to be attempted, documented, and explored.

The seventh criterion examined by Tracy (2010) is ethics. As with many of Tracy's categories, procedural, situational, and exiting ethics are not totally independent, yet they are still useful in orienting debates about the unique ethical obligations of qualitative researchers. ATI/FOI calls into question some longstanding ethical conventions in qualitative research. For example, in most interview settings, unless explicitly sanctioned by institutional review board, there is an ethical duty on behalf of researchers not to deceive research participants. Piché (2012) reflects on this ethical obligation using fieldnotes from his informal negotiations with ATI/FOI coordinators. There is also an ethical duty to take caution in acting on the disclosure of illegal activity or disreputable acts by a research participant. But what happens when a government office is the subject of the research? Do these same 'procedural ethics' (Tracy, 2010: 847) apply to access brokering with FOI coordinators and state officials, and the information they may disclose as a result?

The problem is similar to that posed by Laura Nader (1974) in her essay on the difficulties of 'studying up'. Nader reflects on the difficulties faced by anthropologists who wished to turn their anthropological gazes inward, from non-American cultures to the power games of the American elite (also see Gusterson, 1997). In studying American government agencies and other elites, the traditional power dynamic experienced by anthropologists studying small, non-American cultures such as the Mauri was reversed. Was there still an ethical duty on behalf of these anthropologists studying up to avoid objectifying representations and laying blame for contentious practices? As Nader (1974: 20) asked: 'is there one ethic for studying up and another for studying down?' When using ATI/FOI, qualitative researchers no longer possess the same power they might hold when researching those with firsthand experiences of poverty, violence, or injustice. With ATI/FOI, qualitative researchers adopt the role of citizen seeking access to elusive public agencies guarded by powerful and literate gatekeepers. Our broader point is not to condone the practice of lying or other seemingly unethical practices when using ATI/FOI, but simply to highlight that ethical dilemmas do arise when the traditional power relation of researcher-participant is reversed (also see Savage and Hyde, 2014 on ethics and ATI/FOI requests).

A second set of ethical considerations unique to ATI/FOI falls under Tracy's (2010: 847) category of 'exiting ethics'. The first regards the directing of blame and the public character of ATI/FOI data. Researchers should avoid attributing blame on the coordinators

that handled their file. ATI/FOI coordinators are under specific orders from higher ranking officials. ATI/FOI coordinators act on the basis of a variety of motivations. Reducing workload is a high priority. In many ATI/FOI offices, staff and budgets are limited. ATI/FOI coordinators could be new to the job or poorly trained. Therefore, just because an ATI/FOI coordinator blocks access to particular records by generating an abnormally high fee estimate does not mean that person is protecting the agency on ideological grounds. In exiting ATI/FOI situations, and second, qualitative researchers should also consider that there is a 'situational ethic' (Tracy, 2010: 847) to publicly share that information. Situational ethics are those that arise from the unique circumstances of a particular research context. As Walby and Larsen (2012) observe, it is only through invoking a legal right to know as a member of a public that qualitative researchers are able to access information through ATI/FOI. Thus, we contend that there is a general duty on behalf of users of ATI/FOI not to hoard that information in private databases, but to share it with it any interested parties and to make it available through such means as citing request numbers. Academics can also make this information available by uploading it to certain file sharing websites, or by proactively sharing it with journalists, activists, and lawyers (Piché, 2015). An exception to this rule would be where a record accidentally discloses the name of a private individual, particularly if its disclosure would be harmful or otherwise sensitive. Both government record-keepers and ATI/FOI coordinators can make mistakes. Names can be incorrectly recorded and/or coordinators may fail to remove them under privacy provisions. Under such circumstances, social researchers may wish to contact the government agency in question to raise the issue before making the information widely available.

The final criterion examined by Tracy (2010) is meaningful coherence. Determining how well a study 'hangs together' (2010: 848) requires attention to whether or not the study achieves what it claims to, whether it uses methods and techniques that are consistent with its initial design, and whether the results connect with existing research questions, findings, debates, and understandings. As many of the examples we have highlighted show, ATI/FOI requests can be used in ways that conform to approaches to research design and data analysis in qualitative inquiry and that fit with accepted modes of exposition in social research. Data generated from ATI/FOI is amendable to a variety of conceptual and methodological approaches in qualitative research. Meaningful coherence is also assessed by the extent to which new concepts are taken up by others in the literature (see Tracy, 2010: 848). The terms brokering access, techniques of opacity, and live archive among others (see Walby and Larsen, 2012), are original concepts that are now being used prominently in ATI/FOI literature (see for example, Brownlee, 2015; Greenberg, 2016; Monaghan, 2015). ATI/FOI has also allowed these same authors to make novel conceptual contributions to their own disciplines and subject areas.

## Discussion and conclusion

Debates about criteria in qualitative research are not without disagreement (Correa, 2012). This is because qualitative researchers 'range across post-positivist, critical, interpretive, and post-structural communities' (Tracy, 2010: 849). There will always be barriers to generating, applying, and ultimately agreeing on such criteria (Lee, 2014; Shenton,

2004). For too long, quantitative standards of validity, reliability, and generalizability have been used to inappropriately assess the quality of qualitative research. The bigger challenge will be to legitimize use of these new terms of reference, particularly in ATI/FOI research which also has yet to be fully legitimated in qualitative inquiry. There are challenges to achieving rich rigor, credibility and resonance in ATI/FOI research, as well as Tracy's (2010) other criteria. As Freeman and colleagues (2007: 30) argue, applying criteria for quality in qualitative research is no small feat. Scholars need to remain open to improving data production and analysis techniques whenever possible. Qualitative inquiry is always being enhanced and refined, and the same goes for use of ATI/FOI research. The examples we have provided demonstrate that ATI/FOI requests can serve as a 'robust and critical' (Haggerty, 2004: 409) means of research, and can be consistent with notions of quality in qualitative inquiry.

The future of ATI/FOI use will play out differently across qualitative disciplines. Disciplinary pressures and conventions may forbid certain researchers from using new or unconventional approaches to producing data (Abbott, 2001). The same claim can be made about criteria for quality in qualitative research. Some disciplines may be more resistant to new terms of reference than others, especially those in which qualitative research communities are marginal (e.g. social psychology, criminology and criminal justice). Yet such challenges are far from new. Qualitative researchers faced many of the same barriers in the mid to late 20<sup>th</sup> century with the introduction of other qualitative methods. Based on the great deal of progress that has been made in ATI/FOI literature in the last decade, it is only a matter of time until ATI/FOI reaches a high calibre of use and acceptance. Researchers across the world continue to demonstrate the value of ATI/FOI requests for qualitative inquiry, and as we have argued here the prospects for meeting criteria for quality can be exceptional. Here we hope to have drawn attention to the quality results researchers can realize by engaging this method of data production.

One final point is in order, our coda if you will. In our short careers as social scientists, we have been belittled on numerous occasions by researchers that argue that ATI/FOI data is 'unscientific'. To denigrate ATI/FOI research as journalism is an insult to both journalism and qualitative research. Investigative journalists are systematic in their research methods (Rosner, 2008). In qualitative research, the use of ATI/FOI is necessarily systematic given the high threshold for publishing in peer-reviewed journals, the large scale of academic projects, and the broad scope of its claims. The comparison of journalism and academia is also inapt given the different training strategies, objectives, and measures of quality in these two fields. We do not compare styles and standards of interviewing in journalism and academia, and we certainly do not conflate the validity of quantitative surveying with news media opinion polling. In academia, ATI/FOI research has its own systematic nature and terms of reference that makes it fundamentally different from ATI/FOI in journalism.

Our position is that the most innovative social research is not that which accepts long-standing theoretical and methodological frameworks. Although Tracy (2010) does not address this point, it is our contention that worthy and significant findings are often generated by use of newer research methods. And it always seems to be new methodological approaches that are met with the most intense criticism (Kuhn, 1962). By extending the discussion on ATI/FOI research and criteria for quality in qualitative inquiry, our

aim is to further equip qualitative researchers with the tools necessary to defend themselves from such criticism and further legitimate their work. ATI/FOI as a novel means of data production in the social sciences and the terms of reference for quality elaborated here are bound to attract all who are curious, passionate about research, and who are interested in investigating practices and processes of governing.

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## Notes

1. Which agencies are subject to ATI/FOI requests and the types of records researchers can obtain depends on the ATI/FOI law, which varies internationally. In places where there are multiple levels of ATI/FOI laws (for example, state/federal in the United States), there can also be high variance within countries. In this article, we discuss primarily ATI/FOI laws in Canada, the United States, and the United Kingdom, although much of the discussion is likely to be relevant for other jurisdictions.
2. In literature on mass injustice, the concept of 'bearing witness' is used to capture the complex ethical-political work involved in social and psychological processes of witnessing large-scale instances of social and political violence (mass-murder, genocide, famine, poverty). Such processes involve individual and collective trauma and the arduous 'ethico-political labor' (Kurasawa, 2009: 95) of making these injustices nationally and internationally known. Although we do not have the space to develop it here, we believe that the concept can be usefully applied to ATI/FOI disclosures that contain within them evidence of contentious and harmful practices. In bearing witness to a contentious ATI/FOI disclosure, the researcher is faced with a similar moral imperative speak out, motivated in part by the frequent unwillingness of 'national governments or civil societies... to publicly acknowledge situational or structural violence' (Kurasawa, 2009: 93). Similar to the testimonial practices of eyewitnesses, ATI/FOI disclosures take work to make widely known, and even then are necessarily structured around Kurasawa's five 'dialectically related tasks and perils' (Kurasawa, 2009: 95): Will our disclosure and representation of events be heard, or fall upon deaf ears? Will our ATI/FOI research be understood, or misinterpreted? Will our analysis of the disclosure foster a sense of empathy in people, or indifference? Will the implications of our disclosure be remembered or immediately forgotten? Will our account of the disclosure help stop future forms of this injustice from happening, or will the government agencies responsible continue to repeat the unjust acts? The idea of bearing witness contains elements of many of Tracy's (2010) eight criteria, in particular ethics, resonance, and political and heuristic significance.

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