

Government Transparency: Sunshine, Right-to-Know, and Legal Advertising

Sunshine Law

Citizen participation is an essential component of local government and should be encouraged and facilitated to the greatest extent possible.

The Association believes that citizens have the right to attend public meetings at which business is discussed and acted upon and to view public documents. In general, the current law strikes a reasonable balance between the public's right to know and the need for private discussions by local officials on sensitive issues.

It should be noted that local elected and appointed public officials are subject to far more stringent requirements for open meetings and public participation than the state legislature and commonwealth agencies.

Today, there is very little that a local governing body can do

except at a publicly advertised meeting. Any further restrictions on local government activities would create an untenable situation where local officials would become unable to perform their mandated responsibilities without violating the Sunshine Law.

PSATS maintains that these laws must be fair and equitable for all parties involved, without imposing an undue burden on municipalities.

Right-to-Know Law

While PSATS supports the public's right to view and obtain copies of municipal public documents, current law places a financial burden on municipalities, which was recognized by the SR 323 Report on Unfunded Mandates.

Commercial interests, particularly out-of-state businesses, are using public records about law-abiding citizens and taxpayers for private gain, often free-of-charge under existing fee schedules. In fact, a recent study found that 26 percent of all the requests for public documents received in 2016 were from outside of Pennsylvania, with almost 71 percent of these being made for a commercial purpose. The study also found that local governments overwhelmingly complied with the law.

As such, PSATS supports protections for taxpayer resources and thus reforms to the Right-to-Know Law to allow:

1) charges for staff time when fulfilling requests or providing

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A recent state study of the Right-to-Know Law's impact on municipalities found that 26 percent of all requests for public documents received in 2016 were from outside of Pennsylvania. Almost 71 percent of these were for a commercial purpose and thus a waste of time and taxpayer dollars.



PSATS supports the **use of additional advertising options to provide competition** for townships' limited funds while **reaching a wider audience** for meeting notices, contract opportunities, and proposed ordinances and budgets.

online responses; 2) additional commercial fees if a request will be for information used for resale, business solicitation, or financial benefit; and 3) prepayment for requests of copies of more than 200 physical pages (*current law is more than 400 pages of documents*) or if the requester owes payment for previous unpaid requests of \$50 or more.

PSATS supports reforms to protect taxpayer funds from theft and law enforcement officers and employees from harassment and identity theft. To protect taxpayer funds from theft, credit card numbers, account numbers, user names, and passwords must be exempted from the act.

To protect all public employees from identity theft and harassment, personal identification information must be protected from disclosure, such as personal tax information,

benefit participation, employee home addresses, and dependent information. To protect the law enforcement community, inmates should be limited in the types of information they may request.

In addition, PSATS supports an amendment to the Right-to-Know Law to address abusive or harassing use of this law by some requesters. This should include a prohibition on using the Right-to-Know Law to submit discovery requests by lawyers.

Legal Advertising

Local governments are required to keep the public informed of meetings, bid opportunities, proposed ordinances, and more through the placement of expensive legal advertisements in newspapers of general circulation. However, papers are publishing less often, and readership is steadily declining as residents increasingly look to electronic sources for real-time news and information.

PSATS supports the use of additional advertising options to provide competition for townships' limited funds while reaching a wider audience for meeting notices, contract opportunities, and proposed ordinances and budgets. These options should include the authorization to place legal ads on websites and in mass-circulation community newspapers. ❖



PSATS supports the ability of townships to place legal ads on websites and in mass-circulation community papers to take advantage of today's electronic sources for real-time information and save money.



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