

January 6, 2017



PNA LEGAL UPDATE

LEGAL AND LEGISLATIVE ISSUES AFFECTING THE NEWS INDUSTRY

A supplement to Headlines & Deadlines

Editorial Round Up

Express-Times (Bethlehem)(Guest editorial)

Keep legal notices in newspapers, the best way to keep people informed

Tribune-Democrat (Johnstown)

Resolutions for a new year

Morning Call (Allentown)

Want a public record? Consider mediation as a way of getting it

Legislative Update

The House and Senate began the 2017-2018 legislative session Jan. 3, 2017, and held the ceremonial swearing-in for new legislators. The House of Representatives amended House Rule 21, as part of **House Resolution 1 of 2017** and shortened the time for final action from 24 to six hours for bills received on concurrence from the Senate. Read coverage about the rule change [here](#).

Legal Issues from Around the Commonwealth

Supreme Court issues new public access policy

The Pennsylvania Supreme Court announced today new policies that will govern access to paper records of trial and appellate courts. The policy is grounded in the presumption of access to court records, but there are some provisions that cause concern. The policy goes into effect in January, 2018, but courts can put the policy into use sooner. PNA will monitor the policy for issues as implementation begins. You can read the policy and the Court's news release [here](#).

Attorney General will not pursue alleged Sunshine Act violations

The Attorney General's office will not prosecute members of the Manheim Township school board after alleged violations of the Sunshine Act, citing a lack of intent. Representatives of the Attorney General noted that the board's actions were not in the interest of transparency, but also that board members sought legal advice from their solicitor on Sunshine Act compliance. The board held private meetings to discuss hiring a superintendent search firm. Read more from [LNP \(Lancaster\)](#)

Newspaper pursues records at Commonwealth Court

A reporter for the Philadelphia Gay News sought emergency response records related to an unsolved homicide from the Philadelphia District Attorney's Office, who denied access. The newspaper was successful before the Court of Common Pleas in Philadelphia, but the District

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Legal Hotline

Do you have a question for the Legal Hotline?

Contact 717-703-3080



LEGAL QUESTION?
CALL
717-703-3080

The Legal Hotline is not meant to be legal advice.

Legal Update PDF

Visit the PNA website for a [printable PDF](#) of this week's Legal Update.

Attorney appealed the decision, arguing that it should not be required to certify records provided in response to RTKL requests. [Read more here](#)

Reporter asked to leave meeting advertised as public

A reporter for the Reading Eagle tried to attend a meeting held to discuss traffic issues surrounding a popular Christmas attraction, but was asked to leave when officials determined the meeting had been advertised in error. Officials said that since there was no quorum involved in the discussion, the public could be excluded. [Read more here](#)

Newspaper covers transparency struggles of 2016

The Williamsport Sun-Gazette gives readers a review of the newspaper's struggle for access over the past year, including some important victories. [Read more here](#)

Settlement reveals details about police chief firing

The borough of Stoneboro fired its police chief in August, but rehired and reinstated the chief in October. Shortly thereafter, the chief resigned and reached a settlement with the borough that gave the public some information about his departure. Read more from [Allied News \(Grove City\)](#)

Records show school district spent millions on legal battle over cameras

Records obtained through the Right to Know Law show the Philadelphia School District has spent at least \$2 million to defend itself in a lawsuit related to the school's installation of security cameras. Read more from [Philly.com](#)

Beyond PA

NJ bill to remove public notices from newspapers stalls

NJ Governor Chris Christie's "newspaper revenge bill" was withdrawn from consideration, after being fast-tracked through the NJ legislature just before the end of the legislative session. Christie stated that the bill is a top priority for the New Year. The NJ Press Association lobbied against the bill, as did numerous public interest groups. Read more from the [Public Notice Resource Center](#) and see a rundown of coverage about the bill.

Revenge porn victim sues to have name removed from internet

A woman has sued Google, Yahoo and Bing seeking a court order to have the tech giants remove her name from their search engines permanently. The woman is an alleged victim of revenge porn. [Read more here](#)

From the Hotline

Q: Does the Sunshine Act require agencies to provide a general meeting notice at the beginning of the year, and if so, what are the requirements?

A: Yes. The Sunshine Act requires agencies to provide public notice of its regular meeting schedule.

Section 709 of the Act requires agencies to "give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings."

The law requires the public notice to include the place, date and time of a meeting, and the notice must appear in a newspaper of general circulation. The law also requires agencies to post a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held. The initial notice of the regular meeting schedule must be published at least three days in advance of the agency's first regularly scheduled meeting of the year.

A typical meeting notice might look like this: "Borough Council will hold its first regular meeting at 7pm Thursday, January 12, 2017 at Borough Hall, 123 Main Street. Regular meetings for the remainder of the calendar year will occur on the second Thursday of each month at 7pm at Borough Hall."

Special meetings, which are in addition to the regular schedule, require separate public notice in a newspaper of general circulation of the date, time and place of the meeting, and the public notice as must appear at least 24 hours in advance of the meeting. News articles, website posting, and other types of notice do not take the place of public notice ads required by law to appear in newspapers of general circulation.

As always, this is not intended to be, nor should it be construed as, legal advice. Please consult your private attorney or the PNA Legal Hotline at (717) 703-3048 with questions.

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