

# Sunshine on government keeps you informed

**By Brad Simpson**

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A new Pennsylvania law protects your right to be informed about what issues government officials plan to deliberate or act upon at public meetings.

That means you get a heads up that township supervisors might OK a cellphone tower behind your house. Or that the county could raise your taxes. Or that your school district is preparing to lay off teachers.

**Act 65 of 2021** requires government agencies to make meeting agendas available to the public *at least* 24 hours before a meeting. The law that took effect Aug. 29 and was sponsored by state Sen. Patrick J. Stefano (R-Fayette/Somerset/Westmoreland) also says that, with exceptions including emergencies or to take up insignificant matters, an agency may not take official action on an item not listed once the agenda has been finalized and available to the public.

This update to the Pennsylvania Sunshine Act, which protects the public's right to attend all meetings of government agencies where agency business is discussed or acted upon, is an example of the open government championed during Sunshine Week. Sponsored by the News Leaders Association, this year's observance March 13-19 also underscores the importance of what access to public information means to you, to your family, to your community, and to our democracy.

The Pennsylvania NewsMedia Association (PNA) worked with Sen. Stefano on the agenda legislation. The official trade organization for print, digital and news media-related members statewide, PNA seeks to promote transparency and access to government records and activity. PNA actively works on improvements to the Right-to-Know Law, which guarantees your right to access and obtain copies of public records held by government agencies. Last year PNA testified at three legislative hearings focused on problems our newspapers have encountered with the RTKL.

The open government and freedom of information advocated by Sunshine Week and brought to life through legislative efforts like those of Sen. Stefano are rooted in this nation's beginnings. "The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them," Founding Father Patrick Henry warned.

However, enduring government accountability and transparency as well as citizen participation are not easily and absolutely achieved.

PNA and its members continue to oppose legislative efforts to remove public notices from newspapers of general circulation. These notices, required by law, inform the public of proposed

government actions as well as meetings for which agendas are now required. Public notices must remain in newspapers and on their websites – they are also on PNA’s statewide [publicnoticepa.com](http://publicnoticepa.com) site -- to reach the widest audience.

In an article for [The Conversation](http://theconversation.com) (theconversation.com) at the beginning of the pandemic, University of Arizona School of Journalism Director David Cuillier wrote of instances where citizens were kept out of public meetings, refused records requests, and stopped from getting information about how officials were handling the coronavirus.

In Pennsylvania, virtual public meetings that became the norm in the height of the pandemic increased attendance and participation. However, remotely conducted meetings were also bedeviled by technical difficulties that diminished citizens’ ability to watch and hear what was happening and to publicly comment. Some people were completely shut out of meetings, which resulted in Sunshine Act violations. Others could not participate due to lack of, or deficient, internet service, an issue that plagues wide swaths of the state and cuts across many demographics. Now the state Legislature is discussing which of the COVID-19-launched meeting protocols will be changed as PNA works to ensure meaningful access.

The commonwealth’s Disease Prevention and Control Law – enacted in 1955 to protect those who contracted syphilis from public stigma – has long given the state Department of Health unchecked discretion to determine what infectious disease and community health records, if any, will be released to the public. To date, no public records requester – citizen, legislator or journalist -- has overcome the DPCL confidentiality provisions. This needs to change.

Legislation sponsored by state Rep. Craig Staats (R-Bucks) would make disease and community health information under the DPCL subject to the RTKL without threatening to expose private health records. PNA strongly supports **House Bill 1893**. In the fall the bill passed the House and is now in the Pennsylvania Senate. Access to COVID-19 or other infectious disease and public health information not only helps the public to better understand, prepare for, and respond to disease outbreaks, but it also holds government accountable for its actions, or lack thereof.

“Research suggests that access to government information is indeed essential for our health and well-being,” Cuillier, who is also president of the National Freedom of Information Coalition, wrote in The Conversation piece. “Studies have shown that making government information open leads to cleaner drinking water, safer restaurant food, less corruption, and more confidence in government.”

“James Hamilton, the Stanford economist, has found that for every \$1 spent by news organizations on public records-based investigative reporting, the public derives \$287 in benefits,” Cuillier continued. “The free flow of information makes for a better society and a better economy. It’s a smart return on investment.”

Pennsylvania news organizations work tirelessly to keep their communities informed. To that end, transparency laws are an essential journalistic tool that fosters citizen engagement, good government, and better communities across Pennsylvania.