Chip Minemyer | PIAA court ruling a victory for ‘Sunshine,’ public access

Standing before a room full of editors and reporters, Bill Bowman reminded his peers that access to public information is not just a journalistic concern.

Bowman has seen the critical impact of fighting for, and securing, public access.
The notion of “openness” – celebrated during Sunshine Week, March 10-16 – is for all residents, who should want to know how their government is operating and spending the people’s money.

That’s why standards are in place – the Freedom of Information Act at the federal level and the Right-to-Know Law in Pennsylvania – to allow residents of all communities to be informed about the work of those elected or appointed to represent them and make critical decisions.

“It’s everybody’s information,” Bowman, editor of The Daily Item in Sunbury and Danville News and a CNHI regional editor for multiple states, told a gathering of professionals from the Alabama-based media company’s newsrooms in Pennsylvania, Maryland, West Virginia and Ohio.

Bowman directed the session, which also featured presentations by Jim Zachary, director of CNHI Newsroom Standards & Practices, and Melissa Melewsky, media law counsel for the Pennsylvania NewsMedia Association.

Bowman’s news team in Sunbury led a push to show that the Pennsylvania Interscholastic Athletic Association, which governs scholastic sports across the state, is a public entity, and therefore is subject to the Right-to-Know Law.

The Pennsylvania Supreme Court ruled Feb. 21 that the PIAA was indeed a public agency, upholding an earlier decision by the Commonwealth Court.

The Daily Item had requested financial documents from the PIAA and was denied access. Simon Campbell, a Bucks County resident, filed a Right-to-Know request seeking those same documents in 2021.

The Daily Item reported: “The newspaper-requested documents, which the court now ruled are public, include receipts or bank statements from the PIAA for money spent at a private home in Mifflinburg where District 4 officials at the time held a meeting to discuss the region’s athletics.

“Some of the records also include various receipts for meetings held at the Buffalo Wild Wings restaurant in Williamsport, and the Sullivan County Country Club, in Sullivan County, where food and alcohol were purchased.”

First, the state Office of Open Records agreed that the records should be made public.
The case was appealed to the Commonwealth Court, which in 2022 concurred in a 28-page opinion that “the PIAA takes tax dollars and money from 1,431 various public schools, and some of the PIAA board members include representatives of member schools,” and there is “a legitimate state interest of transparency in PIAA’s use of public funds in a manner which dramatically impacts students’ lives,” as the newspaper reported.

In its own 29-page opinion, the state Supreme Court pointed to the “PIAA’s substantial statewide control and expenditure of funds in connection with a matter of commonwealth governance.”

Clearly, the public has a significant interest in the actions and financial dealings ofthe PIAA, and that was confirmed by two courts thanks to a Right-to-Know request and the diligence of The Daily Item’s reporters and news leaders.

Melewsky told The Daily Item the decision marked a “significant win for access to Pennsylvanians.”

At the CNHI meeting just ahead of that Supreme Court ruling, Melewsky said during a discussion of Pennsylvania’s Right-to-Know Law that public records exist with a “presumption of access.”

The activities of government – and the records related to those decisions – are “presumed to be public” in most instances, she said.

Melewsky said Section 305 of the state’s Open Records Law “enshrines the presumption of access” at all levels of government except for circumstances in which local or national security could be compromised, or unless the government office can show a compelling reason why releasing the material might be inappropriate.

Access to federal records similarly carries an “inclination to openness,” Zachary said in his discussion of FOIA rights and requests.

“The onus is on (government) to prove that something is exempt,” Zachary said.

Residents can learn more about filing Right-to-Know requests and access to public records at: <https://www.openrecords.pa.gov/>.

In the PIAA case, Bowman said The Daily Item plans to file additional RTK requests to determine how much of the public’s money the agency spent trying to deny access to its records.

“The beauty of the Right-to-Know Law is that it does work, particularly if you stay persistent,” Bowman said. “That part can be frustrating, too, because you need to be very persistent far too often. It took five years of arguing that PIAA records should be public documents for it to be ruled that way.

“The reporter could have walked away or grown discouraged with a lack of action, but kept pursuing public access, and this is a clear victory for transparency in Pennsylvania.”
Campbell echoed the view that a win in any public access situation is a victory for all citizens.

“The line in the sand was drawn now,” Campbell said. “I did this not just for the newspaper but for all residents in the state so they can have access to documents**,** and it came at a high cost.”

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