



Senate State Government Committee Testimony

Pennsylvania NewsMedia Association

Brad Simpson, President

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Good morning, Chairman Argall, Chairman Street, and members of the Senate State Government Committee. It is an honor to appear before you today to offer testimony on the Right-to-Know Law and to offer support for Senate Bills 492 and 488. My name is Brad Simpson and I am president of the Pennsylvania NewsMedia Association. PNA is the official trade organization for 300 print, digital and news media-related members statewide. Founded almost a century ago, our association has long advocated for legislation that improves public access laws in the commonwealth. PNA was deeply involved in the legislative effort that led to the current RTKL. I am grateful for the opportunity to touch upon positive provisions in the legislation before you, as well as continuing obstacles to access faced by Pennsylvania journalists and taxpayers.

Senate Bill 492 has been introduced over the past several legislative sessions in a bipartisan fashion and received unanimous support by the Senate in 2015. SB 492 would improve the Right-to-Know Law by making economic and industrial development authorities and state-owned and state-related university police departments – all supported by Pennsylvania taxpayers – subject to the RTKL. Consider that campus police already have the same law enforcement authority as their municipal counterparts, but not the same transparency requirements. This bill would change that.

Through SB 492, public safety agency time-response logs and police blotters would be defined and made public. Citizens have a right to know about crimes and emergencies happening in their communities and to assess the official response. Additionally, records of volunteer emergency organizations as they relate to contracts with a local government agency would remain accessible under the Right-to-Know Law.

The bill would require that records be provided in the format requested. If a citizen seeks data in a functional, dynamic format used by the agency, it should be provided that way. Agencies have consistently converted electronic databases into static PDFs. This update would be a huge win for taxpayers, who could use data in the same ways as agencies. Ultimately, this would provide taxpayers with a better understanding of public records and the government decisions that flow from them. The bill also makes clear that providing data from an agency database does not constitute creating a record, a standard that the courts have supported.

Essential to SB 492 is its guarantee that Right-to-Know Law exemptions do not apply where other state or federal laws make records expressly public. This is fundamental to public access protections that have been enshrined in other law.

The bill would also limit the application of the criminal and noncriminal investigation exemptions, making access possible based on certain time parameters. Under current law, neither exemption has a temporal limit; once a record is investigative under the current law, it is never public even if the investigation has been closed for decades. That is neither necessary nor appropriate, absent extraordinary circumstances. Taxpayers have a right to know the outcome of government investigations and this bill provides a means of access.

It is also important to note that SB 492 provides public access to final safety inspection reports and final agency decisions about noncriminal investigations. This is a critically important update because it allows taxpayers to understand the result of a noncriminal investigation and to access records that provide oversight and accountability for public safety-related inspections that include bridges, nursing homes, day cares, restaurants, and food safety. Access to these records is essential so taxpayers know the safety issues facing their families and communities, take necessary precautions, and gauge public officials' actions in addressing problems. Current law does not guarantee public access to this kind of record, and this bill changes the law for the better.

PNA also supports Senate Bill 488 and its efforts to increase and enhance transparency at Pennsylvania's four state-related universities. Although Lincoln, Penn State, Pitt and Temple are not owned by the commonwealth, they received a combined \$566 million in general support funding from the state's 2021-22 budget, as the Tribune-Review reminded Pennsylvania taxpayers last month. Providing greater and more detailed salary, budget and contract information will familiarize citizens with how institutions spend public dollars and, in turn, how those schools operate. Improved accessibility fosters better accountability.

Such access is neither easily achieved nor sustained. Right-to-Know Law updates are urgent, overdue, and ongoing.

The RTKL has improved government transparency, yet the law's deficiencies have been magnified by the COVID-19 pandemic. Journalists faced numerous issues after the disaster declaration, and in some cases agencies severely limited access to public records or refused to

work to comply with public access laws. It is crucial that taxpayers be able to access public records even in unprecedented situations.

Finally, while the language is not in SB 492, PNA also believes vexatious requester legislation is not in the best interest of the public or transparency. If vexatious requester bills continue to move forward separately, PNA believes the media should be exempt to safeguard its constitutionally protected role in keeping the public informed about government operations. PNA supports legislative language that will ensure our digital news publications will also be included in the exemption and can properly do their jobs on behalf of the public.

The PNA Legal Hotline handles about 2,000 calls a year, more than half of those dealing with public access issues. The sheer number of inquiries, almost three per day for each of the 365 days of the year, makes clear that there is work to be done. We believe SB 488 and 492 are very positive steps in the right direction.

Thank you for the opportunity to testify on behalf of the Right-to-Know Law and good government. We look forward to working with you and your colleagues to improve access for all Pennsylvanians.