



Senate State Government Committee Testimony

Community Newspaper Holdings Inc.

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Good morning, Chairman Argall, Chairman Street, and members of the Senate State Government Committee. Thank you for the opportunity to appear before you today to offer testimony on the Right-to-Know Law. I am Sharon Sorg, regional executive publisher for Community Newspaper Holdings Inc. I oversee The Herald in Sharon; Allied News in Grove City; the New Castle News; West Penn Printing, also in New Castle; and the Meadville Tribune, in addition to newspapers in Ohio and North Carolina. I have worked in this business for 35 years, 15 of those years as a publisher. In that time, I have seen numerous issues with the Pennsylvania Right-to-Know Law and our newsrooms getting access to public information. I also offer support for Senate Bill 492 and Senate Bill 488.

Public access laws are critical to the government transparency and accountability upon which a healthy democracy thrives. These laws are also essential to the work of news media statewide as Pennsylvania journalists report on the information taxpayers must have to understand their government and the issues that affect their livelihoods, families, and communities. Journalists' access to public records, however, is often stymied by agencies that make it difficult, and sometimes impossible, to get information that should be readily available for public consumption.

A colleague requested the meeting minutes of a 2019 city council vote in a community for which we provide news coverage. He sought only one vote of the five-person council on one issue on one specific date. The city required a Right-to-Know request for information that was

undeniably public and should have been easily accessible. Only after a formal, written request was submitted were the full meeting minutes provided, causing a delay in access and unnecessary work for public servants, thus wasting taxpayer dollars. Similar scenarios that needlessly add red tape to the public's right to know are not rare in Pennsylvania, even when the records requested are clearly public. It is very common for agencies to require an RTK request when they could just as easily provide the information in a timely and informal manner.

We've also seen an increase in public institutions funding private development groups through vehicles like grants. Because private organizations are not agencies subject to the Right-to-Know Law, taxpayers are denied a thorough examination of how public money is used.

Problems with public access expanded in the wake of the coronavirus pandemic. Access was limited in many communities; some agencies did not answer records requests at all. The 30-day extensions that were already overused by many agencies worsened. Even before COVID-19, Pennsylvania journalists had come to regard the 30-day delay intended for limited circumstances, as standard operating procedure. Abuse of the 30-day extension has only magnified, with many agencies routinely taking extra time because the law does not provide a means of challenge or penalty for abuse.

When it takes so long to access public records, the public cannot provide proper oversight to its government and journalists cannot help the public do so in a timely manner.

The Sunbury Daily Item and others have sought financial records from the Pennsylvania Interscholastic Athletic Association through Right-to-Know requests with little to show. PIAA is an agency subject to the RTKL and answerable to the public, and this was affirmed by a recent Commonwealth Court decision. However, PIAA has appealed to the state Supreme Court arguing

that not only are the records nonpublic, but also that it should not be subject to the law at all. And the newspaper continues to wait for records. SB 492 affirms PIAA is an “agency” subject to the RTKL and we support that position.

It is also important to note that many RTK violations are not challenged as editors weigh the cost of legal fees and the time it takes to get a final resolution from the courts. RTKL litigation is costly and time consuming, and by the time the cases are resolved, the information sought is often stale. Requiring agencies to reimburse requesters’ legal fees when a court grants access would encourage compliance with the law. It would provide an incentive for attorneys to accept RTKL cases, which would help even the playing field for requesters who face teams of taxpayer-funded attorneys working to deny access.

I would also encourage a review of Right-to-Know Law exceptions, especially those that clearly serve to impede transparency. Disciplinary records for public officials would be one such exception. We’ve all read about law enforcement officials, municipal employees and teachers who are fired for cause in one town and then hired in another. Such records should not be exempt; when a public employee is terminated the public should be able to access information that explains why.

I agree with PNA President Brad Simpson that vexatious requester provisions are not in the public’s best interest. They threaten good government, and potentially put the press’ ability to access the records it needs to do its job at significant risk. That is why I support a media exemption to vexatiousness, though it would be my preference that vexatious requester

provisions did not exist at all. I am concerned that these provisions could be used by agencies to withhold information they simply don't want to be public.

The difference between the current Right-to-Know Law and the one that preceded it is that state and local government agency records are presumed to be public unless an agency can show why the information must be withheld. The onus for accessing a record is no longer on the taxpaying public but on the agency itself. Sometimes, however, it feels like the burden never shifted.

The Right-to-Know Law is better than it was, but it still requires our vigilant and ongoing attention. It always will. Senate Bills 488 and 492 help to close some of the gaps that are obstacles to public transparency and accountability. SB 492, for example, says police blotter information is public. That is important for taxpayers who want to know, and have a right to know, about the safety concerns in their communities.

I am grateful to be part of the public access discussion, and eager to be part of the solution to RTKL concerns.

Thank you for your time and consideration.