



NO PAYWALL FOR PUBLIC RECORDS

Vermont's Public Records Act (PRA) serves multiple purposes: it holds government accountable, helps root out corruption and civil rights violations, incentivizes efficient records management, and is in line with the Vermont Constitution. However, for several decades, opponents of open access have repeatedly called to end no-cost inspections. They want Vermont to be among the most restrictive states in the country regarding public record fees. The Legislature has always refused their calls. And, in *Doyle v. Burlington Police Department*, the Vermont Supreme Court ruled as the Legislature always intended: the PRA does not impose costs for inspecting records.

Why must access to government records remain free?

The cost of secrecy is greater than the “cost” of access.

- Placing additional costs on record access has and will leave corruption, civil rights violations, and other improper official actions hidden and unpunished; numerous scandals have been uncovered via public records requests in recent years.
- Vermont has no Inspector General, Government Accountability Office, or Special Counsel law. Vermont's Legislature and the public depend on media and civil service organizations to shine a light and expose malfeasance, without compensation. Limiting access fees is a small and necessary element of ensuring an adequate check on official misconduct.

Charging for inspection would place Vermont among the most restrictive states in the country regarding record access.

- Charging for inspection is not the norm; most states—including all New England states—and the federal government provide free access in some form.
- Vermont has provided for free inspection since before the PRA was created.
- In 2012, members of the current Senate Government Operations Committee opposed charging for inspection after a similar lower court ruling.

Permitting fees will incentivize inefficiency and add to existing bad practices.

- Imposing costs on requesters would perpetuate inefficiencies in records management.
- Fees are already too high and the PRA is already overly restrictive; the Center for Public Integrity gave Vermont an F in public access to information.

Free inspection presents no undue burden on state/local governments.

- There has never been evidence of requestors seeking to inspect massive amount of records for free, despite various legislative studies and surveys—the vast majority of requests are straightforward.
- Statutes already allow governments to seek a narrowing of voluminous requests.
- Agencies can thwart voluminous requests for free inspection under the “absurd results doctrine.”

Democratic values require free access.

- Fees impose an unequal playing field for who can and who cannot access public records.
- Art. VI of Vermont's Constitution requires government accountability to all.
- Accountability requires openness, which is essential to a functioning democracy.

Please contact ACLU-VT Staff Attorney Jay Diaz at jdiaz@acluvt.org with any questions