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Good afternoon. I'm Matthew Roy. I'm the news editor of *Seven Days*, and I'm here as part of the Vermont Journalism Alliance.

I believe some have the impression that it's easy and inexpensive to obtain public records in Vermont. But I'd like to explain how time consuming and costly it actually can be.

Often, news organizations wind up paying fees for staff to produce records. What this often means is we must pay for attorneys to extensively redact documents — sometimes blacking out page after page after page — based on their determination that the information is covered by one of the myriad of exemptions to Vermont's public records law. For some, the rule of thumb seems to be, *If in doubt, black it out.*

If we disagree with their decision, our only recourse is to appeal to the very agency that just issued the decision — and then hire a lawyer and sue. And records cases can be awfully expensive. I know. *Seven Days* had the audacity to ask for records when a public school administrator left his job in 2018. As a result of that request, the school district that we sought the records from sued the newspaper. We eventually won in Vermont Supreme Court, but we're out \$7,500 in legal costs.

News organizations that request records are often told that the data will cost thousands of dollars. Journalists sometimes get the impression that the cost estimates are meant to discourage them from pursuing the records at all. In any event, it's not uncommon for news organizations to consider paring down records requests in order to make them affordable.

Here's an example of how the process can go: Last year, *Seven Days* and Vermont Public Radio teamed up for our first ever collaborative work, a series of articles and reports called "Worse for Care." We joined forces for a number of reasons, but one was simply to split the high cost of obtaining the public records we needed to report the stories.

It started when *Seven Days* decided to look into eldercare homes regulated by the Department of Aging and Independent Living. We asked the state for five years worth of data regarding any complaints. This started months of negotiations. For various reasons, price estimates fluctuated from \$1,600 to \$2,300 for these records. We ultimately paid roughly \$1,600.

After getting the initial records, we asked for additional ones disclosing fines imposed on homes during that period. We were told that in order to produce *that* information, DAIL would have to review five years worth of its correspondence with more than 130 facilities — and that would take somebody 40 hours, which, billed at 57 cents a minute, would cost us

nearly \$1,400. After we protested, the state said a worker could do the job in six hours. We ultimately paid \$200.

I'll point out that only a handful of facilities had actually been fined. In this instance, we paid a lot for very little data because the state did not have the public information stored in a manner that was convenient for staff to retrieve.

We used these public records to reveal systemic problems of abuse and neglect that have occurred at many of Vermont's eldercare homes. We found instances of homes failing to run required background checks on staffers, making medication mistakes, and failing to stop people with dementia from wandering off. We found instances of mistakes that led to injuries and deaths. We built a database that, for the first time, enables the public to look up inspections and complaints, and to see how a home compares with others in the state.

Seven Days and VPR are two healthy news organizations. It's hard to imagine, though, that many small Vermont newspapers and news organizations would be able to afford such expenses.

It may seem that not wanting to pay to simply inspect records is quibbling. But in fact, the state is only the caretaker of records that are, by law, the public's. Maintaining complex sets of documents in an organized, easily searchable and readily available format is, in 2020, a basic function of government. Nobody should be told that it would take \$1,400 to produce a few public records.

Charging high fees for viewing public information will, in many instances, effectively lock it away. It's against the interests of the public. Vermonters want to know the basis for public officials' decisions. And they want to know about the conditions that state inspectors found in the eldercare home that they entrust to take care of their mother.

Thank you.