



Vermont Secretary of State Jim Condos

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Navigation: » [Home](#) » [Archives & Records](#) » [State Archives](#) » [Government History](#) » [Continuing Issues](#)
 » [Public Records Act](#)

Public Records Act

“That all power being originally inherent in and co[n]sequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants; and at all times, in a legal way, accountable to them.”

– Article 6, Chapter 1 Vermont Constitution

Vermont's constitutional accountability language has changed little since first adopted in 1777 as Article 5. In 1786 it was re-numbered Article 6 and the qualifier “in a legal way” was added. That is it.

Over time statutes and case law have fleshed out the meanings and forms of accountability. The 1777 constitutional convention, by design, did not leave any records of its deliberations. In 1782, the general assembly directed the secretary of state to preserve certain records, such as original acts and town charters. In 1864, the “official correspondence” of governors was required to be preserved while legislative committees were not required to document their deliberations until 1917. In *Clement v. Graham*, the Vermont Supreme Court began articulating a citizen's right of access to public records (78 Vt 290 (1906)).

While a public record is statutorily defined as “any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business,” record media and formats have changed over time. The photocopier and computer in particular have had a profound impact on public records and, by extension, accountability. Law and case law continue to evolve in response to the accountability issues raised by changing technologies.

While accountability can be realized in many ways, including open meetings and a free press, this *Continuing Issue Series* specifically looks at the role of public records. There have been numerous studies and vigorous public discussion over the years on public records, the management of records and information, personal privacy and other related issues.

The majority of records referenced in this *Continuing Issue Series* are drawn from records in the State Archives. These

include the original acts (series [SE-005](#)), legislative committee records ([A-116](#) and [PRA-102](#)), and Legislative Council studies ([A-200](#)). In describing the current laws, links to the original records are included where possible. The original records help provide some insight into how these laws have developed over time and can shed light on the legislature's intent as they passed public records legislation. Legislative committee testimony often reveals the intense scrutiny and debate public records bills evoke. Reports to or by the legislature or governor contain careful studies of records issues and sometimes offer policy recommendations. Case law shows how courts have interpreted the meaning and application of our public records laws as well.

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