

The Vermont Journalism Coalition is writing to suggest issues for the committee to consider as it evaluates proposals for revisions to the Vermont Public Records Act (VT PRA)

The current VT PRA has served Vermonters and the media well by allowing relatively prompt access to public records. It has allowed media enterprises to develop effective working relationships with governmental and other entities bound by it.

Most records requests are now provided electronically and a large percentage require no redaction.

Issues identified by the Vermont League of Cities & Towns (VLCT) for changes to current statute seem to be first, that vexatious requests place an undue burden on the entities receiving them, and second, that the cost of responding, particularly when redaction is required, places a further undue burden on the entity responding.

Most of our members are aware of a small number of vexatious requests because those same people are often quite vocal with their particular concerns.

Any attempt to rewrite legislation as a result of those requests should require making an effort to gain a complete understanding of the extent of them. Changing legislation as the result of anecdotal reports seems an ineffective way to arrive at good solutions.

Gathering data from government entities, both large and small, about the number of vexatious records requests and the time required to respond to them, would seem an appropriate way to begin to evaluate the issue. Identifying the extent of the problem might help identify solutions to solve that problem without slowing the response time for legitimate records requests.

The cost of responding to records requests might also best be evaluated by quantifying the current costs in terms of the number, type and time required to respond.

Except in rare instances, our members don't see particular items in budgets specifically detailing burdensome costs of responding to records requests. Again, taking this subject from anecdotal reports to working with real data, seems an appropriate way to begin, and by doing so identify where there are real issues.

Finally, the suggestion that a lack of response to a records request should no longer signify a denial, only begs the question of what it might mean instead. If that were to happen, at what point would some sort of remedy become available?

With almost all records requests being submitted by email, acknowledging receipt of a request should be possible well within three days. Communicating special circumstances that require more than three days to prepare a response should almost always be possible within the current three day deadline.

We believe that extending the response time for records requests to 14 days would unduly tie the hands of those with legitimate needs for public records.

We look forward to working with this committee and the legislature as a whole to ensure that Vermonters and the media, acting for and with them, continue to have access to public records in a timely and cost-effective way so that entities bound by the VT PRA continue to be as transparent as possible.

Sincerely
Paul Fixx, editor The Hardwick Gazette
VJC executive committee