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Modernizing Vermont's Public Records Act

House Committee on Government Operations and Military Affairs

January 22, 2026



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Transparency is an essential element of open and democratic government.

In Vermont, the primary means of providing transparency are the State's open meeting law, 1 V.S.A. §§ 310-314, and the public records law, 1 V.S.A. §§ 315-320.

These laws implement the command of Chapter I, Article 6 of the Vermont Constitution that officers of government are “trustees and servants” of the people and are “at all times, in a legal way, accountable to them.”



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Chapter 1, Article 6 of the Vermont Constitution

“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.”

- 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.



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VLCT proposed legislative action for modernizing Vermont's Public Records Act:

- Extend the number of days to respond, to allow up to 14 business days from receipt of request.
- Prescribe a clear act of denial for which the requestor may appeal.
- Clarify the process of appeal at municipal level.
- Allow municipalities to recover the true cost of producing records and redaction, regardless of whether the requestor chooses to view or to receive copies of the records.
- Create relief from vexatious requests.

Additionally, I would suggest:

- **Consider applying the Public Records Act only for requests from residents and businesses within the State of Vermont.**
- **Consider language in the Public Records Act that only requires information about financial transactions to be produced electronically, mailed or photographed, six months after the transactions have been completed (contracts related to records completed and paid).**



Extend the number of days to respond, to allow up to 14 business days from receipt of request.

- With the increasing volume of public records requests, the additional time would allow municipalities more time to fully evaluate the request.
- The penalty and consequence to Municipalities for disclosing personally identifiable information, medical information, or information that was otherwise legally exempt could be significantly worse and be far more costly than the failure to respond to a public records request. **The Public Records Act should recognize and respect these competing interests.**



Prescribe a clear act of denial for which the requestor may appeal.

- In Colchester, requests are being sent to a variety of departments, and often not to the appropriate staff person responsible for such a request.
- Technology malfunctions, a missed email, or email sent to spam may result in missing that three business day window.
- Premature escalation of appeals can result in unnecessary costs and liabilities for municipalities.



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Clarify the process of appeal at municipal level.

- While in Colchester, this is not an issue, this clarification would benefit many municipalities where there is uncertainty on who the head of agency is – **often the Selectboard unless there is a Town Administrator or Manager, or unless the Selectboard designates another individual.**



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Allow municipalities to recover the true cost of producing records and for redaction, regardless of whether the requestor chooses to view or to receive copies of the records.

- For some requests, there is a significant amount of staff time required for locating the records responsive to the request and then evaluating if there is anything that contains personally identifiable information, medical information or other protected or otherwise exempted information. The costs for this staff time is not currently recoverable if the requestor elects to come in and view the files without taking hard copies with them.



Create relief from vexatious requests.

- We have had related situations where we have received multiple and ongoing requests by the same requestor that resulted in monopolizing approximately half of the Deputy Town Manager's time, in reviewing these requests and producing appropriate materials that were responsive to those requests while following applicable state and federal laws.
- The Deputy Town Manager is the custodian of public records (non-law enforcement related) for the Town of Colchester.



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Consider applying the Public Records Act only for requests from residents and businesses within the State of Vermont. (Colchester proposal)

- The residents and businesses within the State of Vermont are paying our taxes and it is their duty and right to check up on their governments.
- I believe the intent of the Vermont Public Records Act was to make state and local government more transparent and accountable to their citizens, but it was not purposefully developed to provide easy access to public records for the financial or time-saving benefit of businesses outside of Vermont.
- We are receiving a large volume of requests from businesses outside of Vermont that use the Public Records Request as an “easy button” and others who turn around and sell that information to businesses or individuals that may or may not use it for legal purposes.



Consider language in the Public Records Act that only requires information about financial transactions to be produced electronically, mailed or allowed to be photographed, only six months after the transactions have been completed (contracts related to records completed and paid). (Colchester proposal)

- The Town of Colchester had an attempted fraud for an amount above one million dollars. This was made possible by online public records related to purchases. Fortunately, in our case, it was caught by a diligent employee before anything occurred. While this attempt didn't result in a financial loss to the Town of Colchester, other Vermont municipalities haven't been so fortunate.
- Consider only requiring information about financial transactions to be produced electronically, mailed or allowed to be photographed, **six months after the transactions have been completed** (so any contracts related to records would be completed and paid).
- This would include but not be limited to purchase orders, warrants for payments, checks and other such information.
- This change could limit the risks to Vermont municipalities and ultimately the citizens they serve that are required to pay taxes for those services.
- This would continue to allow access for in-person inspection of these records.

In closing, the proposed changes being brought forward include those proposed by VLCT as well as the additional ones in bold that I have shared:

- Extend the number of days to respond, to allow up to 14 business days from receipt of request.
- Prescribe a clear act of denial for which the requestor may appeal.
- Clarify the process of appeal at municipal level.
- Allow municipalities to recover the true cost of producing records and for redaction, regardless of whether the requestor chooses to view or to receive copies of the records.
- Create relief from vexatious requests.
- **Consider applying the Public Records Act only for requests from residents and businesses within the State of Vermont.**
- **Consider language in the Public Records Act that only requires information about financial transactions to be produced electronically, mailed or allowed to be photographed, six months after the transactions have been completed (contracts related to records completed and paid).**



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Thank You!