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## PRESS RELEASE

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## **Secretary of State Jim Condos Applauds Court decision on Attorneys fees**

**Montpelier, VT-** The Vermont State Employees Union has been awarded attorney's fees and related costs in a recent lawsuit against the State of Vermont regarding the state's efforts to charge a fee to view public records.

Superior Court Judge Crawford had ruled in January, "*The plain language of § 316(c) expressly carries forward the distinction between inspection and copying... The authority to "charge and collect the cost of staff time" under § 316(c) is triggered by a 'request for a copy of a public record,' not by a request to inspect records. The reference to the 'delivery of the copies' makes clear that the legislature is referring to duplicates that the requestor will take possession of.*"

Access to government records is important to our democratic process and the overall function of government. By Vermont law, "any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business" is a public record. Some public records are exempt, in whole or in part, but they are still public records and must be managed in accordance with law. Proper public records management is key to access.

"As a staunch supporter of access to public records in government, I applaud the decision by Judge Crawford," Secretary of State Jim Condos remarked. "At a time when our state is engaged in a vigorous discussion of ways to increase and encourage open government, including pending legislation H.73, I feel it is important to remove unnecessary barriers to public access of state business."

Secretary of State Condos believes the legislature should remove the language, from H.73 before passage, that will change this provision and allow government to charge fees for inspection of records.

"Vermont needs a culture change in regards to access to public records," Secretary Condos. "Free access to inspect public records was clearly intended by previous legislatures and should be maintained."

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