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OPINION EDITORIAL by Vermont Secretary of State Jim Condos

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Secretary of State Jim Condos Strives for Better Access to Public Records

Open government is good government! Shutting the public out of government deliberations because of matters of inconvenience or fear of embarrassment are not valid reasons. When in doubt, give it out – instead of the attitude of when in doubt, take me to court!

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.

Currently, there are about 250 public record exemptions. Some are there to protect personal information in government records. The goal of our right to know, after all, is to make government, not you, transparent. Some are thought to protect our security. All are there for us to review, reconsider, and revise; no exemption is exempt from our scrutiny. My office has a Right to Know web page (button on the home page) on which you can learn more about Public Records and their exemptions.

There is legislation (H. 73) moving through the General Assembly that has as its primary goal improving access to public records. Following are a list of principles that the Secretary of State’s Office believes should guide the language of the bill:

- Change “may” to “shall” for mandatory attorneys’ fees without condition.
- Inspection of records should continue to be free.
- Maintain timely delivery of documents – two days (current) v. three days (house proposal).
- Ombudsman to educate, advise and maybe issue opinions on access to records.
- A small and manageable committee to review, clarify, and eliminate exemptions.
- Maintain 1st level of appeal of government employee denial to agency head.

- One set of rules for all government, both state and local.
- Information database documenting requests for public documents should be improved, maintained and used by the General Assembly to review exemptions to our public records law.

If these principles are incorporated, exercising your right to public records will become less intimidating.

My office is working with the Shumlin Administration to improve coordination of State agency management of records and responses to public records requests. This is being accomplished through the efforts of our Vermont State Archives and Records Administration (VSARA) as it develops its capacity to offer training and advice on how to implement public records management; and how to collect and analyze data through the website clearinghouse.

However, we must continue to do better – state and local governments are at a records management crossroads as we all try to deal with the tremendous volume of paper records and an even greater volume of electronic records. We must be honest, if we are serious about improving access to government information, it will take additional resources.

Let the sun shine in and on government – let's restore our faith in government.

Secretary of State Jim Condos took office on January 6 of this year and previously has served in the Vermont State Senate.

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