

Government Transparency: Sunshine Law, RTKL, and Legal Advertising

Transparency is a governmental responsibility that the Association and its membership take seriously. Citizen participation is an essential component of government and should be facilitated. These rules must be fair and equitable for all parties involved without imposing an undue burden on local government.

Legal advertising

Local governments are required to keep the public informed of meetings, bid opportunities, proposed ordinances,

and more through the placement of expensive legal advertisements in newspapers of general circulation. However, traditional newspapers are charging more, publishing less often, and requiring longer advance notice. Meanwhile, readership continues to decline as residents increasingly look to online sources for real-time news and information.

PSATS strongly supports legislation to provide additional advertising options that reach a wider audience while reducing the financial burden on taxpayers for legal advertising. This includes options like advertising on township websites and in community papers of mass dissemination. Any proposal should give townships the flexibility to determine which options would best reach their residents, businesses, and potential vendors/contractors.

In fact, PSATS supports any legislation that would reduce the financial burden of legal advertising for municipalities. Local governments should not pay more than others for legal advertisements. PSATS supports legislation to require newspapers to charge townships the lowest rate used for required legal advertisements, such as the nonprofit or discount rate.

Right-to-Know Law

PSATS supports the public's right to view and obtain copies of municipal public documents, but the current law places a financial burden on municipalities and taxpayers.

Commercial interests, particularly out-of-state businesses,

The association supports the public's right to view and obtain copies of municipal public documents, but the current law places a financial burden on municipalities and taxpayers.



Townships should be able to place legal ads on websites and in mass-circulation papers to take advantage of electronic sources for real-time information and save money.

The Association believes that **citizens have the right to attend public meetings** at which business is discussed and provide public comment.

are using public records about law-abiding citizens and taxpayers for private financial gain, often free of charge under existing fee schedules. In fact, a 2016 study found that 26% of all the requests for public documents received that year were from outside of Pennsylvania, with almost 71% of these being made for a commercial purpose. The study also found that local governments overwhelmingly complied with the law.

As such, PSATS supports protections for taxpayer resources and reforms to the Right-to-Know Law to allow: 1) charges for staff time when fulfilling requests or providing online responses; 2) additional commercial fees if a request will be for information used for resale, business solicitation, or financial benefit; and 3) prepayment for requests of copies of more than 200 physical pages (*current law is more than 400 pages of documents*) or if the requester owes payment for previous unpaid requests of \$50 or more.

PSATS supports additional reforms to protect taxpayer funds from theft and law enforcement officers and employees from harassment and identity theft. To protect taxpayer funds

from theft, credit card numbers, account numbers, usernames, and passwords must be exempted from the disclosure act.

To protect all public employees from identity theft and harassment, personal identification information must be protected from disclosure, including personal tax information, employee home addresses, date of birth, age, sex, and race. To protect the law enforcement community, inmates should be limited in the types of information they may request.

In addition, PSATS supports an amendment to the Right-to-Know Law to address abusive or harassing use of this law by some requesters. This should include a prohibition on using the Right-to-Know Law to submit discovery requests by lawyers.

Sunshine Law

The Association believes that citizens have the right to attend public meetings at which business is discussed and provide public comment. During the pandemic, townships worked to provide safe and transparent meetings, including public participation opportunities for residents and taxpayers. While in-person meetings have returned, some hybrid options remain that allow for virtual participation at in-person meetings.

Generally, the current law strikes an appropriate balance between the public's right to know and the need for limited private discussions by local officials on confidential issues, such as employee matters. A recent amendment requiring the posting of meeting agendas online and at township buildings is well-intentioned in its expansion of transparency, but it should be recognized that it does impose an administrative burden on townships.

The Sunshine Law requires local governments to take action only at publicly advertised meetings. Any further restrictions would create a situation where local officials would be unable to perform their responsibilities without violating the Sunshine Law. It should be noted that elected local government officials are subject to far more stringent requirements for open meetings and public participation than the state legislature and commonwealth agencies. ❖



PSATS supports the public's right to know, however out-of-state commercial requests and repeated request from individuals cost staff time and money. The Association believes reforms can protect taxpayer funds without limiting public access to records.



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

David M. Sanko, Executive Director

4855 Woodland Drive • Enola, PA 17025-1291

Telephone: (717) 763-0930 • Fax: (717) 763-9732

www.psats.org

[f @PSATS](#) [@PSATS](#)

[in](#) Pennsylvania State Association
of Township Supervisors