



**Pennsylvania Municipal League**  
President – Derek Green, Councilmember, City of Philadelphia



**Pennsylvania State Association of Township Commissioners**  
President – Nathan Silcox, Commissioner, Hampden Township

## **Written Comments for the House State Government Committee Hearing**

**March 9, 2021**

### **Local Government Compliance with the Right to Know Law During the COVID-19 Pandemic**

Chairman Grove, Chairwoman Davidson and members of the House State Government Committee, please accept the following comments for the hearing record.

The PA Municipal League represents 113 urban and suburban full-service communities across Pennsylvania. Our members include cities, boroughs and townships. The PA State Association of Township Commissioners represents 64 of the Commonwealth's first class townships. Together the municipal membership of the two associations represent over 4.5 million Pennsylvanians.

Following the Governor's March 6, 2020, emergency declaration, the Office of Open Records (OOR) provided guidance to all agencies including local governments. It impressed upon agencies the need to continue to respond to Right to Know requests to the best of their ability even with the limitations of shuttered municipal buildings and municipal staff working from home or limiting time spent in the office. This guidance was updated in the early summer when the red, yellow and green phases were implemented in order to re-open counties. Agencies in the yellow and green phases were instructed by the OOR to respond to requests as normal.

In preparation for this hearing, we sent a survey to our combined membership of 177 municipalities to gather information regarding their Right to Know compliance with processing requests during 2020.

Fifty-three surveys were returned. Since March 6, 2020, these 53 municipalities alone have fulfilled 4,751 requests.

The majority of municipalities reported that the number of Right to Know requests processed in 2020 was in line with the amount received in prior years. For one third class city this was over 1,000 requests. On the other end of the spectrum, a small township processed only two requests.

Only 14 municipalities reported difficulty processing requests within the timeframes of the Law. They reported the difficulty was mainly because office staff were working remotely or taking turns being in the office in order to maintain social distancing. Only one municipality reported that some of its requests were not processed within the Law's 30-day authorized extension. None of these resulted in an appeal to the OOR, however.

In short, our survey responses reveal that the municipalities within our member base were successful in complying with the Right to Know Law during 2020, even in the early months of the pandemic when staff capacity was most limited.

### **Commercial Requests and Vexatious Requests**

Local government in general has been interested in addressing two types of Right to Know requests that are burdensome and costly to taxpayers. These are commercial and vexatious requests. We touched base with our members on these types of requests in our survey. Nearly all of the respondents had experience with both.

We asked about the prevalence of such requests during 2020. Commercial requests made by for-profit businesses were far more common with over 2,000 reported by the 53 respondents.

Fulfilling commercial requests, often from non-residents and even from out-of-state requesters, results in public employees and public tax dollars benefiting private enterprise. One municipality gave the example of a private enterprise selling information it obtained at taxpayer expense.

Municipalities also need relief from requests that rise to the level of being vexatious. These types of requests are very disruptive, oftentimes purposely disruptive. It is necessary to implement an avenue of relief that municipalities can pursue when faced with requests that they believe meet a certain level of burden.

Several pieces of legislation have been introduced or are circulating for co-sponsorship. We would respectfully request that the General Assembly support measures that lessen the impact of these types of requests on local government and taxpayers. We are certain the transparency sought in the Right to Know Law did not intend to create a costly and overly burdensome system for local government with no avenue to recoup the full costs of fulfilling commercial and vexatious requests.

We hope that you find this information useful. Please feel free to contact Amy Sturges, Director of Governmental Affairs, at [asturges@pml.org](mailto:asturges@pml.org) with any questions.

Thank you.