132 Organizations Sign Statement on Government Coronavirus Emergency Transparency and Public Access

March 20, 2020

As state, tribal and local governments across the United States take measures to respond to the COVID-19 epidemic, executive orders and legislative proposals are calling for the suspension of normal operating procedures including, at times, compliance with open-meeting and public-records laws. We strongly urge government branches and agencies to recommit to, and not retrench from, their duty to include the public in the policy-making process, including policies relating to COVID-19 as well as the routine ongoing functions of governance.

Government bodies should not opportunistically take advantage of the public’s inability to attend large gatherings to make critical decisions affecting the public’s interest if those decisions can reasonably be postponed. Just as citizens are being asked to defer nonessential travel and errands, so should government agencies defer noncritical policy-making decisions until full and meaningful public involvement can be guaranteed. Where postponement is not realistic, every available measure should be taken to (1) notify the public of meetings of government bodies and how to participate in those meetings remotely, (2) use widely available technologies to maximize real-time public engagement, and (3) preserve a viewable record of proceedings that is promptly made accessible online.

We understand that government agencies will struggle with staffing and time constraints during this period of exigency, as employees transition into working from home, attend to personal and family health needs, and become focused on crisis-response duties. Some agencies undoubtedly will have difficulty meeting their legal obligations to process requests for public records promptly and thoroughly. This predictable difficulty counsels strongly in favor of affirmatively disclosing as much as is legally permissible without waiting to receive a request for records. Members of the press and public often resort to freedom-of-information requests when decisions are made secretively. It should not be necessary to reconstruct critical decisions about public health and safety by piecing together email trails. The fact that a government decision involves public health and safety is a reason for more, not less, transparency.

As government employees begin transacting more public business off-premises on personal devices, it is important that they faithfully observe records-retention protocols so that messages about core governmental functions are retrievable and reviewable just as on-premises correspondence is. All official-business communications -- regardless of where it occurs, and whose devices and accounts are used -- should take place over channels that allow for messages to be easily archived, produced and read. When possible, all electronic communications and information sharing should be transacted through official email accounts and government-issued communication devices.
At all times, but most especially during times of national crisis, trust and credibility are the government’s most precious assets. As people are asked to make increasing sacrifices in their daily lives for the greater good of public health, the legitimacy of government decision-making requires a renewed commitment to transparency. Open government is not “bureaucratic red tape.” We encourage the custodians of information at all levels of government to take this opportunity to leverage technology to make governance more inclusive and more credible, not to suspend compliance with core accountability imperatives in the name of expediency.

Alabama Broadcasters Association
American Booksellers Association
American Oversight
Americans for Prosperity Foundation
Arizona Broadcasters Association
Arizona First Amendment Coalition
Arkansas Broadcasters Association
Brechner Center for Freedom of Information
Buffalo School of Law Civil Liberties and Transparency Clinic
Cadiz Record (Kentucky)
California Broadcasters Association
California State University
Campaign for Accountability
Cause of Action Institute
Center for Progressive Reform
Center for Public Integrity
Citizens for Responsibility and Ethics in Washington
Civil Beat Law Center for the Public Interest
College of Communication and Information, University of Tennessee, Knoxville
Colorado Broadcasters Association
Colorado Freedom of Information Coalition
Connecticut Broadcasters Association
Connecticut Council on Freedom of Information
Council of State Archivists
Dawson Springs Progress (Kentucky)
Design Access Network
District of Columbia Open Government Coalition
Electronic Frontier Foundation
The Electronic Privacy Information Center (EPIC)
Embarcadero Media Group
Espacios Abiertos
First Amendment Clinic Sandra Day O'Connor College of Law, Arizona State University
First Amendment Coalition
Florida First Amendment Foundation
Florida Press Association
FOIA Group, Inc.
Foundation for Individual Rights in Education (FIRE)
Franklin Favorite (Kentucky)
Free Speech Coalition
Georgia First Amendment Foundation
Government Accountability project
Hawaii Association of Broadcasters
Hoptown Chronicle Newspaper (Kentucky)
Illinois Broadcasters Association
Indiana Coalition for Open Government
Indiana Broadcasters Association
Institute for Rural Journalism and Community Issues
Iowa Freedom of Information Council
Iowa Institute for Public Accountability
Iowa Newspaper Association
The Julian News (California)
Kansas Association of Broadcasters
Kentucky New Era
Kentucky Open Government Coalition
Kentucky Press Association
Knowles Publishing Corporation
LION Publishers
Louisiana Association of Broadcasters
Louisiana Press Association
Madisonville Messenger (Kentucky)
Maine Association of Broadcasters
Maine Freedom of Information Coalition
Maine Press Association
MapLight
Maryland | Delaware | DC Press Association
Massachusetts Broadcasters Association
Massachusetts Newspaper Publishers Association
Media Freedom Foundation Project Censored
Michigan Coalition for Open Government
Michigan Press Association
Minnesota Broadcasters Association
Minnesota Coalition On Government Information
Missouri Broadcasters Association
Missouri Press Association
Montana Broadcasters Association
National Association of Black Journalists
National Association of Hispanic Journalist
New England First Amendment Coalition
North Carolina Open Government Coalition
North Dakota Newspaper Association
National Center for Health Research
National Coalition Against Censorship
National Freedom of Information Coalition
Native American Journalists Association
Nebraska Broadcasters Association
Nebraska Press Association
Nevada Open Government Coalition
New Jersey Broadcasters Association
New Mexico Broadcasters Association
New Mexico Foundation for Open Government
News Leaders Association
North Carolina Press Association
North Dakota Broadcasters Association
Oak Grove Eagle Post (Kentucky)
Oklahoma Association of Broadcasters
Freedom of Information Oklahoma
Oregon Association of Broadcasters
PEN America
Pennsylvania Freedom of Information Coalition
Pennsylvania NewsMedia Association
Providence Journal-Enterprise (Kentucky)
Radio Television Digital News Association
Reporters Committee for Freedom of the Press
Rhode Island Broadcasters Association
Russellville News-Democrat & Leader (Kentucky)
Sage Information Services
Santa Monica Daily Press
Silha Center for the Study of Media Ethics and Law, University of Minnesota
Society of Professional Journalists
Society of Professional Journalists, DC Chapter
South Dakota Newspaper Association
Special Libraries Association
Student Press Law Center
Tennessee Association of Broadcasters
Texas Association of Broadcasters
Texas Press Association
TrustingNews
Union of Concerned Scientists
Union for Reform Judaism
Utah Broadcasters Association
Utah Press Association
Vermont Association of Broadcasters
Virginia Association of Broadcasters
Washington Coalition for Open Government
Washington State Association of Broadcasters
West Virginia Broadcasters Association
WFKN Radio (Kentucky)
Wisconsin Broadcasters Assn
Wisconsin Freedom of Information Council
Wisconsin Newspaper Association
The Wisconsin Transparency Project
Wyoming Association of Broadcasters