

## **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.

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[American Booksellers Association](#)

[American Oversight](#)

[Americans for Prosperity Foundation](#)

[Arizona Broadcasters Association](#)

[Arizona First Amendment Coalition](#)

[Arkansas Broadcasters Association](#)

[Brechtner Center for Freedom of Information](#)

[Buffalo School of Law Civil Liberties and Transparency Clinic Cadiz Record \(Kentucky\)](#)

[California Broadcasters Association](#)

[California State University Department of Communications](#)

[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

