

Week of September 21, 2009



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## Missouri's Sunshine Law: Promoting Transparency in Government

People often become frustrated with government because they feel that it isn't committed to making information about its inner-workings easily accessible to the public. Although there are many corners of the world where people do not have a say in how their government is run, here in the U.S., our democracy is a government of the people, by the people and for the people. This is why it is absolutely imperative that any actions taken by a public governmental entity be open to the people it serves and that information is made available to any citizen seeking it.

The state's open records and meetings law, also called the Sunshine Law, was enacted in 1973. Missouri was among the first states in the nation to pass such a law. The goal of the Missouri Sunshine Law is to make government more transparent and accessible to Missourians by requiring meetings, records, votes, actions and deliberations of public governmental bodies to be open to the public unless otherwise provided by law. The Sunshine Law applies to all records, regardless of what form they are kept in, and to all meetings, regardless of the manner in which they are held.

While in certain cases, there are times when a meeting, record or vote may be closed to the public, the law stresses that these exceptions are to be strictly interpreted to promote the public policy of openness—basically, when in doubt, a meeting or record of a public body should be opened to the public. Also important to know is that the Sunshine Law doesn't just apply to the main branches of government at the state level. It governs the actions of all public governmental bodies, from the Missouri Senate to the governing entities of sewer and water districts.

The law considers the accessibility of meetings to the public by requiring that all

public meetings—including meetings conducted by telephone, Internet or other electronic means—are to be held at reasonably convenient times and locations must be easily reached. This includes holding meetings in places that are large enough to accommodate observers and posting a public notice 24 hours before the scheduled meeting. If a meeting is closed to the public, the notice must state the specific provision of the law that allows the meeting to be closed.

For records, the Sunshine Law addresses whether a public body's records must be open to the public, but it generally does not specify what records it must keep or for how long. An entity cannot, however, avoid a records request by destroying records after it receives a request for those records. Also, the law may require a public body to grant access to open records it already has, but it does not require a public body to create new records in response to a request for information.

To accommodate Sunshine requests for existing records, each public governmental body must have a custodian of records who is responsible for maintaining the entity's records and for handling requests. All public records must be made available for public inspection and copying, unless there is a statute that either permits or requires them to be closed. The law also requires the records' custodian to respond to a request as soon as possible, but no later than **three business days** after the custodian receives it. When responding to a request for copies of its records, the Sunshine Law does limit how much a public body can charge for copying and research costs.

As you can see, here in Missouri, many of us are working to make government more transparent. In addition to the Sunshine Law, lawmakers continue to add other laws to the books that require your government to operate with greater transparency. For instance, this year we passed the economic development measure, [House Bill 191](#), which applies the Sunshine Law to awarded tax credits by requiring tax credit recipients to report job creation resulting from the use of tax credits. Also, the bill requires that tax credit information be made available to the public through the [Missouri Accountability Portal](#).

To learn more about Missouri's open records and meetings law, go to the attorney general's Sunshine Law website at <http://ago.mo.gov/Open-Government.htm>.

As always, please feel free to contact me or my staff with any questions or concerns at any time. We look forward to hearing your comments and suggestions and trying to answer any questions you may have. You can reach us by phone at 866-277-0882 (toll-free) or 573-751-2272, or by fax at 573-526-7381.

*Senator David Pearce serves Bates, Cass, Johnson and Vernon counties in the 31<sup>st</sup> State Senatorial District.*

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