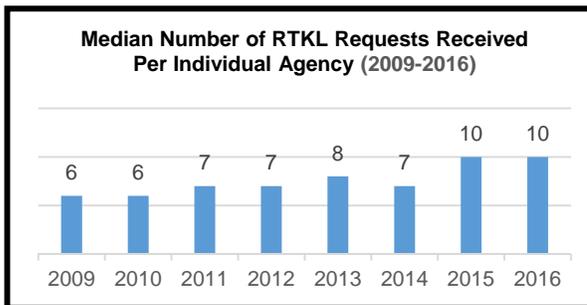


Report Highlights

Costs to Implement the Right-to-Know Law

House Resolution 50 (2017) directed the Legislative Budget and Finance Committee to conduct a comprehensive review of the fiscal impact on state and local governmental agencies for implementation of the Right-to-Know Law (RTKL). The review is to identify annual costs to the state and local agencies for administration of the law and actions to decrease the administrative burdens of the law on the state and local agencies while ensuring reasonable public access to public records and information. We found:

- **Over half of the agencies surveyed received 10 or fewer RTKL requests during CY 2016.** Nearly 36% of the agencies received 11 to 50 requests, 6% received 51 to 100 requests, and 6% reported over 100 requests. We estimate that state and local agencies received a combined total of 109,000 RTKL requests.



- **Most agencies do not have the requisite RTKL information easily accessible on their website.** Nearly 70% of 588 randomly selected agencies were not in full compliance with the statutory website posting requirements of the RTKL, with over half of those agencies not posting any of the required information.
 - **Agencies may respond to RTKL requests in an inefficient manner and undergo legal costs for unnecessary solicitor reviews and otherwise avoidable RTKL appeals.** Nearly 29% of the RTKL requests fulfilled by the agencies surveyed used a 30-day extension and 34% were sent to a solicitor for a legal review. Over 40% of our RTKL requests submitted to 588 randomly selected agencies were deemed denied.
- Recommendations:**
- The General Assembly should consider:
- (1) requiring agencies to provide Agency Open Records Officer (AORO) contact information to the OOR annually or when changed; (2) specifying AORO contact information include name, telephone number, email address, and physical address; (3) requiring all AOROs to attend one OOR RTKL training course annually; and (4) authorizing the OOR to establish reasonable hourly fees as they determine necessary for commercial and/or other exceedingly time-consuming requests.
- The OOR should:
- (1) create a searchable database on their website for the contact information for all state and local government AOROs and update it as new contact information is provided by the agencies; (2) develop ongoing training and informational materials to reach out to all AOROs; (3) develop and post training videos and informational materials directed at requesters; and (4) annually collect data from AOROs on the number of RTKL requests received each year to monitor for significant changes in trends.
- **Over half of the agencies surveyed reported annual costs of \$500 or less.** Almost 19% reported costs ranging from \$501 to \$2,000, 19% reported costs from \$2,001 to \$10,000, and 8% from \$10,001 to over \$400,000. We estimate that the total costs to agencies ranged from \$5.7 to \$9.7 million in CY 2016.
 - **Only 3% of the RTKL requests received were appealed, and fewer than 16% of the agencies reported having any requests appealed.** Almost 4% of the agencies surveyed accounted for 80% of the appeals.
 - **Agencies differ on what they consider “overly burdensome” and may react more to the type of requester versus the actual request.** A third of the RTKL requests considered overly burdensome were fulfilled in less than 3 hours, a third took between 3 to 8 hours, and a third required 8 hours or more.
 - **Most agencies receive general purpose and commercial requests, and a third receive litigation requests, but few receive requests from inmates.** Roughly two-thirds of all the reported general, commercial, litigation, and research requests, and 89% of all inmate requests were fulfilled in less than 3 hours.