

Sunshine means partly cloudy to some

Several important Sunshine Law cases highlight importance of transparency

So much has happened this month related to Sunshine Law matters that I hardly know where to start in this month's column.

The ACLU, through a lawsuit filed by John Chasnoff, obtained a court of appeals decision that local police officers do not have a right to, on their own, declare their employment records private information. That case, which I wrote about on my blog, www.mosunshine.typepad.com, ends almost 10 years of litigation stemming from disciplining of law enforcement for using tickets confiscated from the World Series games in St. Louis in 2006. It resulted in the largest award ever in this state, I am sure, for payment of attorneys fees in a Sunshine case.

But wait! There's more! Credit needs to go to Bob Miller, of the *Southeast Missourian*, who made a request of the Missouri Attorney General's office for data relating to its handling of Sunshine Law complaints in the state. Bob did a masterful job in an editorial recently pointing out the lack of enforcement from that office as compared to the number of complaints it receives. You can read it on the *Southeast Missourian* through the link on the Maneke Law Group's Facebook page.

And I'm not done yet! A few days ago, Progress Missouri, a Missouri non-profit corporation which engages in advocacy and communication to citizens in this state about affairs it believes are of interest to its followers, decided to take on the State Senate over its prohibition of recording video of some Senate committee hearings.

Progress Missouri is not a traditional media organization. It makes no secret that it has an advocacy purpose. It is not a member of the Missouri Capitol News Association, an information group of those reporters traditionally covering activities in Jefferson City for the various news entities in the state.

In the last year, it has several times been banned from bringing a video camera into hearing of Senate committees, although the traditional news entity representatives are al-



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lowed to video-record the meetings.

Some Senate chairmen have told this group that because it is not a member of the Missouri Capitol News Association, it has no right to record. One issue, I suppose, is whether the committees are "public governmental bodies" under the Sunshine Law. Are these committees "appointed by or at the direction of" a public governmental body and "authorized to report to" the body? Given they have always provided traditional Sunshine Law meeting notices and how they have always been viewed as subject to the law, I think it will come as a shock to everyone if a court were to find they were not, by definition, governed by this law.

If they are subject to the law, then it would seem hard to me for the committees to argue they are not required to "allow for the recording ... of any open meeting" as required in Section 610.020.3.

Legislators, in a quandary as to whether the state Attorney General's office is the proper party to defend them (see my above note about the AG's office), is seeking legislative approval to hire separate counsel to defend against lawsuits, according to the Associated Press. Meanwhile, legislators are not moving legislative proposals this year that would have clarified that the emails of each leg-

islator should also be subject to the Sunshine Law.

Then, let me tell you that *Government Technology*, a national industry magazine about government use of technology, recently did a story about which governors were "talking tech." Missouri had a star role in its results. Governor Jay Nixon was cited as a leader in this regard. The magazine noted how the state has "gotten smarter thanks to technology over the past several years," citing increased access to government services citizens now can access online "from their smart phones." This

is the same Governor the *Southeast Missourian* discovered this month sends no emails or texts and who apparently doesn't use a smart phone as he runs the state.

Listed in the magazine as one of the Top 5 Doers, Dreamers and Drivers, is Tim Robyn, the state CIO (I assume that stands for Chief Information Officer for the division of Information Technology Services, the actual title Robyn holds). The award notes he has consolidated data centers, saving the state millions of dollars, and deployed new online services to improve convenience for citizens. "New data initiatives ... are turning information into valuable assets," the story touts.

I know a few reporters out there who would be interested

in accessing some of that data the magazine is talking about. I just can't figure out how to get the place I see being written about into the reality of the world in which these reporters live.

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