

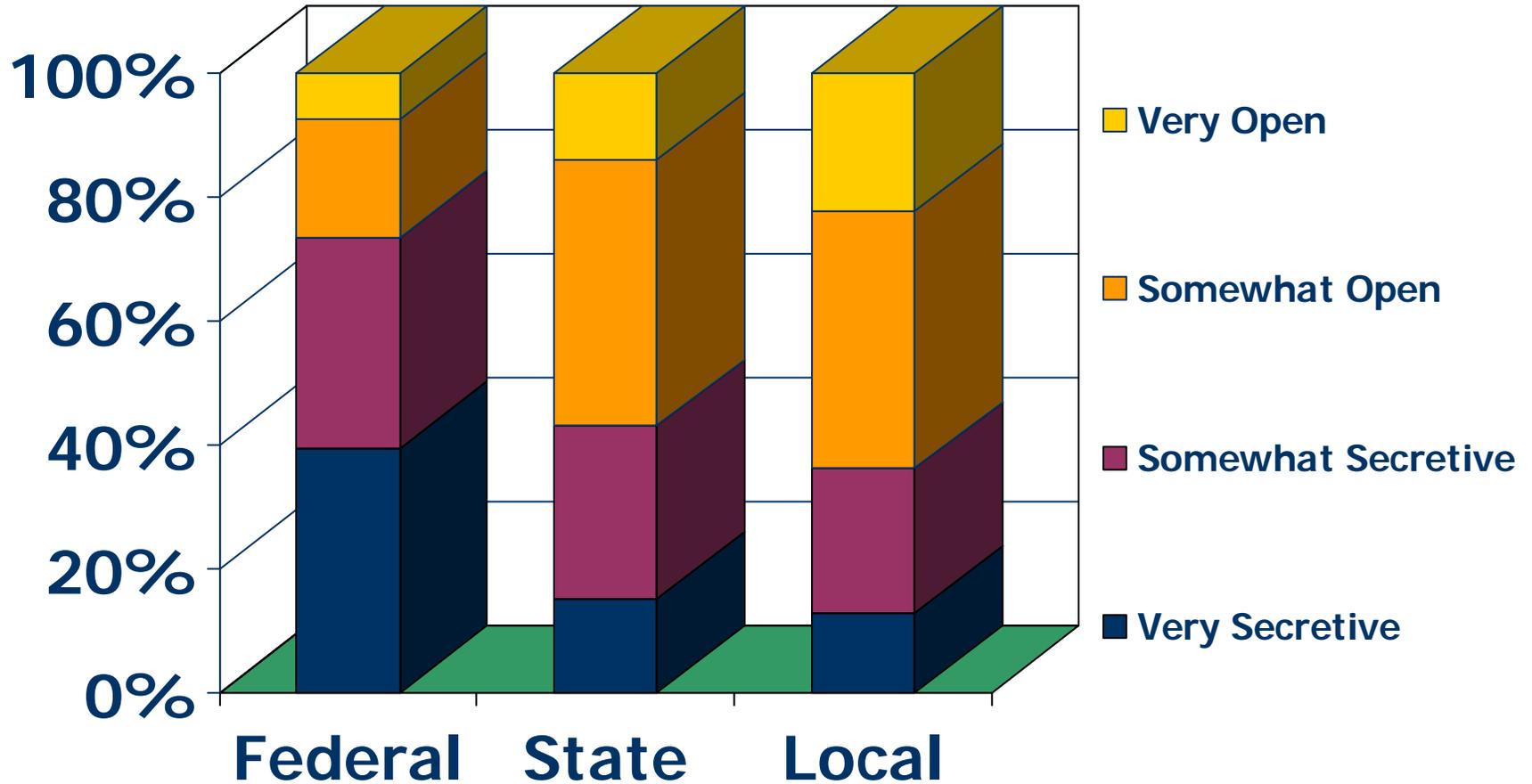


What is Sunshine Week?



- ▶ Started by newspaper editors in Florida in 2002
- ▶ Went nationwide in 2005
- ▶ Highlights the importance of open government
- ▶ Non-partisan; liberals and conservatives support it
- ▶ Not just news media: civic groups, libraries, schools, non-profits, government

Public Opinion of Govt. Secrecy



Source: Scripps Howard News Service; Scripps Survey Research Center, Ohio Univ.; March 2007

Why do an information audit?



- ▶ Examine “real” experience of what happens in a public information request
- ▶ Not “gotcha” journalism
- ▶ Uncover need for reform or training where needed
- ▶ Accolades where earned
- ▶ Remind officials about the public’s right to know

How is an audit done?



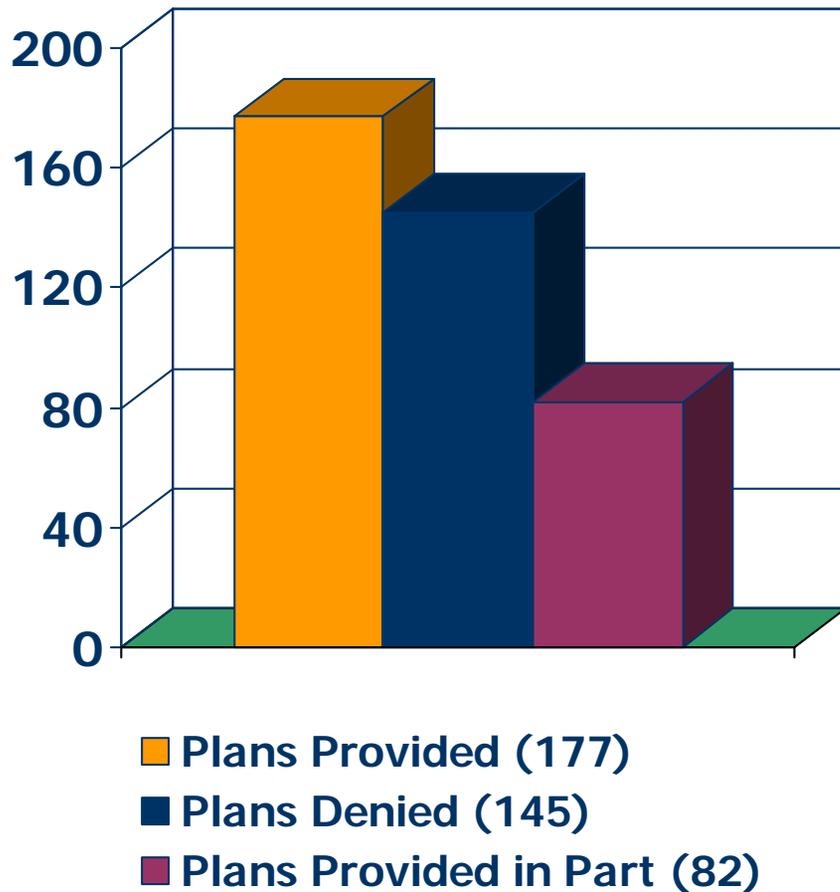
- ▶ Reporters or citizens ask for the same public record from different communities/offices
- ▶ Do not reveal request is for an audit or made by the media; skews results
- ▶ BUT: Auditors should never lie if pressed
- ▶ Results are tallied for reports on compliance

The Sunshine Week 2007 National Information Audit



- ▶ Auditors went to LEPC offices and asked for Comprehensive Emergency Response Plan
- ▶ EPCRA requires this to be a public document
- ▶ Title II allows for withholding sensitive information
- ▶ Auditors found suspicion, confusion and, sometimes, compliance

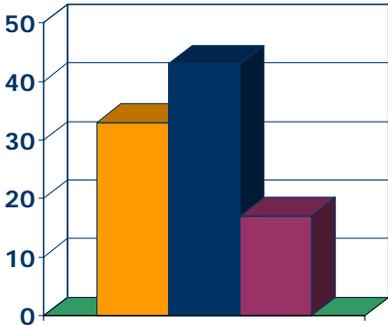
The National Audit Results



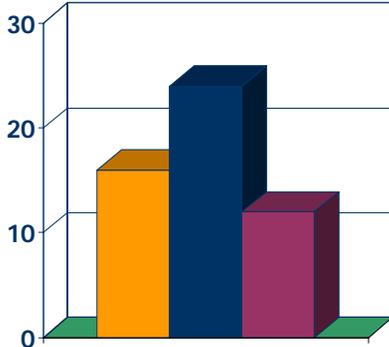
- ▶ 404 audits in 37 states and Puerto Rico
- ▶ 44% provided in full
- ▶ 36% denied
- ▶ 20% provided in part
- ▶ 31% available in some electronic format; 12% accessible on the Internet
- ▶ 55% were asked why they wanted the information
- ▶ 61% asked who they were; 8% had to show ID

How the Six Regions Fared

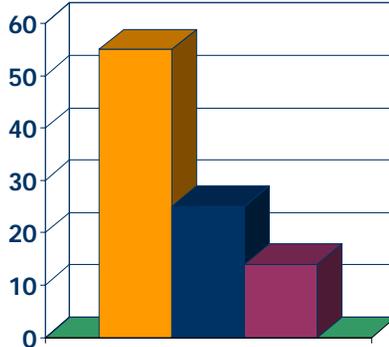
New England



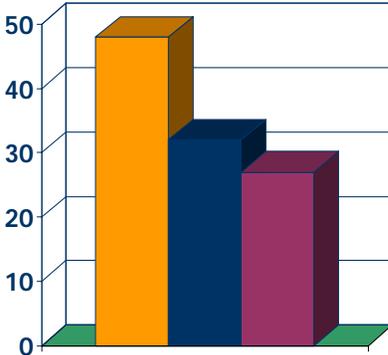
Mid Atlantic



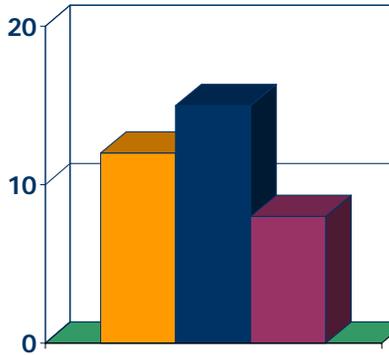
South



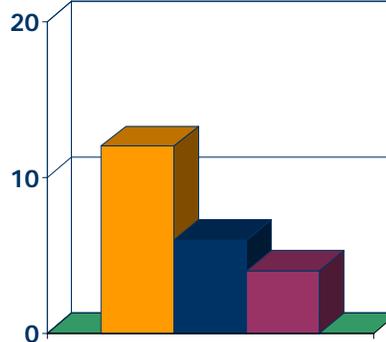
Midwest



West



Far West



 Plans Provided  Plans Denied  Plans Provided in Part



County employees told to be "on alert" for "weirdo"

Fees as high as \$1,700

Warning e-mails sent around counties, states

Requestors watched, followed by police

Criminal background checks run on requestors

Offices unstaffed, calls unreturned

Requestors told they "don't look like terrorists"

Officials don't know about the plan, where it's kept or who to ask

YET

... Compliance

"We need more awareness on what to do during an incident for the safety of everyone."

Payment refused for copies of public records

Large reports provided on computer disc

Emergency officials demonstrate how to find plans online

Requestors invited to call with questions

Emergency agency officials familiar with openness requirements

Entire plans posted on government Web sites



Channel 10 News, San Diego



Press & Sun-Bulletin

BINGHAMTON, N.Y.

pressconnects.com

YOUR RIGHT TO KNOW

Counties differ on access to emergency plans



Emergency-response plans are designed to guide communities and rescue personnel in the event of a disaster. Of particular concern are areas such as the petroleum storage tanks on Shippers Road in Vestal, where the potential for disaster is high due to population centers, high-traffic businesses or entertainment venues.

Despite status as public record, information kept secret by some

2 PAGES OF INFO INSIDE

► How to request government records and appeal a denial.
► How local agencies responded to FOI requests.
► Myths and realities about FOI process.
► FOI around the nation.

PAGES 14-15A

By Doug Schneider
dcschneider@pressconnects.com
Press & Sun-Bulletin

BINGHAMTON — Two years after cyanide gas leaked from a factory in India, killing thousands as they slept, the U.S. government ordered communities to create emergency-response plans — plans that could affect whether you survive a disaster.
Most information in these plans is considered public record, and is immediately available to anyone who asks for it.
But Broome and two other area counties balked at releasing the information when asked for it.
Broome has taken more than a month to reveal what's in its Local Emergency Response Plan, saying,

in effect, that divulging parts of the public document could endanger the public.
County officials say they aren't certain which parts they can let the public see, and may need a month to decide.
Oswego County, and Susquehanna County, Pa., also refused in-person requests for their plans, which are designed to be blueprints for how counties respond in life-threatening emergencies. Delaware, Tioga and Tompkins counties provided theirs when a visitor walked in and asked. Chenango County provided its plan via e-mail a week after receiving a request.
Tioga and Delaware also post versions of their plans on the Internet.
See **AUDIT** Page 15A



ON THE WEB
Go online to www.pressconnects.com to learn more about open records, explore an interactive guide to FOI, and use the Press & Sun-Bulletin's comprehensive list of records-access officers for more than 90 counties and school districts across the Tier — many with clickable e-mail addresses.

COMING MONDAY
Learn what rural Tier counties plan to do in the event of an emergency — and which plans contain information that is years out of date.

HOW THE AUDIT WAS CONDUCTED

Newspapers around the country recently partnered with government organizations and well-municipal guarantee people. Locally, they worked with the League of Women Voters. By federal law, officials should have made the printed document available to the public, except for information that could pose a danger to the public. Some officials were unsure if they were in a position. If a

WHAT ACTUALLY DID HAPPEN

Broome County: The county health department willingly complied with a request to view the document. When a copy was requested, the official sent the

Requests generate skepticism, police action

By Kirsten B. Mitchell
American Society of Newspaper Editors

When journalists and student reporters, student journalists and other members nationwide asked for Comprehensive Emergency Response Plans, local officials were more than one-third of the time who did comply provided on-site background checks were run on the requesters. The audit followed an approach that each newspaper and TV station used to ask for the plan.

WHAT SHOULD HAVE HAPPENED

By federal law, officials should have made the printed document available to the public, except for information that could pose a danger to the public. Some officials were unsure if they were in a position. If a

THE NATIONAL RESPONSE

A police officer told me there was a report that I had been engaging in suspicious activity, and the EMA director had called the police.'

MEREDITH HEAGNEY
The Columbus Dispatch reporter

The audit sampled 404 communities across the country. Requests were made in 37 states and one U.S. territory, student journalists and TV stations. The volunteers visited government offices and asked for the plan.

The response

Some officials became suspicious when asked for the seldom-requested plan and called police. In several cases, officials sent e-mails to other agencies warning of the audit.
Among those who found themselves the subject of officials' interest was Meredith Heagney of The Columbus (Ohio) Dispatch, whose queries prompted 88 counties asking that they be alerted to similar requests. Heagney obtained copies of the plans from 11 counties.

Management Agency, wrote. He asked that his recipients who are "getting strange requests for information" messages later that day, county emergency managers. Of the six plans she requested, Heagney ultimately received five in full and one in part.
Denver Post reporter George Merritt was denied the plan and told a national alert went out about the audit because there was "a rash of people around the country posing as reporters and asking for emergency response plans."

In addition to passing the word between themselves about the audit, some public officials also alerted police or ran background checks on requesters.
When Bruce Rushton returned empty-handed to The State Journal-Register in Springfield, Ill., from the Sangamon County Office of Emergency Management, the police reporter told him she heard his name broadcast on the police scanner.

"Someone was running my name through NCIC, a national database that contains criminal histories and is available only to law enforcement," Rushton said. "Terrorism was mentioned repeatedly as a reason for keeping the plans secret."
Butler Cain of Alabama Public Radio was told by an official at the Tuscaloosa County Emergency Management Agency "that since 9/11, the

Emergency plans often out of date

Some list contacts who are no longer in office

By Doug Schneider
dcschneider@pressconnects.com
Press & Sun-Bulletin

How will local government protect you in a life-threatening emergency?
The answer may depend on your county's Local Emergency Response Plan.
In Greater Binghamton: ► At least two counties' plans contain out-of-date information, raising questions about how quickly police could be notified or emergency shel-

ters opened.
► The level of detail differs widely between counties, so essential information such as the location of dangerous chemicals may be public information in one county but not another.
► Certain plans are not available to the public. Others, such as Broome's, take weeks to obtain.
Those are some key issues uncovered in a 36-state audit of 404 communities that included six counties in the Press & Sun-Bulletin's coverage area.

The audit found significant differences in how counties approach emergency planning, from the 220-page document in which Tioga spells out locations where potentially dangerous chemicals could require the evacuation of a two-mile radius, to other counties' 90-page documents that provide much less detail.
Emergency Management Plans, mandated by a federal law created after a chemical gas spill from a Union Carbide pesticide factory killed thousands

of people in Bhopal, India, in 1984, must be written and maintained by New York's counties. Other states do so on a regional basis.
Federal law says such documents are public, but permits some details about chemical storage sites and other specifics to be withheld.
Tier officials — those who released their plans upon request — insist their documents are up to date and contain sufficient levels of information to do the job in an emergency.

See **PLANS** Page 5A



ON THE WEB

Go online to www.pressconnects.com/FOI to learn more about open records, explore an interactive guide to FOI, and use the Press & Sun-Bulletin's comprehensive list of records-access officers for more than 90 counties and school districts across the Tier — many with clickable e-mail addresses.

access immediately because of time not at all today" because of time commitments. He volunteered his address and business card, to e-mail a copy

Press & Sun-Bulletin

BINGHAMTON, N.Y.

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Sensitive information released in Delaware report

Information about a supply of medical antidote that would be used to treat victims of pesticide poisoning or a nerve-gas attack should not have been included with a county emergency plan that was released to the Press & Sun-

unleashed on a Tokyo subway in 1995.

U.S. government Web sites, including that of the Department of Health and Human Services, say federal employees are not to release information about Chempack. Parts of federal and

Editors have chosen not to publish the details of the Chempack program because of its sensitive nature.

is on hand, and where it is kept.

Chempack is part of the federal government's strategy to provide regions of the county with a medicine, atropine sulfate, that can be administered after a nerve-gas attack, such as the one

sensitive nature.

"I was trying to work with you, but I probably shouldn't have given you that," Delameter said.

— Doug Schneider

EDITORIAL FBI sure was quick to respond EDITORIAL BOARD

Monday, March 19, 2007

American-Statesman intern Marcy Miranda exercised her right as a citizen by asking for put information from officials in Hays, Williamson and Travis counties. Her request netted her information and a visit from the FBI.

of Sunshine Week — a national effort sponsored by the American Society of New-
week county officials in the American-Statesman circulation are
Federal law requires the plans be m

In Texas, open records compliance varies Tests of Austin-area governments' compliance with state law met with success only in Williamson County.

By Marcy Miranda
AMERICAN-STATESMAN STAFF

Click-2-Listen

Saturday, March 17, 2007

The goal was simple enough: view copies of Austin-area emergency response plans, which contain vital information on emergency procedures in the event of a hazardous material spill and are available to the public under federal law.

Completing the task, however, proved far more difficult.

An FBI agent visited this reporter's home during working hours and questioned neighbors. After visiting a second day, he left his business card at this reporter's door.

In a telephone conversation, the agent said he wanted to schedule an in-person interview to discuss the requests.

He agreed that was not needed after receiving several calls from American-Statesman editors.

The implications of this... we talked a lot about how... access to basic information is cut off, they

...wants to up on terrorists, but what we want to do is feel secure about our safety," said Garner Cash, former editor and publisher of The Baytown Sun. "We want to know that the government has plans . . . and that we're going to be informed about those plans in a timely manner."

State lawmakers last year struggled to revamp emergency plans after lessons learned from the exodus of Hurricane Katrina evacuees in 2005 and from the evacuation of 2.8 million Texans in advance of Hurricane Rita.



EMERGENCY
MANAGEMENT

MEMORANDUM
TO: [Illegible]
FROM: [Illegible]
SUBJECT: [Illegible]

URGENT DEPARTMENT
OF HOMELAND
SECURITY

NO

FOR YOUR INFORMATION:

ON 07/26/08, [Illegible]

Sony
5000
w/Remote

The Journal Gazette

FORT WAYNE, INDIANA ♦ LOCALLY OWNED SINCE 1863



Area audit finds mixed access level to records

By Angela Mapes
The Journal Gazette

When an interested citizen walked into the Noble County Emergency Management director's business requesting a public record, he wondered why she wanted it.

But that didn't stop director Russell Carteaux from offering to let the citizen take the original to make copies herself.

In other northeast Indiana counties, responses to the same public records request ran the spectrum from flat-out denial to willingness to provide the plan, no questions asked.

As part of a national effort, Journal Gazette reporters visited eight counties in January to obtain copies of each county's Comprehensive Emergency Response Plan. Congress passed the Emergency Planning and Community Right-to-Know Act 20 years after a chemical plant disaster in India. The initiative requires communities to have public plans for natural disasters, chemical or hazardous spills.

The audit was sponsored by the American Society of Newspaper Editors Sunshine Week, the Coalition of Journalists for Open Government, the National Freedom of Information Coalition and the Society of Environmental Journalists.

Carteaux, part-time emergency management director in Noble since 1988, maintains an office in his home and works out of his Avilla television shop. Noble County is in the process of creating a full-time position, for which Carteaux plans to apply.

Carteaux said Tuesday he was taken aback by the

► See Access/Page 7A



Cathie Rowand/The Journal Gazette

Russ Carteaux, Noble County emergency management director, keeps the county's emergency plan with him at his Avilla TV and appliance business.

One out of three requests denied nationwide

By Joyce McCartney
The Journal Gazette

Tucked in binders or stored on computer hard drives across America exist federally mandated plans outlining how local agencies will respond to tornadoes, floods, chemical spills or other disasters. It's a plan that, by federal law, any citizen is entitled to see.

But in 145 locations across the country, interested citizens were denied access to such plans by the officials entrusted to maintain them.

Over 10 days in January, journalists, student journalists and members of the League of Women Voters fanned out across the country asking to see this report — known as a Comprehensive Emergency Response Plan.

In some cases, the document was handed over. In other cases, resistance was met and suspicions raised. And, in some cases, requests were denied outright.

In northeast Indiana, four Journal Gazette reporters faced the same suspicion, denial or cooperation as experi-

enced in other states (see methodology, Page 7A).

The interested citizens were participants in a national Sunshine Week audit conducted by the American Society of Newspaper Editors, the Coalition of Journalists for Open Government, the National Freedom of Information Coalition and the Society of Environmental Journalists.

Sunshine Week, this year falling March 11 to 17, is an effort led by the American Society of Newspaper Editors designed to open a dialogue about

open government and freedom of information and the public's right to know what its government is doing and why.

The emergency response plans are available under the 1986 Emergency Planning and Community Right-to-Know Act, which requires each state to have a State Emergency Response Commission and district Local Emergency Planning Committees.

According to a report on the national public records audit, keepers of the

► See Denied/Page 7A



SUNSHINE[®]
WEEK

YOUR RIGHT TO KNOW

