

## COVID-19: Right-to-Know Law and Sunshine Act Compliance

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The Pennsylvania Office of Open Records released guidance on the impact of the coronavirus and the compliance obligations of public entities under the Pennsylvania Right-to-Know Law and the Sunshine Act.

The office confirmed that if a public entity is closed on a given day, that day is not a "business day" and does not count toward the five business days referenced in the law, which governs the time period under which the public entity must respond to a request. Consequently, the deadline for public entities to respond to requests for public records is effectively tolled during the period of a shutdown. However, the office is encouraging both requesters and agencies to be considerate and patient while working with each other during the coronavirus emergency.

As public agencies take steps to ensure continuity of operations, they should also address the issue of how Right-to-Know requests will continue to be handled. The Office of Open Records further recommends that public entities notify the public of continuity plans regarding the requests to help ensure transparency and public trust. [Click here to view the full guidance.](#)

[As for the Sunshine Act](#), the office reaffirmed the requirement that public meetings occur at public buildings with open public participation whenever possible. However, if an official emergency declaration prevents that from happening, the new guidance confirms that a meeting via teleconference, webinar or other electronic method may occur as long as two-way communication is possible.

When public entities utilize electronic methods to conduct public meetings, the Sunshine Act requires a reasonably accessible method for the public to participate and comment. That method of participation should be clearly explained to the public both in advance of and during the meeting. If a public entity holds a meeting via electronic methods, best practices suggest that the public entity record the meeting and proactively make the recording publicly available.

In its guidance for both the Right-to-Know Law and the Sunshine Act, the office refers to a statutory provision that allows public entities to suspend certain "formal requirements" during a disaster emergency declared by the governor. Remember that all governments have different requirements when it comes to how the regulations apply to them. Any public entity considering the suspension of any legal requirement should first consult with their solicitor.

If you have any questions on this new guidance, please contact a member of our [Education Practice Group](#) or a member of our [Municipal Industry Group](#).