

Sun-e Briefs • June 2010

Sun-e Briefs are a service of the Sunshine Center made possible through a grant from the Knight Foundation. This monthly news update will keep you in the open-government loop by bringing you news about access issues from across the state and updates on the Sunshine Center and North Carolina Open Government Coalition. Coming to you from Elon University, home of the Sunshine Center, we think you'll find **Sun-e Briefs** a valuable addition to your inbox. If you would like to contact us to let us know about a story or to remove your name from our list, please write ncopengov@elon.edu.

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N.C. Supreme Court backs public records

The state's high court ruled 7-0 Thursday that the Court of Appeals wrongly dismissed a complaint by the State Employees Association against the state treasurer's office and then-Treasurer Richard Moore. The employees group had repeatedly requested documents related to the treasurer's investment of money in the state pension plan. The employees group would receive some records, but never the full set. The N.C. Supreme Court said Thursday they should have received all the records and that government agencies can't be trusted to police themselves when it comes to open records.

Read the full story at this [link](#).

NC newspaper editorials on N.C. Supreme Court Ruling

Gaston Gazette: Transparency doesn't need another filter

From the Gaston Gazette (6/22/10): Open government means transparency and accountability. In some quarters, however, the description would also appear to include convenience and politics.

Published reports say that state Sen. Dan Clodfelter has planted himself in the path of groundbreaking open government legislation as it makes its way through the Judiciary I Committee. The Mecklenburg County Democrat cites his apprehension about people seeking public records for less-than-pure motives, such as political gamesmanship. His solution involves some method of distinguishing "legitimate" requests from the allegedly fraudulent.

Read the full story at this [link](#).

Charlotte Observer: Law without teeth is tragedy, or farce

From the Charlotte Observer (6/21/10): The notion that good government must be open and transparent, answering to informed and empowered citizens, was fundamental to America's creation. The Founding Fathers made that clear. Yet to this day, many elected leaders and government staffers in Charlotte and across the state and nation strive to keep the people's business a secret. An N.C. Supreme Court ruling handed down Thursday powerfully reaffirms the sanctity of a government of the people, by the people and for the people. A fight brewing in the N.C. Senate, though, points to politicians' continuing resistance to that concept.

Read more [here](#).

Coalition News

NCOGC meets Knight Foundation challenge to help ensure future transparency in Carolina

The North Carolina Open Government Coalition, a nonpartisan group that educates people about their rights through the Sunshine Center and supports public efforts to gain access to government activity, records and meetings, has raised \$250,000 to match the challenge grant awarded by the Knight Foundation. The grant makes it possible for the NCOGC board to establish a trust fund that will endow the basic operational needs of the organization. **The NCOGC and Sunshine Center need your continued support to promote transparency throughout the state** until the trust begins to produce revenue. Please send your gift to:

The Sunshine Center, North Carolina Open Government Coalition
Elon University School of Communications
2850 Campus Box
Elon, NC 27244-2010

(336)278-5506
ncopengov@elon.edu

NCOGC Sunshine Center joins state coalitions at annual national FOI summit

The long-awaited federal ombuds office, established by Congress in 2007 to help ensure transparency in Washington, D.C., finally took form in 2009 under the direction of Miriam M. Nisbet, a UNC Chapel Hill alumna. Nisbet delivered the keynote address at the 2010 Freedom of Information Summit in Arlington, Va., an assembly of state open government coalitions from across the United States. The Sunshine Center of the NCOGC represented North Carolina at the event, which included sessions on trends in FOI litigation and transparency in the digital age.

Nisbet's talk focused on improvements in transparency – and the challenges that remain – since she was appointed director of the Office of Government Information Services in the National Archives and Records Administration. Her keynote address and blogs covering other presentations at the 2010 FOI Summit are available through the National Freedom of Information Coalition at this [link](#).

Access Update

Campbell U. students audit access to records in Carolina

Study finds three-quarters not compliant with public records statutes

Among North Carolina's 100 counties, only one-quarter provided all four public documents requested in an audit conducted by students at Campbell University. The audit was a class project in quantitative research methods for an upper-division course in communication studies. NCOGC Board president Hugh Stevens traveled to CU and served as an expert discussant of the findings when students presented the audit May 4. To read the full report of the audit and details on the presentation, visit this [link](#).

For a related commentary by Fayetteville Observer Executive Editor Mike Arnholt, who also served as a discussant, see "Campbell students shine some light," at this [link](#).

Legislative watch

Short session bills seek to close some records, open others

The 2010 General Assembly went into short session May 11 with several open government bills before legislators, including:

- Legislator confidentiality: a bill that would declare records of communications between legislators and their staffs confidential
- Electronic public notices: would allow the town of Clayton to issue electronic public notices for some public hearings
- Personnel files: seeks to expand information available in public employees' personnel files
- The Open Government Act: would provide mediation for open government disputes and entitle prevailing plaintiffs to recover attorneys' fees in public records lawsuits

The North Carolina Press Association carefully tracks bills before the General Assembly, which it makes available through its Legislative e-Background site at: <http://www.ncpress.com/ebackgroundsite/ebackgroundlegislature/ebackgroundleg10.html>