

## **A. PUBLIC RECORDS STATUTES**

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

- Yes  
 No

- a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them. VT. STAT. ANN. tit. 1, §§315-320  
VT. STAT. ANN. tit. 29, §1101
- b. If “No,” skip this whole section.

Additional comments:

2. The public records statutes/regulations apply to which of the following branches?

- Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.  
VT. STAT. ANN. tit. 1 §317(b) reads “...’public record’ or ‘public document’ means all papers, documents, machine readable material or any other written or recorded matters, regardless of their physical form or characteristics that are produced in the course of agency business.”  
VT. STAT. ANN. tit. 1 §317(a) reads “...’agency’ means any agency, board, department, committee, branch, instrumentality, commission or authority of any political subdivision of the state.”

Additional comments:

3. Cite to public records statutes/regulations where “public record” is defined.  
VT. STAT. ANN. tit. 1 §317(B), VT. STAT. ANN. tit. 29 §1101

Additional comments:

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes  
 No

a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

VT. STAT. ANN. tit.1, §316(h)

VT. STAT. ANN. tit.1, §317(b)

Additional comments:

Section 316(h) cited above defines “standard formats for copies of public records” and section 317(b) defines what formats are included in the definition of public records.

5. Do the public records statutes/regulations address retention of records?

Yes  
 No

a. If “Yes,” cite to and briefly summarize the retention provisions.

VT. STAT. ANN. tit. 3, §218 – Agency heads are to develop plans for retention and disposal of records

b. If “Yes,” also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

The Secretary of State is required to “preserve” documents transferred to him. (VT. STAT. ANN. tit. 3 §117(a)(1)).

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to public records or acknowledge the state’s responsibility to permanently maintain public records?

Yes  
 No

a. If “Yes,” cite to and provide relevant language.

VT. STAT. ANN. tit. 1, §315: “It is the policy of this chapter to provide for free and open examination of records consistent with Chapter I, Article 6 of the Vermont Constitution. Officers of government are trustees and servants of the people and it is in the public interest to enable any person to review and criticize their decisions...”

Additional comments:

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes  
 No

- a. If “Yes,” cite to applicable statutes/regulations and identify the responsible officer/government entity.
- b. If “Yes,” also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

Additional comments:

Duties appear to be spread among the State Librarian, the Division of Public Records (of the Department of Buildings and General Services), the State Archivist (of the Secretary of State’s Office) and the Office of the Chief Information Officer.

8. Has any public records legislation/administrative regulation been proposed calling for “permanent public access” to electronic public records?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under the public records statutes resulted from the state’s failure to “permanently” maintain a public record?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of public records under public records statutes/regulations.

**B. FREEDOM OF INFORMATION ACT**

A state’s freedom of information act (or law) generally addresses public access to “public records.” As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a “freedom of information act,” as referred to in the paragraph above?

Yes  
 No

a. If “Yes,” cite your state’s freedom of information act (or law) statutes and the administrative regulations that supplement them.  
VT. STAT. ANN. tit. 1, §316

b. If “No,” skip this whole section.

Additional comments: see Section A above.

2. The freedom of information act statutes/regulations apply to which of the following branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.  
Chapter I Vermont Constitution Article 6: “...all officers of government...are accountable to them.” (the people)

Additional comments:

3. Cite to freedom of information law statutes/regulations where “public record” is defined.  
VT. STAT. ANN. tit. 1, §317(b), VT. STAT. ANN. tit. 29, §1101

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

- Yes
- No

a. If “Yes,” discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.

b. If “Yes,” also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

5. Do any freedom of information act statutes/regulations assure “permanent public access” of electronic public records?

- Yes
- No

a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes

No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

7. Has any freedom of information legislation/administrative regulation been proposed calling for "permanent public access" of electronic public records?

Yes

No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?  
b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state's failure to "permanently" maintain a public record?

Yes

No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

9. Discuss any unique circumstances in your state relevant to "permanent public access" of public records under freedom of information act statutes/regulations.

### C. PUBLIC ACCESS LAWS

The term "public access law" is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the "Free Public Access to the Code of Maryland Regulations Act," whose title alone explains much about its purpose.

1. Does your state have any "public access laws," as referred to in the paragraph above?

- Yes
- No

- a. If “Yes,” cite each of your state’s public access law statutes and the administrative regulations that supplement them.
- b. If “No,” skip this whole section.

Additional comments:

- 2. For each public access law, specify the branches to which it applies.

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

- 3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Additional comments:

- 4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

- Yes
- No

- a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Additional comments:

- 5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

- Yes
- No

- a. If “Yes,” for each public access law, cite to and briefly discuss the permanency provisions.

Additional comments:

- 6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss the accessibility provisions.

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to government publications or acknowledge the state’s responsibility to permanently maintain government publications?

Yes  
 No

- a. If “Yes,” cite to and provide relevant language.

Additional comments:

8. Has any public access legislation/administrative regulation been proposed calling for “permanent public access” of electronic publications?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state’s failure to “permanently” maintain a government publication?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of government publications under public access laws.

#### **D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER**

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes  
 No

a. If "Yes," provide the complete official name for the office and/or officer; cite to the statute giving that information.

"Chief Information Officer"

VT. STAT. ANN. tit. 3 , Appendix (Entry Orders) E.O.#12-94, P. 52 (2001 ed.)

b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

VT. STAT. ANN. tit. 3, §2222(a)(9), passed in 1996

Ex.Ord.#12-94, issued December 1994.

Additional comments:

3. Does the office/officer have power to promulgate administrative regulations?

Yes  
 No

a. If "Yes," cite the body of administrative regulations promulgated by the office/officer.

The CIO chairs the Information Resource Management Advisory Council (IRMAC) which promulgates administrative standards and policies for information technology. There is also a section of Administrative Bulletin 3.5 which refers to the role of the CIO in the procurement process.

Additional comments:

4. The office/officer has jurisdiction over which branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes  
 No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

- 6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes  
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 7. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

- 8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

- 9. Has the office/officer undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes  
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

The E-government project has just been initiated; however, it will ensure permanent public access to government information in electronic form. In fact, information that has never been permanently accessible in paper format will now be available in electronic form.

Additional comments:

10. Has any litigation involving the office/officer resulted from the state's failure to "permanently" maintain government information?

Yes  
 No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

The Office of the Chief Information Officer is a two-person office that provides oversight for a decentralized information technology environment in which virtually every agency and department has their own I.T. resources.

## E. STATE TECHNOLOGY PLANS

1. Does your state have a current official information technology plan (or equivalent)?

Yes  
 No

a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

The Secretary of Administration per VT. STAT. ANN. tit. 3, §222(a)(10)

b. If "Yes," also provide complete bibliographic information about the plan; when was it published?

Main entry: Vermont. Agency of Administration.

Title: Information technology five-year plan: FY2001-FY2005 /

Publisher: Vermont Agency of Administration, Montpelier, Vt. :

Date of Publication: 2000.

c. If "No," skip this whole section.

Additional comments:

2. The technology plan covers which branches?

Executive

- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

The plan describes I.T. projects throughout state government.

Additional comments:

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

- Yes
- No

a. If “Yes,” cite to and provide relevant language of the plan.

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

#### F. STATE PRINTING OFFICE AND STATE PRINTER

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

- Yes
- No

a. If “Yes,” provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.

b. If “No,” skip this whole section.

Additional comments: Printing is handled by the commissioner of the department of buildings and general services

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the printing office/official printer.

VT. STAT. ANN. tit. 29 , §1101 *et seq.*

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

- Yes
- No

- a. If "Yes," cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

The commissioner of buildings and general services has the authority.

4. The printing office/official printer has jurisdiction over which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.  
VT. STAT. ANN. tit. 29, §1101 defines "public documents" and includes "reports of state officers or of any commission board or person authorized by law to make reports."

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. Then:

Functions include causing "to be printed such number of...bulletins and reports, in such manner and form, as in his judgment the best interest of the state require." (VT. STAT. ANN. tit. 29, §1103)

- a. Describe your state's use of in-house agency publishing and/or commercial publishing of government information.

Primarily in-house agency publishing, although the commissioner can contract for printing services. (VT. STAT. ANN. tit. 29, §1106)

- b. What percentage of official state government documents are printed by the printing office/official printer?

Indeterminable.

- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Unknown.

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to “permanent public access” of government information?

Yes

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the printing office/official printer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes

No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the printing office/official printer resulted from the state’s failure to “permanently” maintain government information?

Yes

No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

## **G. STATE ARCHIVES AND STATE ARCHIVIST**

This section addresses your state's official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes

No

- a. If "Yes," provide the complete official name for the archives and/or archivist; cite the statute giving that information.
- b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the archives/archivist.

Additional comments:

3. Does the archive/archivist have power to promulgate administrative regulations?

Yes

No

- a. If "Yes," cite the body of administrative regulations promulgated by the archive/archivist.

Additional comments: The commissioner of buildings and general services has authority under VT. STAT. ANN. tit. 3, §218.

4. The archive/archivist has defined responsibilities for which branches?

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

VT. STAT. ANN. tit. 3, §117(a)(1) states that “The secretary of state shall be the custodian of those archives...” and shall “...accept, preserve and administer records transferred...by the commissioner of buildings and general services and from other public and private sources, and arrange and process these records...”

Additional comments:

5. Briefly discuss the functions of the archive/archivist.

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes  
 No

a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

. See the Archives mission statement at: <http://vermont-archives.org/admin/about.html#mission>

Additional comments:

The mission of the state archives is to identify and keep accessible government records with continuing value.

10. Has the archive/archivist undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes

No

a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Yes, the Archives has initiated or participated in a variety of projects involving access as well as greater awareness of the role of archival records. Among these are: Two, two-year grants from the National Historical Publications and Records Commission to provide archival training to municipal clerks and other custodians of historical records. At least forty municipal offices have received on-site needs surveys, including assessment of access. There have been numerous workshops on conservation, disaster planning and other topics essential to access. An upcoming product will be an on-line resource for records care while one of the partners developed under the program is creating county based disaster response teams. Another partner is developing guidelines for managing municipal electronic records. The Archives participated in development of a best practice guideline on indexing land records, which will improve access to land records (held by Vermont's 246 municipal clerks). The clerks have approved the indexing best practice and will be implementing it through their state association. The Archives Web site includes a section on access to public records: <http://www.sec.state.vt.us/access/records/pubrec.htm> The Archives Web site's "continuing issues" section links archival records to current issues, underscoring the institutional and right to know roles of the Archives. The Web site received the 2002 Hamer-Kegan Award for archival advocacy/publication role from the Society of American Archivists. The Archivist served as staff support for the House Government Operations Committee in 1995-96 during its review of Vermont's public records laws.

Additional comments:

11. Has any litigation involving the archive/archivist resulted from the state's failure to "permanently" maintain government information?

Yes

No

a. If "Yes," briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

#### H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state's official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes  
 No

a. If "Yes," provide the complete official name for the library and/or librarian; cite to the statute giving that information.

VT. STAT. ANN. tit. 3, §2292

b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the library/librarian.

VT. STAT. ANN. tit. 22, §§601-635

VT. STAT. ANN. tit. 29, §§1108, 1116, 1152-63, 1193

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes  
 No

If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

VT. CODE R. (01) 10-070-001, *et seq.*

Additional comments:

4. The library/librarian has defined responsibilities for which branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the library/librarian.

To maintain the state law library, collect and administer state and federal documents, provide information resources and reference services to state government, provide consulting services to local libraries and service to correctional institutions, blind and handicapped, and administer grants.

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to "permanent public access" of government information?

Yes

No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes

No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the library/librarian undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes

No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

Ideally the answer to number 9 above would be yes, however, without additional legislation and accompanying financial resources, the state library agency cannot assume this responsibility.

11. Has any litigation involving the library/librarian resulted from the state’s failure to “permanently” maintain government information?

Yes

No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

## I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a “depository library program,” as referred to in the paragraph above?

Yes

No

- a. If “Yes,” cite your state’s depository library law statutes and the administrative regulations that supplement them.

- b. If “No,” skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes

No

- a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?
- b. If “No,” explain whether or not the statutes/regulations have been construed to cover electronic government information?

Additional comments:

- 3. Do any depository library statutes/regulations assure “permanent public access” of electronic government information?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens’ access to government information or acknowledge the state’s responsibility to permanently maintain public records?

Yes  
 No

- a. If “Yes,” cite to and provide relevant language.

Additional comments:

- 5. Have depository libraries as a whole undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

- 6. Please determine the absolute number or percentage of titles:

Formerly distributed in print, now distributed exclusively in electronic format.  
 Never before distributed, now distributed in electronic format.

Additional comments:

7. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

Additional comments:

## **J. COOPERATIVE ARRANGEMENTS**

One can imagine any number of cooperative arrangements to assure "permanent public access." A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state's highest court relies on the state bar association to publish the court's decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes  
 No

- a. If "Yes," describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes  
 No

- a. If "Yes," describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

Additional comments:

3. Does any state agency or other government entity secure "permanent public access" through any other type of cooperative arrangement?

Yes  
 No

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

## **K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS**

1. If "permanent public access" is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:

- a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.
- b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for “permanent public access.”

Additional comments:

To best handle this, authority should be given to the Secretary of Administration, who then has the ability to influence what all agencies and departments do on a state government-wide basis. The Chief Information Officer, State Librarian, and Commissioner of Buildings & General Services (whose authority includes public records) all report to the Secretary of Administration and all would have some responsibility in implementing a system for PPA.

2. Discuss known failed efforts in your state to achieve “permanent public access”; how might new efforts succeed?

Additional comments:

## **L. DIRECTORY**

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

Chief Information Technology Officer:  
Patricia Urban  
Chief Information Officer  
Administration Agency  
Pavilion Office Building  
109 State Street  
Montpelier, Vermont 05609-0401  
Telephone: (802) 828-4141  
Fax: (802) 828-3320  
E-Mail: [purban@cio.state.vt.us](mailto:purban@cio.state.vt.us)

State Archivist:  
Gregory Sanford  
State Archivist  
26 Terrace Street, Drawer 09  
Montpelier, Vermont 05609-1101  
Phone: (802) 828-2369  
Fax: (802) 828-2496  
E-Mail: [gsanford@sec.state.vt.us](mailto:gsanford@sec.state.vt.us)

State Librarian/Law Librarian:  
Sybil McShane  
State Librarian  
Department of Libraries  
109 State Street  
Montpelier, Vermont 05609-0601  
Telephone: (802) 828-3265  
Fax: (802) 828-2199  
E-Mail: [sybil.mcshane@dol.state.vt.us](mailto:sybil.mcshane@dol.state.vt.us)

State Attorney General:  
William Sorrell  
Attorney General  
109 State Street  
Montpelier, Vermont 05609-1001  
Telephone: (802) 828-3173  
Fax: (802) 828-2154  
E-Mail: [bsorrell@atg.state.vt.us](mailto:bsorrell@atg.state.vt.us)

#### **M. IMPORTANT STATE RESOURCES**

Provide URLs or other finding information for:

1. Official state home page [www.state.vt.us](http://www.state.vt.us)
2. State agency portal
  - a. Does the portal have a searching capability similar to FirstGov? no
3. Legislative website [www.leg.state.vt.us](http://www.leg.state.vt.us)
  - a. Does the website cover the current year only? no
  - b. Are services free or fee-based? free
4. Judicial websites [www.vermontjudiciary.org](http://www.vermontjudiciary.org)
5. Regulatory agency websites
6. Freedom of Information Service Hotline
  - a. Does the state have an ombudsman for freedom of information act issues? no
  - b. Is the state attorney general's office the public's contact for freedom of information act issues?  
yes

