

The Upfront Page

Can government be trusted to give "public notice?"

A debate that keeps popping up in the legislature is whether governments should have to put public notices in newspapers.

Three bills in 2009 and eight in 2010 would have shifted some public notices to government websites. None passed both houses, but odds are that more proposals will arise during next year's session.



The argument is that more people are getting information from the Internet, and governments can save money by not paying newspapers to publish notices. Granted, newspapers have a financial stake in the argument. But there are important transparency issues at stake, too.

"Arguments for change ignore the historical reasons for publishing public notices," says Frank Gibson, director of the Tennessee Coalition for Open Government. "They are about open government. They are about transparency. They are about accountability to citizens, taxpayers, voters, consumers, homeowners, vendors wanting to provide goods and services to the government, and others. They are a hedge against government secrecy."

Often laws require that public notices be placed in a "newspaper of general circulation" with a regular publication schedule and a reputation for disseminating "news of general interest." In other words, the law requires that notices be put in places where people already look.

Do government websites meet that criteria? Can they be relied upon?

"If you take a local newspaper's audited and verified circulation, multiply it by the number of adults who read one copy of a newspaper and then add the number of 'unique visits' to the newspaper's website, how would that number compare to the number of visits to the local government website?" asks Gibson.

While proponents of online notice point to a decline in newspaper readership, the latest figures show that 100 million American adults continue to read a daily newspaper, and 168 million have read a paper in print or online in the past week.

"Proponents never mention how many people in a community don't have access to the Internet," says Gibson. Many, especially the poor and elderly, don't have a computer or don't know how to use one.

"Equally as troubling," he says, "is the fact that proponents for using government websites for notice aren't using them now to provide public information they already have available, things such as health and safety. A recent survey found 36 Tennessee counties didn't have sites, and many others were poorly maintained because there are no operating standards."

Recently an East Tennessee police department lost its domain name because it ignored warnings that it was about to expire. A local activist snagged it and now is using it to criticize the agency.

Over the July 4 weekend, the News Sentinel checked local restaurant inspection scores on a state website and found a message saying the scores were no longer available. Turns out a contract with a private company to compile, aggregate and post the health scores had expired.

"So what makes the government better suited to be in the mass communication business? Except vague claims that it would save money, nothing," says Gibson. "That argument puts a low price on the value of transparency, accountability and consumer protection."

Posted by Jack McElroy on August 16, 2010 at 1:11 PM