



June 16, 2008

Keep light on DEP

Proposed bill would make access harder

One of the most influential agencies in Trenton is the Department of Environmental Protection. So, it's not surprising that the DEP fields the bulk of information requests from the public -- some 63 percent of them.

The agency says responding is becoming more difficult and time consuming. So, it has apparently persuaded some friendly lawmakers to propose a bill to make access to DEP data a bit more difficult. The bill would allow the DEP to charge a requestor two fees -- a special service fee of \$25 per hour for each hour after the fourth hour that it takes the custodian to process a request, and a processing fee of \$25 for each hour after the first hour, up to and including the fourth hour. Not until each fee is paid in full does the department submit the records to the requestor.

The media and non-profits are excluded from paying any fees. That gives us personal comfort, but in truth, a large media concern may be better able to pay such fees than an ordinary member of the public.

Another problem with the proposed law is that the requestor would have to demonstrate his, or her, reason for seeking access to the record. That is incompatible with the state's Open Public Records Act. Public records should be available; why they are being sought should be irrelevant to the agency, in this case, the DEP.

Furthermore, the bill would exempt from disclosure routine information relating to litigation involving the DEP.

The proposed bill, which was endorsed by an Assembly committee last week, is set to be before a Senate committee today. It should be opposed. Let's not make seeking public information more difficult. If anything, it should be easier.