



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
SENATE COMMITTEE ON
INTERGOVERNMENTAL OPERATIONS**

ON

SUNSHINE ACT AND RIGHT-TO-KNOW LAW

PRESENTED BY

**Brian Rengert
Director of Government Relations**

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HARRISBURG, PA**

Chairman Coleman, Chairwoman Tartaglione, and members of the Senate Intergovernmental Operations Committee, in light of not being able to attend, we did want to provide some thoughts on this important topic. My name is Brian Rengert and I am the Director of Government Relations at the Pennsylvania State Association of Township Supervisors (PSATS). Thank you for allowing me the opportunity to present remarks on behalf of the 1,453 townships of the second class represented by our association.

PSATS is a nonprofit, nonpartisan organization committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas. Townships of the second class cover 95% of Pennsylvania's land mass and represent more residents — 5.7 million Pennsylvanians — than any other type of municipality in the commonwealth.

Technological developments over the past few decades have moved quicker than many of us could have imagined, creating new tools, applications and new problems. Local governments have had to grapple with the costly and outdated legal advertising requirements in an era when most residents have turned away from physical newspapers to online options. Agencies on the state and local level have seen the Right-to-Know law, intended to provide transparency to citizens, utilized by corporate data harvesters seeking to profit off of government data, with the costs of collecting that data borne by taxpayers, not the requesters. More recently the proliferation of AI (artificial intelligence) and bot generated requests have created new cyber security concerns among many of our members.

PSATS is not aware of any issues regarding its members using self-deleting message applications. We certainly understand the importance of transparency at all levels of government. Both the Sunshine Act and Right-to-Know law lay out appropriate guidelines for transparency. Our organization goes to great lengths to educate our members, particularly new members, on both acts.

Many of our townships consist of three member boards, meaning two members equals a quorum. The Sunshine Act is clear that discussing specific municipal business by a quorum could constitute deliberation and that official action and deliberation by a quorum of the board shall take place at a public meeting. For that reason, PSATS has long advised members to avoid discussing township business that could be construed as deliberation through any means of communication, whether it is self-deleting or not.

The courts have been clear that communications regarding municipal business that were created or received in conjunction with municipal business may still be subject to disclosure under the RTK law even if they are stored on a personal computer, cell phone, or email account. That is why we also recommend members use municipal email addresses for official communications, where possible, and be cautious using text messages or personal email accounts.

The Right-to-Know law is not a record retention statute, we recommend our members pass record retention policies and suggest they consult with their solicitor and the Municipal Records Manual created by the Pennsylvania Historical and Museum Commission when developing these policies.

As stated before, PSATS is not aware of any instances of township officials using self-deleting apps to avoid the Sunshine Act or RTK law. However, as an organization we work hard to educate our members on their responsibilities as public officials to follow these laws. Finally, new legislation seems unwarranted, since existing law places appropriate safeguards on the protection of records relating to government business.