

## **For the record**

If you've never read a legal notice in the Post-Bulletin or another newspaper, you're in the minority. Those descriptions of foreclosure sales, summonses, notices of public meetings, tax delinquencies and other legal matters generally are deep in the Classified section. But research indicates that many readers peruse them on a fairly regular basis, and that a vast majority of readers are occasional users of this important public information.

We point out this fact because there's a movement afoot to end the requirement that this information be printed in newspapers. City, county and state governments pay for this space in newspapers, and some people seem to think that in our wired world, the same outcome could be achieved simply by posting this information on government-run Web sites, and at much lower price.

Obviously, we have a vested interest in seeing that this doesn't happen, but the truth is that not everyone has a computer and Internet access. Furthermore, we have no confidence that government would keep a reliable database of public records, especially given that those records would be strictly electronic. Newspapers don't have that problem — every issue is archived, both digitally and in actual hard copies of newspapers.

We are the keepers of the public record. We take pride in that role, and we expect to continue to fulfill that responsibility.

**Post-Bulletin Company**

Rochester, MN

## Keep public notices in newspapers

In these cost cutting days, it's tempting to believe that anything government can do to trim expenses is a good idea.

Not always.

Consider public notices.

The state Legislature is once again being lobbied by local governmental groups to no longer require city councils, school districts and county boards to publish public notices in newspapers. Instead, those entities could just put the notices on their own Web sites and nowhere else.

Granted, newspapers have a vested interest in this debate; they receive compensation for printing the public notices. But there are many strong reasons to keep the publication requirement in place – reasons that go far beyond monetary considerations.

Having public notices printed in the local newspaper – and on that newspaper's Web site – is reliable, secure and totally independent of government. Having an independent source publish the information establishes a permanent record, one that can't be changed or manipulated after the fact. How can a government agency really verify that a particular public notice was properly distributed if it supposedly only appeared on its Web site?

Governments have had problems with their Web sites over the years. The sites can be difficult for the public to navigate. Technical glitches and outdated systems can lock the public out of gaining access and easily searching for the information they seek. Even some of the most sensitive government Web sites in the country, such as those maintained by the Department of Defense, have periodically had problems with hackers.

What would happen if a government Web site shuts down or doesn't function properly? That's a worry that doesn't happen with a newspaper. The newspaper's ability to publish week after week (or as is the case with the *Echo Press*, twice each week) is unmatched. And with every publication, readers know exactly where the public notices are.

Remember, too, that printing notices on a government Web site isn't really free. It takes time and money to properly maintain a secure Web site and keep it updated. That cost would have to shift to taxpayers. There are also privacy issues to consider since government can track the use of its Web sites.

Another huge drawback of weakening the public notice publication requirement is that it would severely limit access to the information. Not everyone has a computer or easy access to the Internet. Some don't even know how to operate one.

The proposals the Legislature is considering contain no standards or requirements on how governments should post public notices on the Internet. There's no real incentives for them to get the job right – and no penalties for failing to do so. Current law, however, has extensive requirements for what newspapers must do to disseminate the legal notices and how it must be done, including a mandate that newspapers must post the notices on their own Web sites.

We urge the public to join the efforts of the *Echo Press* and other members of the Minnesota Newspaper Association and tell their local legislators to oppose any law that would allow Web-only access to public notices.

Instead of being locked inside a government Web site, public notices belong out in the open where they can be easily seen and accessed by the public through an independent source – a newspaper. America's founders knew how important this was way back in 1789 when they ordered that every bill, order, resolution or vote be published in at least three public newspapers. In these cost-cutting times, now is not the time to cut corners on a fundamental American right – the access to public information.

Thank you for reading this request. The *Echo Press* would appreciate any help you could give us on this matter.

Sincerely,

Al Edenloff, Editor

*Echo Press*, Alexandria

## Legal postings: Newspapers vs. web sites

There is a challenge each year to the state requirements of the publication of legal notices and other public information in legal newspapers. The Minnesota Newspaper Association is telling newspapers to expect a similar challenge this year in the state Legislature.

This may not be a change our local government officials want, but any change would have impact on the public and public officials statewide, including your local city council, county board, school board and others.

Newspapers are still the best way to make sure legal notices and other information are published in a timely, responsible manner.

The system in place now acts a check and balance of local governments, such as cities, counties, school districts, municipal hospitals and similar local public governmental entities. Changes in ordinances, certain probate filings and other material must be published in a timely manner to ensure the public is notified.

Newspapers do not edit the content or delay the publication of such information.

What checks and balances would be in place if the local government was solely responsible for publishing it's own public information on its own Web site? None that we know of.

What if a government official simply forgets to post a legal notice?

We're not predicting these scenarios locally, but this must be considered in the broader picture - what if a public official, for ulterior motives, forgets on purpose or what's to prevent a public official from "hiding" a legal notice in some dark cavern of a local government Web site?

Newspapers must abide by legal standards when notices are published, and in proposals made for local government Web site posting only, there are no such standards. We are even mandated to post the notices on our Web sites.

While some local governments in the state have updated their Web sites, many remain clumsy and difficult to navigate. It's also doubtful that government Web sites will reach as much of the public as a newspaper and its Web site.

At the same time, government officials may want to have the sole option of posting legal notices only on their government Web sites; it's newspapers they come to when they want to spread the word about a city, county or school issue. When they want the public to know about an award the police department receives or coverage of a high school sports team, they look to the newspaper.

It is then ironic those same government officials would believe a posting on government Web site would be the best way to inform the public of a change in ordinance or bid letting.

Government officials may also say it's less expensive to publish on the local government Web site.

It does cost money to publish in the newspaper, but don't think posting on the government Web site is free. Taxpayers must pay for the time and, ultimately, the software and other equipment to maintain and operate a local government Web site.

The posting of public information on a government Web site shouldn't be used as a way to justify upgrades in a local government Web site.

And what about smaller cities? Do they have the time and money to invest in software and manpower to upgrade technology, to post public information and to monitor those postings?

Who will archive the postings of legal information? How do you ensure public those postings won't be deleted intentionally or unintentionally in the future?

Newspapers are a matter of record. A citizen can check back issues of newspapers for years to read an official record of public action.

When public money is tight, it's even more important to make sure government bodies operate openly and can withstand scrutiny.

Publication in a legal newspaper is still the best to help ensure government is transparent. It's the best way to make sure as much of the public has access to public information today and tomorrow.

--Marshall Independent, February 8, 2009