

Opinion: Ruling makes it easier for public officials to keep secrets

By Joyce Terhaar, Sacramento Bee

Remember the \$2.8 billion movie studio proposed for Dixon? The one that turned out to be a mirage because the woman behind it had a long history of bad debt, broken promises and angry investors, who were out millions?

The reporting by Sam Stanton and Marjie Lundstrom revealed information vital to Dixon residents and city officials. In the resulting public glare, Carissa Carpenter and her company left town. The deal died.

Yet one issue that came up in their reporting remains a concern for all who believe that work done by public officials, on behalf of the public, ought to be open to scrutiny by the public.

That hasn't always been the case when public officials – in Dixon or elsewhere – use personal cellphones or other electronic devices.

On March 27 in a published decision, the 6th District Court of Appeal determined that San Jose city officials could keep private any texts or emails about city business that they had sent on their personal cellphones or other electronic devices.

The appellate court reversed a Santa Clara Superior Court decision that would have made the records publicly available after activist Ted Smith sued. Several media organizations, including the *Sacramento Bee's* owner, the McClatchy Co., the California Newspaper Publishers Association, the Los Angeles Times Communications LLC, the First Amendment Coalition and

California Broadcasters Association supported Smith's case.

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