

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 605 Session of 2009

INTRODUCED BY KAUFFMAN, CLYMER, FLECK, GROVE, HARRIS, M. KELLER,  
MILLARD, PALLONE, PICKETT, SCAVELLO, SONNEY, STERN,  
VULAKOVICH AND O'NEILL, FEBRUARY 24, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 24, 2009

AN ACT

1 Amending the act of February 14, 2008 (P.L.6, No.3), entitled  
2 "An act providing for access to public information, for a  
3 designated open-records officer in each Commonwealth agency,  
4 local agency, judicial agency and legislative agency, for  
5 procedure, for appeal of agency determination, for judicial  
6 review and for the Office of Open Records; imposing  
7 penalties; providing for reporting by State-related  
8 institutions; requiring the posting of certain State contract  
9 information on the Internet; and making related repeals,"  
10 providing for requests for public records of the Department  
11 of Corrections; and further providing for extension of time.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The act of February 14, 2008 (P.L.6, No.3), known  
15 as the Right-to-Know Law, is amended by adding a section to  
16 read:

17 Section 709. Requests for public records of the Department of  
18 Corrections.

19 (a) Determination.--Upon receiving a request for a public  
20 record containing personal identification information of  
21 employees of the Department of Corrections, an agency shall  
22 determine if the requester has been convicted of a felony in

1 this Commonwealth.

2 (b) Requester convicted of felony.--If a requester has been  
3 convicted of a felony in this Commonwealth, an agency shall deny  
4 the requester access to records which contain personal  
5 identification information of an employee of the Department of  
6 Corrections.

7 (c) Applicability.--This section shall not apply if the  
8 record is subpoenaed by court order.

9 Section 2. Section 902 of the act is amended to read:

10 Section 902. Extension of time.

11 (a) Determination.--Upon receipt of a written request for  
12 access, the open-records officer for an agency shall determine  
13 if one of the following applies:

14 (1) the request for access requires redaction of a  
15 record in accordance with section 706;

16 (2) the request for access requires the retrieval of a  
17 record stored in a remote location;

18 (3) a timely response to the request for access cannot  
19 be accomplished due to bona fide and specified staffing  
20 limitations;

21 (4) a legal review is necessary to determine whether the  
22 record is a record subject to access under this act;

23 (5) the requester has not complied with the agency's  
24 policies regarding access to records;

25 (6) the requester refuses to pay applicable fees  
26 authorized by this act; [or]

27 (7) the extent or nature of the request precludes a  
28 response within the required time period[.]; or

29 (8) the request for access to a record containing  
30 personal identification information of an employee of the

1 Department of Corrections requires the agency to determine if  
2 the requester has been convicted of a felony in this  
3 Commonwealth.

4 (b) Notice.--

5 (1) Upon a determination that one of the factors listed  
6 in subsection (a) applies, the open-records officer shall  
7 send written notice to the requester within five business  
8 days of receipt of the request for access under subsection  
9 (a).

10 (2) The notice shall include a statement notifying the  
11 requester that the request for access is being reviewed, the  
12 reason for the review, a reasonable date that a response is  
13 expected to be provided and an estimate of applicable fees  
14 owed when the record becomes available. If the date that a  
15 response is expected to be provided is in excess of 30 days,  
16 following the five business days allowed for in section 901,  
17 the request for access shall be deemed denied unless the  
18 requester has agreed in writing to an extension to the date  
19 specified in the notice.

20 (3) If the requester agrees to the extension, the  
21 request shall be deemed denied on the day following the date  
22 specified in the notice if the agency has not provided a  
23 response by that date.

24 Section 3. This act shall take effect in 60 days.