AMENDMENTS TO SENATE BILL NO. 411

Sponsor: SENATOR PILEGGI

Printer's No. 1154

1   Amend Bill, page 1, line 12, by inserting after "access,"

2 further providing for open-records officer, for regulations and
3   policies and for requests, and

4   Amend Bill, page 1, lines 27 and 28; page 2, lines 1 through

5 4; by striking out all of said lines on said pages and inserting

6   Section 1. The definitions of "independent agency," "local
7 agency," "personal financial information" and "State-affiliated
8 entity" in section 102 of the act of February 14, 2008 (P.L.6,
9 No.3), known as the Right-to-Know Law, are amended and the
10 section is amended by adding definitions to read:

11   Amend Bill, page 2, lines 24 through 30, by striking out all

12 of said lines

13   Amend Bill, page 3, by inserting between lines 4 and 5

14   "Inmate." An individual currently incarcerated, after having
15 been sentenced by a court of competent jurisdiction, in a
16 Federal, State or county correctional facility or prison.

17   Amend Bill, page 3, line 24, by inserting after

18 "information;"

19   individual employee contributions to retirement plans and
20 investment options; individual employee contributions to health
21 care benefits and other benefits; individual employee
22 contributions to charitable organizations;

23   Amend Bill, page 3, lines 27 through 30, by striking out all

24 of said lines

25   Amend Bill, page 5, line 1, by striking out "sections" and

26 inserting

27   a section

1   Amend Bill, page 5, by inserting between lines 5 and 6

2   Section 3. Sections 502 and 504 of the act are amended by
3   adding subsections to read:
4   Section 502. Open-records officer.
5   * * *
6   (c) Agency registration.--An agency shall register its open-
7   records officer with the Office of Open Records in a manner
8   prescribed by the Office of Open Records.
9   Section 504. Regulations and policies.
10   * * *
11   (c) Home address of agency employees.--
12   (1) Each Commonwealth agency and local agency shall
13   develop a policy allowing an employee to notify the agency
14   that the employee believes the exception under section 708(b)
15   (1)(ii) or any other exception applies to the employee's home
16   address.
17   (2) The agency shall review each notification under this
18   subsection and inform the employee of its decision.
19   (3) The agency is not required to notify:
20   (i) an employee of the policy under this subsection
21   more than once per year; or
22   (ii) a previously notified employee while responding
23   to a request under this act.
24   Section 4. Section 506(a) of the act is amended by adding a
25   paragraph to read:
26   Section 506. Requests.
27   (a) Disruptive requests.--
28   (1) An agency may deny a requester access to a record if
29   the requester has made repeated requests for that same record
30   and the repeated requests have placed an unreasonable burden
31   on the agency.
32   (1.1) An agency may deny a request to a party to
33   litigation when the request:
34   (i) is material to a pending civil action or
35   proceeding to which the agency is a party and the
36   Pennsylvania Rules of Civil Procedure or the Federal
37   Rules of Civil Procedure apply; or
38   (ii) was previously made in litigation discovery.
39   (2) A denial under this subsection shall not restrict
40   the ability to request a different record.
41   * * *
42   Section 5. The act is amended by a adding a section to read:

43   Amend Bill, page 5, line 12, by striking out the colon after

44   "facility" and inserting

45   and if there are no other policies or procedures in place
46   for the inmate to obtain the requested information:

47   Amend Bill, page 6, line 3, by striking out "3" and inserting

1   6

2   Amend Bill, page 8, lines 19 through 21, by striking out

3 "that shall provide a checkoff for the" in line 19, all of line

4 20 and "commercial purpose" in line 21

5   Amend Bill, page 8, lines 24 through 29, by striking out all

6 of said lines

7   Amend Bill, page 8, line 30, by striking out "4" and

8 inserting

9   7

10   Amend Bill, page 8, line 30, by striking out "708(b)(10)(i)"

11 and inserting

12   708(b)(6), (10)(i)

13   Amend Bill, page 9, lines 13 through 17, by striking out "The

14 authority, municipality or cooperative" in line 13, all of lines

15 14 through 16 and "be charged." in line 17

16   Amend Bill, page 9, lines 20 and 21, by striking out "If

17 funds are owed, the amount of the" in line 20 and all of line 21

18 and inserting

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19                (6)  (i)  The following personal identification
20                information:
21                   (A)  A record containing all or part of a
22                person's Social Security number, driver's license
23                number, personal financial information, home,
24                cellular or personal telephone numbers, personal e-
25                mail addresses, employee number or other confidential
26                personal identification number.
27                   (B)  A spouse's name, marital status or
28                beneficiary or dependent information, including the
29                number, names and ages of an employee's dependents.
30                   (C)  The home address of a law enforcement
31                officer or judge.
32                (ii)  Nothing in this paragraph shall preclude the
33           release of the name, position, salary, actual
34           compensation or other payments or expenses, employment
35           contract, employment-related contract or agreement and
36           length of service of a public official or an agency
37           employee.
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1   (iii) An agency may redact the name or other
2   identifying information relating to an individual
3   performing an undercover or covert law enforcement
4   activity from a record.
5   (iv) Nothing in this paragraph shall prevent the
6   disclosure of aggregated data of employer or employee
7   costs related to retirement benefits, health care
8   benefits or other benefits or the disclosure of options
9   made available to employees regarding retirement, health
10   care or other benefits plans.

11   Amend Bill, page 9, line 24, by striking out ", contains or

12   includes"

13   Amend Bill, page 10, line 26, by striking out the bracket

14   before "A"

15   Amend Bill, page 10, lines 26 and 27, by striking out "]

16   Except for a safety inspection report made pursuant to Federal

17   or State law, a"

18   Amend Bill, page 11, by inserting between lines 26 and 27

19   This paragraph shall not apply to a final safety
20   inspection report made pursuant to law or regulation.

21   Amend Bill, page 13, line 1, by striking out "5" and

22   inserting

23   8

24   Amend Bill, page 14, line 10, by striking out "707(e)" and

25   inserting

26   504(c)

27   Amend Bill, page 14, line 21, by inserting a bracket before

28   "If"

29   Amend Bill, page 14, line 26, by inserting after "notice."

30   ] The request for access shall be deemed denied if the
31   agency fails to send a response within 30 days following the
32   five business days allowed for in section 901, unless the
33   requester has agreed in writing to an additional extension
34   beyond 30 days.

35   Amend Bill, page 15, line 14, by inserting a bracket after

1 "shall"

2 Amend Bill, page 15, line 16, by inserting a bracket before

3 the period after "request"

4 Amend Bill, page 15, line 16, by inserting after "request.]"

5 and shall

6 Amend Bill, page 15, lines 19 and 20, by striking out all of

7 line 19 and "(D)" in line 20 and inserting

8 (C)

9 Amend Bill, page 15, by inserting between lines 24 and 25

10 (iv) The office may order a requester who fails to

11 include the information under subparagraph (ii) to

12 provide the required information.

13 Amend Bill, page 16, line 6, by striking out "held" and

14 inserting

15 ordered

16 Amend Bill, page 16, line 9, by inserting after "to"

17 a court of common pleas, the

18 Amend Bill, page 16, line 10, by inserting after "Court"

19 or the Supreme Court

20 Amend Bill, page 16, lines 10 and 11, by striking out "appeal

21 until" in line 10 and all of line 11 and inserting

22 office's opinion until the appeal is decided.

23 Amend Bill, page 16, line 18, by inserting a bracket before

24 "of"

25 Amend Bill, page 16, line 18, by inserting after "decision"

26] containing findings of fact and conclusions of law

27 Amend Bill, page 16, by inserting between lines 19 and 20

28 (4) If an appeals officer designated under section 503

29 does not have jurisdiction to hear an appeal but another

30 appeals officer has jurisdiction, the appeals officer shall

31 transfer the appeal to the other appeals officer with

32 jurisdiction over the matter.

1 Amend Bill, page 17, line 8, by striking out "6" and

2 inserting

3   9

4 Amend Bill, page 17, lines 18 and 19, by striking out ", in

5 which case the appeals officer may extend the deadline in

6 section 1101(b)(1) by up to 90 days"

7 Amend Bill, page 17, line 26, by inserting a bracket before

8 "(3)"

9 Amend Bill, page 17, line 26, by inserting a bracket after

10 "appropriate."

11 Amend Bill, page 18, line 1, by inserting after "record"

12   and a privilege or exemption log

13 Amend Bill, page 18, line 3, by striking out "7" and

14 inserting

15   10

16 Amend Bill, page 18, line 22, by striking out "8" and

17 inserting

18   11

19 Amend Bill, page 18, line 23, by striking out "a subsection"

20 and inserting

21   subsections

22 Amend Bill, page 19, by inserting between lines 15 and 16

23 (i) Appeal.--A fee charged under this act shall be

24 appealable to the Office of Open Records.

25 Amend Bill, page 19, line 16, by striking out "9" and

26 inserting

27   12

28 Amend Bill, page 21, line 23, by inserting after "payroll"

29   , leave and benefits, budget, information technology

30 Amend Bill, page 21, line 27, by striking out "2015" and

1 inserting

2   2016

3   Amend Bill, page 22, line 3, by striking out "case" and

4 inserting

5   proceeding before the office

6   Amend Bill, page 22, lines 8 through 10, by striking out all

7 of said lines

8   Amend Bill, page 30, line 10, by striking out "10" and

9 inserting

10   13

11   Amend Bill, page 31, line 3, by striking out "11" and

12 inserting

13   14

14   Amend Bill, page 31, line 5, by striking out "2015" and

15 inserting

16   2016