

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 850 Session of 2011

INTRODUCED BY HICKERNELL, METCALFE, BAKER, BOYD, CALTAGIRONE, CARROLL, CAUSER, D. COSTA, CUTLER, DALEY, DAVIS, DENLINGER, FLECK, GABLER, GEIST, GILLEN, GILLESPIE, GINGRICH, GOODMAN, GRELL, GROVE, HARKINS, HARRIS, HENNESSEY, HESS, KILLION, KULA, MAJOR, MARSHALL, MILLARD, MILLER, MILNE, MOUL, MUNDY, M. O'BRIEN, O'NEILL, PICKETT, RAPP, READSHAW, ROCK, SCAVELLO, STERN, STEVENSON, STURLA, SWANGER, J. TAYLOR, VULAKOVICH AND WATSON, FEBRUARY 28, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 28, 2011

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," in
10 access, further providing for requests; and, in procedure,
11 further providing for redaction.

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

14 Section 1. Sections 506(c) and 706 of the act of February
15 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, are
16 amended to read:

17 Section 506. Requests.

18 * * *

19 (c) Agency discretion.--An agency may exercise its

1 discretion to make any otherwise exempt record accessible for
2 inspection and copying under this chapter, if all of the
3 following apply:

4 (1) Disclosure of the record is not prohibited under any
5 of the following:

6 (i) Federal or State law or regulation.

7 (ii) Judicial order or decree.

8 (2) The record is not protected by a privilege.

9 (3) The agency head determines that the public interest
10 favoring access outweighs any individual, agency or public
11 interest that may favor restriction of access.

12 (4) The record does not contain a person's Social
13 Security number, unless the Social Security number has been
14 redacted under section 706.

15 * * *

16 Section 706. Redaction.

17 (a) General rule.--If an agency determines that a public
18 record, legislative record or financial record contains
19 information which is subject to access as well as information
20 which is not subject to access, the agency's response shall
21 grant access to the information which is subject to access and
22 deny access to the information which is not subject to access.
23 If the information which is not subject to access is an integral
24 part of the public record, legislative record or financial
25 record and cannot be separated, the agency shall redact from the
26 record the information which is not subject to access, and the
27 response shall grant access to the information which is subject
28 to access. The agency may not deny access to the record if the
29 information which is not subject to access is able to be
30 redacted. Information which an agency redacts in accordance with

1 this subsection shall be deemed a denial under Chapter 9.

2 (b) Social Security numbers.--If an agency determines that a
3 public record, legislative record or financial record contains
4 information which is subject to access and includes a person's
5 Social Security number, the agency's response shall grant access
6 to the information which is subject to access and deny access to
7 the Social Security number by redacting the Social Security
8 number from the record.

9 (c) Online posting of records.--Subsections (a) and (b)
10 shall apply to all records made available on a publicly
11 accessible Internet website. An agency shall, within six months
12 of the effective date of this subsection, redact all Social
13 Security numbers from records made available on a publicly
14 accessible Internet website owned, operated or controlled by the
15 agency or a party with whom the agency has contracted to own,
16 operate or control the Internet website.

17 Section 2. This act shall take effect in 60 days.