

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 854 Session of
2005

INTRODUCED BY RUBLEY, NICKOL, ARGALL, BELARDI, CALTAGIRONE,
CLYMER, CRAHALLA, FRANKEL, GEIST, GEORGE, GOODMAN, HENNESSEY,
HERSHEY, M. KELLER, MANN, R. MILLER, MUSTIO, NAILOR, ROSS,
SCHRODER, E. Z. TAYLOR, TIGUE, TRUE, WALKO, WANSACZ, WATSON,
BOYD, HABAY, KILLION, YOUNGBLOOD, MILLARD, HARPER, BROWNE AND
THOMAS, MARCH 14, 2005

SENATOR WENGER, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, OCTOBER 16, 2006

AN ACT

1 Prohibiting the release of certain records by government
2 agencies; and imposing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ~~Section 1. Short title.~~

<—

6 ~~This act shall be known and may be cited as the Terrorism~~
7 ~~Infrastructure Disclosure Protection Act.~~

8 ~~Section 2. Definitions.~~

9 ~~The following words and phrases when used in this act shall~~
10 ~~have the meanings given to them in this section unless the~~
11 ~~context clearly indicates otherwise:~~

12 ~~"Agency." Any house, office, department, board or commission~~
13 ~~of the executive or legislative departments of the Commonwealth,~~
14 ~~any political subdivision of this Commonwealth, the Pennsylvania~~
15 ~~Turnpike Commission, the State System of Higher Education or any~~

~~State or municipal authority or similar organization created by or pursuant to a statute which declares in substance that such organization performs or has for its purpose the performance of an essential governmental function.~~

~~"Dangerous to human life or property."—A violent act or an act which is intended to or likely to cause death, serious bodily injury or mass destruction.~~

~~"Mass destruction."—An act which is intended to or likely to destroy or cause serious damage to transportation related infrastructure or facilities, energy related infrastructure or facilities, public or private buildings, places of public accommodation or public works under circumstances evincing depraved indifference to human life or property.~~

~~"Public utility."—An entity owned by a person, municipality or municipal authority which provides, distributes, purifies, generates or refines water, electricity, natural gas or home heating oil or which removes, purifies or stores wastewater or storm water. The term shall include, but not be limited to, electric power generation facility.~~

~~"Record."—A document maintained by an agency in any form. The term includes all of the following:~~

~~(1) A vulnerability assessment which is submitted to the Environmental Protection Agency or any other Federal, State or local agency.~~

~~(2) An emergency response plan which is submitted to the Department of Environmental Protection, the Pennsylvania Public Utility Commission or any other Federal, State or local agency.~~

~~(3) A plan, map or other drawing which shows the location of community drinking water wells and surface water~~

1 intakes.

2 ~~(4) A security plan, security procedure or risk~~
3 ~~assessment prepared specifically for the purpose of~~
4 ~~preventing or for protection against sabotage or criminal or~~
5 ~~terrorist acts and which depend, whether in whole or in part,~~
6 ~~upon a lack of general public knowledge of its details for~~
7 ~~their effectiveness.~~

8 ~~(5) A document, including financial statements, which~~
9 ~~relates to the existence, nature, location or function of a~~
10 ~~security device designed to protect against sabotage or~~
11 ~~criminal or terrorist acts and which devices depend, whether~~
12 ~~in whole or in part, upon a lack of general public knowledge~~
13 ~~of its details for their effectiveness.~~

14 ~~(6) A document, including any blueprint, map, schematic~~
15 ~~drawing, photograph or other material, which relates to the~~
16 ~~location or structural design of critical systems such as~~
17 ~~structural support, communications, electrical systems,~~
18 ~~ventilation, distribution, wastewater treatment or storage~~
19 ~~which if made public could compromise security against~~
20 ~~sabotage or criminal or terrorist acts.~~

21 ~~"Terrorist act." Any act or acts constituting a violent~~
22 ~~offense intended to:~~

23 ~~(1) intimidate or coerce a civilian population;~~

24 ~~(2) influence the policy of a government by intimidation~~
25 ~~or coercion; or~~

26 ~~(3) affect the conduct of a government.~~

27 ~~"Violent offense." An offense under 18 Pa.C.S. Part II~~
28 ~~(relating to definition of specific offenses), including an~~
29 ~~attempt, conspiracy or solicitation to commit any such offense,~~
30 ~~which is punishable by imprisonment of more than one year and~~

1 ~~involves an act dangerous to human life or property.~~

2 ~~Section 3. Prohibition.~~

3 ~~An agency shall not release, publish or otherwise disclose a~~
4 ~~record which would do any of the following:~~

5 ~~(1) Endanger public safety or property.~~

6 ~~(2) Endanger a person's security or property.~~

7 ~~(3) Disclose or compromise the protection of a public~~
8 ~~utility.~~

9 ~~Section 4. Penalties.~~

10 ~~A public official or public employee who violates this act~~
11 ~~with the intent and purpose of violating this act commits a~~
12 ~~misdemeanor of the second degree subject to prosecution by the~~
13 ~~Attorney General and shall, upon conviction, be sentenced to pay~~
14 ~~a fine of not more than \$5,000 plus costs of prosecution and to~~
15 ~~a term of imprisonment not to exceed two years.~~

16 ~~Section 5. Repeal.~~

17 ~~All acts and parts of acts are repealed insofar as they are~~
18 ~~inconsistent with this act.~~

19 ~~Section 6. Effective date.~~

20 ~~This act shall take effect in 60 days.~~

21 SECTION 1. SHORT TITLE.

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22 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE PUBLIC
23 UTILITY CONFIDENTIAL SECURITY INFORMATION DISCLOSURE PROTECTION
24 ACT.

25 SECTION 2. DEFINITIONS.

26 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
27 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
28 CONTEXT CLEARLY INDICATES OTHERWISE:

29 "AGENCY." ANY HOUSE, OFFICE, DEPARTMENT, BOARD OR COMMISSION
30 OF THE EXECUTIVE DEPARTMENTS OF THE COMMONWEALTH, ANY POLITICAL

1 SUBDIVISION OF THE COMMONWEALTH, THE PENNSYLVANIA TURNPIKE
2 COMMISSION, THE STATE SYSTEM OF HIGHER EDUCATION OR ANY STATE OR
3 MUNICIPAL AUTHORITY OR SIMILAR ORGANIZATION CREATED BY OR
4 PURSUANT TO A STATUTE WHICH DECLARES IN SUBSTANCE THAT SUCH
5 ORGANIZATION PERFORMS OR HAS FOR ITS PURPOSE THE PERFORMANCE OF
6 AN ESSENTIAL GOVERNMENTAL FUNCTION.

7 "CONFIDENTIAL SECURITY INFORMATION." ~~A RECORD OR PORTIONS~~ <—
8 ~~THEREOF MAINTAINED BY AN AGENCY IN ANY FORM. THE TERM SHALL~~
9 ~~INCLUDE, BUT NOT BE~~ INFORMATION CONTAINED WITHIN A RECORD <—
10 MAINTAINED BY AN AGENCY IN ANY FORM, THE DISCLOSURE OF WHICH
11 WOULD COMPROMISE SECURITY AGAINST SABOTAGE OR CRIMINAL OR
12 TERRORIST ACTS AND THE NONDISCLOSURE OF WHICH IS NECESSARY FOR
13 THE PROTECTION OF LIFE, SAFETY, PUBLIC PROPERTY OR PUBLIC
14 UTILITY FACILITIES, INCLUDING, BUT NOT LIMITED TO, ALL OF THE
15 FOLLOWING:

16 (1) A VULNERABILITY ASSESSMENT WHICH IS SUBMITTED TO THE
17 ENVIRONMENTAL PROTECTION AGENCY OR ANY OTHER FEDERAL, STATE
18 OR LOCAL AGENCY.

19 (2) PORTIONS OF EMERGENCY RESPONSE PLANS THAT ARE
20 SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE
21 PENNSYLVANIA PUBLIC UTILITY COMMISSION OR ANY OTHER FEDERAL,
22 STATE OR LOCAL AGENCY DEALING WITH RESPONSE PROCEDURES OR
23 PLANS PREPARED TO PREVENT OR RESPOND TO EMERGENCY SITUATIONS,
24 EXCEPT THOSE PORTIONS INTENDED FOR PUBLIC DISCLOSURE, THE <—
25 DISCLOSURE OF WHICH WOULD REVEAL VULNERABILITY ASSESSMENTS,
26 SPECIFIC TACTICS, SPECIFIC EMERGENCY PROCEDURES OR SPECIFIC
27 SECURITY PROCEDURES. NOTHING IN THIS TERM SHALL BE CONSTRUED
28 TO RELIEVE A PUBLIC UTILITY FROM ITS PUBLIC NOTIFICATION
29 OBLIGATIONS ~~FOR IMMINENT THREAT VIOLATIONS AND SITUATIONS IN~~ <—
30 ~~ACCORDANCE WITH~~ UNDER OTHER APPLICABLE FEDERAL AND STATE <—

1 LAWS.

2 (3) A PLAN, MAP OR OTHER DRAWING OR DATA WHICH SHOWS THE
3 LOCATION OR REVEALS LOCATION DATA ON COMMUNITY DRINKING WATER
4 WELLS AND SURFACE WATER INTAKES.

5 (4) A SECURITY PLAN, SECURITY PROCEDURE OR RISK
6 ASSESSMENT PREPARED SPECIFICALLY FOR THE PURPOSE OF
7 PREVENTING OR FOR PROTECTION AGAINST SABOTAGE OR CRIMINAL OR
8 TERRORIST ACTS.

9 ~~(5) SPECIFIC INFORMATION, INCLUDING PORTIONS OF~~ <—

10 (5) (I) SPECIFIC INFORMATION, INCLUDING PORTIONS OF <—
11 FINANCIAL STATEMENTS, ABOUT SECURITY DEVICES OR
12 PERSONNEL, DESIGNED TO PROTECT AGAINST SABOTAGE OR
13 CRIMINAL OR TERRORIST ACTS.

14 (II) NOTHING IN THIS DEFINITION SHALL BE CONSTRUED <—
15 TO PREVENT THE DISCLOSURE OF MONETARY AMOUNTS.

16 "DANGEROUS TO HUMAN LIFE OR PROPERTY." A VIOLENT ACT OR AN
17 ACT WHICH IS INTENDED TO OR LIKELY TO CAUSE DEATH, SERIOUS
18 BODILY INJURY OR MASS DESTRUCTION.

19 "FACILITIES." ALL THE PLANT AND EQUIPMENT OF A PUBLIC
20 UTILITY, INCLUDING ALL TANGIBLE AND INTANGIBLE REAL AND PERSONAL
21 PROPERTY WITHOUT LIMITATION, AND ANY AND ALL MEANS AND
22 INSTRUMENTALITIES IN ANY MANNER OWNED, OPERATED, LEASED,
23 LICENSED, USED, CONTROLLED, FURNISHED OR SUPPLIED FOR, BY OR IN
24 CONNECTION WITH THE BUSINESS OF ANY PUBLIC UTILITY. THE FOR THE <—
25 PURPOSES OF THIS ACT, THE TERM SHALL ALSO INCLUDE ELECTRIC POWER
26 GENERATION AND A WATER AND WASTEWATER SYSTEM OWNED BY A <—
27 MUNICIPALITY OR MUNICIPAL AUTHORITY

28 "MASS DESTRUCTION." AN ACT WHICH IS INTENDED TO OR LIKELY TO
29 DESTROY OR CAUSE SERIOUS DAMAGE TO FACILITIES, PUBLIC OR PRIVATE
30 BUILDINGS, PLACES OF PUBLIC ACCOMMODATION OR PUBLIC WORKS UNDER

1 CIRCUMSTANCES EVINCING DEPRAVED INDIFFERENCE TO HUMAN LIFE OR
2 PROPERTY.

3 "PUBLIC UTILITY." ANY PERSON, ~~CORPORATION, MUNICIPALITY OR~~ <—
4 ~~MUNICIPAL AUTHORITY~~ OR CORPORATION NOW OR HEREAFTER OWNING OR <—
5 OPERATING IN THIS COMMONWEALTH EQUIPMENT OR FACILITIES FOR:

6 (I) PRODUCING, GENERATING, TRANSMITTING,
7 DISTRIBUTING OR FURNISHING NATURAL OR ARTIFICIAL GAS,
8 ELECTRICITY OR STEAM FOR THE PRODUCTION OF LIGHT, HEAT OR
9 POWER TO THE PUBLIC FOR COMPENSATION. ~~THE~~ FOR THE <—
10 PURPOSES OF THIS ACT, THE TERM SHALL ALSO INCLUDE
11 ELECTRIC POWER GENERATION AND A WATER AND WASTEWATER <—
12 SYSTEM OWNED BY A MUNICIPALITY OR MUNICIPAL AUTHORITY.

13 (II) DIVERTING, DEVELOPING, PUMPING, IMPOUNDING,
14 DISTRIBUTING OR FURNISHING WATER TO OR FOR THE PUBLIC FOR
15 COMPENSATION.

16 (III) USING A CANAL, TURNPIKE, TUNNEL, BRIDGE, WHARF
17 AND THE LIKE FOR THE PUBLIC FOR COMPENSATION.

18 (IV) TRANSPORTING OR CONVEYING NATURAL OR ARTIFICIAL
19 GAS, CRUDE OIL, GASOLINE OR PETROLEUM PRODUCTS, MATERIALS
20 FOR REFRIGERATION OR OXYGEN OR NITROGEN OR OTHER FLUID
21 SUBSTANCE, BY PIPELINE OR CONDUIT, FOR THE PUBLIC FOR
22 COMPENSATION.

23 (V) CONVEYING OR TRANSMITTING MESSAGES OR
24 COMMUNICATIONS BY TELEPHONE OR TELEGRAPH OR DOMESTIC
25 PUBLIC LAND MOBILE RADIO SERVICE, INCLUDING, BUT NOT
26 LIMITED TO, POINT-TO-POINT MICROWAVE RADIO SERVICE FOR
27 THE PUBLIC FOR COMPENSATION.

28 (VI) COLLECTING, TREATING OR DISPOSING SEWAGE FOR
29 THE PUBLIC FOR COMPENSATION.

30 (VII) TRANSPORTING PASSENGERS OR PROPERTY AS A

1 COMMON CARRIER.

2 "TERRORIST ACT." ANY ACT OR ACTS CONSTITUTING A VIOLENT
3 OFFENSE INTENDED TO:

4 (I) INTIMIDATE OR COERCE A CIVILIAN POPULATION;

5 (II) INFLUENCE THE POLICY OF A GOVERNMENT BY
6 INTIMIDATION OR COERCION; OR

7 (III) AFFECT THE CONDUCT OF A GOVERNMENT.

8 "VIOLENT OFFENSE." AN OFFENSE UNDER 18 PA.C.S. PT. II
9 (RELATING TO DEFINITION OF SPECIFIC OFFENSES), INCLUDING AN
10 ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT ANY SUCH OFFENSE,
11 WHICH IS PUNISHABLE BY IMPRISONMENT OF MORE THAN ONE YEAR AND
12 INVOLVES AN ACT DANGEROUS TO HUMAN LIFE OR PROPERTY.

13 SECTION 3. PROCEDURES FOR SUBMITTING, CHALLENGING AND
14 PROTECTING CONFIDENTIAL SECURITY INFORMATION.

15 (A) GENERAL RULE.--THE PUBLIC UTILITY IS RESPONSIBLE FOR
16 DETERMINING WHETHER A RECORD OR PORTIONS THEREOF ~~SHOULD BE~~ <—
17 ~~DEEMED~~ CONTAINS CONFIDENTIAL SECURITY INFORMATION. WHEN A PUBLIC <—
18 UTILITY IDENTIFIES A RECORD AS CONTAINING CONFIDENTIAL SECURITY <—
19 INFORMATION, IT MUST CLEARLY STATE IN ITS TRANSMITTAL LETTER,
20 UPON SUBMISSION TO AN AGENCY, THAT THE ~~FILING~~ RECORD CONTAINS <—
21 CONFIDENTIAL SECURITY INFORMATION AND EXPLAIN WHY THE
22 INFORMATION SHOULD BE TREATED AS SUCH.

23 (B) SUBMISSION OF CONFIDENTIAL SECURITY INFORMATION.--AN
24 AGENCY SHALL DEVELOP FILING PROTOCOLS AND PROCEDURES FOR PUBLIC
25 UTILITIES TO FOLLOW WHEN SUBMITTING RECORDS, INCLUDING PROTOCOLS
26 AND PROCEDURES FOR ~~FILING~~ SUBMITTING RECORDS CONTAINING <—
27 CONFIDENTIAL SECURITY INFORMATION. SUCH PROTOCOLS AND PROCEDURES
28 SHALL INSTRUCT PUBLIC UTILITIES WHO SUBMIT RECORDS TO AN AGENCY
29 TO SEPARATE THEIR INFORMATION INTO AT LEAST TWO CATEGORIES:

30 (1) PUBLIC.--RECORDS OR PORTIONS THEREOF SUBJECT TO THE

1 PROVISIONS OF THE ACT OF JUNE 21, 1957 (P.L.390, NO.212),
2 REFERRED TO AS THE RIGHT-TO-KNOW LAW.

3 (2) CONFIDENTIAL.--RECORDS OR PORTIONS THEREOF REQUESTED
4 TO BE TREATED AS CONTAINING CONFIDENTIAL SECURITY INFORMATION <—
5 AND NOT SUBJECT TO THE RIGHT-TO-KNOW LAW.

6 (C) CHALLENGES TO THE DESIGNATION OF CONFIDENTIAL SECURITY
7 INFORMATION.--CHALLENGES TO A PUBLIC UTILITY'S DESIGNATION OR
8 REQUEST TO EXAMINE RECORDS CONTAINING CONFIDENTIAL SECURITY <—
9 INFORMATION BY A MEMBER OF THE PUBLIC SHALL BE MADE IN WRITING
10 TO THE AGENCY IN WHICH THE RECORD OR PORTIONS THEREOF WERE
11 ORIGINALLY ~~FILED~~ SUBMITTED. THE AGENCY SHALL DEVELOP PROTOCOLS <—
12 AND PROCEDURES TO ADDRESS CHALLENGES TO THE DESIGNATIONS OR
13 REQUESTS TO EXAMINE RECORDS CONTAINING CONFIDENTIAL SECURITY <—
14 INFORMATION. SUCH PROTOCOLS AND PROCEDURES SHALL INCLUDE:

15 (1) WRITTEN NOTIFICATION TO THE PUBLIC UTILITY BY THE
16 AGENCY OF THE REQUEST TO EXAMINE RECORDS CONTAINING <—
17 CONFIDENTIAL SECURITY INFORMATION OR CHALLENGE OF ITS
18 DESIGNATION.

19 (2) AN OPPORTUNITY FOR AGENCY REVIEW OF THE PUBLIC
20 UTILITY'S DESIGNATION.

21 (3) DURING THE REVIEW OR ANY APPEAL OF THE AGENCY'S
22 DECISION, THE AGENCY SHALL CONTINUE TO HONOR THE CONFIDENTIAL
23 SECURITY INFORMATION DESIGNATION BY THE PUBLIC UTILITY.

24 (4) AGENCY REVIEW OF THE PUBLIC UTILITY'S DESIGNATION OR
25 REQUEST TO EXAMINE RECORDS CONTAINING CONFIDENTIAL SECURITY <—
26 INFORMATION SHALL BE BASED ON CONSISTENCY WITH THE DEFINITION
27 OF CONFIDENTIAL SECURITY INFORMATION CONTAINED IN THIS ACT OR
28 WHEN THERE ARE REASONABLE GROUNDS TO BELIEVE DISCLOSURE MAY
29 RESULT IN A SAFETY RISK, INCLUDING THE RISK OF HARM TO ANY
30 PERSON, OR MASS DESTRUCTION.

1 (5) WRITTEN NOTIFICATION OF THE AGENCY'S DECISION ON
2 CONFIDENTIALITY TO THE PUBLIC UTILITY AND MEMBER OF THE
3 PUBLIC THAT REQUESTED TO EXAMINE THE RECORDS CONTAINING <—
4 CONFIDENTIAL SECURITY INFORMATION OR CHALLENGED THE
5 DESIGNATION MADE BY THE PUBLIC UTILITY SHALL OCCUR WITHIN 60 <—
6 DAYS. IN THE SAME WRITING, THE AGENCY SHALL AFFIRMATIVELY
7 STATE WHETHER THE DISCLOSURE WOULD COMPROMISE THE PUBLIC
8 UTILITY'S SECURITY AGAINST SABOTAGE OR CRIMINAL OR TERRORIST
9 ACTS.

10 (6) FOLLOWING WRITTEN NOTIFICATION BY THE AGENCY OF ITS
11 DECISION ON CONFIDENTIALITY, ~~A PUBLIC UTILITY~~ THE PUBLIC <—
12 UTILITY AND MEMBER OF THE PUBLIC SHALL BE GIVEN 30 DAYS TO
13 FILE AN APPEAL IN COMMONWEALTH COURT WHERE THE COURT MAY <—
14 REVIEW THE RECORDS CONTAINING CONFIDENTIAL SECURITY
15 INFORMATION IN CAMERA TO DETERMINE IF THEY ARE PROTECTED FROM
16 DISCLOSURE UNDER THIS ACT. DURING PENDENCY OF THE IN CAMERA
17 REVIEW, THE RECORDS SUBJECT TO THE IN CAMERA REVIEW SHALL NOT
18 BE MADE PART OF THE PUBLIC COURT FILING.

19 (D) PROTECTING CONFIDENTIAL SECURITY INFORMATION.--AN AGENCY
20 SHALL DEVELOP SUCH PROTOCOLS AS MAY BE NECESSARY TO PROTECT
21 PUBLIC UTILITY RECORDS OR PORTIONS THEREOF THAT CONTAIN
22 CONFIDENTIAL SECURITY INFORMATION, ~~IN ACCORDANCE WITH THE~~ <—
23 ~~PROVISIONS OF THIS ACT,~~ FROM PROHIBITED DISCLOSURE UNDER SECTION
24 5. SUCH PROTOCOLS SHALL ENSURE THAT:

25 (1) EACH COPY OF A RECORD OR PORTION THEREOF CONTAINING
26 CONFIDENTIAL SECURITY INFORMATION IS CLEARLY MARKED AS
27 CONFIDENTIAL AND NOT SUBJECT TO THE PROVISIONS OF THE RIGHT-
28 TO-KNOW LAW.

29 (2) EACH COPY OF A RECORD OR PORTION THEREOF CONTAINING
30 CONFIDENTIAL SECURITY INFORMATION IS KEPT ON SITE IN A SECURE

1 LOCATION, SEPARATE FROM THE GENERAL RECORDS RELATING TO THE
2 PUBLIC UTILITY, WHERE IT IS AVAILABLE FOR INSPECTION BY
3 AUTHORIZED INDIVIDUALS.

4 (3) ONLY AUTHORIZED INDIVIDUALS, AS DESIGNATED BY THE
5 AGENCY, MAY HAVE ACCESS TO RECORDS OR COPIES THEREOF
6 CONTAINING CONFIDENTIAL SECURITY INFORMATION.

7 (4) AUTHORIZED INDIVIDUALS, AS DESIGNATED BY THE AGENCY,
8 SHALL UNDERGO TRAINING AND SIGN AN ACCESS AGREEMENT WHICH
9 SUMMARIZES RESPONSIBILITIES AND PERSONAL LIABILITIES IF
10 CONFIDENTIAL SECURITY INFORMATION IS KNOWINGLY OR RECKLESSLY
11 RELEASED, PUBLISHED OR OTHERWISE DISCLOSED.

12 (5) A DOCUMENT TRACKING SYSTEM IS ESTABLISHED TO ALLOW
13 FOR RECORDS OR COPIES THEREOF CONTAINING CONFIDENTIAL
14 SECURITY INFORMATION TO BE TRACEABLE AT ALL TIMES TO A SINGLE
15 PERSON.

16 (E) REDACTION OF CONFIDENTIAL SECURITY INFORMATION.--IF AN <—
17 AGENCY DETERMINES THAT A RECORD OR PORTIONS THEREOF CONTAINS
18 CONFIDENTIAL SECURITY INFORMATION AND INFORMATION THAT IS
19 PUBLIC, THE AGENCY SHALL REDACT THE PORTIONS OF THE RECORD
20 CONTAINING CONFIDENTIAL SECURITY INFORMATION BEFORE DISCLOSURE.

21 SECTION 4. APPLICABILITY TO OTHER LAW.

22 PUBLIC UTILITY RECORDS OR PORTIONS THEREOF WHICH CONTAIN
23 CONFIDENTIAL SECURITY INFORMATION, IN ACCORDANCE WITH THE
24 PROVISIONS OF THIS ACT, SHALL NOT BE SUBJECT TO THE PROVISIONS
25 OF THE ACT OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS
26 THE RIGHT-TO-KNOW LAW.

27 SECTION 5. PROHIBITION.

28 (A) GENERAL RULE.--AN AGENCY SHALL NOT RELEASE, PUBLISH OR
29 OTHERWISE DISCLOSE A PUBLIC UTILITY RECORD OR PORTION THEREOF
30 WHICH CONTAINS CONFIDENTIAL SECURITY INFORMATION, IN ACCORDANCE

1 WITH THE PROVISIONS OF THIS ACT.

2 (B) EXCEPTION.--NOTWITHSTANDING SUBSECTION (A), AN AGENCY
3 MAY, AFTER NOTIFICATION AND CONSULTATION WITH THE PUBLIC
4 UTILITY, DISCLOSE A PUBLIC UTILITY RECORD OR PORTION THEREOF
5 WHICH CONTAINS CONFIDENTIAL SECURITY INFORMATION, IN ACCORDANCE
6 WITH THE PROVISIONS OF THIS ACT, THAT IS NECESSARY FOR
7 CONSTRUCTION, RENOVATION OR REMODELING WORK ON ANY PUBLIC
8 BUILDING OR PROJECT. RELEASE OR DISCLOSURE OF SUCH RECORDS OR
9 PORTIONS THEREOF FOR THESE PURPOSES DOES NOT CONSTITUTE
10 PROHIBITED DISCLOSURE UNDER SUBSECTION (A) AND DOES NOT RESULT
11 IN SUCH RECORDS OR PORTIONS THEREOF BECOMING PUBLIC RECORDS
12 SUBJECT TO THE PROVISIONS OF THE ACT OF JUNE 21, 1957 (P.L.390,
13 NO.212), REFERRED TO AS THE RIGHT-TO-KNOW LAW.

14 SECTION 6. PENALTIES.

15 A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE WHO ACQUIRES A PUBLIC
16 UTILITY RECORD OR PORTIONS THEREOF WHICH CONTAIN CONFIDENTIAL
17 SECURITY INFORMATION,~~IN ACCORDANCE WITH THE PROVISIONS OF THIS~~ <—
18 ~~ACT,~~ OR ANY REPRODUCTION OF A PUBLIC UTILITY RECORD OR PORTION
19 THEREOF WHICH CONTAINS CONFIDENTIAL SECURITY INFORMATION,~~IN~~ <—
20 ~~ACCORDANCE WITH THE PROVISIONS OF THIS ACT,~~ AND WHO KNOWINGLY OR
21 RECKLESSLY RELEASES, PUBLISHES OR OTHERWISE DISCLOSES A PUBLIC
22 UTILITY RECORD OR PORTION THEREOF WHICH CONTAINS CONFIDENTIAL
23 SECURITY INFORMATION,~~IN ACCORDANCE WITH THE PROVISIONS OF THIS~~ <—
24 ~~ACT,~~ OR ANY REPRODUCTION OF A PUBLIC UTILITY RECORD OR PORTION
25 THEREOF WHICH CONTAINS CONFIDENTIAL SECURITY INFORMATION,~~IN~~ <—
26 ~~ACCORDANCE WITH THE PROVISIONS OF THIS ACT,~~ COMMITS A
27 MISDEMEANOR OF THE SECOND DEGREE SUBJECT TO PROSECUTION BY THE
28 ATTORNEY GENERAL AND SHALL, UPON CONVICTION, BE SENTENCED TO PAY
29 A FINE OF NOT MORE THAN \$5,000 PLUS COSTS OF PROSECUTION OR TO A
30 TERM OF IMPRISONMENT NOT TO EXCEED ONE YEAR, OR BOTH, AND SHALL

- 1 BE REMOVED FROM OFFICE OR AGENCY EMPLOYMENT.
- 2 SECTION 7. EFFECTIVE DATE.
- 3 THIS ACT SHALL TAKE EFFECT IN 180 DAYS.