
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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 18, 2006

AN ACT

1 ~~Prohibiting the release of certain records by government~~ <—
2 ~~agencies~~; RELATING TO CONFIDENTIAL SECURITY INFORMATION OF <—
3 PUBLIC UTILITIES and imposing penalties.

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

6 ~~Section 1. Short title.~~ <—

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

9 ~~Section 2. Definitions.~~

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

13 ~~"Agency." Any house, office, department, board or commission~~
14 ~~of the executive or legislative departments of the Commonwealth,~~
15 ~~any political subdivision of this Commonwealth, the Pennsylvania~~

~~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 intakes.~~

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

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

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

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

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

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

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

~~"Violent offense." An offense under 18 Pa.C.S. Part II (relating to definition of specific offenses), including an attempt, conspiracy or solicitation to commit any such offense,~~

1 ~~which is punishable by imprisonment of more than one year and~~
2 ~~involves an act dangerous to human life or property.~~

3 ~~Section 3.— Prohibition.~~

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

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

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

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

10 ~~Section 4.— Penalties.~~

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

17 ~~Section 5.— Repeal.~~

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

20 ~~Section 6.— Effective date.~~

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

22 SECTION 1. SHORT TITLE.

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

26 SECTION 2. DEFINITIONS.

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

30 "AGENCY." ANY HOUSE, OFFICE, DEPARTMENT, BOARD OR COMMISSION

<—

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

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

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

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

~~ACCORDANCE WITH~~ UNDER OTHER APPLICABLE FEDERAL AND STATE
LAWS.

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

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

~~(5) SPECIFIC INFORMATION, INCLUDING PORTIONS OF~~

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

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

"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.

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

"MASS DESTRUCTION." AN ACT WHICH IS INTENDED TO OR LIKELY TO
DESTROY OR CAUSE SERIOUS DAMAGE TO FACILITIES, PUBLIC OR PRIVATE

1 BUILDINGS, PLACES OF PUBLIC ACCOMMODATION OR PUBLIC WORKS UNDER
2 CIRCUMSTANCES EVINCING DEPRAVED INDIFFERENCE TO HUMAN LIFE OR
3 PROPERTY.

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

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

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

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

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

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

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

1 (VII) TRANSPORTING PASSENGERS OR PROPERTY AS A
2 COMMON CARRIER.

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

5 (I) INTIMIDATE OR COERCE A CIVILIAN POPULATION;

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

8 (III) AFFECT THE CONDUCT OF A GOVERNMENT.

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

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

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

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

1 (1) PUBLIC.--RECORDS OR PORTIONS THEREOF SUBJECT TO THE
2 PROVISIONS OF THE ACT OF JUNE 21, 1957 (P.L.390, NO.212),
3 REFERRED TO AS THE RIGHT-TO-KNOW LAW.

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

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

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

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

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

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

PERSON, OR MASS DESTRUCTION.

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

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

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

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

(2) EACH COPY OF A RECORD OR PORTION THEREOF CONTAINING

1 CONFIDENTIAL SECURITY INFORMATION IS KEPT ON SITE IN A SECURE
2 LOCATION, SEPARATE FROM THE GENERAL RECORDS RELATING TO THE
3 PUBLIC UTILITY, WHERE IT IS AVAILABLE FOR INSPECTION BY
4 AUTHORIZED INDIVIDUALS.

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

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

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

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

22 SECTION 4. APPLICABILITY TO OTHER LAW.

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

28 SECTION 5. PROHIBITION.

29 (A) GENERAL RULE.--AN AGENCY SHALL NOT RELEASE, PUBLISH OR
30 OTHERWISE DISCLOSE A PUBLIC UTILITY RECORD OR PORTION THEREOF

1 WHICH CONTAINS CONFIDENTIAL SECURITY INFORMATION, IN ACCORDANCE
2 WITH THE PROVISIONS OF THIS ACT.

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

15 SECTION 6. PENALTIES.

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

1 TERM OF IMPRISONMENT NOT TO EXCEED ONE YEAR, OR BOTH, AND SHALL
2 BE REMOVED FROM OFFICE OR AGENCY EMPLOYMENT.
3 SECTION 7. EFFECTIVE DATE.
4 THIS ACT SHALL TAKE EFFECT IN 180 DAYS.