

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1255 Session of  
2005

INTRODUCED BY TIGUE, BARRAR, CALTAGIRONE, CAWLEY, CRAHALLA,  
CREIGHTON, FABRIZIO, FREEMAN, GEORGE, GODSHALL, GOODMAN,  
GRUCELA, HENNESSEY, W. KELLER, NAILOR, REICHLEY, SCAVELLO,  
SOLOBAY, E. Z. TAYLOR, WOJNAROSKI, HARRIS, JAMES, MUNDY,  
PALLONE, SANTONI, SCHRODER, STABACK AND WALKO, MARCH 31, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 31, 2005

AN ACT

1 Amending the act of June 21, 1957 (P.L.390, No.212), entitled  
2 "An act requiring certain records of the Commonwealth and its  
3 political subdivisions and of certain authorities and other  
4 agencies performing essential governmental functions, to be  
5 open for examination and inspection by citizens of the  
6 Commonwealth of Pennsylvania; authorizing such citizens under  
7 certain conditions to make extracts, copies, photographs or  
8 photostats of such records; and providing for appeals to the  
9 courts of common pleas," further defining "public record."

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Section 1 of the act of June 21, 1957 (P.L.390,  
13 No.212), referred to as the Right-to-Know Law, amended June 29,  
14 2002 (P.L.663, No.100), is amended to read:

15 Section 1. Definitions.

16 The following words and phrases when used in this act shall  
17 have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19 "Agency." Any office, department, board or commission of the  
20 executive branch of the Commonwealth, any political subdivision

1 of the Commonwealth, the Pennsylvania Turnpike Commission, the  
2 State System of Higher Education or any State or municipal  
3 authority or similar organization created by or pursuant to a  
4 statute which declares in substance that such organization  
5 performs or has for its purpose the performance of an essential  
6 governmental function.

7 "Commonwealth agency." An agency which is a Commonwealth  
8 agency as that term is defined under 62 Pa.C.S. § 103 (relating  
9 to definitions).

10 "Non-Commonwealth agency." An agency which is not a  
11 Commonwealth agency.

12 "Public record." Any account, voucher or contract dealing  
13 with the receipt or disbursement of funds by an agency or its  
14 acquisition, use or disposal of services or of supplies,  
15 materials, equipment or other property [and]; any minute, order  
16 or decision by an agency fixing the personal or property rights,  
17 privileges, immunities, duties or obligations of any person or  
18 group of persons[:]; and any settlement agreement or other  
19 written understanding that determines or resolves a dispute  
20 entered into by an agency in a civil or criminal action,  
21 regardless of whether such agreement or understanding requires  
22 the agency to maintain confidentiality or to refrain from  
23 disclosing the terms of the agreement or understanding or is  
24 incorporated into an order or decree of court: Provided, That  
25 the term "public records" shall not mean any report,  
26 communication or other paper, the publication of which would  
27 disclose the institution, progress or result of an investigation  
28 undertaken by an agency in the performance of its official  
29 duties, except those reports filed by agencies pertaining to  
30 safety and health in industrial plants; it shall not include any

1 record, document, material, exhibit, pleading, report,  
2 memorandum or other paper, access to or the publication of which  
3 is prohibited, restricted or forbidden by statute law or order  
4 or decree of court, or which would operate to the prejudice or  
5 impairment of a person's reputation or personal security, or  
6 which would result in the loss by the Commonwealth or any of its  
7 political subdivisions or commissions or State or municipal  
8 authorities of Federal funds, excepting therefrom however the  
9 record of any conviction for any criminal act.

10 "Record." Any document maintained by an agency, in any form,  
11 whether public or not.

12 "Requester." A person who is a resident of the Commonwealth  
13 and requests a record pursuant to this act.

14 "Response." Access to a record or an agency's written notice  
15 granting, denying or partially granting and partially denying  
16 access to a record.

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