

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 480 Session of 2013

INTRODUCED BY KAUFFMAN, SCHLOSSBERG, BAKER, PICKETT, D. COSTA, MILLARD, MOUL, RAPP, STERN, QUINN, C. HARRIS, SWANGER, GINGRICH, V. BROWN, CLYMER, HESS, HARKINS, KORTZ, WATSON, GABLER, GROVE, GILLEN AND GOODMAN, FEBRUARY 4, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 2013

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,"  
 10 providing for requests for public records of the Department  
 11 of Corrections; and further providing for extension of time.

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

14 Section 1. The act of February 14, 2008 (P.L.6, No.3), known  
 15 as the Right-to-Know Law, is amended by adding a section to  
 16 read:

17 Section 709. Requests for public records of the Department of  
 18 Corrections.

19 (a) Determination.--Upon receiving a request for a public  
 20 record containing personal identification information of  
 21 employees of the Department of Corrections, an agency shall

1 determine if the requester has been convicted of a felony in  
2 this Commonwealth.

3 (b) Requester convicted of felony.--If a requester has been  
4 convicted of a felony in this Commonwealth, an agency shall deny  
5 the requester access to records which contain personal  
6 identification information of an employee of the Department of  
7 Corrections.

8 (c) Applicability.--This section shall not apply if the  
9 record is subpoenaed by court order.

10 Section 2. Section 902(a) of the act is amended to read:  
11 Section 902. Extension of time.

12 (a) Determination.--Upon receipt of a written request for  
13 access, the open-records officer for an agency shall determine  
14 if one of the following applies:

15 (1) the request for access requires redaction of a  
16 record in accordance with section 706;

17 (2) the request for access requires the retrieval of a  
18 record stored in a remote location;

19 (3) a timely response to the request for access cannot  
20 be accomplished due to bona fide and specified staffing  
21 limitations;

22 (4) a legal review is necessary to determine whether the  
23 record is a record subject to access under this act;

24 (5) the requester has not complied with the agency's  
25 policies regarding access to records;

26 (6) the requester refuses to pay applicable fees  
27 authorized by this act; [or]

28 (7) the extent or nature of the request precludes a  
29 response within the required time period[.]; or

30 (8) the request for access to a record containing

1 personal identification information of an employee of the  
2 Department of Corrections requires the agency to determine if  
3 the requester has been convicted of a felony in this  
4 Commonwealth.

5 \* \* \*

6 Section 3. This act shall take effect in 60 days.