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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1397 Session of  
2021

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INTRODUCED BY QUINN, SAPPEY AND BURGOS, MAY 14, 2021

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 14, 2021

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AN ACT

1 Amending the act of November 29, 2006 (P.L.1435, No.156),  
2 entitled "An act relating to confidential security  
3 information of public utilities; and imposing penalties,"  
4 further providing for procedures for submitting, challenging  
5 and protecting confidential security information, for  
6 applicability to other law and for prohibition.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 3(b) of the act of November 29, 2006  
10 (P.L.1435, No.156), known as the Public Utility Confidential  
11 Security Information Disclosure Protection Act, is amended and  
12 the section is amended by adding a subsection to read:

13 Section 3. Procedures for submitting, challenging and  
14 protecting confidential security information.

15 \* \* \*

16 (b) Submission of confidential security information.--An  
17 agency shall develop filing protocols and procedures for public  
18 utilities to follow when submitting records, including protocols  
19 and procedures for submitting records containing confidential  
20 security information. Such protocols and procedures shall

1 instruct public utilities who submit records to an agency to  
2 separate their information into at least two categories:

3 (1) Public.--Records or portions thereof subject to the  
4 provisions of the act of [June 21, 1957 (P.L.390, No.212),  
5 referred to] February 14, 2008 (P.L.6, No.3), known as the  
6 Right-to-Know Law.

7 (2) Confidential.--Records or portions thereof requested  
8 to be treated as containing confidential security information  
9 and not subject to the Right-to-Know Law.

10 (b.1) Review of confidential security information.--A public  
11 utility shall have the opportunity to examine the public  
12 utility's records at an agency's office for existing  
13 confidential security information. When the public utility  
14 identifies a record or portion thereof as containing  
15 confidential security information under this subsection, the  
16 public utility may resubmit the confidential security  
17 information to the agency or replace the confidential security  
18 information in accordance with the procedures specified under  
19 this section.

20 \* \* \*

21 Section 2. Sections 4 and 5 of the act are amended to read:

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]  
27 February 14, 2008 (P.L.6, No.3), known as 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. Nothing in this subsection  
3 shall be construed to prohibit an agency from sharing a public  
4 utility record or portion thereof which contains confidential  
5 security information with another agency through an interagency  
6 agreement and in accordance with the document tracking system  
7 established under section 3(d)(5).

8 (b) Exception.--Notwithstanding subsection (a), an agency  
9 may, after notification and consultation with the public  
10 utility, disclose a public utility record or portion thereof  
11 which contains confidential security information, in accordance  
12 with the provisions of this act, that is necessary for  
13 construction, renovation or remodeling work on any public  
14 building or project. Release or disclosure of such records or  
15 portions thereof for these purposes does not constitute  
16 prohibited disclosure under subsection (a) and does not result  
17 in such records or portions thereof becoming public records  
18 subject to the provisions of the act of [June 21, 1957 (P.L.390,  
19 No.212), referred to] February 14, 2008 (P.L.6, No.3), known as  
20 the Right-to-Know Law.

21 Section 3. This act shall take effect in 30 days.