

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions and for
3 administrative duties of board.

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

6 Section 1. Section 8102 of Title 24 of the Pennsylvania
7 Consolidated Statutes is amended by adding definitions to read:
8 § 8102. Definitions.

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

12 * * *

13 "Active employee association." A membership organization
14 that is all of the following:

15 (1) Incorporated in this Commonwealth with a governing
16 body consisting of active members.

17 (2) Classified as a nonprofit organization under section
18 501(c) of the Internal Revenue Code of 1986 (Public Law 99-

1 514, 26 U.S.C. § 501(c)).

2 (3) Supported with the self-payment of membership dues
3 by at least 15% of the active members of the system.

4 * * *

5 "Annuitant association." A voluntary membership organization
6 that is all of the following:

7 (1) Incorporated in this Commonwealth with a governing
8 body consisting exclusively of annuitants.

9 (2) Classified as a nonprofit organization under section
10 501(c)(4) of the Internal Revenue Code of 1986 (Public Law
11 99-514, 26 U.S.C. § 501(c)(4)).

12 (3) Supported with the self-payment of membership dues
13 in retirement by at least 15% of the annuitant members of the
14 system.

15 * * *

16 Section 2. Section 8502 of Title 24 is amended by adding
17 subsections to read:

18 § 8502. Administrative duties of board.

19 * * *

20 (g) Information to active employee and annuitant
21 associations.--

22 (1) An active employee association or annuitant
23 association shall be entitled to receive from the board
24 members' names and home addresses for the purpose of
25 promoting membership in the active employee association or
26 annuitant association. In addition to all other information
27 made available to the public under the laws of this
28 Commonwealth, including the act of February 14, 2008 (P.L.6,
29 No.3), known as the Right-to-Know Law, and that is available
30 in electronic form, the board shall provide to an active

1 employee association and annuitant association the members'
2 names and home addresses. The board shall not make available
3 to the public or to active employee associations and
4 annuitant associations the name and home address of a
5 member's designated beneficiary.

6 (2) Within 30 days of the effective date of this
7 subsection, the board shall provide to all members written
8 notice of the disclosure of information pursuant to this
9 subsection and an opportunity to refuse to allow the
10 disclosure. Members shall have 90 days to respond to this
11 notice, and no information may be transmitted to an active
12 employee or annuitant association under this subsection until
13 the conclusion of that period. With the application for entry
14 into the system, each new member shall be given notice of the
15 disclosure pursuant to this subsection and an opportunity to
16 refuse to allow disclosure. The board shall establish a
17 procedure for timely processing of the requests of members
18 who wish to change the protected status of their information.
19 If any member refuses to allow disclosure, the member's
20 information shall not be subject to disclosure under this
21 subsection.

22 (3) The board shall produce and transmit either
23 electronically or by mail the member information subject to
24 disclosure under paragraph (1) to each active employee
25 association and annuitant association by the tenth day of
26 each month for the preceding month unless the association
27 shall consent to a less frequent schedule for production and
28 transmittal of the information, if the active employee
29 association or annuitant association reimburses the board for
30 the actual or reasonable cost the board incurs each month in

1 providing the information.

2 (4) Any information or records provided to an active
3 employee association or annuitant association under this
4 subsection shall be held in confidence by that association
5 and any individual employed by or associated with that
6 association. No active employee association or annuitant
7 association may give, transfer, sell or, in any other manner,
8 distribute to a person or entity outside the active employee
9 association or annuitant association the information for an
10 individual member obtained under this subsection. The
11 information and records shall not be open to examination for
12 any purpose not directly connected with the administration of
13 the services specified as the purpose under paragraph (1).

14 (5) Except as otherwise set forth under this subsection,
15 nothing under this subsection may be construed to limit the
16 use by an active employee association or annuitant
17 association of any information on active employees or
18 annuitants who elect membership in the active employee
19 association or annuitant association.

20 (r) Civil relief against active employee associations and
21 annuitant associations.--

22 (1) The Office of Attorney General or any active
23 employee or annuitant may bring civil action against an
24 active employee association or annuitant association that
25 intentionally violates subsection (g).

26 (2) In addition to any other remedy provided by law, the
27 Attorney General or an active employee or an annuitant
28 bringing an action under this subsection may:

29 (i) Seek injunctive relief to restrain the active
30 employee association or annuitant association from

1 distributing the records or information.

2 (ii) Recover actual damages arising from the willful
3 violation by an active employee association or an
4 annuitant association.

5 (iii) Seek both injunctive relief and recovery of
6 damages as provided by this subsection.

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