

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2530** Session of  
1978

INTRODUCED BY KNEPPER, JUNE 5, 1978

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 1978

AN ACT

1 Requiring certain records of the Commonwealth, its agencies,  
2 political subdivisions, certain authorities and other  
3 agencies receiving or dispensing public funds or performing  
4 essential governmental functions to be open for examination  
5 and inspection by citizens of this Commonwealth; authorizing  
6 citizens to make extracts, copies, photographs, tapes of  
7 photostats of such records; providing for remedial relief  
8 from the courts of common pleas; and providing penalties.

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

11 Section 1. Short title.

12 This act shall be known and may be cited as the "Open Records  
13 Act."

14 Section 2. Definitions.

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

18 "Agency." Any department, commission, board, committee,  
19 authority, institution of any nature or division of the  
20 Commonwealth of Pennsylvania, any political subdivision of the  
21 Commonwealth, any Commonwealth, municipal, township or school

1 authority, any school board or school governing body,  
2 commission, district justice, any duly elected or appointed  
3 public official or person in charge of an established office of  
4 such official, or other organizations which receive or dispense  
5 public tax moneys created by or pursuant to a statute rule,  
6 regulation, or order which declares in substance that such  
7 organization performs or has for its purpose, the performance of  
8 an essential governmental, or quasi-public or quasi-judicial  
9 function.

10 "Public record." Any account, voucher or contract dealing  
11 with the receipt or disbursement of funds by an agency; or the  
12 acquisition, use or disposal of services, supplies, materials,  
13 equipment or other property and any minutes, order or decision  
14 by an agency fixing the personal or property rights, privileges,  
15 immunities, duties or obligations of any person or group of  
16 persons; any log, daily register, memorandum, correspondence, or  
17 other document, recording or transcript of a recording referring  
18 to the activities of the agency or any of its employees; an  
19 official record made by a district justice; and an official  
20 record made by a State agency showing the transactions, official  
21 business, or dealings of the agency or any of its employees with  
22 other agencies, individuals or other non-agency institutions or  
23 entities: Provided, however, That the term "public records"  
24 shall not include any record, document, pleading, report or  
25 exhibit, access to or the publication of which is prohibited,  
26 restricted or forbidden by Federal law or the order or decree of  
27 a court of the United States or the Commonwealth of  
28 Pennsylvania. The term "public record" shall extend to and  
29 provide access to any recordings of the agency made on  
30 electronic or other recording devices used in the taking of

1 official minutes or proceedings.

2 Section 3. Records available.

3 Every public record of any agency shall be promptly  
4 transcribed, stored in a public building and kept available for  
5 inspection at reasonable hours and such other hours as posted  
6 and shall without delay be open for prompt examination and  
7 inspection by any citizen of this Commonwealth.

8 The record shall be prepared in a chronological order in a  
9 standard format prescribed by the agency.

10 The public building shall be the officially designated public  
11 meeting place or office of the agency.

12 Section 4. Extracts and copies.

13 (a) Any citizen of this Commonwealth shall have the right to  
14 take extracts or make copies of public records and to make  
15 photographs or photostats of the same while such records are in  
16 the possession, custody and control of the lawful custodian  
17 thereof or an authorized deputy. Any citizen shall have the  
18 right to listen to and tape any tape recording or other  
19 electronic recording when such recording constitutes or  
20 incorporates the official minutes, records or proceedings of the  
21 agency.

22 (b) The lawful custodian of such records shall have the  
23 right to adopt and enforce reasonable rules and regulations  
24 governing the making of extracts, copies, photographs,  
25 photostats or tapes of official records. The custodian may make  
26 nominal cost-related charges for such reproductions as may be  
27 furnished. No charge shall be levied when a citizen personally  
28 examines and transcribes such records. Any charge is  
29 unreasonable and shall not be upheld when the charge serves as a  
30 barrier to citizen access to records.

1 (c) A request for any record will be deemed denied if no  
2 response is forthcoming within ten business days after the  
3 request is received. Whenever any request is denied, the  
4 provisions of section 5 shall be available to the offended  
5 citizen.

6 Section 5. Remedial actions.

7 The courts of common pleas shall have original jurisdiction  
8 over any action brought by a citizen to enforce the provisions  
9 of this act.

10 The court shall have the power to enforce sections 3 and 4 by  
11 use of injunctions, declaratory judgments or any other method  
12 deemed appropriate by the court which would require an agency  
13 that withholds any requested record to produce the same or be  
14 guilty of contempt.

15 Any actions under the provisions of this act shall be brought  
16 in

17 (i) the judicial district where the complainant  
18 resides or has a principal place of business;

19 (ii) where the agency whose action is challenged is  
20 located; or

21 (iii) where the alleged infraction occurred.

22 Section 6. Penalties.

23 Any person who denies any citizen of this Commonwealth the  
24 right to examine, inspect or make a copy of any record covered  
25 by the provisions of this act shall be guilty of a misdemeanor  
26 and, upon conviction thereof, be sentenced to pay a fine not  
27 exceeding \$1,000 or undergo imprisonment for not more than six  
28 months, or both.

29 Section 7. Repealer.

30 The act of June 21, 1957 (P.L.390, No.212) referred to as the

- 1 Right-to-Know Law is repealed.
- 2 Section 8. Effective date.
- 3 This act shall take effect in 60 days.