
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1313 Session of
1997

INTRODUCED BY CAPPABIANCA, YOUNGBLOOD, BEBKO-JONES, COLAIZZO,
SHANER, LEDERER, FAIRCHILD, TRELLO, JOSEPHS, GEIST, GORDNER,
MELIO, JAMES, HORSEY, SCRIMENTI, WOJNAROSKI, LUCYK, RAYMOND,
TIGUE, J. TAYLOR, PETRARCA, RAMOS, BELARDI, ITKIN, STEELMAN,
STURLA, PISTELLA, PRESTON AND COY, APRIL 15, 1997

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS,
APRIL 15, 1997

AN ACT

1 Amending the act of June 5, 1937 (P.L.1688, No.352), entitled
2 "An act relating to the dissemination of information
3 pertaining to affairs of the Commonwealth, including
4 information pertaining to civil rights and constitutional
5 guarantees; and conferring powers and duties with respect
6 thereto upon the Department of State," establishing the
7 Office of Information Technology in the Governor's Office and
8 providing for its powers and duties; and providing for
9 information accessibility.

10 The General Assembly finds and declares that it is essential
11 to good government that information that is available to the
12 public under the laws of this Commonwealth be made available to
13 the citizens of this Commonwealth, irrespective of where they
14 reside, in a timely manner and at the least possible cost, and
15 that this goal shall be achieved by the enactment of a plan that
16 implements the following strategic goals:

- 17 (1) To bring government closer to the people.
18 (2) To enhance the value of government services.
19 (3) To make government more responsive to changing

1 public needs.

2 (4) To reduce the cost of government.

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

5 Section 1. The act of June 5, 1937 (P.L.1688, No.352),
6 entitled "An act relating to the dissemination of information
7 pertaining to affairs of the Commonwealth, including information
8 pertaining to civil rights and constitutional guarantees; and
9 conferring powers and duties with respect thereto upon the
10 Department of State," is amended by adding a section to read:

11 Section 1.1. (a) The Office of Information Technology is
12 hereby established in the Governor's Office to work with all
13 State agencies and appropriate Federal Government agencies,
14 local government agencies and members of the public to develop
15 and implement a plan to make copies of all information that is
16 computerized by any State agency and that is subject to
17 disclosure under the laws of this Commonwealth accessible to the
18 public in computer-readable form.

19 (b) The information identified in subsection (a) shall be
20 made available to the public by means of access by way of the
21 largest nonproprietary, nonprofit cooperative public computer
22 network at no cost to the public, schools, libraries and other
23 government entities. The information shall be made available in
24 one or more formats and by one or more means in order to provide
25 the greatest feasible access to the general public in this
26 Commonwealth. Any person who accesses the information may access
27 all or any part of the information. The information may also be
28 made available by any other means of access that would
29 facilitate public access to the information.

30 (c) Any documentation that describes the electronic digital

formats of the information identified in subsection (a) and is available to the public shall be made available by means of access by way of the computer network specified in subsection (b).

(d) Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

(e) No fee or other charge may be imposed by an agency as a condition of accessing the information that is accessible by way of the computer network specified in subsection (b).

(f) The electronic public access provided by way of the computer network specified in subsection (b) shall be in addition to other electronic or print distribution of the information. Access systems shall protect the security of government-owned or government-operated systems using proven security approaches at the least possible cost.

(g) Information shall be provided in a manner that automatically redacts private or confidential information when it is commingled with public information in computerized government records.

(h) Computer feasibility studies by State agencies and State agency purchases of computer equipment, programs and services that involve computerized public information shall include a component to ensure free public access to the information by way of the largest nonproprietary, nonprofit cooperative computer network.

(i) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of this Commonwealth relating to any of the information made available pursuant to this section.

1 (j) By April 1, 1998, the Governor shall designate the lead
2 agency in the development and implementation of the plan
3 described in this section. The plan shall be completed no later
4 than January 1, 1999. The office shall report to the General
5 Assembly on July 1, 1998, and October 1, 1998, on progress being
6 made in developing the plan, obstacles to implementing the plan
7 and recommendations for legislative changes in this section.

8 (k) The office shall study the following issues in
9 developing the plan:

10 (1) Methods for offsetting any cost through savings from
11 making government more efficient and incorporating public access
12 into all new computer-related purchases.

13 (2) Integration of a public access requirement into
14 feasibility studies for purchases of computer hardware and
15 software.

16 (l) As used in this section, the term "office" means the
17 Office of Information Technology established under this section.

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