

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 658 Session of
2007

INTRODUCED BY NICKOL, BENNINGHOFF, BEYER, CALTAGIRONE, CAPPELLI, CARROLL, CAUSER, CLYMER, CREIGHTON, CURRY, DALEY, DeLUCA, D. EVANS, EVERETT, FABRIZIO, FAIRCHILD, FRANKEL, FREEMAN, GILLESPIE, GINGRICH, GOODMAN, GRUCELA, HENNESSEY, HERSHEY, HICKERNELL, HORNAMAN, JOSEPHS, MACKERETH, MANDERINO, MARSICO, R. MILLER, MUNDY, MUSTIO, NAILOR, PETRONE, RAPP, REED, REICHLEY, ROAE, SAINATO, SAYLOR, SIPTROTH, M. SMITH, SONNEY, TURZAI, WALKO AND DENLINGER, MARCH 9, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 9, 2007

AN ACT

1 Amending the act of June 21, 1957 (P.L.390, No.212), entitled
2 "An act requiring certain records of the Commonwealth and its
3 political subdivisions and of certain authorities and other
4 agencies performing essential governmental functions, to be
5 open for examination and inspection by citizens of the
6 Commonwealth of Pennsylvania; authorizing such citizens under
7 certain conditions to make extracts, copies, photographs or
8 photostats of such records; and providing for appeals to the
9 courts of common pleas," further providing for definitions;
10 and making an inconsistent repeal.

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

13 Section 1. Section 1 of the act of June 21, 1957 (P.L.390,
14 No.212), referred to as the Right-to-Know Law, amended June 29,
15 2002 (P.L.663, No.100), is amended to read:

16 Section 1. Definitions.

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

1 "Agency." Any office, department, board or commission of the
2 executive branch of the Commonwealth, any political subdivision
3 of the Commonwealth, the Pennsylvania Turnpike Commission, the
4 State System of Higher Education, the Pennsylvania Higher
5 Education Assistance Agency or any State or municipal authority
6 or similar organization created by or pursuant to a statute
7 which declares in substance that such organization performs or
8 has for its purpose the performance of an essential governmental
9 function.

10 "Commonwealth agency." An agency which is a Commonwealth
11 agency as that term is defined under 62 Pa.C.S. § 103 (relating
12 to definitions), and for the purposes of this act, the
13 Pennsylvania Higher Education Assistance Agency.

14 "Non-Commonwealth agency." An agency which is not a
15 Commonwealth agency.

16 "Public record." Any account, voucher or contract dealing
17 with the receipt or disbursement of funds by an agency or its
18 acquisition, use or disposal of services or of supplies,
19 materials, equipment or other property and any minute, order or
20 decision by an agency fixing the personal or property rights,
21 privileges, immunities, duties or obligations of any person or
22 group of persons: Provided, That the term "public records" shall
23 not [mean any] include the following:

24 (1) Any report, communication or other paper, the
25 publication of which would disclose the institution, progress
26 or result of an investigation undertaken by an agency in the
27 performance of its official duties, except those reports
28 filed by agencies pertaining to safety and health in
29 industrial plants[; it shall not include any].

30 (2) Any record, document, material, exhibit, pleading,

1 report, memorandum or other paper, access to or the
2 publication of which is prohibited, restricted or forbidden
3 by statute law or order or decree of court, or which would
4 operate to the prejudice or impairment of a person's
5 reputation or personal security, or which would result in the
6 loss by the Commonwealth or any of its political subdivisions
7 or commissions or State or municipal authorities of Federal
8 funds, excepting therefrom however the record of any
9 conviction for any criminal act.

10 (3) Any information contained in a contract to service
11 student loans, including schedules or exhibits relating to
12 pricing or schedules relating to equipment, time charges,
13 service charges or other charges pertinent to an agency
14 contract to service student loans, the disclosure of which
15 could cause a loss of revenue to any Commonwealth fund or the
16 agency.

17 "Record." Any document maintained by an agency, in any form,
18 whether public or not.

19 "Requester." A person who is a resident of the Commonwealth
20 and requests a record pursuant to this act.

21 "Response." Access to a record or an agency's written notice
22 granting, denying or partially granting and partially denying
23 access to a record.

24 Section 2. Section 4 of the act of August 7, 1963 (P.L.549,
25 No.290), referred to as the Pennsylvania Higher Education
26 Assistance Agency Act, is repealed to the extent that it is
27 inconsistent with this act.

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