
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1

Session of
2007

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C. WILLIAMS, BRUBAKER, BROWNE, REGOLA, DINNIMAN AND
EICHELBERGER, MARCH 29, 2007

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 27, 2007

AN ACT

1 Providing for access to public information, for a designated
2 open-records officer in each Commonwealth agency, local
3 agency, judicial agency and legislative agency, for
4 procedure, for appeal of agency determination, for judicial
5 review and for an Open Records Clearinghouse; imposing
6 penalties; providing for reporting by State-related
7 institutions; requiring the posting of certain State contract
8 information on the Internet; and making related repeals.

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21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 CHAPTER 1
24 PRELIMINARY PROVISIONS

25 Section 101. Short title.

26 This act shall be known and may be cited as the Right-to-Know
27 Law.

28 Section 102. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Administrative proceeding." A proceeding by an agency the
3 outcome of which is required to be based on a record or
4 documentation prescribed by law or in which a statute or
5 regulation is particularized in application to individuals. The
6 term includes an appeal.

7 "Agency." A Commonwealth agency, a local agency, a judicial
8 agency or a legislative agency.

9 "Aggregated data." A tabulation of data which relate to
10 broad classes, groups or categories so that it is not possible
11 to distinguish the properties of individuals within those
12 classes, groups or categories.

13 "Appeals officer." As follows:

14 (1) For a Commonwealth agency or a local agency, the
15 appeals officer designated under section 503(a).

16 (2) For a judicial agency, the individual designated
17 under section 503(b).

18 (3) For a legislative agency, the individual designated
19 under section 503(c).

20 "Clearinghouse." The Open Records Clearinghouse established
21 pursuant to the provisions of section 1310.

22 "Commonwealth agency." Any of the following:

23 (1) Any office, department, authority, board, multistate
24 agency or commission of the executive branch; an independent
25 agency; and a State-affiliated entity. The term includes:

26 (i) The Governor's Office.

27 (ii) The Office of Attorney General, the Department
28 of the Auditor General and the Treasury Department.

29 (iii) ~~A statutorily established organization~~ AN

30 ORGANIZATION ESTABLISHED BY THE CONSTITUTION OF

1 PENNSYLVANIA, A STATUTE OR AN EXECUTIVE ORDER which
2 performs or is intended to perform an essential
3 governmental function.

4 (2) The term does not include a judicial or legislative
5 agency.

6 "Confidential proprietary information." Commercial or
7 financial information received by an agency:

8 (1) which is privileged or confidential; and

9 (2) the disclosure of which would cause substantial harm
10 to the competitive position of the person that submitted the
11 information.

12 "Financial record." Includes:

13 (1) Any account, voucher or contract dealing with:

14 (i) the receipt or disbursement of funds by an
15 agency; or

16 (ii) an agency's acquisition, use or disposal of
17 services, supplies, materials, equipment or property.

18 (2) The salary or other payments or expenses paid to an
19 officer or employee of an agency, including the name and
20 title of the officer or employee.

21 (3) Results of a financial audit.

22 "Homeland security." Governmental actions designed to
23 prevent, detect, respond to and recover from acts of terrorism,
24 major disasters and other emergencies, whether natural or
25 manmade. The term includes activities relating to the following:

26 (1) emergency preparedness and response, including
27 preparedness and response activities by volunteer medical,
28 police, emergency management, hazardous materials and fire
29 personnel;

30 (2) intelligence activities;

- 1 (3) critical infrastructure protection;
- 2 (4) border security;
- 3 (5) ground, aviation and maritime transportation
- 4 security;
- 5 (6) biodefense;
- 6 (7) detection of nuclear and radiological materials; and
- 7 (8) research on next-generation securities technologies.

8 "Independent agency." Any board, commission or other agency
9 or officer of the Commonwealth, that is not subject to the
10 policy supervision and control of the Governor. The term does
11 not include a legislative or judicial agency.

12 "Judicial agency." A court of the Commonwealth or any other
13 entity or office of the unified judicial system.

14 "Legislative agency." Any of the following:

- 15 (1) The Senate.
- 16 (2) The House of Representatives.
- 17 (3) The Capitol Preservation Committee.
- 18 (4) The Center for Rural Pennsylvania.
- 19 (5) The Joint Legislative Air and Water Pollution
- 20 Control and Conservation Committee.
- 21 (6) The Joint State Government Commission.
- 22 (7) The Legislative Budget and Finance Committee.
- 23 (8) The Legislative Data Processing Committee.
- 24 (9) The Independent Regulatory Review Commission.
- 25 (10) The Legislative Reference Bureau.
- 26 (11) The Local Government Commission.
- 27 (12) The Pennsylvania Commission on Sentencing.
- 28 (13) THE LEGISLATIVE REAPPORTIONMENT COMMISSION. ←

29 "Legislative record." Includes the following information
30 relating to a legislative agency or standing committee:

- 1 (1) A financial record.
- 2 (2) A bill or resolution that has been introduced and
3 amendments offered thereto in committee or in legislative
4 session, including resolutions to adopt or amend the rules of
5 a chamber.
- 6 (3) Fiscal notes.
- 7 (4) A cosponsorship memorandum.
- 8 (5) The journal of a chamber.
- 9 (6) The minutes of, RECORD OF ATTENDANCE OF MEMBERS AT <—
10 AND ALL RECORDED VOTES TAKEN IN a public committee meeting.
- 11 (7) The transcript of a public hearing when available.
- 12 ~~(8) The record of attendance of members at a committee <—~~
13 ~~meeting.~~
- 14 (8) EXECUTIVE NOMINATION CALENDARS. <—
- 15 (9) The rules of a chamber.
- 16 (10) A record of all recorded votes taken in a ~~committee <—~~
17 ~~meeting or~~ legislative session.
- 18 (11) Any administrative staff manuals or written
19 policies.
- 20 (12) An audit prepared pursuant to the act of June 30,
21 1970 (P.L.442, No.151) entitled, "An act implementing the
22 provisions of Article VIII, section 10 of the Constitution of
23 Pennsylvania, by designating the Commonwealth officers who
24 shall be charged with the function of auditing the financial
25 transactions after the occurrence thereof of the Legislative
26 and Judicial branches of the government of the Commonwealth,
27 establishing a Legislative Audit Advisory Commission, and
28 imposing certain powers and duties on such commission."
- 29 (13) Final or annual reports required by law to be
30 submitted to the General Assembly.

1 (14) Legislative Budget and Finance Committee reports.

2 (15) ~~Marked~~ DAILY LEGISLATIVE SESSION CALENDARS AND ←
3 MARKED calendars.

4 (16) A RECORD COMMUNICATING TO AN AGENCY THE OFFICIAL ←
5 APPOINTMENT OF A LEGISLATIVE APPOINTEE.

6 (17) A RECORD COMMUNICATING TO THE APPOINTING AUTHORITY
7 THE RESIGNATION OF A LEGISLATIVE APPOINTEE.

8 "Local agency." Any of the following:

9 (1) Any political subdivision, intermediate unit,
10 charter school or public trade or vocational school.

11 (2) Any local, intergovernmental, regional or municipal
12 agency, authority, council, board, commission or similar
13 governmental entity.

14 "Personal financial information." An individual's personal
15 credit, charge or debit card information; bank account
16 information; bank, credit or financial statements; account or
17 PIN numbers and other information relating to an individual's
18 personal finances.

19 "Privilege." The attorney-work product doctrine, the
20 attorney-client privilege, the doctor-patient privilege or other
21 privilege recognized by a court interpreting the laws of this
22 Commonwealth.

23 "Public record." A record of a Commonwealth or local agency
24 that:

25 (1) is not exempt under section 708;

26 (2) is not exempt from being disclosed under any other
27 Federal or State law or regulation or judicial order or
28 decree; or

29 (3) is not protected by a privilege.

30 "Record." Information, regardless of physical form or

1 characteristics, that documents a transaction or activity of an
2 agency and that is created, received or retained pursuant to law
3 or in connection with a transaction, business or activity of the
4 agency. The term includes a document, paper, letter, map, book,
5 tape, photograph, film or sound recording, information stored or
6 maintained electronically and a data-processed or image-
7 processed document. The term includes a financial record, a
8 legislative record and a public record.

9 "Requester." A person that is a resident of the United
10 States and requests a record pursuant to this act. The term
11 includes a political subdivision.

12 "Response." Access to a record or an agency's written notice
13 granting, denying or partially granting and partially denying
14 access to a record.

15 "Social services." Cash assistance and other welfare
16 benefits, medical, mental and other health care services, drug
17 and alcohol treatment, adoption services, vocational and
18 occupational training, education services, counseling services,
19 workers' compensation services and unemployment compensation
20 services, foster care services and services for victims of
21 crimes.

22 "State-affiliated entity." A Commonwealth authority or
23 Commonwealth entity. The term includes the Pennsylvania Higher
24 Education Assistance Agency, the Pennsylvania Housing Finance
25 Agency, the Pennsylvania Municipal Retirement Board, the State
26 System of Higher Education, a community college, the
27 Pennsylvania Turnpike Commission, the Pennsylvania Public
28 Utility Commission, the Pennsylvania Infrastructure Investment
29 Authority, the State Public School Building Authority, the
30 Pennsylvania Interscholastic Athletic Association and the

1 Pennsylvania Educational Facilities Authority. The term does not
2 include a State-related institution.

3 "Terrorist act." A violent or life-threatening act that
4 violates the criminal laws of the United States or any state and
5 appears to be intended to:

6 (1) intimidate or coerce a civilian population;

7 (2) influence the policy of a government; or

8 (3) affect the conduct of a government by mass
9 destruction, assassination or kidnapping.

10 "Trade secret." Information, including a formula, drawing,
11 pattern, compilation, including a customer list, program,
12 device, method, technique or process that:

13 (1) derives independent economic value, actual or
14 potential, from not being generally known to and not being
15 readily ascertainable by proper means by other persons who
16 can obtain economic value from its disclosure or use; and

17 (2) is the subject of efforts that are reasonable under
18 the circumstances to maintain its secrecy.

19 The term includes data processing software obtained by an agency
20 under a licensing agreement prohibiting disclosure.

21 CHAPTER 3

22 REQUIREMENTS AND PROHIBITIONS

23 Section 301. Commonwealth agencies.

24 (a) Requirement.--A Commonwealth agency shall provide public
25 records in accordance with this act.

26 (b) Prohibition.--A Commonwealth agency may not deny a
27 requester access to a public record due to the intended use of
28 the public record by the requester.

29 Section 302. Local agencies.

30 (a) Requirement.--A local agency shall provide public

1 records in accordance with this act.

2 (b) Prohibition.--A local agency may not deny a requester
3 access to a public record due to the intended use of the public
4 record by the requester.

5 Section 303. Legislative agencies.

6 (a) Requirement.--A legislative agency shall provide
7 legislative records in accordance with this act.

8 (b) Prohibition.--A legislative agency may not deny a
9 requester access to a legislative record due to the intended use
10 of the legislative record by the requester.

11 Section 304. Judicial agencies.

12 (a) Requirement.--A judicial agency shall provide financial
13 records in accordance with this act OR ANY RULE OR ORDER OF
14 COURT PROVIDING EQUAL OR GREATER ACCESS TO THE RECORDS. ←

15 (b) Prohibition.--A judicial agency may not deny a requester
16 access to a financial record due to the intended use of the
17 financial record by the requester.

18 Section 305. Presumption.

19 A record in the possession of a Commonwealth agency or local
20 agency shall be presumed to be a public record unless:

21 (1) the record is exempt under section 708;

22 (2) the record is protected by a privilege; or

23 (3) the record is exempt from disclosure under any other
24 Federal or State law or regulation or judicial order or
25 decree.

26 Section 306. Nature of document.

27 Nothing in this act shall supersede or modify the public or
28 confidential nature of a record or document established in

29 Federal or State ~~statute or~~ law, regulation or judicial order or ←
30 decree.

1 CHAPTER 5

2 ACCESS

3 Section 501. Scope of chapter.

4 This chapter applies to all agencies.

5 Section 502. Open-records officer.

6 (a) Establishment.--

7 (1) An agency shall designate an official or employee to
8 act as the open-records officer.

9 (2) For a legislative agency other than the Senate or
10 the House of Representatives, the open-records officer
11 designated by the Legislative Reference Bureau shall serve as
12 the open-records officer.

13 (b) Functions.--

14 (1) The open-records officer shall receive requests
15 submitted to the agency under this act, direct requests to
16 other appropriate persons within the agency or to appropriate
17 persons in another agency, track the agency's progress in
18 responding to requests and issue interim and final responses
19 under this act.

20 (2) Upon receiving a request for a public record,
21 legislative record or financial record, the open-records
22 officer shall do all of the following:

23 (i) Note the date of receipt on the written request.

24 (ii) Compute the day on which the five-day period
25 under section 901 will expire and make a notation of that
26 date on the written request.

27 (iii) Maintain an electronic or paper copy of a
28 written request, including all documents submitted with
29 the request until the request has been fulfilled. If the
30 request is denied, the written request shall be

1 maintained for 30 days or, if an appeal is filed, until a
2 final determination is issued under section 1101(b) or
3 the appeal is deemed denied.

4 (iv) Create a file for the retention of the original
5 request, a copy of the response, a record of written
6 communications with the requester and a copy of other
7 communications. This subparagraph shall only apply to
8 Commonwealth agencies.

9 Section 503. Appeals officer.

10 (a) Commonwealth agencies and local agencies.--Except as
11 provided in subsection (d), the clearinghouse established under
12 section 1310 shall designate an appeals officer under section
13 1101(a)(2) for all:

14 (1) Commonwealth agencies; and

15 (2) local agencies.

16 (b) Judicial agencies.--A judicial agency shall designate an
17 appeals officer to hear appeals under Chapter 11.

18 (c) Legislative agencies.--

19 (1) Except as set forth in paragraph (2), the
20 Legislative Reference Bureau shall designate an appeals
21 officer to hear appeals under Chapter 11 for all legislative
22 agencies.

23 (2) Each of the following shall designate an appeals
24 officer to hear appeals under Chapter 11:

25 (i) The Senate.

26 (ii) The House of Representatives.

27 (d) Law enforcement records and Statewide officials.--

28 (1) The Attorney General, State Treasurer and Auditor
29 General shall each designate an appeals officer to hear
30 appeals under Chapter 11.

1 Administrative Office of Pennsylvania Courts or the
2 clearinghouse.

3 (c) Legislative agencies.--A legislative agency may develop
4 a form to request legislative records or may use the form
5 developed by the clearinghouse.

6 Section 506. Requests.

7 (a) Disruptive requests.--

8 (1) An agency may deny a requester access to a record if
9 the requester has made repeated requests for that same record
10 which requests have placed an unreasonable burden on the
11 agency.

12 (2) A denial under this subsection shall not restrict
13 the ability to request a different record.

14 (b) Disaster or potential damage.--

15 (1) An agency may deny a requester access:

16 (i) when timely access is not possible due to fire,
17 flood or other disaster; or

18 (ii) to historical, ancient or rare documents,
19 records, archives and manuscripts when access may, in the
20 professional judgment of the curator or custodian of
21 records, cause physical damage or irreparable harm to the
22 record.

23 (2) To the extent possible, the contents of a record
24 under this subsection shall be made accessible to a requester
25 even when the record is physically unavailable.

26 (c) Agency discretion.--An agency may exercise its
27 discretion to make any otherwise exempt record accessible for
28 inspection and copying under this chapter, if all of the
29 following apply:

30 (1) Disclosure of the record is not prohibited under any

1 of the following:

2 (i) Federal or State law or regulation.

3 (ii) Judicial order or decree.

4 (2) The record is not protected by a privilege.

5 (3) The agency head determines that the public interest
6 favoring access outweighs any individual, agency or public
7 interest that may favor restriction of access.

8 (d) Agency possession.--

9 (1) A public record that is not in the possession of an
10 agency but is in the possession of a party with whom the
11 agency has contracted to perform a governmental function for
12 the agency, and which directly relates to the governmental
13 function and is not exempt under section 305, shall be
14 considered a public record of the agency for purposes of this
15 act.

16 (2) Nothing in this act shall be construed to require
17 access to any other public record of the party in possession
18 of the record.

19 (3) A request for a public record in possession of a
20 party other than the agency shall be submitted to the open
21 records officer of the agency. The open records officer shall
22 assess the duplication fee established under section 1307(b)
23 and remit the fee to the party in possession of the record if
24 the party duplicated the record.

25 Section 507. Retention of records.

26 Nothing in this act shall be construed to modify, rescind or
27 supersede any record retention disposition schedule of an agency
28 established pursuant to law, regulation, policy or other
29 directive.

30

CHAPTER 7

1 not include any explanation of the requester's reason for
2 requesting or intended use of the records.

3 Section 704. Electronic access.

4 (a) General rule.--In addition to the requirements of
5 section 701, an agency may make its records available through
6 any publicly accessible electronic means.

7 (b) Response.--

8 (1) In addition to the requirements of section 701, an
9 agency may respond to a request by notifying the requester
10 that the record is available through publicly accessible
11 electronic means or that the agency will provide access to
12 inspect the record electronically.

13 (2) If the requester is unwilling or unable to use the
14 electronic access, the requester may submit a written request
15 to the agency, within 30 days following receipt of the agency
16 notification, to have the record converted to paper. The
17 agency shall provide the record in printed form within five
18 days of the receipt of the written request for conversion to
19 paper.

20 Section 705. Creation of record.

21 When responding to a request for access, an agency shall not
22 be required to create a record which does not currently exist or
23 to compile, maintain, format or organize a record in a manner in
24 which the agency does not currently compile, maintain, format or
25 organize the record.

26 Section 706. Redaction.

27 If an agency determines that a public record, legislative
28 record or financial record contains information which is subject
29 to access as well as information which is not subject to access
30 under section 305 or 708, the agency's response shall grant

1 access to the information which is subject to access and deny
2 access to the information which is not subject to access. If the
3 information which is not subject to access is an integral part
4 of the public record, legislative record or financial record and
5 cannot be separated, the agency shall redact from the record the
6 information which is not subject to access, and the response
7 shall grant access to the information which is subject to
8 access. The agency may not deny access to the record if the
9 information which is not subject to access is able to be
10 redacted. Information which an agency redacts in accordance with
11 this subsection shall be deemed a denial under Chapter 9.

12 Section 707. Production of certain records.

13 (a) General rule.--If, in response to a request, an agency
14 produces a record that is not a public record, legislative
15 record or financial record, the agency shall notify any third
16 party that provided the record to the agency, the person that is
17 the subject of the record and the requester.

18 (b) Requests for trade secrets.--An agency shall notify a
19 third party of a request for a record if the third party
20 provided the record and included a written statement signed by a
21 representative of the third party that the record contains a
22 trade secret or confidential proprietary information.
23 Notification shall be provided within five business days of
24 receipt of the request for the record. The third party shall
25 have five business days from receipt of notification from the
26 agency to provide input on the release of the record. The agency
27 shall deny the request for the record or release the record
28 within ten business days of the provision of notice to the third
29 party and shall notify the third party of the decision.

30 (c) Transcripts.--

1 ~~(1) Except as set forth in paragraph (2), a transcript~~ <—
2 ~~of an administrative proceeding shall not become a public~~
3 ~~record until the final adjudication.~~

4 ~~(2) Transcripts shall be provided to parties and their~~
5 ~~attorneys prior to final adjudication by the agency~~

6 (1) PRIOR TO AN ADJUDICATION BECOMING FINAL, BINDING AND <—
7 NONAPPEALABLE, A TRANSCRIPT OF AN ADMINISTRATIVE PROCEEDING
8 SHALL BE PROVIDED TO A REQUESTER BY THE AGENCY stenographer
9 or a court reporter, in accordance with agency procedure or
10 an applicable contract.

11 (2) FOLLOWING AN ADJUDICATION BECOMING FINAL, BINDING <—
12 AND NONAPPEALABLE, A TRANSCRIPT OF AN ADMINISTRATIVE
13 PROCEEDING SHALL BE PROVIDED TO A REQUESTER IN ACCORDANCE
14 WITH THE DUPLICATION RATES ESTABLISHED IN SECTION 1307(B).

15 Section 708. Exceptions for public records.

16 (a) Burden of proof.--The burden of proving that a public
17 record is exempt from public access shall be on the Commonwealth
18 or local agency receiving a request by a preponderance of the
19 evidence.

20 (b) Exceptions.--In the case of a public record, unless
21 disclosure is otherwise required by law, the following are
22 exempt from access by a requester under this act:

23 (1) A record the disclosure of which:

24 (i) would result in the loss of Federal or State
25 funds by an agency or the Commonwealth; or

26 (ii) would be reasonably likely to result in a
27 substantial and demonstrable risk of physical harm to an
28 individual.

29 (2) A record maintained by an agency in connection with
30 the military, homeland security, national defense, law

1 enforcement or other public safety activity that if disclosed
2 would be reasonably likely to jeopardize or threaten public
3 safety or preparedness or public protection activity or a
4 record that is designated classified by an appropriate
5 Federal or State military authority.

6 (3) A record, the disclosure of which creates a
7 reasonable likelihood of endangering the life, safety or the
8 physical security of a building, public utility, resource,
9 infrastructure, facility or information storage system, which
10 may include:

11 (i) documents or data relating to computer hardware,
12 source files, software and system networks that could
13 jeopardize computer security by exposing a vulnerability
14 in preventing, protecting against, mitigating or
15 responding to a terrorist act;

16 (ii) lists of infrastructure, resources and
17 significant special events, including those defined by
18 the Federal Government in the National Infrastructure
19 Protections, which are deemed critical due to their
20 nature and which result from risk analysis; threat
21 assessments; consequences assessments; antiterrorism
22 protective measures and plans; counterterrorism measures
23 and plans; and security and response needs assessments;
24 and

25 (iii) building plans or infrastructure records that
26 expose or create vulnerability through disclosure of the
27 location, configuration or security of critical systems,
28 including public utility systems, structural elements,
29 technology, communication, electrical, fire suppression,
30 ventilation, water, wastewater, sewage and gas systems.

1 (4) A record regarding computer hardware, software and
2 networks, including administrative or technical records,
3 which, if disclosed, would be reasonably likely to jeopardize
4 computer security.

5 (5) A record of an individual's medical, psychiatric or
6 psychological history or disability status, including
7 evaluation, consultation, a prescription, diagnosis or
8 treatment; results of tests, including drug tests; enrollment
9 in a health care program or program designed for
10 participation by persons with disabilities, including
11 vocation rehabilitation, workers' compensation and
12 unemployment compensation; or related information that would
13 disclose individually identifiable health information.

14 (6) (i) The following personal identification
15 information:

16 (A) A record containing all or part of an
17 individual's Social Security number; driver's license
18 number; personal financial information of an
19 individual; home, cellular or personal telephone
20 number; personal e-mail address; employee number;
21 other CONFIDENTIAL personal identification number. <—

22 (B) A spouse's name; marital status, beneficiary
23 or dependent information.

24 (ii) Nothing in this paragraph shall preclude the
25 release of the name, position, salary, actual
26 compensation or other payments or expenses, employment
27 contract, EMPLOYMENT-RELATED CONTRACT or agreement and <—
28 length of service of a public official or an agency
29 employee.

30 (iii) An agency may redact the name or other

1 identifying information relating to an individual
2 performing an undercover or covert law enforcement
3 activity from a record.

4 (7) The following records relating to an agency
5 employee:

6 (i) A letter of reference or recommendation
7 pertaining to the character or qualifications of an
8 identifiable individual, unless it was prepared in
9 relation to the appointment of an individual to fill a
10 vacancy in an elected office or an appointed office
11 requiring Senate confirmation.

12 (ii) A performance rating or review.

13 (iii) The result of a civil service or similar test
14 administered by a Commonwealth agency, legislative agency
15 or judicial agency. The result of a civil service or
16 similar test administered by a local agency shall not be
17 disclosed if restricted by a collective bargaining
18 agreement. Only test scores of individuals who obtained a
19 passing score on a test administered by a local agency
20 may be disclosed.

21 (iv) The employment application of an individual who
22 is not hired by the agency.

23 (v) Workplace support services program information.

24 (vi) Written criticisms of an employee.

25 (vii) Grievance material, including documents
26 related to discrimination or sexual harassment.

27 (viii) (A) Information regarding discipline,
28 demotion or discharge contained in a personnel file.

29 (B) This subparagraph shall not apply to the
30 final action of an agency that results in demotion or

1 discharge.

2 (8) (i) A record pertaining to strategy or negotiations
3 relating to labor relations or collective bargaining or
4 arbitration award.

5 (ii) This paragraph does not apply to any final or
6 executed contract or agreement ~~or arbitration award~~ ←
7 between the parties OR TO ANY ARBITRATION AWARD. ←

8 (9) The draft of a bill, resolution, regulation,
9 statement of policy, management directive, ordinance or
10 amendment thereto prepared by or for an agency.

11 (10) (i) A record that reflects:

12 (A) The internal, predecisional deliberations of
13 an agency, its members, employees or officials or
14 predecisional deliberations between agency members,
15 employees or officials and members, employees or
16 officials of another agency, including predecisional
17 deliberations relating to a budget recommendation,
18 legislative proposal, legislative amendment,
19 contemplated or proposed policy or course of action
20 or any research, memos or other documents used in the
21 predecisional deliberations.

22 (B) The strategy to be used to develop or
23 achieve the successful adoption of a budget,
24 legislative proposal or regulation.

25 (ii) This paragraph applies to:

26 (A) The Governor's Office, the head of a
27 Commonwealth agency and the staff of the Governor or
28 agency.

29 (B) The chief executive officer or governing
30 body of a local agency, or a member or staff of the

1 local agency prior to the presentation of the
2 decision, policy, proposal or course of action to a
3 quorum of the governing body.

4 (iii) This paragraph does not apply to a written
5 application or other document used to request
6 Commonwealth funds.

7 (11) A record that constitutes or reveals a trade secret
8 or confidential proprietary information.

9 (12) Notes and working papers prepared by or for a
10 public official or agency employee used solely for that
11 official's or employee's own personal use, including
12 telephone message slips, routing slips and other materials
13 that do not have an official purpose.

14 (13) Records that would disclose the identity of an
15 individual who lawfully makes a donation to an agency unless
16 the donation is intended for or restricted to providing
17 remuneration or personal tangible benefit to a named public
18 official or employee of the agency, including lists of
19 potential donors compiled by an agency to pursue donations,
20 donor profile information or personal identifying information
21 relating to a donor.

22 (14) Unpublished lecture notes, unpublished manuscripts,
23 unpublished articles, creative works in progress, research-
24 related material and scholarly correspondence of a community
25 college or an institution of the State System of Higher
26 Education or a faculty member, staff employee, guest speaker
27 or student thereof.

28 (15) Examination questions, scoring keys or answers to
29 an examination.

30 (16) A record of an agency relating to or resulting in a

1 criminal investigation, including:

2 (i) Complaints of potential criminal conduct other
3 than a private criminal complaint.

4 (ii) Investigative materials, notes, correspondence
5 and reports.

6 (iii) A record that includes the identity of a
7 confidential source or the identity of a suspect who has
8 not been charged with an offense to whom confidentiality
9 has been promised.

10 (iv) A record that includes information made
11 confidential by law or court order.

12 (v) Victim information, including any information
13 that would jeopardize the safety of the victim.

14 (vi) A record that, if disclosed, would do any of
15 the following:

16 (A) Reveal the institution, progress or result
17 of a criminal investigation, except the filing of
18 criminal charges.

19 (B) Deprive a person of the right to a fair
20 trial or an impartial adjudication.

21 (C) Impair the ability to locate a defendant or
22 codefendant.

23 (D) Hinder an agency's ability to secure an
24 arrest, prosecution or conviction.

25 (E) Endanger the life or physical safety of an
26 individual.

27 THIS PARAGRAPH SHALL NOT APPLY TO INFORMATION CONTAINED IN A <—
28 POLICE BLOTTER AS DEFINED IN 18 PA.C.S. § 9102 (RELATING TO
29 DEFINITIONS) OR IN A TRAFFIC REPORT.

30 (17) A record of an agency relating to a noncriminal

1 investigation, including:

2 (i) Complaints submitted to an agency.

3 (ii) Investigative materials, notes, correspondence
4 and reports.

5 (iii) A record that includes the identity of a
6 confidential source, including individuals subject to the
7 act of December 12, 1986 (P.L.1559, No.169), known as the
8 Whistleblower Law.

9 (iv) A record that includes information made
10 confidential by law.

11 (v) Work papers underlying an audit.

12 (vi) A record that, if disclosed, would do any of
13 the following:

14 (A) Reveal the institution, progress or result
15 of an agency investigation, except the imposition of
16 a fine or civil penalty or the suspension,
17 modification or revocation of a license, permit,
18 registration, certification or similar authorization
19 issued by an agency.

20 (B) Deprive a person of the right to an
21 impartial adjudication.

22 (C) Constitute an unwarranted invasion of
23 privacy.

24 (D) Hinder an agency's ability to secure an
25 administrative or civil sanction.

26 (E) Endanger the life or physical safety of an
27 individual.

28 (18) 911 recordings.

29 (19) DNA records.

30 (20) An autopsy record of a coroner or medical examiner

1 and any audiotape of a postmortem examination or autopsy, or
2 a copy, reproduction or facsimile of a photograph, negative
3 or print, including a photograph or videotape of the body or
4 any portion of the body of a deceased person at the scene of
5 death or in the course of a postmortem examination or autopsy
6 taken or made by or caused to be taken or made by the coroner
7 or medical examiner. This exception shall not limit the
8 reporting of the name of the deceased individual, the cause
9 of death and whether the death was caused by criminal
10 activity or criminal negligence in accordance with section
11 1251 of the act of August 9, 1955 (P.L.323, No.130), known as
12 The County Code.

13 (21) Minutes of an executive session and any record of
14 discussions held in executive session.

15 (22) (i) The contents of real estate appraisals,
16 engineering or feasibility estimates, environmental
17 reviews, audits or evaluations made for or by an agency
18 relative to the following:

19 (A) The leasing, acquiring or disposing of real
20 property.

21 (B) The purchase of public supplies or equipment
22 included in the real estate transaction.

23 (C) Construction projects.

24 (ii) This paragraph does not apply once the decision
25 is made to proceed with the lease, acquisition or
26 disposal of real property or the purchase of public
27 supply or construction project.

28 (23) Library and archive circulation and order records
29 of an identifiable individual or groups of individuals.

30 (24) Library archived and museum materials, or valuable

1 or rare book collections or documents contributed by gift,
2 grant, bequest or devise, to the extent of any limitations
3 imposed by the donor as a condition of the contribution.

4 (25) A record identifying the location of an
5 archeological site or an endangered or threatened plant or
6 animal species if not already known to the general public.

7 (26) A proposal pertaining to agency procurement or
8 disposal of supplies, services or construction prior to the
9 award of the contract or prior to the opening and rejection
10 of all bids; financial information of a bidder or offeror
11 requested in an invitation for bid or request for proposals
12 to demonstrate the bidder's or offeror's economic capability;
13 or the identity of members, notes and other records of agency
14 proposal evaluation committees established under 62 Pa.C.S. §
15 513 (relating to competitive sealed proposals).

16 (27) A record or information relating to a communication
17 between an agency and its insurance carrier, administrative
18 service organization or risk management office. This
19 paragraph does not apply to a contract with an insurance
20 carrier, administrative service organization or risk
21 management office or to financial records relating to the
22 provision of insurance.

23 (28) A record or information:

24 (i) identifying an individual who applies for or
25 receives social services; or

26 (ii) relating to the following:

27 (A) the type of social services received by an
28 individual;

29 (B) an individual's application to receive
30 social services, including a record or information

1 related to an agency decision to grant, deny, reduce
2 or restrict benefits, including a quasi-judicial
3 decision of the agency and the identity of a
4 caregiver or others who provide services to the
5 individual; or

6 (C) eligibility to receive social benefits,
7 including the individual's income, assets, physical
8 or mental health, age, disability, family
9 circumstances or record of abuse.

10 (c) Financial records.--The exceptions set forth in
11 subsection (b) shall not apply to financial records, except for
12 financial records protected under subsection (b)(1), (2), (3) or
13 (4), personal financial information or individual medical
14 information PROTECTED under subsection (b)(5). An agency may <—
15 redact that portion of a financial record which would disclose
16 information protected ~~by~~ UNDER subsection (b)(6) or disclose the <—
17 identity of a crime victim, confidential source or an individual
18 performing an undercover or covert law enforcement activity
19 PROTECTED under subsection (b)(16) or (17). <—

20 (d) Aggregated data.--The exceptions set forth in subsection
21 (b) shall not apply to aggregated data, maintained or received
22 by an agency, except for data protected under subsection (b)(1),
23 (2), (3) or (4).

24 CHAPTER 9

25 AGENCY RESPONSE

26 Section 901. General rule.

27 Upon receipt of a written request for access to a record, an
28 agency shall make a good faith effort to determine if the record
29 requested is a public record, legislative record or financial
30 record and whether the agency has possession, custody or control

1 of the identified record, and to respond as promptly as possible
2 under the circumstances existing at the time of the request. The
3 time for response shall not exceed five business days from the
4 date the written request is received by the agency head or open-
5 records officer for an agency. If the agency fails to send the
6 response within five business days of receipt of the written
7 request for access, the written request for access shall be
8 deemed denied.

9 Section 902. Extension of time.

10 (a) Determination.--Upon receipt of a written request for
11 access, the open-records officer for an agency shall determine
12 if one of the following applies:

13 (1) the request for access requires redaction of a
14 record in accordance with section 706;

15 (2) the request for access requires the retrieval of a
16 record stored in a remote location;

17 (3) a timely response to the request for access cannot
18 be accomplished due to bona fide and specified staffing
19 limitations;

20 (4) a legal review is necessary to determine whether the
21 record is a record subject to access under this act;

22 (5) the requester has not complied with the Commonwealth
23 agency's policies regarding access to records;

24 (6) the requester refuses to pay applicable fees
25 authorized by this act; or

26 (7) the extent or nature of the request precludes a
27 response within the required time period.

28 (b) Notice.--

29 (1) Upon a determination that one of the factors listed
30 in subsection (a) applies, the open-records officer shall

1 send written notice to the requester within five business
2 days of receipt of the request for access under subsection
3 (a).

4 (2) The notice shall include a statement notifying the
5 requester that the request for access is being reviewed, the
6 reason for the review and a reasonable date that a response
7 is expected to be provided. If the date that a response is
8 expected to be provided is in excess of 30 days, following
9 the five business days allowed for in section 901, the
10 request for access shall be deemed denied unless the
11 requester has agreed in writing for an extension to the date
12 specified in the notice.

13 (3) If the requester agrees to the extension, the
14 request shall be deemed denied on the day following the date
15 specified in the notice if the agency has not provided a
16 response by that date.

17 Section 903. Denial.

18 If an agency's response is a denial of a written request for
19 access, whether in whole or in part, a written response shall be
20 issued and include:

21 (1) A description of the record requested.

22 (2) The specific reasons for the denial, including a
23 citation of supporting legal authority.

24 (3) The typed or printed name, title, business address,
25 business telephone number and signature of the agency head or
26 open-records officer on whose authority the denial is issued.

27 (4) Date of the response.

28 (5) The procedure to appeal the denial of access under
29 this act.

30 Section 904. Certified copies.

1 If an agency's response grants a request for access, the
2 agency shall, upon request, provide the requester with a
3 certified copy of the record if the requester pays the
4 applicable fees pursuant to section 1307.

5 CHAPTER 11

6 APPEAL OF AGENCY DETERMINATION

7 Section 1101. Filing of appeal.

8 (a) Authorization.--

9 (1) If a written request for access is denied or deemed
10 denied, the requester may file an appeal with the
11 clearinghouse or other appropriate appeals officer within 15
12 business days of the mailing date of the agency's response or
13 within 15 business days of a deemed denial. The appeal shall
14 state the grounds upon which the requester asserts that the
15 record is a public record, legislative record or financial
16 record and shall address any grounds stated by the agency for
17 delaying or denying the request.

18 (2) In the case of an appeal of a decision by a
19 Commonwealth agency or local agency, the clearinghouse shall
20 assign an appeals officer to review the denial.

21 (b) Determination.--

22 (1) Unless the requester agrees otherwise, the appeals
23 officer shall make a final determination which shall be
24 mailed to the requester and the agency within 30 days of
25 receipt of the appeal filed under subsection (a).

26 (2) If the appeals officer fails to issue a final
27 determination within 30 days, the appeal is deemed denied.

28 (3) Prior to issuing a final determination, a hearing
29 may be conducted. The determination by the appeals officer
30 shall be a final order. The appeals officer shall provide a

1 written explanation of the reason for the decision to the
2 requester and the agency.

3 (c) Direct interest.--

4 (1) A person other than the agency or requester with a
5 direct interest in the record subject to an appeal under this
6 section may, within 15 calendar days following receipt of
7 actual knowledge of the appeal but no later than the date the
8 appeals officer issues an order, file a written request to
9 provide information or appear before the appeals officer or
10 to file information in support of the requester's or agency's
11 position.

12 (2) The appeals officer may grant the request if:

13 (i) no hearing has been held;

14 (ii) the office has not yet issued its order; and

15 (iii) the appeals officer believes the information
16 will be probative.

17 (3) Copies of the written request shall be sent to the
18 agency and the requester.

19 Section 1102. Appeals officers.

20 (a) Scope.--This section applies to all agencies.

21 (b) Duties.--The appeals officer shall do all of the
22 following:

23 (1) Set a schedule for the requester and the open-
24 records officer to submit documents in support of their
25 positions.

26 (2) Review all information filed relating to the
27 request. The appeals officer may hold a hearing. A decision
28 to hold or not to hold a hearing is not appealable. The
29 appeals officer may admit into evidence testimony, evidence
30 and documents that the appeals officer believes to be

1 reasonably probative and relevant to an issue in dispute. The
2 appeals officer may limit the nature and extent of evidence
3 found to be cumulative.

4 (3) Consult with agency counsel as appropriate.

5 (4) Issue a final determination on behalf of the agency.

6 (c) Procedures.--The clearinghouse, a judicial agency or a
7 legislative agency may adopt procedures relating to appeals
8 under this chapter.

9 (1) If an appeal is resolved without a hearing, 1 Pa.
10 Code Pt. II (relating to general rules of administrative
11 practice and procedure) does not apply except to the extent
12 that the clearinghouse, legislative agency or judicial agency
13 has adopted these chapters in its regulations or rules.

14 (2) If a hearing is held, 1 Pa. Code Pt. II shall apply
15 unless the clearinghouse, the judicial agency or the
16 legislative agency has adopted regulations or rules to the
17 contrary.

18 (3) In the absence of a regulation or rule governing
19 appeals under this chapter, the appeals officer shall rule on
20 procedural matters on the basis of justice, fairness and the
21 expeditious resolution of the dispute.

22 CHAPTER 13

23 JUDICIAL REVIEW

24 Section 1301. Commonwealth agencies, legislative agencies and
25 judicial agencies.

26 (a) General rule.--Within 30 days of the mailing date of the
27 final determination of the appeals officer relating to a
28 decision of a Commonwealth agency, a legislative agency or a
29 judicial agency issued under section ~~1103~~ 1101(B) or the date a <—
30 request for access is deemed denied, a requester or the agency

1 may file a petition for review or other document as might be
2 required by rule of court with the Commonwealth Court. The
3 decision of the court shall contain findings of fact and
4 conclusions of law based upon the evidence as a whole. The
5 decision shall clearly and concisely explain the rationale for
6 the decision.

7 (b) Stay.--An appeal under this section shall stay the
8 release of documents until a decision under subsection (a) is
9 issued.

10 Section 1302. Local agencies.

11 (a) General rule.--Within 30 days of the mailing date of the
12 final determination of the appeals officer relating to a
13 decision of a local agency issued under section ~~1103~~ 1101(B) or ←
14 of the date a request for access is deemed denied, a requester
15 or local agency may file a petition for review or other document
16 as required by rule of court with the court of common pleas for
17 the county where the local agency is located. The decision of
18 the court shall contain findings of fact and conclusions of law
19 based upon the evidence as a whole. The decision shall clearly
20 and concisely explain the rationale for the decision.

21 (b) Stay.--An appeal under this section shall stay the
22 release of documents until a decision under subsection (a) is
23 issued.

24 Section 1303. Notice and records.

25 (a) Notice.--An agency, the requester and the appeals
26 officer shall be served notice of actions commenced in
27 accordance with section 1301 or 1302 and shall have an
28 opportunity to respond in accordance with applicable court
29 rules.

30 (b) Record on appeal.--The record before a court shall

1 consist of the request, the agency's response, the appeal filed
2 under section 1101, the hearing transcript, if any, and the
3 final written determination of the appeals officer.

4 Section 1304. Court costs and attorney fees.

5 (a) Reversal of agency determination.--If a court reverses
6 the final determination of the appeals officer or grants access
7 after a request for access was deemed denied, the court may
8 award reasonable attorney fees and costs of litigation or an
9 appropriate portion thereof to a requester if the court finds
10 either of the following:

11 (1) the agency receiving the original request willfully
12 or with wanton disregard deprived the requester of access to
13 a public record subject to access or otherwise acted in bad
14 faith under the provisions of this act; or

15 (2) the exemptions, exclusions or defenses asserted by
16 the agency in its final determination were not based on a
17 reasonable interpretation of law.

18 (b) Sanctions for frivolous requests or appeals.--The court
19 may award reasonable attorney fees and costs of litigation or an
20 appropriate portion thereof to an agency or the requester if the
21 court finds that the legal challenge under this chapter was
22 frivolous.

23 (c) Other sanctions.--Nothing in this act shall prohibit a
24 court from imposing penalties and costs in accordance with
25 applicable rules of court.

26 Section 1305. Civil penalty.

27 (a) Denial of access.--A court may impose a civil penalty of
28 not more than \$1,000 if an agency denied access to a public
29 record in bad faith.

30 (b) Failure to comply with court order.--An agency or public

1 official who does not promptly comply with a court order under
2 this act is subject to a civil penalty of not more than \$500 per
3 day until the public records are provided.

4 Section 1306. Immunity.

5 (a) General rule.--Except as provided in sections 1304 and
6 1305 and other statutes governing the release of records, no
7 agency, public official or public employee shall be liable for
8 civil ~~or criminal damages or~~ penalties resulting from compliance ←
9 or failure to comply with this act.

10 (b) Schedules.--No agency, public official or public
11 employee shall be liable for civil or criminal damages or
12 penalties under this act for complying with any written public
13 record retention and disposition schedule.

14 Section 1307. Fee limitations.

15 (a) Postage.--Fees for postage may not exceed the actual
16 cost of mailing.

17 (b) Duplication.--

18 (1) Fees for duplication by photocopying, printing from
19 electronic media or microfilm, copying onto electronic media,
20 transmission by facsimile or other electronic means and other
21 means of duplication shall be established:

22 (i) by the clearinghouse, for Commonwealth agencies
23 and local agencies;

24 (ii) by each judicial agency; and

25 (iii) by each legislative agency.

26 (2) The fees must be reasonable and based on prevailing
27 fees for comparable duplication services provided by local
28 business entities.

29 (3) Fees for local agencies may reflect regional price
30 differences.

1 (4) Fees for copying complex and extensive data sets, ←
2 ~~including geographic information systems and~~ OF GEOGRAPHIC ←
3 INFORMATION SYSTEMS OR integrated property assessment lists
4 may be based on consideration of the reasonable market value
5 of the same or closely related data sets.

6 (c) Certification.--An agency may impose reasonable fees for
7 official certification of copies if the certification is at the
8 behest of the requester and for the purpose of legally verifying
9 the public record.

10 (d) Conversion to paper.--If a record is only maintained
11 electronically or in other nonpaper media, duplication fees
12 shall be limited to the lesser of the fee for duplication on
13 paper or the fee for duplication in the original media as
14 provided by subsection (b) unless the requester specifically
15 requests for the record to be duplicated in the more expensive
16 medium.

17 (e) Enhanced electronic access.--If an agency offers
18 enhanced electronic access to records in addition to making the
19 records accessible for inspection and duplication by a requester
20 as required by this act, the agency may establish user fees
21 specifically for the provision of the enhanced electronic
22 access, but only to the extent that the enhanced electronic
23 access is in addition to making the records accessible for
24 inspection and duplication by a requester as required by this
25 act. The user fees for enhanced electronic access may be a flat
26 rate, a subscription fee for a period of time, a per-transaction
27 fee, a fee based on the cumulative time of system access or any
28 other reasonable method and any combination thereof. The user
29 fees for enhanced electronic access must be reasonable, must be
30 approved by the clearinghouse and may not be established with

1 the intent or effect of excluding persons from access to records
2 or duplicates thereof or of creating profit for the agency.

3 (f) Waiver of fees.--An agency may waive the fees for
4 duplication of a record, including, but not limited to, when:

5 (1) the requester duplicates the record; or

6 (2) the agency deems it is in the public interest to do
7 so.

8 (g) Limitations.--Except as otherwise provided by statute,
9 no other fees may be imposed unless the agency necessarily
10 incurs costs for complying with the request, and such fees must
11 be reasonable. No fee may be imposed for an agency's review of a
12 record to determine whether the record is a public record,
13 legislative record or financial record subject to access in
14 accordance with this act.

15 (h) Prepayment.--Prior to granting a request for access in
16 accordance with this act, an agency may require a requester to
17 prepay an estimate of the fees authorized under this section if
18 the fees required to fulfill the request are expected to exceed
19 \$100.

20 Section 1308. Prohibition.

21 A policy, rule or regulation adopted under this act may not
22 include any of the following:

23 (1) A limitation on the number of records which may be
24 requested or made available for inspection or duplication.

25 (2) A requirement to disclose the purpose or motive in
26 requesting access to records.

27 Section 1309. Practice and procedure.

28 The provisions of 2 Pa.C.S. (relating to administrative law
29 and procedure) shall not apply to this act unless specifically
30 adopted by rule or regulation.

1 Section 1310. Clearinghouse.

2 (a) Establishment.--There is hereby established in the
3 Department of Community and Economic Development an Open Records
4 Clearinghouse. The clearinghouse shall do all of the following:

5 (1) Provide information relating to the implementation
6 and enforcement of this act.

7 (2) Issue advisory opinions to agencies and requesters.

8 (3) Provide annual training courses to agencies on this
9 act and 65 Pa.C.S. Ch. 7 (relating to open meetings).

10 (4) Provide annual, regional training courses to local
11 agencies.

12 (5) Review appeals of decisions by Commonwealth agencies
13 or local agencies except as provided in section 503(d) filed
14 under section 1101 and issue orders and opinions. The
15 clearinghouse shall employ or contract with attorneys to
16 serve as appeals officers to review appeals and, if
17 necessary, to hold hearings on a regional basis under this
18 act. Each appeals officer must comply with all of the
19 following:

20 (i) Complete a training course provided by the
21 clearinghouse prior to acting as an appeals officer.

22 (ii) If a hearing is necessary, hold hearings
23 regionally as necessary to ensure access to the remedies
24 provided by this act.

25 (iii) Comply with the procedures under section
26 1102(b).

27 (6) Establish an informal mediation program to resolve
28 disputes under this act.

29 (7) Establish an Internet website with information
30 relating to this act, including advisory opinions and

1 decisions and the name and address of all open records
2 officers in this Commonwealth.

3 (8) Conduct a biannual review of fees charged under this
4 act.

5 (9) Annually report on its activities and findings to
6 the Governor and the General Assembly. The report shall be
7 posted and maintained on the Internet website established
8 under paragraph (7).

9 (b) Executive director.--The Governor shall appoint an
10 executive director of the clearinghouse who shall serve for a
11 term of six years. Compensation shall be set by the Executive
12 Board established under section 204 of the act of April 9, 1929
13 (P.L.177, No.175), known as The Administrative Code of 1929. The
14 executive director may serve no more than two terms.

15 (c) Limitation.--The executive director shall not seek
16 election nor accept appointment to any political office during
17 his tenure as executive director and for one year thereafter.

18 (d) Staffing.--The executive director shall appoint
19 attorneys to act as appeals officers and additional clerical,
20 technical and professional staff as may be appropriate and may
21 contract for additional services as necessary for the
22 performance of the executive director's function. The
23 compensation of attorneys and other staff shall be set by the
24 Executive Board.

25 (e) Duties.--The executive director shall ensure that the
26 duties of the clearinghouse are carried out and shall monitor
27 cases appealed to the clearinghouse.

28 (f) Appropriation.--The appropriation for the clearinghouse
29 shall be in a separate line item and shall be under the
30 jurisdiction of the executive director.

1 CHAPTER 15

2 STATE-RELATED INSTITUTIONS

3 Section 1501. Definition.

4 As used in this chapter, "State-related institution" means
5 any of the following:

- 6 (1) Temple University.
- 7 (2) The University of Pittsburgh.
- 8 (3) The Pennsylvania State University.
- 9 (4) Lincoln University.

10 Section 1502. Reporting.

11 No later than May 30 of each year, a State-related
12 institution shall file with the Governor's Office, the General
13 Assembly, the Auditor General and the State Library the
14 information set forth in section 1503.

15 Section 1503. Contents of report.

16 The report required under section 1502 shall include the
17 following:

18 (1) Except as provided in paragraph (4), all information
19 required by Form 990 or an equivalent form, of the United
20 States Department of the Treasury, Internal Revenue Service,
21 entitled the Return of Organization Exempt From Income Tax,
22 regardless of whether the State-related institution is
23 required to file the form by the Federal Government.

24 (2) The salaries of all officers and directors of the
25 State-related institution.

26 (3) The highest 25 salaries paid to employees of the
27 institution that are not included under paragraph (2).

28 (4) The report shall not include information relating to
29 individual donors.

30 Section 1504. Copies and posting.

1 A State-related institution shall maintain, for at least
2 seven years, a copy of the report in the institution's library
3 and shall provide free access to the report on the institution's
4 Internet website.

5 CHAPTER 17

6 STATE CONTRACT INFORMATION

7 Section 1701. Submission and retention of contracts.

8 (a) General rule.--Whenever any Commonwealth agency,
9 legislative agency or judicial agency shall enter into any
10 contract involving any property, real, personal or mixed of any
11 kind or description or any contract for personal services where
12 the consideration involved in the contract is \$5,000 or more, a
13 copy of the contract shall be furnished to the Treasury
14 Department within ten days after the contract is executed on
15 behalf of the Commonwealth agency, legislative agency or
16 judicial agency or otherwise becomes an obligation of the
17 Commonwealth agency, legislative agency or judicial agency. The
18 provisions of this subsection shall not apply to contracts for
19 services protected by a privilege. The following shall apply:

20 (1) Each Commonwealth agency, legislative agency and
21 judicial agency shall submit contracts in a form and
22 structure mutually agreed upon by the Commonwealth agency,
23 legislative agency or judicial agency and the State
24 Treasurer.

25 (2) The Treasury Department may require each
26 Commonwealth agency, legislative agency or judicial agency to
27 provide a summary with each contract, which shall include the
28 following:

29 (i) Date of execution.

30 (ii) Amount of the contract.

- 1 (iii) Beginning date of the contract.
- 2 (iv) End date of the contract, if applicable.
- 3 (v) Name of the agency entering into the contract.
- 4 (vi) All parties to the contract.
- 5 (vii) Subject matter of the contract.

6 Each agency shall create and maintain the data under this
7 paragraph in an ASCII-delimited text format, spreadsheet
8 format or other format provided by regulation.

9 (b) Retention.--Every contract filed pursuant to subsection
10 (a) shall remain on file with the Treasury Department for a
11 period of not less than four years after the end date of the
12 contract.

13 (c) Accuracy.--Each Commonwealth agency, legislative agency
14 and judicial agency is responsible for verifying the accuracy
15 and completeness of the information that it submits to the State
16 Treasurer.

17 Section 1702. Public availability of contracts.

18 (a) General rule.--The Treasury Department shall make each
19 contract filed pursuant to section 1701 available for public
20 inspection either by posting a copy of the contract on the
21 Treasury Department's publicly accessible Internet website or by
22 posting a contract summary on the department's publicly
23 accessible Internet website.

24 (b) Posting.--The Treasury Department shall post the
25 information received pursuant to this chapter in a way that
26 allows the public to search contracts or contract summaries by
27 the categories enumerated in section 1701(a)(2).

28 (c) Request to review or receive copy of contract.--The
29 Treasury Department shall maintain a page on its publicly
30 accessible Internet website with instructions on how to request

1 to review a contract and how to request a copy of a contract.
2 Requests to review or receive a copy of a contract shall be
3 allowed by letter, facsimile or e-mail. Additionally, both
4 requests shall be honored within five days of the submission of
5 the request and in the case of a request for a copy of a
6 contract it shall be provided to the individual at cost. The
7 Treasury Department may offer to provide a copy of the requested
8 contract electronically to the requester at no cost.

9 CHAPTER 31

10 MISCELLANEOUS PROVISIONS

11 Section 3101. Applicability.

12 This act applies as follows:

13 (1) This act shall apply to requests filed after the
14 effective date of this section.

15 (2) Chapter 15 shall apply to fiscal years beginning
16 after June 30, 2008.

17 (3) Chapter 17 shall apply to contracts entered into or
18 renewed after the effective date of this section.

19 (4) Section 3102(1)(ii)(B) shall apply to bids submitted
20 on or after the effective date of this section.

21 Section 3102. Repeals.

22 Repeals are as follows:

23 (1) (i) General Assembly declares that the repeals
24 under subparagraph (ii) are necessary to effectuate this
25 act.

26 (ii) The following acts and parts of acts are
27 repealed:

28 (A) The act of June 21, 1957 (P.L.390, No.212),
29 referred to as the Right-to-Know Law.

30 (B) 62 Pa.C.S. § 106.

1 (2) (i) The General Assembly declares that the repeal
2 under subparagraph (ii) is necessary to effectuate
3 Chapter 17.

4 (ii) Section 1104 of the act of April 9, 1929
5 (P.L.177, No.175), known as The Administrative Code of
6 1929, is repealed.

7 Section 3103. Effective date.

8 This act shall take effect in 180 days.