

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1

Session of  
2007

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EICHELBERGER, MARCH 29, 2007

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JANUARY 29, 2008

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 the Pennsylvania Public Records Office;~~  
6 ~~imposing 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.~~  
9 PROVIDING FOR ACCESS TO PUBLIC INFORMATION, FOR A DESIGNATED <—  
10 OPEN-RECORDS OFFICER IN EACH COMMONWEALTH AGENCY, LOCAL  
11 AGENCY, JUDICIAL AGENCY AND LEGISLATIVE AGENCY, FOR  
12 PROCEDURE, FOR APPEAL OF AGENCY DETERMINATION, FOR JUDICIAL  
13 REVIEW AND FOR THE OFFICE OF OPEN RECORDS; IMPOSING  
14 PENALTIES; PROVIDING FOR REPORTING BY STATE-RELATED  
15 INSTITUTIONS; REQUIRING THE POSTING OF CERTAIN STATE CONTRACT  
16 INFORMATION ON THE INTERNET; AND MAKING RELATED REPEALS.

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7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 CHAPTER 1

←

10 PRELIMINARY PROVISIONS

11 ~~Section 101. Short title.~~

12 ~~This act shall be known and may be cited as the Right to Know~~  
13 ~~Law.~~

14 ~~Section 102. Definitions.~~

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

18 ~~"Administrative proceeding." A proceeding by an agency the~~  
19 ~~outcome of which is required to be based on a record or~~  
20 ~~documentation prescribed by law or in which a statute or~~  
21 ~~regulation is particularized in application to individuals. The~~  
22 ~~term includes an appeal.~~

23 ~~"Agency." A Commonwealth agency, a local agency, a judicial~~  
24 ~~agency or a legislative agency.~~

25 ~~"Aggregated data." A tabulation of data which relate to~~  
26 ~~broad classes, groups or categories so that it is not possible~~  
27 ~~to distinguish the properties of individuals within those~~  
28 ~~classes, groups or categories.~~

29 ~~"Commonwealth agency." Any of the following:~~

30 ~~(1) Any office, department, authority, board, multistate~~

1 ~~agency or commission of the executive branch; an independent~~  
2 ~~agency; and a State affiliated entity. The term includes:~~

3 ~~(i) The Governor's Office.~~

4 ~~(ii) The Office of Attorney General, the Department~~  
5 ~~of the Auditor General and the Treasury Department.~~

6 ~~(iii) An organization established by the~~  
7 ~~Constitution of Pennsylvania, a statute or an executive~~  
8 ~~order which performs or is intended to perform an~~  
9 ~~essential governmental function.~~

10 ~~(2) The term does not include a judicial or legislative~~  
11 ~~agency.~~

12 ~~"Confidential proprietary information." Commercial or~~  
13 ~~financial information received by an agency:~~

14 ~~(1) which is privileged or confidential; and~~

15 ~~(2) the disclosure of which would cause substantial harm~~  
16 ~~to the competitive position of the person that submitted the~~  
17 ~~information.~~

18 ~~"Financial record." Includes:~~

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

20 ~~(i) the receipt or disbursement of funds by an~~  
21 ~~agency; or~~

22 ~~(ii) an agency's acquisition, use or disposal of~~  
23 ~~services, supplies, materials, equipment or property.~~

24 ~~(2) The salary or other payments or expenses paid to an~~  
25 ~~officer or employee of an agency, including the name and~~  
26 ~~title of the officer or employee.~~

27 ~~(3) Results of a financial audit.~~

28 ~~(4) Application and database compilation or log of~~  
29 ~~applications by political subdivisions, nonprofit~~  
30 ~~organizations, other entities and individuals for the receipt~~

1 ~~of State funded grants awarded on a discretionary basis by a~~  
2 ~~Commonwealth agency, including legislative initiative grants,~~  
3 ~~regardless of whether the applicant receives the grant for~~  
4 ~~which it has applied. For purposes of this paragraph,~~  
5 ~~financial record shall include information regarding:~~

6 ~~(i) where applicable, the application sequence~~  
7 ~~number;~~

8 ~~(ii) the date the application was received by the~~  
9 ~~Commonwealth agency;~~

10 ~~(iii) the applicant name and contact person;~~

11 ~~(iv) the project description;~~

12 ~~(v) the project location;~~

13 ~~(vi) the amount of funding requested;~~

14 ~~(vii) any notations as to whether the application~~  
15 ~~was complete and consistent with program guidelines;~~

16 ~~(viii) whether or not the Commonwealth agency had~~  
17 ~~approved the application;~~

18 ~~(ix) where applicable, the amount of the grant~~  
19 ~~awarded;~~

20 ~~(x) where applicable, the date on which the~~  
21 ~~Commonwealth agency notified the applicant that it~~  
22 ~~approved the application;~~

23 ~~(xi) in the case of a legislative initiative grant,~~  
24 ~~the name of any member of the General Assembly who~~  
25 ~~recommends the grantee; and~~

26 ~~(xii) any other relevant information that qualifies~~  
27 ~~as a public record or financial record under this act.~~

28 ~~"Homeland security." Governmental actions designed to~~  
29 ~~prevent, detect, respond to and recover from acts of terrorism,~~  
30 ~~major disasters and other emergencies, whether natural or~~



1 ~~manmade. The term includes activities relating to the following:~~

2 ~~(1) emergency preparedness and response, including~~  
3 ~~preparedness and response activities by volunteer medical,~~  
4 ~~police, emergency management, hazardous materials and fire~~  
5 ~~personnel;~~

6 ~~(2) intelligence activities;~~

7 ~~(3) critical infrastructure protection;~~

8 ~~(4) border security;~~

9 ~~(5) ground, aviation and maritime transportation~~  
10 ~~security;~~

11 ~~(6) biodefense;~~

12 ~~(7) detection of nuclear and radiological materials; and~~

13 ~~(8) research on next generation securities technologies.~~

14 ~~"Independent agency." Any board, commission or other agency~~  
15 ~~or officer of the Commonwealth, that is not subject to the~~  
16 ~~policy supervision and control of the Governor. The term does~~  
17 ~~not include a legislative or judicial agency.~~

18 ~~"Judicial agency." A court of the Commonwealth or any other~~  
19 ~~entity or office of the unified judicial system.~~

20 ~~"Legislative agency." Any of the following:~~

21 ~~(1) The Senate.~~

22 ~~(1.1) Political party caucuses of the Senate.~~

23 ~~(2) The House of Representatives.~~

24 ~~(2.1) Political party caucuses of the House of~~  
25 ~~Representatives.~~

26 ~~(3) The Capitol Preservation Committee.~~

27 ~~(4) The Center for Rural Pennsylvania.~~

28 ~~(5) The Joint Legislative Air and Water Pollution~~  
29 ~~Control and Conservation Committee.~~

30 ~~(6) The Joint State Government Commission.~~

- 1           ~~(7) The Legislative Budget and Finance Committee.~~
- 2           ~~(8) The Legislative Data Processing Committee.~~
- 3           ~~(9) The Independent Regulatory Review Commission.~~
- 4           ~~(10) The Legislative Reference Bureau.~~
- 5           ~~(11) The Local Government Commission.~~
- 6           ~~(12) The Pennsylvania Commission on Sentencing.~~
- 7           ~~(13) The Legislative Reapportionment Commission.~~

8           ~~"Legislative initiative grant." A grant that is awarded, in~~  
9 ~~whole or in part, on the basis of a recommendation made by or on~~  
10 ~~behalf of a member of the General Assembly.~~

11          ~~"Legislative record." Any of the following relating to a~~  
12 ~~legislative agency:~~

13           ~~(1) A financial record.~~

14           ~~(2) A bill or resolution that has been introduced and~~  
15 ~~amendments offered thereto in committee or in legislative~~  
16 ~~session, including resolutions to adopt or amend the rules of~~  
17 ~~a chamber.~~

18           ~~(3) Fiscal notes.~~

19           ~~(4) A cosponsorship memorandum.~~

20           ~~(5) The journal of a chamber.~~

21           ~~(6) The minutes of, record of attendance of members at a~~  
22 ~~public hearing or a public committee meeting and all recorded~~  
23 ~~votes taken in a public committee meeting.~~

24           ~~(7) The transcript of a public hearing when available.~~

25           ~~(8) Executive nomination calendars.~~

26           ~~(9) The rules of a chamber.~~

27           ~~(10) A record of all recorded votes taken in a~~  
28 ~~legislative session.~~

29           ~~(11) Any administrative staff manuals or written~~  
30 ~~policies.~~

1           ~~(12) An audit prepared pursuant to the act of June 30,~~  
2           ~~1970 (P.L. 442, No. 151) entitled, "An act implementing the~~  
3           ~~provisions of Article VIII, section 10 of the Constitution of~~  
4           ~~Pennsylvania, by designating the Commonwealth officers who~~  
5           ~~shall be charged with the function of auditing the financial~~  
6           ~~transactions after the occurrence thereof of the Legislative~~  
7           ~~and Judicial branches of the government of the Commonwealth,~~  
8           ~~establishing a Legislative Audit Advisory Commission, and~~  
9           ~~imposing certain powers and duties on such commission."~~

10           ~~(13) Final or annual reports required by law to be~~  
11           ~~submitted to the General Assembly.~~

12           ~~(14) Legislative Budget and Finance Committee reports.~~

13           ~~(15) Daily Legislative Session Calendars and marked~~  
14           ~~calendars.~~

15           ~~(16) A record communicating to an agency the official~~  
16           ~~appointment of a legislative appointee.~~

17           ~~(17) A record communicating to the appointing authority~~  
18           ~~the resignation of a legislative appointee.~~

19           ~~(18) Proposed regulations, final form regulations and~~  
20           ~~final omitted regulations submitted to a legislative agency.~~

21           ~~(19) The results of polling contracted for or conducted~~  
22           ~~by a legislative agency and paid for with funds of the~~  
23           ~~legislative agency.~~

24           ~~"Local agency." Any of the following:~~

25           ~~(1) Any political subdivision, intermediate unit,~~  
26           ~~charter school or public trade or vocational school.~~

27           ~~(2) Any local, intergovernmental, regional or municipal~~  
28           ~~agency, authority, council, board, commission or similar~~  
29           ~~governmental entity.~~

30           ~~"Personal financial information." An individual's personal~~

1 ~~credit, charge or debit card information; bank account~~  
2 ~~information; bank, credit or financial statements; account or~~  
3 ~~PIN numbers and other information relating to an individual's~~  
4 ~~personal finances.~~

5 ~~"Privilege."—The attorney work product doctrine, the~~  
6 ~~attorney client privilege, the doctor patient privilege or other~~  
7 ~~privilege recognized by a court interpreting the laws of this~~  
8 ~~Commonwealth.~~

9 ~~"Public record."—A record of a Commonwealth or local agency~~  
10 ~~that:~~

11 ~~(1) is not exempt under section 708;~~

12 ~~(2) is not exempt from being disclosed under any other~~  
13 ~~Federal or State law or regulation or judicial order or~~  
14 ~~decree; or~~

15 ~~(3) is not protected by a privilege.~~

16 ~~"Record."—Information, regardless of physical form or~~  
17 ~~characteristics, that documents a transaction or activity of an~~  
18 ~~agency and that is created, received or retained pursuant to law~~  
19 ~~or in connection with a legal transaction, business or activity~~  
20 ~~of the agency. The term includes a document, paper, letter, map,~~  
21 ~~book, tape, photograph, film or sound recording, information~~  
22 ~~stored or maintained electronically and a data processed or~~  
23 ~~image processed document. The term includes a financial record,~~  
24 ~~a legislative record and a public record.~~

25 ~~"Records office."—The Pennsylvania Public Records Office~~  
26 ~~established under section 1310.~~

27 ~~"Requester."—A person that is a resident of the United~~  
28 ~~States or a legal entity and requests a record pursuant to this~~  
29 ~~act. The term includes a political subdivision.~~

30 ~~"Response."—Access to a record or an agency's written notice~~

1 ~~to a requester granting, denying or partially granting and~~  
2 ~~partially denying access to a record.~~

3 ~~"Social services."—Cash assistance and other welfare~~  
4 ~~benefits, medical, mental and other health care services, drug~~  
5 ~~and alcohol treatment, adoption services, vocational and~~  
6 ~~occupational training, education services, counseling services,~~  
7 ~~workers' compensation services and unemployment compensation~~  
8 ~~services, foster care services and services for victims of~~  
9 ~~crimes.~~

10 ~~"State affiliated entity."—A Commonwealth authority or~~  
11 ~~Commonwealth entity. The term includes the Pennsylvania Gaming~~  
12 ~~Control Board, the Pennsylvania Game Commission, the~~  
13 ~~Pennsylvania Fish and Boat Commission, the Pennsylvania Higher~~  
14 ~~Education Assistance Agency and all nonprofit corporations~~  
15 ~~established thereby, the Pennsylvania Housing Finance Agency,~~  
16 ~~the Pennsylvania Municipal Retirement Board, the State System of~~  
17 ~~Higher Education, a community college, the Pennsylvania Turnpike~~  
18 ~~Commission, the Pennsylvania Public Utility Commission, the~~  
19 ~~Pennsylvania Infrastructure Investment Authority, the State~~  
20 ~~Public School Building Authority, the Pennsylvania~~  
21 ~~Interscholastic Athletic Association and the Pennsylvania~~  
22 ~~Educational Facilities Authority. The term does not include a~~  
23 ~~State related institution.~~

24 ~~"Terrorist act."—A violent or life threatening act that~~  
25 ~~violates the criminal laws of the United States or any state and~~  
26 ~~appears to be intended to:~~

- 27 ~~(1) intimidate or coerce a civilian population;~~
- 28 ~~(2) influence the policy of a government; or~~
- 29 ~~(3) affect the conduct of a government by mass~~  
30 ~~destruction, assassination or kidnapping.~~

1 ~~"Trade secret."—Information, including a formula, drawing,~~  
2 ~~pattern, compilation, including a customer list, program,~~  
3 ~~device, method, technique or process that:~~

4 ~~(1) derives independent economic value, actual or~~  
5 ~~potential, from not being generally known to and not being~~  
6 ~~readily ascertainable by proper means by other persons who~~  
7 ~~can obtain economic value from its disclosure or use; and~~

8 ~~(2) is the subject of efforts that are reasonable under~~  
9 ~~the circumstances to maintain its secrecy.~~

10 ~~The term includes data processing software obtained by an agency~~  
11 ~~under a licensing agreement prohibiting disclosure.~~

### 12 ~~CHAPTER 3~~

#### 13 ~~REQUIREMENTS AND PROHIBITIONS~~

14 ~~Section 301.—Commonwealth agencies.~~

15 ~~(a) Requirement.—A Commonwealth agency shall provide public~~  
16 ~~records in accordance with this act.~~

17 ~~(b) Prohibition.—A Commonwealth agency may not deny a~~  
18 ~~requester access to a public record due to the intended use of~~  
19 ~~the public record by the requester unless otherwise provided by~~  
20 ~~law.~~

21 ~~Section 302.—Local agencies.~~

22 ~~(a) Requirement.—A local agency shall provide public~~  
23 ~~records in accordance with this act.~~

24 ~~(b) Prohibition.—A local agency may not deny a requester~~  
25 ~~access to a public record due to the intended use of the public~~  
26 ~~record by the requester unless otherwise provided by law.~~

27 ~~Section 303.—Legislative agencies.~~

28 ~~(a) Requirement.—A legislative agency shall provide~~  
29 ~~legislative records in accordance with this act.~~

30 ~~(b) Prohibition.—A legislative agency may not deny a~~

1 ~~requester access to a legislative record due to the intended use~~  
2 ~~of the legislative record by the requester.~~

3 ~~Section 304.— Judicial agencies.~~

4 ~~(a) Requirement.— A judicial agency shall provide financial~~  
5 ~~records in accordance with this act or any rule or order of~~  
6 ~~court providing equal or greater access to the records.~~

7 ~~(b) Prohibition.— A judicial agency may not deny a requester~~  
8 ~~access to a financial record due to the intended use of the~~  
9 ~~financial record by the requester.~~

10 ~~Section 305.— Presumption.~~

11 ~~(a) General rule.— A record in the possession of a~~  
12 ~~Commonwealth agency or local agency shall be presumed to be a~~  
13 ~~public record unless:~~

14 ~~(1) the record is exempt under section 708;~~

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

16 ~~(3) the record is exempt from disclosure under any other~~  
17 ~~Federal or State law or regulation or judicial order or~~  
18 ~~decree.~~

19 ~~(b) Legislative records and financial records.— A~~  
20 ~~legislative record in the possession of a legislative agency and~~  
21 ~~a financial record in the possession of a judicial agency shall~~  
22 ~~be presumed to be available to the public unless:~~

23 ~~(1) the record is exempt under 708(c) or (d);~~

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

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

28 ~~Section 306.— Nature of document.~~

29 ~~Nothing in this act shall supersede or modify the public or~~  
30 ~~confidential nature of a record or document established in~~

1 ~~Federal or State law, regulation or judicial order or decree.~~

2 ~~CHAPTER 5~~

3 ~~ACCESS~~

4 ~~Section 501. Scope of chapter.~~

5 ~~This chapter applies to all agencies.~~

6 ~~Section 502. Open records officer.~~

7 ~~(a) Establishment.—~~

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

10 ~~(2) For a legislative agency other than the Senate or~~  
11 ~~the House of Representatives, or a political party caucus of~~  
12 ~~the Senate or the House of Representatives the open records~~  
13 ~~officer designated by the Legislative Reference Bureau shall~~  
14 ~~serve as the open records officer.~~

15 ~~(b) Functions.—~~

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

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

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

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

29 ~~(iii) Maintain an electronic or paper copy of a~~  
30 ~~written request, including all documents submitted with~~



1 ~~the request until the request has been fulfilled. If the~~  
2 ~~request is denied, the written request shall be~~  
3 ~~maintained for 30 days or, if an appeal is filed, until a~~  
4 ~~final determination is issued under section 1101(b) or~~  
5 ~~the appeal is deemed denied.~~

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

11 ~~Section 503.—(Reserved).~~

12 ~~Section 504.—Regulations and policies.~~

13 ~~(a) Authority.—An agency may promulgate regulations, rules~~  
14 ~~or policies necessary for the agency to implement this act. The~~  
15 ~~records office may promulgate regulations relating to appeals~~  
16 ~~involving a Commonwealth agency, legislative agency or local~~  
17 ~~agency.~~

18 ~~(b) Posting.—The following information shall be posted at~~  
19 ~~each agency and, if the agency maintains an Internet website, on~~  
20 ~~the agency's Internet website:~~

21 ~~(1) Contact information for the open records officer.~~

22 ~~(2) Contact information for the records office or other~~  
23 ~~applicable appeals officer.~~

24 ~~(3) A form which may be used to file a request.~~

25 ~~(4) Rules, regulations, policies and procedures of the~~  
26 ~~agency relating to this act.~~

27 ~~Section 505.—Uniform form.~~

28 ~~(a) Commonwealth agencies and legislative agencies.—The~~  
29 ~~records office shall develop a uniform form which shall be~~  
30 ~~accepted by all Commonwealth agencies, legislative agencies and~~

1 ~~local agencies in addition to any form used by the agency to~~  
2 ~~file a request under this act. The uniform form shall be~~  
3 ~~published in the Pennsylvania Bulletin and on the record~~  
4 ~~office's Internet website.~~

5 ~~(b) Judicial agencies.—A judicial agency may develop a form~~  
6 ~~to request financial records or may use a form developed by the~~  
7 ~~Administrative Office of Pennsylvania Courts or the records~~  
8 ~~office.~~

9 ~~Section 506.—Requests.~~

10 ~~(a) Disruptive requests.—~~

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

15 ~~(2) A denial under this subsection shall not restrict~~  
16 ~~the ability to request a different record.~~

17 ~~(b) Disaster or potential damage.—~~

18 ~~(1) An agency may deny a requester access:~~

19 ~~(i) when timely access is not possible due to fire,~~  
20 ~~flood or other disaster; or~~

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

26 ~~(2) To the extent possible, the contents of a record~~  
27 ~~under this subsection shall be made accessible to a requester~~  
28 ~~even when the record is physically unavailable.~~

29 ~~(c) Agency discretion.—An agency may exercise its~~  
30 ~~discretion to make any otherwise exempt record accessible for~~

1 ~~inspection and copying under this chapter, if all of the~~  
2 ~~following apply:~~

3 ~~(1) Disclosure of the record is not prohibited under any~~  
4 ~~of the following:~~

5 ~~(i) Federal or State law or regulation.~~

6 ~~(ii) Judicial order or decree.~~

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

8 ~~(3) The agency head determines that the public interest~~  
9 ~~favoring access substantially outweighs any individual,~~  
10 ~~agency or public interest that may favor restriction of~~  
11 ~~access.~~

12 ~~(d) Agency possession.—~~

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

20 ~~(2) Nothing in this act shall be construed to require~~  
21 ~~access to any other record of the party in possession of the~~  
22 ~~public record.~~

23 ~~(3) A request for a public record in possession of a~~  
24 ~~party other than the agency shall be submitted to the open~~  
25 ~~records officer of the agency. Upon a determination to grant~~  
26 ~~the request, the open records officer shall assess the~~  
27 ~~duplication fee established under section 1307(b) and upon~~  
28 ~~collection shall remit the fee to the party in possession of~~  
29 ~~the record if the party duplicated the record.~~

30 ~~Section 507.— Retention of records.~~

1 ~~Nothing in this act shall be construed to modify, rescind or~~  
2 ~~supersede any record retention disposition schedule of an agency~~  
3 ~~established pursuant to law, regulation, policy or other~~  
4 ~~directive.~~

5 CHAPTER 7

6 PROCEDURE

7 ~~Section 701. Access.~~

8 ~~(a) General rule. Unless otherwise provided by law, a~~  
9 ~~public record, legislative record or financial record shall be~~  
10 ~~accessible for inspection and duplication in accordance with~~  
11 ~~this act. A record being provided to a requester shall be~~  
12 ~~provided in the medium requested if it exists in that medium;~~  
13 ~~otherwise, it shall be provided in the medium in which it~~  
14 ~~exists. Public records, legislative records or financial records~~  
15 ~~shall be available for access during the regular business hours~~  
16 ~~of an agency.~~

17 ~~(a.1) Gaming Control Board policies. All information~~  
18 ~~related to the development of Gaming Control Board policies,~~  
19 ~~regulations, procedures or any other recommendations regarding~~  
20 ~~implementation of 4 Pa.C.S. § 1212 (relating to diversity goals~~  
21 ~~of board) or 1325 (relating to license or permit issuance),~~  
22 ~~including, but not limited to, any documents or other materials~~  
23 ~~prepared for the use of the board, its employees or independent~~  
24 ~~contractors, shall be considered a public record and subject to~~  
25 ~~disclosure.~~

26 ~~(b) Construction. Nothing in this act shall be construed to~~  
27 ~~require access to any computer either of an agency or individual~~  
28 ~~employee of an agency.~~

29 ~~Section 702. Requests.~~

30 ~~Agencies may fulfill informal verbal, written or anonymous~~

1 ~~verbal or written requests for access to records under this act.~~  
2 ~~In the event that the requester wishes to pursue the relief and~~  
3 ~~remedies provided for in this act, the requester must initiate~~  
4 ~~such relief with a written request.~~

5 ~~Section 703. Written requests.~~

6 ~~A written request for access to records may be submitted in~~  
7 ~~person, by mail, by e mail, by facsimile or, to the extent~~  
8 ~~provided by agency rules, any other electronic means. A written~~  
9 ~~request shall be addressed to the agency head or open records~~  
10 ~~officer designated pursuant to section 502. A written request~~  
11 ~~should identify or describe the records sought with sufficient~~  
12 ~~specificity to enable the agency to ascertain which records are~~  
13 ~~being requested and shall include the name and address to which~~  
14 ~~the agency should address its response. A written request need~~  
15 ~~not include any explanation of the requester's reason for~~  
16 ~~requesting or intended use of the records unless otherwise~~  
17 ~~provided by law.~~

18 ~~Section 704. Electronic access.~~

19 ~~(a) General rule. In addition to the requirements of~~  
20 ~~section 701, an agency may make its records available through~~  
21 ~~any publicly accessible electronic means.~~

22 ~~(b) Response.—~~

23 ~~(1) In addition to the requirements of section 701, an~~  
24 ~~agency may respond to a request by notifying the requester~~  
25 ~~that the record is available through publicly accessible~~  
26 ~~electronic means or that the agency will provide access to~~  
27 ~~inspect the record electronically.~~

28 ~~(2) If the requester is unwilling or unable to access~~  
29 ~~the record electronically, the requester may, within 30 days~~  
30 ~~following receipt of the agency notification, submit a~~

1 ~~written request to the agency to have the record converted to~~  
2 ~~paper. The agency shall provide the record in printed form~~  
3 ~~within five days of the receipt of the written request for~~  
4 ~~conversion to paper.~~

5 ~~Section 705.— Creation of record.~~

6 ~~When responding to a request for access, an agency shall not~~  
7 ~~be required to create a record which does not currently exist or~~  
8 ~~to compile, maintain, format or organize a record in a manner in~~  
9 ~~which the agency does not currently compile, maintain, format or~~  
10 ~~organize the record.~~

11 ~~Section 706.— Redaction.~~

12 ~~If an agency determines that a public record, legislative~~  
13 ~~record or financial record contains information which is subject~~  
14 ~~to access as well as information which is not subject to access,~~  
15 ~~the agency's response shall grant access to the information~~  
16 ~~which is subject to access and deny access to the information~~  
17 ~~which is not subject to access. If the information which is not~~  
18 ~~subject to access is an integral part of the public record,~~  
19 ~~legislative record or financial record and cannot be separated,~~  
20 ~~the agency shall redact from the record the information which is~~  
21 ~~not subject to access, and the response shall grant access to~~  
22 ~~the information which is subject to access. The agency may not~~  
23 ~~deny access to the record if the information which is not~~  
24 ~~subject to access is able to be redacted. Information which an~~  
25 ~~agency redacts in accordance with this subsection shall be~~  
26 ~~deemed a denial under Chapter 9.~~

27 ~~Section 707.— Production of certain records.~~

28 ~~(a) General rule.— If, in response to a request, an agency~~  
29 ~~produces a record that is not a public record, legislative~~  
30 ~~record or financial record, the agency shall notify any third~~

1 ~~party that provided the record to the agency, the person that is~~  
2 ~~the subject of the record and the requester.~~

3 ~~(b) Requests for trade secrets. An agency shall notify a~~  
4 ~~third party of a request for a record if the third party~~  
5 ~~provided the record and included a written statement signed by a~~  
6 ~~representative of the third party that the record contains a~~  
7 ~~trade secret or confidential proprietary information.~~

8 ~~Notification shall be provided within five business days of~~  
9 ~~receipt of the request for the record. The third party shall~~  
10 ~~have five business days from receipt of notification from the~~  
11 ~~agency to provide input on the release of the record. The agency~~  
12 ~~shall deny the request for the record or release the record~~  
13 ~~within ten business days of the provision of notice to the third~~  
14 ~~party and shall notify the third party of the decision.~~

15 ~~(c) Transcripts.~~

16 ~~(1) Prior to an adjudication becoming final, binding and~~  
17 ~~nonappealable, a transcript of an administrative proceeding~~  
18 ~~shall be provided to a requester by the agency stenographer~~  
19 ~~or a court reporter, in accordance with agency procedure or~~  
20 ~~an applicable contract.~~

21 ~~(2) Following an adjudication becoming final, binding~~  
22 ~~and nonappealable, a transcript of an administrative~~  
23 ~~proceeding shall be provided to a requester in accordance~~  
24 ~~with the duplication rates established in section 1307(b).~~

25 ~~Section 708. Exceptions for public records.~~

26 ~~(a) Burden of proof.~~

27 ~~(1) The burden of proving that a public record is exempt~~  
28 ~~from public access shall be on the agency receiving a request~~  
29 ~~by a preponderance of the evidence.~~

30 ~~(2) The burden of proving that a legislative record is~~

1 ~~exempt from public access shall be on the legislative agency~~  
2 ~~receiving a request, by a preponderance of the evidence.~~

3 ~~(3) The burden of proving that a financial record of a~~  
4 ~~judicial agency is exempt from public access shall be on the~~  
5 ~~judicial agency receiving a request, by a preponderance of~~  
6 ~~the evidence.~~

7 ~~(b) Exceptions. In the case of a public record, unless~~  
8 ~~disclosure is otherwise required or authorized by law, the~~  
9 ~~following are exempt from access by a requester under this act:~~

10 ~~(1) A record the disclosure of which:~~

11 ~~(i) would result in the loss of Federal or State~~  
12 ~~funds by an agency or the Commonwealth; or~~

13 ~~(ii) would be reasonably likely to result in a~~  
14 ~~substantial and demonstrable risk of physical harm to an~~  
15 ~~individual.~~

16 ~~(2) A record maintained by an agency in connection with~~  
17 ~~the military, homeland security, national defense, law~~  
18 ~~enforcement or other public safety activity that if disclosed~~  
19 ~~would be reasonably likely to jeopardize or threaten public~~  
20 ~~safety or preparedness or public protection activity or a~~  
21 ~~record that is designated classified by an appropriate~~  
22 ~~Federal or State military authority.~~

23 ~~(3) A record, the disclosure of which creates a~~  
24 ~~reasonable likelihood of endangering the safety or the~~  
25 ~~physical security of a building, public utility, resource,~~  
26 ~~infrastructure, facility or information storage system, which~~  
27 ~~may include:~~

28 ~~(i) documents or data relating to computer hardware,~~  
29 ~~source files, software and system networks that could~~  
30 ~~jeopardize computer security by exposing a vulnerability~~



1 ~~in preventing, protecting against, mitigating or~~  
2 ~~responding to a terrorist act;~~

3 ~~(ii) lists of infrastructure, resources and~~  
4 ~~significant special events, including those defined by~~  
5 ~~the Federal Government in the National Infrastructure~~  
6 ~~Protections, which are deemed critical due to their~~  
7 ~~nature and which result from risk analysis; threat~~  
8 ~~assessments; consequences assessments; antiterrorism~~  
9 ~~protective measures and plans; counterterrorism measures~~  
10 ~~and plans; and security and response needs assessments;~~  
11 ~~and~~

12 ~~(iii) building plans or infrastructure records that~~  
13 ~~expose or create vulnerability through disclosure of the~~  
14 ~~location, configuration or security of critical systems,~~  
15 ~~including public utility systems, structural elements,~~  
16 ~~technology, communication, electrical, fire suppression,~~  
17 ~~ventilation, water, wastewater, sewage and gas systems.~~

18 ~~(4) A record regarding computer hardware, software and~~  
19 ~~networks, including administrative or technical records,~~  
20 ~~which, if disclosed, would be reasonably likely to jeopardize~~  
21 ~~computer security.~~

22 ~~(5) A record of an individual's medical, psychiatric or~~  
23 ~~psychological history or disability status, including~~  
24 ~~evaluation, consultation, a prescription, diagnosis or~~  
25 ~~treatment; results of tests, including drug tests; enrollment~~  
26 ~~in a health care program or program designed for~~  
27 ~~participation by persons with disabilities, including~~  
28 ~~vocation rehabilitation, workers' compensation and~~  
29 ~~unemployment compensation; or related information that would~~  
30 ~~disclose individually identifiable health information.~~

1           ~~(6) (i) The following personal identification~~  
2           ~~information:~~

3                   ~~(A) A record containing all or part of a~~  
4                   ~~person's Social Security number; date of birth;~~  
5                   ~~driver's license number; personal financial~~  
6                   ~~information of an individual; telephone numbers;~~  
7                   ~~personal e-mail addresses; employee numbers; or other~~  
8                   ~~confidential personal identification numbers.~~

9                   ~~(B) A spouse's name; marital status, beneficiary~~  
10                   ~~or dependent information.~~

11           ~~(ii) Nothing in this paragraph shall:~~

12                   ~~(A) Prevent an agency from providing access to~~  
13                   ~~the date of birth of a deceased person for~~  
14                   ~~genealogical purposes.~~

15                   ~~(B) Preclude the release of the name, position,~~  
16                   ~~salary, actual compensation or other payments or~~  
17                   ~~expenses, employment contract, employment related~~  
18                   ~~contract or agreement and length of service of a~~  
19                   ~~public official or an agency employee.~~

20           ~~(iii) An agency may redact the name or other~~  
21           ~~identifying information relating to an individual~~  
22           ~~performing an undercover or covert law enforcement~~  
23           ~~activity from a record.~~

24           ~~(7) The following records relating to an agency~~  
25           ~~employee:~~

26                   ~~(i) A letter of reference or recommendation~~  
27                   ~~pertaining to the character or qualifications of an~~  
28                   ~~identifiable individual, unless it was prepared in~~  
29                   ~~relation to the appointment of an individual to fill a~~  
30                   ~~vacancy in an elected office or an appointed office~~

1 ~~requiring Senate confirmation.~~

2 ~~(ii) A performance rating or review.~~

3 ~~(iii) The result of a civil service or similar test~~  
4 ~~administered by a Commonwealth agency, legislative agency~~  
5 ~~or judicial agency. The result of a civil service or~~  
6 ~~similar test administered by a local agency shall not be~~  
7 ~~disclosed if restricted by a collective bargaining~~  
8 ~~agreement. Only test scores of individuals who obtained a~~  
9 ~~passing score on a test administered by a local agency~~  
10 ~~may be disclosed.~~

11 ~~(iv) The employment application of an individual who~~  
12 ~~is not hired by the agency.~~

13 ~~(v) Workplace support services program information.~~

14 ~~(vi) Written criticisms of an employee.~~

15 ~~(vii) Grievance material, including documents~~  
16 ~~related to discrimination or sexual harassment.~~

17 ~~(viii) (A) Information regarding discipline,~~  
18 ~~demotion or discharge contained in a personnel file.~~

19 ~~(B) This subparagraph shall not apply to the~~  
20 ~~final action of an agency that results in demotion or~~  
21 ~~discharge.~~

22 ~~(8) (i) A record pertaining to strategy or negotiations~~  
23 ~~relating to labor relations or collective bargaining or~~  
24 ~~arbitration proceedings.~~

25 ~~(ii) An arbitration opinion and award, any exhibits~~  
26 ~~entered into evidence at an arbitration proceeding and~~  
27 ~~any transcript of an arbitration proceeding.~~

28 ~~(iii) This paragraph does not apply to any final or~~  
29 ~~executed contract or agreement between the parties or to~~  
30 ~~any final order in an arbitration proceeding.~~

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

4           ~~(10) (i) A record that reflects:~~

5                   ~~(A) The internal, predecisional deliberations of~~  
6 ~~an agency, its members, employees or officials or~~  
7 ~~predecisional deliberations between agency members,~~  
8 ~~employees or officials and members, employees or~~  
9 ~~officials of another agency, including predecisional~~  
10 ~~deliberations relating to a budget recommendation,~~  
11 ~~legislative proposal, legislative amendment,~~  
12 ~~contemplated or proposed policy or course of action~~  
13 ~~or any research, memos or other documents used in the~~  
14 ~~predecisional deliberations.~~

15                   ~~(B) The strategy to be used to develop or~~  
16 ~~achieve the successful adoption of a budget,~~  
17 ~~legislative proposal or regulation.~~

18           ~~(ii) This paragraph applies to:~~

19                   ~~(A) The Governor's Office, the head of a~~  
20 ~~Commonwealth agency and the staff of the Governor or~~  
21 ~~agency.~~

22                   ~~(B) The chief executive officer or governing~~  
23 ~~body of a local agency, or a member or staff of the~~  
24 ~~local agency prior to the presentation of the~~  
25 ~~decision, policy, proposal or course of action to a~~  
26 ~~quorum of the governing body at a meeting subject to~~  
27 ~~65 Pa.C.S. Ch. 7 (relating to open meetings).~~

28           ~~(iii) This paragraph does not apply to a written~~  
29 ~~application or other document used to request~~  
30 ~~Commonwealth funds.~~

1           ~~(11) A record that constitutes or reveals a trade secret~~  
2           ~~or confidential proprietary information.~~

3           ~~(12) Notes and working papers prepared by or for a~~  
4           ~~public official or agency employee used solely for that~~  
5           ~~official's or employee's own personal use, including~~  
6           ~~telephone message slips, routing slips and other materials~~  
7           ~~that do not have an official purpose.~~

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

16           ~~(14) Unpublished lecture notes, unpublished manuscripts,~~  
17           ~~unpublished articles, creative works in progress, research-~~  
18           ~~related material and scholarly correspondence of a community~~  
19           ~~college or an institution of the State System of Higher~~  
20           ~~Education or a faculty member, staff employee, guest speaker~~  
21           ~~or student thereof.~~

22           ~~(15) Examination questions, scoring keys or answers to~~  
23           ~~an examination.~~

24           ~~(16) A record of an agency relating to or resulting in a~~  
25           ~~criminal investigation, including:~~

26                   ~~(i) Complaints of potential criminal conduct other~~  
27                   ~~than a private criminal complaint.~~

28                   ~~(ii) Investigative materials, notes, correspondence,~~  
29                   ~~videos and reports.~~

30                   ~~(iii) A record that includes the identity of a~~

1 ~~confidential source or the identity of a suspect who has~~  
2 ~~not been charged with an offense to whom confidentiality~~  
3 ~~has been promised.~~

4 ~~(iv) A record that includes information made~~  
5 ~~confidential by law or court order.~~

6 ~~(v) Victim information, including any information~~  
7 ~~that would jeopardize the safety of the victim.~~

8 ~~(vi) A record that, if disclosed, would do any of~~  
9 ~~the following:~~

10 ~~(A) Reveal the institution, progress or result~~  
11 ~~of a criminal investigation, except the filing of~~  
12 ~~criminal charges.~~

13 ~~(B) Deprive a person of the right to a fair~~  
14 ~~trial or an impartial adjudication.~~

15 ~~(C) Impair the ability to locate a defendant or~~  
16 ~~codefendant.~~

17 ~~(D) Hinder an agency's ability to secure an~~  
18 ~~arrest, prosecution or conviction.~~

19 ~~(E) Endanger the life or physical safety of an~~  
20 ~~individual.~~

21 ~~This paragraph shall not apply to information contained in a~~  
22 ~~police blotter as defined in 18 Pa.C.S. § 9102 (relating to~~  
23 ~~definitions) or in a traffic report.~~

24 ~~(17) A record of an agency relating to a noncriminal~~  
25 ~~investigation, including:~~

26 ~~(i) Complaints submitted to an agency.~~

27 ~~(ii) Investigative materials, notes, correspondence~~  
28 ~~and reports.~~

29 ~~(iii) A record that includes the identity of a~~  
30 ~~confidential source, including individuals subject to the~~

1 ~~act of December 12, 1986 (P.L.1559, No.169), known as the~~  
2 ~~Whistleblower Law.~~

3 ~~(iv) A record that includes information made~~  
4 ~~confidential by law.~~

5 ~~(v) Work papers underlying an audit.~~

6 ~~(vi) A record that, if disclosed, would do any of~~  
7 ~~the following:~~

8 ~~(A) Reveal the institution, progress or result~~  
9 ~~of an agency investigation, except the imposition of~~  
10 ~~a fine or civil penalty or the suspension,~~  
11 ~~modification or revocation of a license, permit,~~  
12 ~~registration, certification or similar authorization~~  
13 ~~issued by an agency.~~

14 ~~(B) Deprive a person of the right to an~~  
15 ~~impartial adjudication.~~

16 ~~(C) Constitute an unwarranted invasion of~~  
17 ~~privacy.~~

18 ~~(D) Hinder an agency's ability to secure an~~  
19 ~~administrative or civil sanction.~~

20 ~~(E) Endanger the life or physical safety of an~~  
21 ~~individual.~~

22 ~~(18) Records or parts of records pertaining to audio~~  
23 ~~recordings, telephone or radio transmissions received by~~  
24 ~~emergency dispatch personnel, including 911 recordings.~~  
25 ~~However, a transcript of a recording may be released when the~~  
26 ~~agency or a court determines that the public interest in~~  
27 ~~disclosure outweighs the interest in nondisclosure.~~

28 ~~(19) DNA records.~~

29 ~~(20) An autopsy record of a coroner or medical examiner~~  
30 ~~and any audiotape of a postmortem examination or autopsy, or~~

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

12 ~~(21) Draft minutes of any meeting of an agency and~~  
13 ~~minutes of an executive session and any record of discussions~~  
14 ~~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;~~

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; or~~

10           ~~(iii) identifying a person that requests assistance~~  
11           ~~or constituent services from a member of the General~~  
12           ~~Assembly.~~

13           ~~(c) Financial records. With respect to financial records,~~  
14           ~~the exceptions set forth in subsection (b)(1), (2), (3), (4) or~~  
15           ~~(5) shall apply. Information described in paragraph (4) of the~~  
16           ~~definition of "financial record" relating to individuals and~~  
17           ~~protected under subsection (b)(28) shall also be exempt from~~  
18           ~~access by a requester under this act. An agency shall redact~~  
19           ~~that portion of a financial record which would disclose~~  
20           ~~information protected under subsection (b)(6) or disclose the~~  
21           ~~identity of a crime victim, confidential source or an individual~~  
22           ~~performing an undercover or covert law enforcement activity~~  
23           ~~protected under subsection (b)(16) or (17).~~

24           ~~(d) Aggregated data. The exceptions set forth in subsection~~  
25           ~~(b)(1), (2), (3), (4) or (5) shall apply to aggregated data,~~  
26           ~~maintained or received by an agency.~~

27           ~~Section 709. Internet access.~~

28           ~~The Department of Community and Economic Development shall~~  
29           ~~post on its Internet website a list of community revitalization~~  
30           ~~grants by legislative and senatorial districts.~~

1 CHAPTER 9

2 AGENCY RESPONSE

3 ~~Section 901. General rule.~~

4 ~~Upon receipt of a written request for access to a record, an~~  
5 ~~agency shall make a good faith effort to determine if the record~~  
6 ~~requested is a public record, legislative record or financial~~  
7 ~~record and whether the agency has possession, custody or control~~  
8 ~~of the identified record, and to respond as promptly as possible~~  
9 ~~under the circumstances existing at the time of the request. The~~  
10 ~~response shall include a notice of applicable fees. The time for~~  
11 ~~response shall not exceed five business days from the date the~~  
12 ~~written request is received by the agency head or open records~~  
13 ~~officer for an agency. If the agency fails to send the response~~  
14 ~~within five business days of receipt of the written request for~~  
15 ~~access, the written request for access shall be deemed denied.~~

16 ~~Section 902. Extension of time.~~

17 ~~(a) Determination. Upon receipt of a written request for~~  
18 ~~access, the open records officer for an agency shall determine~~  
19 ~~if one of the following applies:~~

20 ~~(1) the request for access requires redaction of a~~  
21 ~~record in accordance with section 706;~~

22 ~~(2) the request for access requires the retrieval of a~~  
23 ~~record stored in a remote location;~~

24 ~~(3) a timely response to the request for access cannot~~  
25 ~~be accomplished due to bona fide and specified staffing~~  
26 ~~limitations;~~

27 ~~(4) a legal review is necessary to determine whether the~~  
28 ~~record is a record subject to access under this act;~~

29 ~~(5) the requester has not complied with the Commonwealth~~  
30 ~~agency's policies regarding access to records;~~

1           ~~(6) the requester refuses to pay applicable fees~~  
2           ~~authorized by this act; or~~

3           ~~(7) the extent or nature of the request precludes a~~  
4           ~~response within the required time period.~~

5           ~~(b) Notice.—~~

6           ~~(1) Upon a determination that one of the factors listed~~  
7           ~~in subsection (a) applies, the open records officer shall~~  
8           ~~send written notice to the requester within five business~~  
9           ~~days of receipt of the request for access under subsection~~  
10          ~~(a).~~

11          ~~(2) The notice shall include a statement notifying the~~  
12          ~~requester that the request for access is being reviewed, the~~  
13          ~~reason for the review and a reasonable date that a response~~  
14          ~~is expected to be provided. If the date that a response is~~  
15          ~~expected to be provided is in excess of 30 days, following~~  
16          ~~the five business days allowed for in section 901, the~~  
17          ~~request for access shall be deemed denied unless the~~  
18          ~~requester has agreed in writing for an extension to the date~~  
19          ~~specified in the notice.~~

20          ~~(3) If the requester agrees to the extension, the~~  
21          ~~request shall be deemed denied on the day following the date~~  
22          ~~specified in the notice if the agency has not provided a~~  
23          ~~response by that date.~~

24          ~~Section 903.— Denial.~~

25          ~~If an agency's response is a denial of a written request for~~  
26          ~~access, whether in whole or in part, a written response shall be~~  
27          ~~issued and include:~~

28                 ~~(1) A description of the record requested.~~

29                 ~~(2) The specific reasons for the denial, including a~~  
30                 ~~citation of supporting legal authority.~~

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

~~(4) Date of the response.~~

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

~~Section 904. Certified copies.~~

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

~~Section 905. Administrative denial.~~

~~The following shall apply:~~

~~(1) An agency may deny access to a public record, legislative record or financial record due to the failure of the requester to pay the applicable fee.~~

~~(2) An agency may deny access to a public record, legislative record or financial record due to the failure of the requester to pay any fee associated with a previous request made by the requester to the same agency.~~

~~Section 906. Record discard.~~

~~If an agency response to a requester provides that the requested records are available for delivery at the office of an agency and the requester fails to retrieve the records within 60 days of the agency's response, the agency shall send a written notice to the requester specifying that the requested copies will be held for an additional 30 days, within which time the requester may return to the agency to retrieve the records. Thereafter, the agency may dispose of any copies which have not been retrieved and retain any fees paid to date.~~

CHAPTER 11

~~APPEAL OF AGENCY DETERMINATION~~

~~Section 1101. Filing of appeal.~~

~~(a) Authorization.~~

~~(1) If a written request for access is denied or deemed denied, the requester may file an appeal with the records office within 15 business days of the mailing date of the agency's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.~~

~~(2) In the case of an appeal of a decision by an agency, the records office shall review the denial.~~

~~(b) Determination.~~

~~(1) Unless the requester agrees otherwise, the records office shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).~~

~~(2) If the records office fails to issue a final determination within 30 days, the appeal is deemed denied.~~

~~(3) Prior to issuing a final determination, a hearing may be conducted. The determination by the records office shall be a final order. The records office shall provide a written explanation of the reason for the decision to the requester and the agency.~~

~~(c) Direct interest.~~

~~(1) A person other than the agency or requester with a direct interest in the record subject to an appeal under this~~

1 ~~section may, within 15 calendar days following receipt of~~  
2 ~~actual knowledge of the appeal but no later than the date the~~  
3 ~~records office issues an order, file a written request to~~  
4 ~~provide information or appear before the records office or to~~  
5 ~~file information in support of the requester's or agency's~~  
6 ~~position.~~

7 ~~(2) The records office may grant the request if:~~

8 ~~(i) no hearing has been held;~~

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

10 ~~(iii) the records office believes the information~~  
11 ~~will be probative.~~

12 ~~(3) Copies of the written request shall be sent to the~~  
13 ~~agency and the requester.~~

#### 14 ~~CHAPTER 13~~

#### 15 ~~JUDICIAL REVIEW~~

16 ~~Section 1301. Commonwealth agencies, legislative agencies and~~  
17 ~~judicial agencies.~~

18 ~~(a) General rule. Within 30 days of the mailing date of the~~  
19 ~~final determination of the records office relating to a decision~~  
20 ~~of a Commonwealth agency, a legislative agency or a judicial~~  
21 ~~agency issued under section 1101(b) or the date a request for~~  
22 ~~access is deemed denied, a requester or the agency may file a~~  
23 ~~petition for review or other document as might be required by~~  
24 ~~rule of court with the Commonwealth Court. The decision of the~~  
25 ~~court shall contain findings of fact and conclusions of law~~  
26 ~~based upon the evidence as a whole. The decision shall clearly~~  
27 ~~and concisely explain the rationale for the decision.~~

28 ~~(b) Stay. An appeal under this section shall stay the~~  
29 ~~release of documents until a decision under subsection (a) is~~  
30 ~~issued.~~

1 ~~Section 1302. Local agencies.~~

2 ~~(a) General rule. Within 30 days of the mailing date of the~~  
3 ~~final determination of the records office relating to a decision~~  
4 ~~of a local agency issued under section 1101(b) or of the date a~~  
5 ~~request for access is deemed denied, a requester or local agency~~  
6 ~~may file a petition for review or other document as required by~~  
7 ~~rule of court with the court of common pleas for the county~~  
8 ~~where the local agency is located. The decision of the court~~  
9 ~~shall contain findings of fact and conclusions of law based upon~~  
10 ~~the evidence as a whole. The decision shall clearly and~~  
11 ~~concisely explain the rationale for the decision.~~

12 ~~(b) Stay. An appeal under this section shall stay the~~  
13 ~~release of documents until a decision under subsection (a) is~~  
14 ~~issued.~~

15 ~~Section 1303. Notice and records.~~

16 ~~(a) Notice. An agency, the requester and the appeals~~  
17 ~~officer shall be served notice of actions commenced in~~  
18 ~~accordance with section 1301 or 1302 and shall have an~~  
19 ~~opportunity to respond in accordance with applicable court~~  
20 ~~rules.~~

21 ~~(b) Record on appeal. The record before a court shall~~  
22 ~~consist of the request, the agency's response, the appeal filed~~  
23 ~~under section 1101, the hearing transcript, if any, and the~~  
24 ~~final written determination of the records office.~~

25 ~~Section 1304. Court costs and attorney fees.~~

26 ~~(a) Reversal of agency determination. If a court reverses~~  
27 ~~the final determination of the records office or grants access~~  
28 ~~after a request for access was deemed denied, the court may~~  
29 ~~award reasonable attorney fees and costs of litigation or an~~  
30 ~~appropriate portion thereof to a requester if the court finds~~



1 ~~either of the following:~~

2 ~~(1) the agency receiving the original request willfully~~  
3 ~~or with wanton disregard deprived the requester of access to~~  
4 ~~a public record subject to access or otherwise acted in bad~~  
5 ~~faith under the provisions of this act; or~~

6 ~~(2) the exemptions, exclusions or defenses asserted by~~  
7 ~~the agency in its final determination were not based on a~~  
8 ~~reasonable interpretation of law.~~

9 ~~(b) Sanctions for frivolous requests or appeals. The court~~  
10 ~~may award reasonable attorney fees and costs of litigation or an~~  
11 ~~appropriate portion thereof to an agency or the requester if the~~  
12 ~~court finds that the legal challenge under this chapter was~~  
13 ~~frivolous.~~

14 ~~(c) Other sanctions. Nothing in this act shall prohibit a~~  
15 ~~court from imposing penalties and costs in accordance with~~  
16 ~~applicable rules of court.~~

17 ~~Section 1305. Civil penalty.~~

18 ~~(a) Denial of access. A court may impose a civil penalty of~~  
19 ~~not more than \$1,000 if an agency denied access to a public~~  
20 ~~record in bad faith.~~

21 ~~(b) Failure to comply with court order. An agency or public~~  
22 ~~official who does not promptly comply with a court order under~~  
23 ~~this act is subject to a civil penalty of not more than \$500 per~~  
24 ~~day until the public records are provided.~~

25 ~~Section 1306. Immunity.~~

26 ~~(a) General rule. Except as provided in sections 1304 and~~  
27 ~~1305 and other statutes governing the release of records, no~~  
28 ~~agency, public official or public employee shall be liable for~~  
29 ~~civil penalties resulting from compliance or failure to comply~~  
30 ~~with this act.~~

1       ~~(b) Schedules. No agency, public official or public~~  
2 ~~employee shall be liable for civil or criminal damages or~~  
3 ~~penalties under this act for complying with any written public~~  
4 ~~record retention and disposition schedule.~~

5 ~~Section 1307. Fee limitations.~~

6       ~~(a) Postage. Fees for postage may not exceed the actual~~  
7 ~~cost of mailing.~~

8       ~~(b) Duplication.~~

9           ~~(1) Fees for duplication by photocopying, printing from~~  
10 ~~electronic media or microfilm, copying onto electronic media,~~  
11 ~~transmission by facsimile or other electronic means and other~~  
12 ~~means of duplication shall be established by the records~~  
13 ~~office.~~

14           ~~(2) (i) The fees must be reasonable and based on~~  
15 ~~prevailing fees for comparable duplication services~~  
16 ~~provided by local business entities.~~

17           ~~(ii) Fees for copying data, collections of data and~~  
18 ~~compiled data, including, but not limited to, geographic~~  
19 ~~information systems and property lists, may be based on~~  
20 ~~consideration of the reasonable market value of same or~~  
21 ~~closely comparable data, collections of data or compiled~~  
22 ~~data.~~

23           ~~(3) Fees for local agencies may reflect regional price~~  
24 ~~differences and shall be subject to review by the~~  
25 ~~clearinghouse as provided in section 1310(a)(8).~~

26       ~~(c) Certification. An agency may impose reasonable fees for~~  
27 ~~official certification of copies if the certification is at the~~  
28 ~~behest of the requester and for the purpose of legally verifying~~  
29 ~~the public record.~~

30       ~~(d) Conversion to paper. If a record is only maintained~~

1 ~~electronically or in other nonpaper media, duplication fees~~  
2 ~~shall be limited to the lesser of the fee for duplication on~~  
3 ~~paper or the fee for duplication in the original media as~~  
4 ~~provided by subsection (b) unless the requester specifically~~  
5 ~~requests for the record to be duplicated in the more expensive~~  
6 ~~medium.~~

7 ~~(c) Enhanced electronic access. If an agency offers~~  
8 ~~enhanced electronic access to records in addition to making the~~  
9 ~~records accessible for inspection and duplication by a requester~~  
10 ~~as required by this act, the agency may establish user fees~~  
11 ~~specifically for the provision of the enhanced electronic~~  
12 ~~access, but only to the extent that the enhanced electronic~~  
13 ~~access is in addition to making the records accessible for~~  
14 ~~inspection and duplication by a requester as required by this~~  
15 ~~act. The user fees for enhanced electronic access may be a flat~~  
16 ~~rate, a subscription fee for a period of time, a per transaction~~  
17 ~~fee, a fee based on the cumulative time of system access or any~~  
18 ~~other reasonable method and any combination thereof. The user~~  
19 ~~fees for enhanced electronic access must be reasonable, must be~~  
20 ~~approved by the clearinghouse and may not be established with~~  
21 ~~the intent or effect of excluding persons from access to records~~  
22 ~~or duplicates thereof or of creating profit for the agency.~~

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

25 ~~(1) the requester duplicates the record; or~~

26 ~~(2) the agency deems it is in the public interest to do~~

27 ~~so.~~

28 ~~(g) Limitations. Except as otherwise provided by statute,~~  
29 ~~no other fees may be imposed unless the agency necessarily~~  
30 ~~incurs costs for complying with the request, including costs~~

1 ~~associated with legal reviews of records or record requests~~  
2 ~~requiring the contracting or procuring of legal counsel outside~~  
3 ~~the agency. Such fees must be reasonable. An agency shall not~~  
4 ~~charge a requester any fee for any of the following costs:~~

5 ~~(1) Costs related to reviewing a record to determine if~~  
6 ~~it is a public record.~~

7 ~~(2) Costs related to redacting exempt information from a~~  
8 ~~record.~~

9 ~~(3) Personnel costs for copying a record.~~

10 ~~(4) Personnel costs for preparing a record for delivery.~~

11 ~~(5) Personnel costs for observing a requester who is~~  
12 ~~reviewing or copying a record.~~

13 ~~(6) For use of agency computers, viewers or other~~  
14 ~~equipment necessary for gaining access to examining a record.~~

15 ~~(7) Costs for agency personnel to instruct a requester~~  
16 ~~on the use of agency equipment used to view a record.~~

17 ~~(8) Any other processing costs not specifically~~  
18 ~~permitted under this section.~~

19 ~~(h) Prepayment. Prior to granting a request for access in~~  
20 ~~accordance with this act, an agency may require a requester to~~  
21 ~~prepay an estimate of the fees authorized under this section if~~  
22 ~~the fees required to fulfill the request are expected to exceed~~  
23 ~~\$100. The agency may require a certified check, money order or~~  
24 ~~other form of verified payment of funds when requiring open~~  
25 ~~records request fees to be prepaid.~~

26 ~~Section 1308. Prohibition.~~

27 ~~A policy, rule or regulation adopted under this act may not~~  
28 ~~include any of the following:~~

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

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

3           ~~Section 1309. Practice and procedure.~~

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

7           ~~Section 1310. Pennsylvania Public Records Office.~~

8           ~~(a) Establishment. The Pennsylvania Public Records Office~~  
9           ~~is established within the State Ethics Commission, which shall~~  
10           ~~appoint an executive director of the public records office who~~  
11           ~~shall hire other staff as necessary to operate the office.~~

12           ~~(b) Powers and duties. The director of the public records~~  
13           ~~office has the following powers and duties:~~

14           ~~(1) To receive and respond to requests for information~~  
15           ~~from persons who have been denied access to public records by~~  
16           ~~a Commonwealth agency, a local agency, the General Assembly~~  
17           ~~or a legislative agency under this act.~~

18           ~~(2) To receive and respond to requests for information~~  
19           ~~from a Commonwealth agency, a local agency, the General~~  
20           ~~Assembly or a legislative agency regarding compliance with~~  
21           ~~this act.~~

22           ~~(3) To order a Commonwealth agency, a local agency, the~~  
23           ~~General Assembly or a legislative agency to comply with~~  
24           ~~provisions of this act upon finding that a request for access~~  
25           ~~to a public record was properly made.~~

26           ~~(4) To issue advisory opinions on compliance with this~~  
27           ~~act.~~

28           ~~(5) To request information from Commonwealth agencies,~~  
29           ~~local agencies, the General Assembly and legislative agencies~~  
30           ~~in order to make compliance determinations under this act.~~

1 ~~All information supplied by a Commonwealth agency, a local~~  
2 ~~agency, the General Assembly or a legislative agency which is~~  
3 ~~relevant to a request shall be subject to confidentiality~~  
4 ~~under subsection (c).~~

5 ~~(6) To guide and oversee the compliance with this act by~~  
6 ~~all Commonwealth agencies, local agencies, the General~~  
7 ~~Assembly and legislative agencies.~~

8 ~~(7) To provide a list to any requesting agency or~~  
9 ~~individual of Federal and State laws that exempt certain~~  
10 ~~types of records from disclosure.~~

11 ~~(8) To make its advisory opinions and written decisions~~  
12 ~~available for review.~~

13 ~~(9) To conduct training for public officials, public~~  
14 ~~employees and third parties relating to the Commonwealth's~~  
15 ~~access laws with assistance from the Department of Community~~  
16 ~~and Economic Development's Center for Local Government.~~

17 ~~(10) To issue a report semi annually to the General~~  
18 ~~Assembly and to the Governor, which report shall include, but~~  
19 ~~not be limited to:~~

20 ~~(i) The number of requests to review denials from~~  
21 ~~persons making public record requests.~~

22 ~~(ii) The number of public record requests which were~~  
23 ~~determined, upon review of the access office, to have~~  
24 ~~been improperly denied.~~

25 ~~(iii) The number of requests made by agencies~~  
26 ~~seeking clarification on compliance with this act.~~

27 ~~(iv) The number of orders issued by the public~~  
28 ~~records office directing an agency to comply with this~~  
29 ~~act.~~

30 ~~(v) The number of advisory opinions issued by the~~

1 ~~public records office.~~

2 ~~(vi) The number of requests for the list of Federal~~  
3 ~~and State exemptions to public access of records.~~

4 ~~(vii) The number of training sessions conducted for~~  
5 ~~public officials, public employees and third parties~~  
6 ~~relating to public access of records, including the~~  
7 ~~number of persons attending such training sessions.~~

8 ~~(11) To make available in electronic form to persons~~  
9 ~~making requests for public records, examples of previous~~  
10 ~~requests for public records by other persons and the~~  
11 ~~documents to which the other persons were given access. In~~  
12 ~~performing this duty, the office may not reveal any~~  
13 ~~information relating to the identity of the persons who made~~  
14 ~~the previous requests.~~

15 ~~(12) To promulgate any regulations necessary to~~  
16 ~~administer this act.~~

17 ~~(13) Set a schedule for the requester and agency to~~  
18 ~~submit documents in support of their positions.~~

19 ~~(14) To review all information filed relating to a~~  
20 ~~request. The public records office may hold a hearing, but~~  
21 ~~the decision to hold or not to hold a hearing is not~~  
22 ~~appealable. The public records office may admit into evidence~~  
23 ~~testimony, evidence and documents it believes to be~~  
24 ~~reasonably probative and relevant to an issue in dispute. The~~  
25 ~~public records office may limit the nature and extent of~~  
26 ~~evidence to be cumulative.~~

27 ~~(c) Confidentiality. All information requested by the~~  
28 ~~public records office from an agency in order to make a~~  
29 ~~determination of whether an agency is complying with this act~~  
30 ~~shall remain confidential and shall not be subject to public~~

1 access.

2 ~~(d) Fees. The following shall apply:~~

3 ~~(1) The public records office may impose a reasonable~~  
4 ~~filing fee for an appeal made under section 1101, and any~~  
5 ~~fees collected under this subsection shall be deposited in a~~  
6 ~~restricted account in the General Fund which is established~~  
7 ~~for the public records office. The money from this account~~  
8 ~~shall be appropriated as necessary for the operation of the~~  
9 ~~public records office.~~

10 ~~(2) The public records office may waive the filing fee~~  
11 ~~if the person requesting access to the public record is~~  
12 ~~unable to afford the fee based on guidelines established by~~  
13 ~~the public records office.~~

14 ~~Section 1311. Administrative appeals.~~

15 ~~(a) General rule. Notwithstanding any other provision of~~  
16 ~~law, a party aggrieved by a denial or deemed denial of access to~~  
17 ~~a public record by a Commonwealth agency, local agency, the~~  
18 ~~General Assembly or a legislative agency may, within 30 days~~  
19 ~~after a request is denied or deemed denied, appeal to the public~~  
20 ~~records office by forwarding to the office a copy of the request~~  
21 ~~and the written explanation for the denial, if any, provided by~~  
22 ~~the Commonwealth agency, local agency, the General Assembly or~~  
23 ~~legislative agency, and requesting a review of the matter.~~

24 ~~(b) Ruling.—~~

25 ~~(1) Within 30 business days after receipt of the appeal,~~  
26 ~~the public records office shall rule either that the denial~~  
27 ~~or deemed denial of access to the record by the Commonwealth~~  
28 ~~agency, local agency, the General Assembly or legislative~~  
29 ~~agency is upheld or that the decision to deny access to the~~  
30 ~~record was improper, and a Commonwealth agency, the local~~



1 ~~agency, the General Assembly or legislative agency must~~  
2 ~~provide access to the record. The public records office may~~  
3 ~~hold a private hearing on the matter and may review the~~  
4 ~~record.~~

5 ~~(2) The 30 business day period may be extended by~~  
6 ~~agreement of the parties. If the parties do not agree to an~~  
7 ~~extension or the public records office does not issue a~~  
8 ~~ruling within 30 business days after the date of the appeal,~~  
9 ~~the denial from the Commonwealth agency, local agency, the~~  
10 ~~General Assembly or legislative agency shall be deemed~~  
11 ~~affirmed.~~

12 ~~(c) Explanation. If the public records office upholds the~~  
13 ~~decision of the Commonwealth agency, local agency, the General~~  
14 ~~Assembly or legislative agency to deny access to the public~~  
15 ~~record, the office shall fully explain in writing to the person~~  
16 ~~requesting the public record the reason for the denial. If the~~  
17 ~~public records office rules that the Commonwealth agency, local~~  
18 ~~agency, the General Assembly or legislative agency shall provide~~  
19 ~~access to the public record, it shall order the Commonwealth~~  
20 ~~agency, local agency, the General Assembly or legislative agency~~  
21 ~~to provide the individual with access to the record and shall~~  
22 ~~fully explain in writing the reason access must be provided.~~

23 ~~(d) Other appeals. Costs or attorney fees shall not be~~  
24 ~~awarded under this section for administrative appeal to the~~  
25 ~~public records office under this section.~~

## 26 CHAPTER 15

### 27 STATE RELATED INSTITUTIONS

28 Section 1501. Definition.

29 As used in this chapter, "State related institution" means  
30 any of the following:

1           ~~(1) Temple University.~~

2           ~~(2) The University of Pittsburgh.~~

3           ~~(3) The Pennsylvania State University.~~

4           ~~(4) Lincoln University.~~

5   ~~Section 1502.— Reporting.~~

6           ~~No later than May 30 of each year, a State related~~  
7   ~~institution shall file with the Governor's Office, the General~~  
8   ~~Assembly, the Auditor General and the State Library the~~  
9   ~~information set forth in section 1503.~~

10 ~~Section 1503.— Contents of report.~~

11           ~~The report required under section 1502 shall include the~~  
12 ~~following:~~

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

19           ~~(2) The salaries of all officers and directors of the~~  
20   ~~State related institution.~~

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

23           ~~(4) The report shall not include information relating to~~  
24   ~~individual donors.~~

25 ~~Section 1504.— Copies and posting.~~

26           ~~A State related institution shall maintain, for at least~~  
27   ~~seven years, a copy of the report in the institution's library~~  
28   ~~and shall provide free access to the report on the institution's~~  
29   ~~Internet website.~~

1 STATE CONTRACT INFORMATION

2 ~~Section 1701. Submission and retention of contracts.~~

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

15 ~~(1) Each Commonwealth agency, legislative agency and~~  
16 ~~judicial agency shall submit contracts in a form and~~  
17 ~~structure mutually agreed upon by the Commonwealth agency,~~  
18 ~~legislative agency or judicial agency and the State~~  
19 ~~Treasurer.~~

20 ~~(2) The Treasury Department may require each~~  
21 ~~Commonwealth agency, legislative agency or judicial agency to~~  
22 ~~provide a summary with each contract, which shall include the~~  
23 ~~following:~~

24 ~~(i) Date of execution.~~

25 ~~(ii) Amount of the contract.~~

26 ~~(iii) Beginning date of the contract.~~

27 ~~(iv) End date of the contract, if applicable.~~

28 ~~(v) Name of the agency entering into the contract.~~

29 ~~(vi) The name and business address of all parties~~  
30 ~~executing the contract.~~

1           ~~(vii) Subject matter of the contract.~~

2       ~~Each agency shall create and maintain the data under this~~  
3       ~~paragraph in an ASCII delimited text file, spreadsheet file~~  
4       ~~or other file provided by Treasury Department regulation.~~

5       ~~(b) Retention. Every contract filed pursuant to subsection~~  
6       ~~(a) shall remain on file with the Treasury Department for a~~  
7       ~~period of not less than four years after the end date of the~~  
8       ~~contract.~~

9       ~~(c) Accuracy. Each Commonwealth agency, legislative agency~~  
10      ~~and judicial agency is responsible for verifying the accuracy~~  
11      ~~and completeness of the information that it submits to the State~~  
12      ~~Treasurer. The contract provided to the Treasury Department~~  
13      ~~pursuant to this chapter shall be redacted in accordance with~~  
14      ~~applicable provisions of this act by the agency providing the~~  
15      ~~contract to the Treasury Department.~~

16      ~~(d) Contracts provided pursuant to The Fiscal Code. The~~  
17      ~~copy of a contract provided to the Treasury Department pursuant~~  
18      ~~to section 1701 shall be in addition to any copy of the contract~~  
19      ~~provided to the Treasury Department under the act of April 9,~~  
20      ~~1929 (P.L.343, No.176), known as The Fiscal Code. Copies of~~  
21      ~~contracts received by the Treasury Department, Office of Auditor~~  
22      ~~General, or Department of Revenue from an agency pursuant to The~~  
23      ~~Fiscal Code shall not be made available to a requester by the~~  
24      ~~State Treasurer, Auditor General or the Department of Revenue.~~

25      ~~Section 1702. Public availability of contracts.~~

26      ~~(a) General rule. Except as otherwise provided in this~~  
27      ~~chapter, a request for a copy of a contract shall only be made~~  
28      ~~to an agency who is a party to the contract.~~

29      ~~(b) Posting. The Treasury Department shall make each~~  
30      ~~contract filed pursuant to section 1701 available for public~~

1 ~~inspection either by posting a copy of the contract on the~~  
2 ~~Treasury Department's publicly accessible Internet website or by~~  
3 ~~posting a contract summary on the department's publicly~~  
4 ~~accessible Internet website. The Treasury Department shall post~~  
5 ~~the information received pursuant to this chapter in a way that~~  
6 ~~allows the public to search contracts or contract summaries by~~  
7 ~~the categories enumerated in section 1701(a)(2).~~

8 ~~(c) Request to review or receive copy of contract. The~~  
9 ~~Treasury Department shall maintain a page on its publicly~~  
10 ~~accessible Internet website with instructions on how to request~~  
11 ~~to review a contract and how to request a copy of a contract.~~  
12 ~~Requests to review or receive a copy of a contract shall be~~  
13 ~~allowed by letter, facsimile or e mail. Additionally, both~~  
14 ~~requests shall be honored within five days of the submission of~~  
15 ~~the request and in the case of a request for a copy of a~~  
16 ~~contract it shall be provided to the individual at cost. The~~  
17 ~~Treasury Department may offer to provide a copy of the requested~~  
18 ~~contract electronically to the requester at no cost.~~

19 CHAPTER 19

20 PUBLIC OFFICIALS

21 ~~Section 1901. Disclosure of affiliation.~~

22 ~~(a) Scope. This section applies to:~~

23 ~~(1) an individual who is elected or appointed to an~~  
24 ~~office of the Commonwealth; and~~

25 ~~(2) the spouse of an individual under paragraph (1).~~

26 ~~(b) Requirement. Annually, each individual subject to~~  
27 ~~subsection (a) shall submit to the clearinghouse for Internet~~  
28 ~~website publication under section 1310(a)(7) disclosure as to a~~  
29 ~~business relationship between a Commonwealth agency and:~~

30 ~~(1) the individual;~~

- 1           ~~(2) a partnership in which the individual is a partner;~~  
2           ~~(3) an association in which the individual is an officer~~  
3           ~~or a director;~~  
4           ~~(4) a corporation in which the individual is an officer~~  
5           ~~or a director; or~~  
6           ~~(5) a corporation in which the individual has an equity~~  
7           ~~interest of at least 5%.~~

8                                       ~~CHAPTER 31~~

9                                       ~~MISCELLANEOUS PROVISIONS~~

10   ~~Section 3101. Applicability.~~

11       ~~This act applies as follows:~~

12           ~~(1) This act shall apply to requests for information~~  
13       ~~made on or after December 31, 2008.~~

14           ~~(2) With respect to an agency as defined under section~~  
15       ~~102, this act shall apply prospectively.~~

16           ~~(3) In addition to paragraph (2), with respect only to~~  
17       ~~an agency which was an agency as defined under the former act~~  
18       ~~of June 21, 1957 (P.L.390, No.212), referred to as the Right-~~  
19       ~~to Know Law, this act shall apply retroactively.~~

20           ~~(4) Chapter 15 shall apply to fiscal years beginning~~  
21       ~~after June 30, 2008.~~

22           ~~(5) Chapter 17 shall apply to contracts entered into or~~  
23       ~~renewed after June 30, 2008.~~

24           ~~(6) Section 3102(1)(ii)(B) shall apply to bids submitted~~  
25       ~~on or after June 30, 2008.~~

26           ~~(7) If a provision of this act regarding access to a~~  
27       ~~record conflicts with any other Federal or State statute,~~  
28       ~~regulation or judicial order or decree, the provision of this~~  
29       ~~act shall not control.~~

30   ~~Section 3101.1. Relation to other law or judicial actions.~~

1 ~~If the provisions of this act regarding access to public~~  
2 ~~records conflict with any Federal or State statute, the~~  
3 ~~provisions of this act shall not apply.~~

4 ~~Section 3101.2.— Severability.~~

5 ~~All provisions of this act are severable.~~

6 ~~Section 3102.— Repeals.~~

7 ~~Repeals are as follows:~~

8 ~~(1) (i) General Assembly declares that the repeals~~  
9 ~~under subparagraph (ii) are necessary to effectuate this~~  
10 ~~act.~~

11 ~~(ii) The following acts and parts of acts are~~  
12 ~~repealed:~~

13 ~~(A) The act of June 21, 1957 (P.L.390, No.212),~~  
14 ~~referred to as the Right to Know Law.~~

15 ~~(B) 62 Pa.C.S. § 106.~~

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

19 ~~(ii) Section 1104 of the act of April 9, 1929~~  
20 ~~(P.L.177, No.175), known as The Administrative Code of~~  
21 ~~1929, is repealed.~~

22 ~~Section 3103.— References.~~

23 ~~A reference in a statute, regulation or judicial order or~~  
24 ~~decree to the act of June 21, 1957 (P.L.390, No.212), referred~~  
25 ~~to as the Right to Know Law, shall be deemed a reference to this~~  
26 ~~act.~~

27 ~~Section 3104.— Effective date.~~

28 ~~This act shall take effect as follows:~~

29 ~~(1) Sections 101, 102, 1310, 3101 and 3102(1)(i) and~~  
30 ~~(ii)(B) and (2) shall take effect July 1, 2008.~~





1 (4) FOR THE ATTORNEY GENERAL, STATE TREASURER, AUDITOR  
2 GENERAL AND LOCAL AGENCIES IN POSSESSION OF CRIMINAL  
3 INVESTIGATIVE RECORDS, THE INDIVIDUAL DESIGNATED UNDER  
4 SECTION 503(D).

5 "COMMONWEALTH AGENCY." ANY OF THE FOLLOWING:

6 (1) ANY OFFICE, DEPARTMENT, AUTHORITY, BOARD, MULTISTATE  
7 AGENCY OR COMMISSION OF THE EXECUTIVE BRANCH; AN INDEPENDENT  
8 AGENCY; AND A STATE-AFFILIATED ENTITY. THE TERM INCLUDES:

9 (I) THE GOVERNOR'S OFFICE.

10 (II) THE OFFICE OF ATTORNEY GENERAL, THE DEPARTMENT  
11 OF THE AUDITOR GENERAL AND THE TREASURY DEPARTMENT.

12 (III) AN ORGANIZATION ESTABLISHED BY THE  
13 CONSTITUTION OF PENNSYLVANIA, A STATUTE OR AN EXECUTIVE  
14 ORDER WHICH PERFORMS OR IS INTENDED TO PERFORM AN  
15 ESSENTIAL GOVERNMENTAL FUNCTION.

16 (2) THE TERM DOES NOT INCLUDE A JUDICIAL OR LEGISLATIVE  
17 AGENCY.

18 "CONFIDENTIAL PROPRIETARY INFORMATION." COMMERCIAL OR  
19 FINANCIAL INFORMATION RECEIVED BY AN AGENCY:

20 (1) WHICH IS PRIVILEGED OR CONFIDENTIAL; AND

21 (2) THE DISCLOSURE OF WHICH WOULD CAUSE SUBSTANTIAL HARM  
22 TO THE COMPETITIVE POSITION OF THE PERSON THAT SUBMITTED THE  
23 INFORMATION.

24 "FINANCIAL RECORD." INCLUDES:

25 (1) ANY ACCOUNT, VOUCHER OR CONTRACT DEALING WITH:

26 (I) THE RECEIPT OR DISBURSEMENT OF FUNDS BY AN  
27 AGENCY; OR

28 (II) AN AGENCY'S ACQUISITION, USE OR DISPOSAL OF  
29 SERVICES, SUPPLIES, MATERIALS, EQUIPMENT OR PROPERTY.

30 (2) THE SALARY OR OTHER PAYMENTS OR EXPENSES PAID TO AN

1 OFFICER OR EMPLOYEE OF AN AGENCY, INCLUDING THE NAME AND  
2 TITLE OF THE OFFICER OR EMPLOYEE.

3 (3) RESULTS OF A FINANCIAL AUDIT.

4 "HOMELAND SECURITY." GOVERNMENTAL ACTIONS DESIGNED TO  
5 PREVENT, DETECT, RESPOND TO AND RECOVER FROM ACTS OF TERRORISM,  
6 MAJOR DISASTERS AND OTHER EMERGENCIES, WHETHER NATURAL OR  
7 MANMADE. THE TERM INCLUDES ACTIVITIES RELATING TO THE FOLLOWING:

8 (1) EMERGENCY PREPAREDNESS AND RESPONSE, INCLUDING  
9 PREPAREDNESS AND RESPONSE ACTIVITIES BY VOLUNTEER MEDICAL,  
10 POLICE, EMERGENCY MANAGEMENT, HAZARDOUS MATERIALS AND FIRE  
11 PERSONNEL;

12 (2) INTELLIGENCE ACTIVITIES;

13 (3) CRITICAL INFRASTRUCTURE PROTECTION;

14 (4) BORDER SECURITY;

15 (5) GROUND, AVIATION AND MARITIME TRANSPORTATION  
16 SECURITY;

17 (6) BIODEFENSE;

18 (7) DETECTION OF NUCLEAR AND RADIOLOGICAL MATERIALS; AND

19 (8) RESEARCH ON NEXT-GENERATION SECURITIES TECHNOLOGIES.

20 "INDEPENDENT AGENCY." ANY BOARD, COMMISSION OR OTHER AGENCY  
21 OR OFFICER OF THE COMMONWEALTH, THAT IS NOT SUBJECT TO THE  
22 POLICY SUPERVISION AND CONTROL OF THE GOVERNOR. THE TERM DOES  
23 NOT INCLUDE A LEGISLATIVE OR JUDICIAL AGENCY.

24 "JUDICIAL AGENCY." A COURT OF THE COMMONWEALTH OR ANY OTHER  
25 ENTITY OR OFFICE OF THE UNIFIED JUDICIAL SYSTEM.

26 "LEGISLATIVE AGENCY." ANY OF THE FOLLOWING:

27 (1) THE SENATE.

28 (2) THE HOUSE OF REPRESENTATIVES.

29 (3) THE CAPITOL PRESERVATION COMMITTEE.

30 (4) THE CENTER FOR RURAL PENNSYLVANIA.

1 (5) THE JOINT LEGISLATIVE AIR AND WATER POLLUTION  
2 CONTROL AND CONSERVATION COMMITTEE.

3 (6) THE JOINT STATE GOVERNMENT COMMISSION.

4 (7) THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE.

5 (8) THE LEGISLATIVE DATA PROCESSING COMMITTEE.

6 (9) THE INDEPENDENT REGULATORY REVIEW COMMISSION.

7 (10) THE LEGISLATIVE REFERENCE BUREAU.

8 (11) THE LOCAL GOVERNMENT COMMISSION.

9 (12) THE PENNSYLVANIA COMMISSION ON SENTENCING.

10 (13) THE LEGISLATIVE REAPPORTIONMENT COMMISSION.

11 (14) THE LEGISLATIVE OFFICE OF RESEARCH LIAISON.

12 "LEGISLATIVE RECORD." ANY OF THE FOLLOWING RELATING TO A  
13 LEGISLATIVE AGENCY OR A STANDING COMMITTEE, SUBCOMMITTEE OR  
14 CONFERENCE COMMITTEE OF A LEGISLATIVE AGENCY:

15 (1) A FINANCIAL RECORD.

16 (2) A BILL OR RESOLUTION THAT HAS BEEN INTRODUCED AND  
17 AMENDMENTS OFFERED THERETO IN COMMITTEE OR IN LEGISLATIVE  
18 SESSION, INCLUDING RESOLUTIONS TO ADOPT OR AMEND THE RULES OF  
19 A CHAMBER.

20 (3) FISCAL NOTES.

21 (4) A COSPONSORSHIP MEMORANDUM.

22 (5) THE JOURNAL OF A CHAMBER.

23 (6) THE MINUTES OF, RECORD OF ATTENDANCE OF MEMBERS AT A  
24 PUBLIC HEARING OR A PUBLIC COMMITTEE MEETING AND ALL RECORDED  
25 VOTES TAKEN IN A PUBLIC COMMITTEE MEETING.

26 (7) THE TRANSCRIPT OF A PUBLIC HEARING WHEN AVAILABLE.

27 (8) EXECUTIVE NOMINATION CALENDARS.

28 (9) THE RULES OF A CHAMBER.

29 (10) A RECORD OF ALL RECORDED VOTES TAKEN IN A  
30 LEGISLATIVE SESSION.

1 (11) ANY ADMINISTRATIVE STAFF MANUALS OR WRITTEN  
2 POLICIES.

3 (12) AN AUDIT PREPARED PURSUANT TO THE ACT OF JUNE 30,  
4 1970 (P.L.442, NO.151) ENTITLED, "AN ACT IMPLEMENTING THE  
5 PROVISIONS OF ARTICLE VIII, SECTION 10 OF THE CONSTITUTION OF  
6 PENNSYLVANIA, BY DESIGNATING THE COMMONWEALTH OFFICERS WHO  
7 SHALL BE CHARGED WITH THE FUNCTION OF AUDITING THE FINANCIAL  
8 TRANSACTIONS AFTER THE OCCURRENCE THEREOF OF THE LEGISLATIVE  
9 AND JUDICIAL BRANCHES OF THE GOVERNMENT OF THE COMMONWEALTH,  
10 ESTABLISHING A LEGISLATIVE AUDIT ADVISORY COMMISSION, AND  
11 IMPOSING CERTAIN POWERS AND DUTIES ON SUCH COMMISSION."

12 (13) FINAL OR ANNUAL REPORTS REQUIRED BY LAW TO BE  
13 SUBMITTED TO THE GENERAL ASSEMBLY.

14 (14) LEGISLATIVE BUDGET AND FINANCE COMMITTEE REPORTS.

15 (15) DAILY LEGISLATIVE SESSION CALENDARS AND MARKED  
16 CALENDARS.

17 (16) A RECORD COMMUNICATING TO AN AGENCY THE OFFICIAL  
18 APPOINTMENT OF A LEGISLATIVE APPOINTEE.

19 (17) A RECORD COMMUNICATING TO THE APPOINTING AUTHORITY  
20 THE RESIGNATION OF A LEGISLATIVE APPOINTEE.

21 (18) PROPOSED REGULATIONS, FINAL-FORM REGULATIONS AND  
22 FINAL-OMITTED REGULATIONS SUBMITTED TO A LEGISLATIVE AGENCY.

23 (19) THE RESULTS OF PUBLIC OPINION SURVEYS, POLLS, FOCUS  
24 GROUPS, MARKETING RESEARCH OR SIMILAR EFFORTS DESIGNED TO  
25 MEASURE PUBLIC OPINION FUNDED BY A LEGISLATIVE AGENCY.

26 "LOCAL AGENCY." ANY OF THE FOLLOWING:

27 (1) ANY POLITICAL SUBDIVISION, INTERMEDIATE UNIT,  
28 CHARTER SCHOOL, CYBER CHARTER SCHOOL OR PUBLIC TRADE OR  
29 VOCATIONAL SCHOOL.

30 (2) ANY LOCAL, INTERGOVERNMENTAL, REGIONAL OR MUNICIPAL

1 AGENCY, AUTHORITY, COUNCIL, BOARD, COMMISSION OR SIMILAR  
2 GOVERNMENTAL ENTITY.

3 "OFFICE OF OPEN RECORDS." THE OFFICE OF OPEN RECORDS  
4 ESTABLISHED IN SECTION 1310.

5 "PERSONAL FINANCIAL INFORMATION." AN INDIVIDUAL'S PERSONAL  
6 CREDIT, CHARGE OR DEBIT CARD INFORMATION; BANK ACCOUNT  
7 INFORMATION; BANK, CREDIT OR FINANCIAL STATEMENTS; ACCOUNT OR  
8 PIN NUMBERS AND OTHER INFORMATION RELATING TO AN INDIVIDUAL'S  
9 PERSONAL FINANCES.

10 "PRIVILEGE." THE ATTORNEY-WORK PRODUCT DOCTRINE, THE  
11 ATTORNEY-CLIENT PRIVILEGE, THE DOCTOR-PATIENT PRIVILEGE OR OTHER  
12 PRIVILEGE RECOGNIZED BY A COURT INTERPRETING THE LAWS OF THIS  
13 COMMONWEALTH.

14 "PUBLIC RECORD." A RECORD OF A COMMONWEALTH OR LOCAL AGENCY  
15 THAT:

16 (1) IS NOT EXEMPT UNDER SECTION 708;

17 (2) IS NOT EXEMPT FROM BEING DISCLOSED UNDER ANY OTHER  
18 FEDERAL OR STATE LAW OR REGULATION OR JUDICIAL ORDER OR  
19 DECREE; OR

20 (3) IS NOT PROTECTED BY A PRIVILEGE.

21 "RECORD." INFORMATION, REGARDLESS OF PHYSICAL FORM OR  
22 CHARACTERISTICS, THAT DOCUMENTS A TRANSACTION OR ACTIVITY OF AN  
23 AGENCY AND THAT IS CREATED, RECEIVED OR RETAINED PURSUANT TO LAW  
24 OR IN CONNECTION WITH A TRANSACTION, BUSINESS OR ACTIVITY OF THE  
25 AGENCY. THE TERM INCLUDES A DOCUMENT, PAPER, LETTER, MAP, BOOK,  
26 TAPE, PHOTOGRAPH, FILM OR SOUND RECORDING, INFORMATION STORED OR  
27 MAINTAINED ELECTRONICALLY AND A DATA-PROCESSED OR IMAGE-  
28 PROCESSED DOCUMENT.

29 "REQUESTER." A PERSON THAT IS A LEGAL RESIDENT OF THE UNITED  
30 STATES AND REQUESTS A RECORD PURSUANT TO THIS ACT. THE TERM

1 INCLUDES ~~A POLITICAL SUBDIVISION~~ AN AGENCY. ←

2 "RESPONSE." ACCESS TO A RECORD OR AN AGENCY'S WRITTEN NOTICE  
3 TO A REQUESTER GRANTING, DENYING OR PARTIALLY GRANTING AND  
4 PARTIALLY DENYING ACCESS TO A RECORD.

5 "SOCIAL SERVICES." CASH ASSISTANCE AND OTHER WELFARE  
6 BENEFITS, MEDICAL, MENTAL AND OTHER HEALTH CARE SERVICES, DRUG  
7 AND ALCOHOL TREATMENT, ADOPTION SERVICES, VOCATIONAL AND  
8 OCCUPATIONAL TRAINING, EDUCATION SERVICES, COUNSELING SERVICES,  
9 WORKERS' COMPENSATION SERVICES AND UNEMPLOYMENT COMPENSATION  
10 SERVICES, FOSTER CARE SERVICES AND SERVICES FOR VICTIMS OF  
11 CRIMES.

12 "STATE-AFFILIATED ENTITY." A COMMONWEALTH AUTHORITY OR  
13 COMMONWEALTH ENTITY. THE TERM INCLUDES THE PENNSYLVANIA HIGHER  
14 EDUCATION ASSISTANCE AGENCY AND ANY ENTITY ESTABLISHED THEREBY,  
15 THE PENNSYLVANIA GAMING CONTROL BOARD, THE PENNSYLVANIA GAME  
16 COMMISSION, THE PENNSYLVANIA FISH AND BOAT COMMISSION, THE  
17 PENNSYLVANIA HOUSING FINANCE AGENCY, THE PENNSYLVANIA MUNICIPAL  
18 RETIREMENT BOARD, THE STATE SYSTEM OF HIGHER EDUCATION, A  
19 COMMUNITY COLLEGE, THE PENNSYLVANIA TURNPIKE COMMISSION, THE  
20 PENNSYLVANIA PUBLIC UTILITY COMMISSION, THE PENNSYLVANIA  
21 INFRASTRUCTURE INVESTMENT AUTHORITY, THE STATE PUBLIC SCHOOL  
22 BUILDING AUTHORITY, THE PENNSYLVANIA INTERSCHOLASTIC ATHLETIC  
23 ASSOCIATION AND THE PENNSYLVANIA EDUCATIONAL FACILITIES  
24 AUTHORITY. THE TERM DOES NOT INCLUDE A STATE-RELATED  
25 INSTITUTION.

26 "STATE-RELATED INSTITUTION." INCLUDES:

- 27 (1) TEMPLE UNIVERSITY.
- 28 (2) THE UNIVERSITY OF PITTSBURGH.
- 29 (3) THE PENNSYLVANIA STATE UNIVERSITY.
- 30 (4) LINCOLN UNIVERSITY.

1 "TERRORIST ACT." A VIOLENT OR LIFE-THREATENING ACT THAT  
2 VIOLATES THE CRIMINAL LAWS OF THE UNITED STATES OR ANY STATE AND  
3 APPEARS TO BE INTENDED TO:

4 (1) INTIMIDATE OR COERCE A CIVILIAN POPULATION;

5 (2) INFLUENCE THE POLICY OF A GOVERNMENT; OR

6 (3) AFFECT THE CONDUCT OF A GOVERNMENT BY MASS  
7 DESTRUCTION, ASSASSINATION OR KIDNAPPING.

8 "TRADE SECRET." INFORMATION, INCLUDING A FORMULA, DRAWING,  
9 PATTERN, COMPILATION, INCLUDING A CUSTOMER LIST, PROGRAM,  
10 DEVICE, METHOD, TECHNIQUE OR PROCESS THAT:

11 (1) DERIVES INDEPENDENT ECONOMIC VALUE, ACTUAL OR  
12 POTENTIAL, FROM NOT BEING GENERALLY KNOWN TO AND NOT BEING  
13 READILY ASCERTAINABLE BY PROPER MEANS BY OTHER PERSONS WHO  
14 CAN OBTAIN ECONOMIC VALUE FROM ITS DISCLOSURE OR USE; AND

15 (2) IS THE SUBJECT OF EFFORTS THAT ARE REASONABLE UNDER  
16 THE CIRCUMSTANCES TO MAINTAIN ITS SECRECY.

17 THE TERM INCLUDES DATA PROCESSING SOFTWARE OBTAINED BY AN AGENCY  
18 UNDER A LICENSING AGREEMENT PROHIBITING DISCLOSURE.

19 CHAPTER 3

20 REQUIREMENTS AND PROHIBITIONS

21 SECTION 301. COMMONWEALTH AGENCIES.

22 (A) REQUIREMENT.--A COMMONWEALTH AGENCY SHALL PROVIDE PUBLIC  
23 RECORDS IN ACCORDANCE WITH THIS ACT.

24 (B) PROHIBITION.--A COMMONWEALTH AGENCY MAY NOT DENY A  
25 REQUESTER ACCESS TO A PUBLIC RECORD DUE TO THE INTENDED USE OF  
26 THE PUBLIC RECORD BY THE REQUESTER UNLESS OTHERWISE PROVIDED BY  
27 LAW.

28 SECTION 302. LOCAL AGENCIES.

29 (A) REQUIREMENT.--A LOCAL AGENCY SHALL PROVIDE PUBLIC  
30 RECORDS IN ACCORDANCE WITH THIS ACT.

1 (B) PROHIBITION.--A LOCAL AGENCY MAY NOT DENY A REQUESTER  
2 ACCESS TO A PUBLIC RECORD DUE TO THE INTENDED USE OF THE PUBLIC  
3 RECORD BY THE REQUESTER UNLESS OTHERWISE PROVIDED BY LAW.

4 SECTION 303. LEGISLATIVE AGENCIES.

5 (A) REQUIREMENT.--A LEGISLATIVE AGENCY SHALL PROVIDE  
6 LEGISLATIVE RECORDS IN ACCORDANCE WITH THIS ACT.

7 (B) PROHIBITION.--A LEGISLATIVE AGENCY MAY NOT DENY A  
8 REQUESTER ACCESS TO A LEGISLATIVE RECORD DUE TO THE INTENDED USE  
9 OF THE LEGISLATIVE RECORD BY THE REQUESTER.

10 SECTION 304. JUDICIAL AGENCIES.

11 (A) REQUIREMENT.--A JUDICIAL AGENCY SHALL PROVIDE FINANCIAL  
12 RECORDS IN ACCORDANCE WITH THIS ACT OR ANY RULE OR ORDER OF  
13 COURT PROVIDING EQUAL OR GREATER ACCESS TO THE RECORDS.

14 (B) PROHIBITION.--A JUDICIAL AGENCY MAY NOT DENY A REQUESTER  
15 ACCESS TO A FINANCIAL RECORD DUE TO THE INTENDED USE OF THE  
16 FINANCIAL RECORD BY THE REQUESTER.

17 SECTION 305. PRESUMPTION.

18 (A) GENERAL RULE.--A RECORD IN THE POSSESSION OF A  
19 COMMONWEALTH AGENCY OR LOCAL AGENCY SHALL BE PRESUMED TO BE A  
20 PUBLIC RECORD. THE PRESUMPTION SHALL NOT APPLY IF:

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 (B) LEGISLATIVE RECORDS AND FINANCIAL RECORDS.--A  
27 LEGISLATIVE RECORD IN THE POSSESSION OF A LEGISLATIVE AGENCY AND  
28 A FINANCIAL RECORD IN THE POSSESSION OF A JUDICIAL AGENCY SHALL  
29 BE PRESUMED TO BE AVAILABLE IN ACCORDANCE WITH THIS ACT. THE  
30 PRESUMPTION SHALL NOT APPLY IF:



1 (1) THE RECORD IS EXEMPT UNDER SECTION 708;  
2 (2) THE RECORD IS PROTECTED BY A PRIVILEGE; OR  
3 (3) THE RECORD IS EXEMPT FROM DISCLOSURE UNDER ANY OTHER  
4 FEDERAL OR STATE LAW, REGULATION OR JUDICIAL ORDER OR DECREE.  
5 SECTION 306. NATURE OF DOCUMENT.

6 NOTHING IN THIS ACT SHALL SUPERSEDE OR MODIFY THE PUBLIC OR  
7 NONPUBLIC NATURE OF A RECORD OR DOCUMENT ESTABLISHED IN FEDERAL  
8 OR STATE LAW, REGULATION OR JUDICIAL ORDER OR DECREE.

9 CHAPTER 5

10 ACCESS

11 SECTION 501. SCOPE OF CHAPTER.

12 THIS CHAPTER APPLIES TO ALL AGENCIES.

13 SECTION 502. OPEN-RECORDS OFFICER.

14 (A) ESTABLISHMENT.--

15 (1) AN AGENCY SHALL DESIGNATE AN OFFICIAL OR EMPLOYEE TO  
16 ACT AS THE OPEN-RECORDS OFFICER.

17 (2) FOR A LEGISLATIVE AGENCY OTHER THAN THE SENATE OR  
18 THE HOUSE OF REPRESENTATIVES, THE OPEN-RECORDS OFFICER  
19 DESIGNATED BY THE LEGISLATIVE REFERENCE BUREAU SHALL SERVE AS  
20 THE OPEN-RECORDS OFFICER. ~~A~~ NOTWITHSTANDING PARAGRAPH (1), A ←  
21 POLITICAL PARTY CAUCUS OF A LEGISLATIVE AGENCY MAY APPOINT AN  
22 OPEN-RECORDS OFFICER UNDER THIS SECTION.

23 (B) FUNCTIONS.--

24 (1) THE OPEN-RECORDS OFFICER SHALL RECEIVE REQUESTS  
25 SUBMITTED TO THE AGENCY UNDER THIS ACT, DIRECT REQUESTS TO  
26 OTHER APPROPRIATE PERSONS WITHIN THE AGENCY OR TO APPROPRIATE  
27 PERSONS IN ANOTHER AGENCY, TRACK THE AGENCY'S PROGRESS IN  
28 RESPONDING TO REQUESTS AND ISSUE INTERIM AND FINAL RESPONSES  
29 UNDER THIS ACT.

30 (2) UPON RECEIVING A REQUEST FOR A PUBLIC RECORD,

1 LEGISLATIVE RECORD OR FINANCIAL RECORD, THE OPEN-RECORDS  
2 OFFICER SHALL DO ALL OF THE FOLLOWING:

3 (I) NOTE THE DATE OF RECEIPT ON THE WRITTEN REQUEST.

4 (II) COMPUTE THE DAY ON WHICH THE FIVE-DAY PERIOD  
5 UNDER SECTION 901 WILL EXPIRE AND MAKE A NOTATION OF THAT  
6 DATE ON THE WRITTEN REQUEST.

7 (III) MAINTAIN AN ELECTRONIC OR PAPER COPY OF A  
8 WRITTEN REQUEST, INCLUDING ALL DOCUMENTS SUBMITTED WITH  
9 THE REQUEST UNTIL THE REQUEST HAS BEEN FULFILLED. IF THE  
10 REQUEST IS DENIED, THE WRITTEN REQUEST SHALL BE  
11 MAINTAINED FOR 30 DAYS OR, IF AN APPEAL IS FILED, UNTIL A  
12 FINAL DETERMINATION IS ISSUED UNDER SECTION 1101(B) OR  
13 THE APPEAL IS DEEMED DENIED.

14 (IV) CREATE A FILE FOR THE RETENTION OF THE ORIGINAL  
15 REQUEST, A COPY OF THE RESPONSE, A RECORD OF WRITTEN  
16 COMMUNICATIONS WITH THE REQUESTER AND A COPY OF OTHER  
17 COMMUNICATIONS. THIS SUBPARAGRAPH SHALL ONLY APPLY TO  
18 COMMONWEALTH AGENCIES.

19 SECTION 503. APPEALS OFFICER.

20 (A) COMMONWEALTH AGENCIES AND LOCAL AGENCIES.--EXCEPT AS  
21 PROVIDED IN SUBSECTION (D), THE OFFICE OF OPEN RECORDS  
22 ESTABLISHED UNDER SECTION 1310 SHALL DESIGNATE AN APPEALS  
23 OFFICER UNDER SECTION 1101(A)(2) FOR ALL:

24 (1) COMMONWEALTH AGENCIES; AND

25 (2) LOCAL AGENCIES.

26 (B) JUDICIAL AGENCIES.--A JUDICIAL AGENCY SHALL DESIGNATE AN  
27 APPEALS OFFICER TO HEAR APPEALS UNDER CHAPTER 11.

28 (C) LEGISLATIVE AGENCIES.--

29 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), THE  
30 LEGISLATIVE REFERENCE BUREAU SHALL DESIGNATE AN APPEALS

1 OFFICER TO HEAR APPEALS UNDER CHAPTER 11 FOR ALL LEGISLATIVE  
2 AGENCIES.

3 (2) EACH OF THE FOLLOWING SHALL DESIGNATE AN APPEALS  
4 OFFICER TO HEAR APPEALS UNDER CHAPTER 11:

5 (I) THE SENATE.

6 (II) THE HOUSE OF REPRESENTATIVES.

7 (D) LAW ENFORCEMENT RECORDS AND STATEWIDE OFFICIALS.--

8 (1) THE ATTORNEY GENERAL, STATE TREASURER AND AUDITOR  
9 GENERAL SHALL EACH DESIGNATE AN APPEALS OFFICER TO HEAR  
10 APPEALS UNDER CHAPTER 11.

11 (2) THE DISTRICT ATTORNEY OF A COUNTY SHALL DESIGNATE  
12 ONE OR MORE APPEALS OFFICERS TO HEAR APPEALS UNDER CHAPTER 11  
13 RELATING TO ACCESS TO CRIMINAL INVESTIGATIVE RECORDS IN  
14 POSSESSION OF A LOCAL AGENCY OF THAT COUNTY. THE APPEALS  
15 OFFICER DESIGNATED BY THE DISTRICT ATTORNEY SHALL DETERMINE  
16 IF THE RECORD REQUESTED IS A CRIMINAL INVESTIGATIVE RECORD.  
17 SECTION 504. REGULATIONS AND POLICIES.

18 (A) AUTHORITY.--AN AGENCY MAY PROMULGATE REGULATIONS AND  
19 POLICIES NECESSARY FOR THE AGENCY TO IMPLEMENT THIS ACT. THE  
20 OFFICE OF OPEN RECORDS MAY PROMULGATE REGULATIONS RELATING TO  
21 APPEALS INVOLVING A COMMONWEALTH AGENCY OR LOCAL AGENCY.

22 (B) POSTING.--THE FOLLOWING INFORMATION SHALL BE POSTED AT  
23 EACH AGENCY AND, IF THE AGENCY MAINTAINS AN INTERNET WEBSITE, ON  
24 THE AGENCY'S INTERNET WEBSITE:

25 (1) CONTACT INFORMATION FOR THE OPEN-RECORDS OFFICER.

26 (2) CONTACT INFORMATION FOR THE OFFICE OF OPEN RECORDS  
27 OR OTHER APPLICABLE APPEALS OFFICER.

28 (3) A FORM WHICH MAY BE USED TO FILE A REQUEST.

29 (4) REGULATIONS, POLICIES AND PROCEDURES OF THE AGENCY  
30 RELATING TO THIS ACT.

1 SECTION 505. UNIFORM FORM.

2 (A) COMMONWEALTH AND LOCAL AGENCIES.--THE OFFICE OF OPEN  
3 RECORDS SHALL DEVELOP A UNIFORM FORM WHICH SHALL BE ACCEPTED BY  
4 ALL COMMONWEALTH AND LOCAL AGENCIES IN ADDITION TO ANY FORM USED  
5 BY THE AGENCY TO FILE A REQUEST UNDER THIS ACT. THE UNIFORM FORM  
6 SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN AND ON THE  
7 OFFICE OF OPEN RECORD'S INTERNET WEBSITE.

8 (B) JUDICIAL AGENCIES.--A JUDICIAL AGENCY OR THE  
9 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS MAY DEVELOP A FORM  
10 TO REQUEST FINANCIAL RECORDS OR MAY ACCEPT A FORM DEVELOPED BY  
11 THE OFFICE OF OPEN RECORDS.

12 (C) LEGISLATIVE AGENCIES.--A LEGISLATIVE AGENCY MAY DEVELOP  
13 A FORM TO REQUEST LEGISLATIVE RECORDS OR MAY ACCEPT THE FORM  
14 DEVELOPED BY THE OFFICE OF OPEN RECORDS.

15 SECTION 506. REQUESTS.

16 (A) DISRUPTIVE REQUESTS.--

17 (1) AN AGENCY MAY DENY A REQUESTER ACCESS TO A RECORD IF  
18 THE REQUESTER HAS MADE REPEATED REQUESTS FOR THAT SAME RECORD  
19 AND THE REPEATED REQUESTS HAVE PLACED AN UNREASONABLE BURDEN  
20 ON THE AGENCY.

21 (2) A DENIAL UNDER THIS SUBSECTION SHALL NOT RESTRICT  
22 THE ABILITY TO REQUEST A DIFFERENT RECORD.

23 (B) DISASTER OR POTENTIAL DAMAGE.--

24 (1) AN AGENCY MAY DENY A REQUESTER ACCESS:

25 (I) WHEN TIMELY ACCESS IS NOT POSSIBLE DUE TO FIRE,  
26 FLOOD OR OTHER DISASTER; OR

27 (II) TO HISTORICAL, ANCIENT OR RARE DOCUMENTS,  
28 RECORDS, ARCHIVES AND MANUSCRIPTS WHEN ACCESS MAY, IN THE  
29 PROFESSIONAL JUDGMENT OF THE CURATOR OR CUSTODIAN OF  
30 RECORDS, CAUSE PHYSICAL DAMAGE OR IRREPARABLE HARM TO THE

1 RECORD.

2 (2) TO THE EXTENT POSSIBLE, THE CONTENTS OF A RECORD  
3 UNDER THIS SUBSECTION SHALL BE MADE ACCESSIBLE TO A REQUESTER  
4 EVEN WHEN THE RECORD IS PHYSICALLY UNAVAILABLE.

5 (C) AGENCY DISCRETION.--AN AGENCY MAY EXERCISE ITS  
6 DISCRETION TO MAKE ANY OTHERWISE EXEMPT RECORD ACCESSIBLE FOR  
7 INSPECTION AND COPYING UNDER THIS CHAPTER, IF ALL OF THE  
8 FOLLOWING APPLY:

9 (1) DISCLOSURE OF THE RECORD IS NOT PROHIBITED UNDER ANY  
10 OF THE FOLLOWING:

11 (I) FEDERAL OR STATE LAW OR REGULATION.

12 (II) JUDICIAL ORDER OR DECREE.

13 (2) THE RECORD IS NOT PROTECTED BY A PRIVILEGE.

14 (3) THE AGENCY HEAD DETERMINES THAT THE PUBLIC INTEREST  
15 FAVORING ACCESS OUTWEIGHS ANY INDIVIDUAL, AGENCY OR PUBLIC  
16 INTEREST THAT MAY FAVOR RESTRICTION OF ACCESS.

17 (D) AGENCY POSSESSION.--

18 (1) A PUBLIC RECORD THAT IS NOT IN THE POSSESSION OF AN  
19 AGENCY BUT IS IN THE POSSESSION OF A PARTY WITH WHOM THE  
20 AGENCY HAS CONTRACTED TO PERFORM A GOVERNMENTAL FUNCTION ON  
21 BEHALF OF THE AGENCY, AND WHICH DIRECTLY RELATES TO THE  
22 GOVERNMENTAL FUNCTION AND IS NOT EXEMPT UNDER THIS ACT, SHALL  
23 BE CONSIDERED A PUBLIC RECORD OF THE AGENCY FOR PURPOSES OF  
24 THIS ACT.

25 (2) NOTHING IN THIS ACT SHALL BE CONSTRUED TO REQUIRE  
26 ACCESS TO ANY OTHER RECORD OF THE PARTY IN POSSESSION OF THE  
27 PUBLIC RECORD.

28 (3) A REQUEST FOR A PUBLIC RECORD IN POSSESSION OF A  
29 PARTY OTHER THAN THE AGENCY SHALL BE SUBMITTED TO THE OPEN  
30 RECORDS OFFICER OF THE AGENCY. UPON A DETERMINATION THAT THE

1 RECORD IS SUBJECT TO ACCESS UNDER THIS ACT, THE OPEN RECORDS  
2 OFFICER SHALL ASSESS THE DUPLICATION FEE ESTABLISHED UNDER  
3 SECTION 1307(B) AND UPON COLLECTION SHALL REMIT THE FEE TO  
4 THE PARTY IN POSSESSION OF THE RECORD IF THE PARTY DUPLICATED  
5 THE RECORD.

6 SECTION 507. RETENTION OF RECORDS.

7 NOTHING IN THIS ACT SHALL BE CONSTRUED TO MODIFY, RESCIND OR  
8 SUPERSEDE ANY RECORD RETENTION POLICY OR DISPOSITION SCHEDULE OF  
9 AN AGENCY ESTABLISHED PURSUANT TO LAW, REGULATION, POLICY OR  
10 OTHER DIRECTIVE.

11 CHAPTER 7

12 PROCEDURE

13 SECTION 701. ACCESS.

14 (A) GENERAL RULE.--UNLESS OTHERWISE PROVIDED BY LAW, A  
15 PUBLIC RECORD, LEGISLATIVE RECORD OR FINANCIAL RECORD SHALL BE  
16 ACCESSIBLE FOR INSPECTION AND DUPLICATION IN ACCORDANCE WITH  
17 THIS ACT. A RECORD BEING PROVIDED TO A REQUESTER SHALL BE  
18 PROVIDED IN THE MEDIUM REQUESTED IF IT EXISTS IN THAT MEDIUM;  
19 OTHERWISE, IT SHALL BE PROVIDED IN THE MEDIUM IN WHICH IT  
20 EXISTS. PUBLIC RECORDS, LEGISLATIVE RECORDS OR FINANCIAL RECORDS  
21 SHALL BE AVAILABLE FOR ACCESS DURING THE REGULAR BUSINESS HOURS  
22 OF AN AGENCY.

23 (B) CONSTRUCTION.--NOTHING IN THIS ACT SHALL BE CONSTRUED TO  
24 REQUIRE ACCESS TO ANY COMPUTER EITHER OF AN AGENCY OR INDIVIDUAL  
25 EMPLOYEE OF AN AGENCY.

26 SECTION 702. REQUESTS.

27 AGENCIES MAY FULFILL VERBAL, WRITTEN OR ANONYMOUS VERBAL OR  
28 WRITTEN REQUESTS FOR ACCESS TO RECORDS UNDER THIS ACT. IF THE  
29 REQUESTER WISHES TO PURSUE THE RELIEF AND REMEDIES PROVIDED FOR  
30 IN THIS ACT, THE REQUEST FOR ACCESS TO RECORDS MUST BE A WRITTEN

1 REQUEST.

2 SECTION 703. WRITTEN REQUESTS.

3 A WRITTEN REQUEST FOR ACCESS TO RECORDS MAY BE SUBMITTED IN  
4 PERSON, BY MAIL, BY E-MAIL, BY FACSIMILE OR, TO THE EXTENT  
5 PROVIDED BY AGENCY RULES, ANY OTHER ELECTRONIC MEANS. A WRITTEN  
6 REQUEST MUST BE ADDRESSED TO THE OPEN-RECORDS OFFICER DESIGNATED  
7 PURSUANT TO SECTION 502. EMPLOYEES OF AN AGENCY SHALL BE  
8 DIRECTED TO FORWARD REQUESTS FOR RECORDS TO THE OPEN-RECORDS  
9 OFFICER. A WRITTEN REQUEST SHOULD IDENTIFY OR DESCRIBE THE  
10 RECORDS SOUGHT WITH SUFFICIENT SPECIFICITY TO ENABLE THE AGENCY  
11 TO ASCERTAIN WHICH RECORDS ARE BEING REQUESTED AND SHALL INCLUDE  
12 THE NAME AND ADDRESS TO WHICH THE AGENCY SHOULD ADDRESS ITS  
13 RESPONSE. A WRITTEN REQUEST NEED NOT INCLUDE ANY EXPLANATION OF  
14 THE REQUESTER'S REASON FOR REQUESTING OR INTENDED USE OF THE  
15 RECORDS UNLESS OTHERWISE REQUIRED BY LAW.

16 SECTION 704. ELECTRONIC ACCESS.

17 (A) GENERAL RULE.--IN ADDITION TO THE REQUIREMENTS OF  
18 SECTION 701, AN AGENCY MAY MAKE ITS RECORDS AVAILABLE THROUGH  
19 ANY PUBLICLY ACCESSIBLE ELECTRONIC MEANS.

20 (B) RESPONSE.--

21 (1) IN ADDITION TO THE REQUIREMENTS OF SECTION 701, AN  
22 AGENCY MAY RESPOND TO A REQUEST BY NOTIFYING THE REQUESTER  
23 THAT THE RECORD IS AVAILABLE THROUGH PUBLICLY ACCESSIBLE  
24 ELECTRONIC MEANS OR THAT THE AGENCY WILL PROVIDE ACCESS TO  
25 INSPECT THE RECORD ELECTRONICALLY.

26 (2) IF THE REQUESTER IS UNWILLING OR UNABLE TO ACCESS  
27 THE RECORD ELECTRONICALLY, THE REQUESTER MAY, WITHIN 30 DAYS  
28 FOLLOWING RECEIPT OF THE AGENCY NOTIFICATION, SUBMIT A  
29 WRITTEN REQUEST TO THE AGENCY TO HAVE THE RECORD CONVERTED TO  
30 PAPER. THE AGENCY SHALL PROVIDE ACCESS TO THE RECORD IN

1 PRINTED FORM WITHIN FIVE DAYS OF THE RECEIPT OF THE WRITTEN  
2 REQUEST FOR CONVERSION TO PAPER.

3 SECTION 705. CREATION OF RECORD.

4 WHEN RESPONDING TO A REQUEST FOR ACCESS, AN AGENCY SHALL NOT  
5 BE REQUIRED TO CREATE A RECORD WHICH DOES NOT CURRENTLY EXIST OR  
6 TO COMPILE, MAINTAIN, FORMAT OR ORGANIZE A RECORD IN A MANNER IN  
7 WHICH THE AGENCY DOES NOT CURRENTLY COMPILE, MAINTAIN, FORMAT OR  
8 ORGANIZE THE RECORD.

9 SECTION 706. REDACTION.

10 IF AN AGENCY DETERMINES THAT A PUBLIC RECORD, LEGISLATIVE  
11 RECORD OR FINANCIAL RECORD CONTAINS INFORMATION WHICH IS SUBJECT  
12 TO ACCESS AS WELL AS INFORMATION WHICH IS NOT SUBJECT TO ACCESS,  
13 THE AGENCY'S RESPONSE SHALL GRANT ACCESS TO THE INFORMATION  
14 WHICH IS SUBJECT TO ACCESS AND DENY ACCESS TO THE INFORMATION  
15 WHICH IS NOT SUBJECT TO ACCESS. IF THE INFORMATION WHICH IS NOT  
16 SUBJECT TO ACCESS IS AN INTEGRAL PART OF THE PUBLIC RECORD,  
17 LEGISLATIVE RECORD OR FINANCIAL RECORD AND CANNOT BE SEPARATED,  
18 THE AGENCY SHALL REDACT FROM THE RECORD THE INFORMATION WHICH IS  
19 NOT SUBJECT TO ACCESS, AND THE RESPONSE SHALL GRANT ACCESS TO  
20 THE INFORMATION WHICH IS SUBJECT TO ACCESS. THE AGENCY MAY NOT  
21 DENY ACCESS TO THE RECORD IF THE INFORMATION WHICH IS NOT  
22 SUBJECT TO ACCESS IS ABLE TO BE REDACTED. INFORMATION WHICH AN  
23 AGENCY REDACTS IN ACCORDANCE WITH THIS SUBSECTION SHALL BE  
24 DEEMED A DENIAL UNDER CHAPTER 9.

25 SECTION 707. PRODUCTION OF CERTAIN RECORDS.

26 (A) GENERAL RULE.--IF, IN RESPONSE TO A REQUEST, AN AGENCY  
27 PRODUCES A RECORD THAT IS NOT A PUBLIC RECORD, LEGISLATIVE  
28 RECORD OR FINANCIAL RECORD, THE AGENCY SHALL NOTIFY ANY THIRD  
29 PARTY THAT PROVIDED THE RECORD TO THE AGENCY, THE PERSON THAT IS  
30 THE SUBJECT OF THE RECORD AND THE REQUESTER.



1 (B) REQUESTS FOR TRADE SECRETS.--AN AGENCY SHALL NOTIFY A  
2 THIRD PARTY OF A REQUEST FOR A RECORD IF THE THIRD PARTY  
3 PROVIDED THE RECORD AND INCLUDED A WRITTEN STATEMENT SIGNED BY A  
4 REPRESENTATIVE OF THE THIRD PARTY THAT THE RECORD CONTAINS A  
5 TRADE SECRET OR CONFIDENTIAL PROPRIETARY INFORMATION.  
6 NOTIFICATION SHALL BE PROVIDED WITHIN FIVE BUSINESS DAYS OF  
7 RECEIPT OF THE REQUEST FOR THE RECORD. THE THIRD PARTY SHALL  
8 HAVE FIVE BUSINESS DAYS FROM RECEIPT OF NOTIFICATION FROM THE  
9 AGENCY TO PROVIDE INPUT ON THE RELEASE OF THE RECORD. THE AGENCY  
10 SHALL DENY THE REQUEST FOR THE RECORD OR RELEASE THE RECORD  
11 WITHIN TEN BUSINESS DAYS OF THE PROVISION OF NOTICE TO THE THIRD  
12 PARTY AND SHALL NOTIFY THE THIRD PARTY OF THE DECISION.

13 (C) TRANSCRIPTS.--

14 (1) PRIOR TO AN ADJUDICATION BECOMING FINAL, BINDING AND  
15 NONAPPEALABLE, A TRANSCRIPT OF AN ADMINISTRATIVE PROCEEDING  
16 SHALL BE PROVIDED TO A REQUESTER BY THE AGENCY STENOGRAPHER  
17 OR A COURT REPORTER, IN ACCORDANCE WITH AGENCY PROCEDURE OR  
18 AN APPLICABLE CONTRACT.

19 (2) FOLLOWING AN ADJUDICATION BECOMING FINAL, BINDING  
20 AND NONAPPEALABLE, A TRANSCRIPT OF AN ADMINISTRATIVE  
21 PROCEEDING SHALL BE PROVIDED TO A REQUESTER IN ACCORDANCE  
22 WITH THE DUPLICATION RATES ESTABLISHED IN SECTION 1307(B).  
23 SECTION 708. EXCEPTIONS FOR PUBLIC RECORDS.

24 (A) BURDEN OF PROOF.--

25 (1) THE BURDEN OF PROVING THAT A RECORD OF A  
26 COMMONWEALTH AGENCY OR LOCAL AGENCY IS EXEMPT FROM PUBLIC  
27 ACCESS SHALL BE ON THE COMMONWEALTH AGENCY OR LOCAL AGENCY  
28 RECEIVING A REQUEST BY A PREPONDERANCE OF THE EVIDENCE.

29 (2) THE BURDEN OF PROVING THAT A LEGISLATIVE RECORD IS  
30 EXEMPT FROM PUBLIC ACCESS SHALL BE ON THE LEGISLATIVE AGENCY

1 RECEIVING A REQUEST BY A PREPONDERANCE OF THE EVIDENCE.

2 (3) THE BURDEN OF PROVING THAT A FINANCIAL RECORD OF A  
3 JUDICIAL AGENCY IS EXEMPT FROM PUBLIC ACCESS SHALL BE ON THE  
4 JUDICIAL AGENCY RECEIVING A REQUEST BY A PREPONDERANCE OF THE  
5 EVIDENCE.

6 (B) EXCEPTIONS.--EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND  
7 (D), THE FOLLOWING ARE EXEMPT FROM ACCESS BY A REQUESTER UNDER  
8 THIS ACT:

9 (1) A RECORD THE DISCLOSURE OF WHICH:

10 (I) WOULD RESULT IN THE LOSS OF FEDERAL OR STATE  
11 FUNDS BY AN AGENCY OR THE COMMONWEALTH; OR

12 (II) WOULD BE REASONABLY LIKELY TO RESULT IN A  
13 SUBSTANTIAL AND DEMONSTRABLE RISK OF PHYSICAL HARM TO AN  
14 INDIVIDUAL.

15 (2) A RECORD MAINTAINED BY AN AGENCY IN CONNECTION WITH  
16 THE MILITARY, HOMELAND SECURITY, NATIONAL DEFENSE, LAW  
17 ENFORCEMENT OR OTHER PUBLIC SAFETY ACTIVITY THAT IF DISCLOSED  
18 WOULD BE REASONABLY LIKELY TO JEOPARDIZE OR THREATEN PUBLIC  
19 SAFETY OR PREPAREDNESS OR PUBLIC PROTECTION ACTIVITY OR A  
20 RECORD THAT IS DESIGNATED CLASSIFIED BY AN APPROPRIATE  
21 FEDERAL OR STATE MILITARY AUTHORITY.

22 (3) A RECORD, THE DISCLOSURE OF WHICH CREATES A  
23 REASONABLE LIKELIHOOD OF ENDANGERING THE SAFETY OR THE  
24 PHYSICAL SECURITY OF A BUILDING, PUBLIC UTILITY, RESOURCE,  
25 INFRASTRUCTURE, FACILITY OR INFORMATION STORAGE SYSTEM, WHICH  
26 MAY INCLUDE:

27 (I) DOCUMENTS OR DATA RELATING TO COMPUTER HARDWARE,  
28 SOURCE FILES, SOFTWARE AND SYSTEM NETWORKS THAT COULD  
29 JEOPARDIZE COMPUTER SECURITY BY EXPOSING A VULNERABILITY  
30 IN PREVENTING, PROTECTING AGAINST, MITIGATING OR

1 RESPONDING TO A TERRORIST ACT;

2 (II) LISTS OF INFRASTRUCTURE, RESOURCES AND  
3 SIGNIFICANT SPECIAL EVENTS, INCLUDING THOSE DEFINED BY  
4 THE FEDERAL GOVERNMENT IN THE NATIONAL INFRASTRUCTURE  
5 PROTECTIONS, WHICH ARE DEEMED CRITICAL DUE TO THEIR  
6 NATURE AND WHICH RESULT FROM RISK ANALYSIS; THREAT  
7 ASSESSMENTS; CONSEQUENCES ASSESSMENTS; ANTITERRORISM  
8 PROTECTIVE MEASURES AND PLANS; COUNTERTERRORISM MEASURES  
9 AND PLANS; AND SECURITY AND RESPONSE NEEDS ASSESSMENTS;  
10 AND

11 (III) BUILDING PLANS OR INFRASTRUCTURE RECORDS THAT  
12 EXPOSE OR CREATE VULNERABILITY THROUGH DISCLOSURE OF THE  
13 LOCATION, CONFIGURATION OR SECURITY OF CRITICAL SYSTEMS,  
14 INCLUDING PUBLIC UTILITY SYSTEMS, STRUCTURAL ELEMENTS,  
15 TECHNOLOGY, COMMUNICATION, ELECTRICAL, FIRE SUPPRESSION,  
16 VENTILATION, WATER, WASTEWATER, SEWAGE AND GAS SYSTEMS.

17 (4) A RECORD REGARDING COMPUTER HARDWARE, SOFTWARE AND  
18 NETWORKS, INCLUDING ADMINISTRATIVE OR TECHNICAL RECORDS,  
19 WHICH, IF DISCLOSED, WOULD BE REASONABLY LIKELY TO JEOPARDIZE  
20 COMPUTER SECURITY.

21 (5) A RECORD OF AN INDIVIDUAL'S MEDICAL, PSYCHIATRIC OR  
22 PSYCHOLOGICAL HISTORY OR DISABILITY STATUS, INCLUDING AN  
23 EVALUATION, CONSULTATION, PRESCRIPTION, DIAGNOSIS OR  
24 TREATMENT; RESULTS OF TESTS, INCLUDING DRUG TESTS; ENROLLMENT  
25 IN A HEALTH CARE PROGRAM OR PROGRAM DESIGNED FOR  
26 PARTICIPATION BY PERSONS WITH DISABILITIES, INCLUDING  
27 VOCATION REHABILITATION, WORKERS' COMPENSATION AND  
28 UNEMPLOYMENT COMPENSATION; OR RELATED INFORMATION THAT WOULD  
29 DISCLOSE INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.

30 (6) (I) THE FOLLOWING PERSONAL IDENTIFICATION

1 INFORMATION:

2 (A) A RECORD CONTAINING ALL OR PART OF A  
3 PERSON'S SOCIAL SECURITY NUMBER; DRIVER'S LICENSE  
4 NUMBER; PERSONAL FINANCIAL INFORMATION; HOME,  
5 CELLULAR OR PERSONAL TELEPHONE NUMBERS; PERSONAL E-  
6 MAIL ADDRESSES; EMPLOYEE NUMBER OR OTHER CONFIDENTIAL  
7 PERSONAL IDENTIFICATION NUMBER.

8 (B) A SPOUSE'S NAME; MARITAL STATUS, BENEFICIARY  
9 OR DEPENDENT INFORMATION.

10 (C) THE HOME ADDRESS OF A LAW ENFORCEMENT  
11 OFFICER OR JUDGE.

12 (II) NOTHING IN THIS PARAGRAPH SHALL PRECLUDE THE  
13 RELEASE OF THE NAME, POSITION, SALARY, ACTUAL  
14 COMPENSATION OR OTHER PAYMENTS OR EXPENSES, EMPLOYMENT  
15 CONTRACT, EMPLOYMENT-RELATED CONTRACT OR AGREEMENT AND  
16 LENGTH OF SERVICE OF A PUBLIC OFFICIAL OR AN AGENCY  
17 EMPLOYEE.

18 (III) AN AGENCY MAY REDACT THE NAME OR OTHER  
19 IDENTIFYING INFORMATION RELATING TO AN INDIVIDUAL  
20 PERFORMING AN UNDERCOVER OR COVERT LAW ENFORCEMENT  
21 ACTIVITY FROM A RECORD.

22 (7) THE FOLLOWING RECORDS RELATING TO AN AGENCY  
23 EMPLOYEE:

24 (I) A LETTER OF REFERENCE OR RECOMMENDATION  
25 PERTAINING TO THE CHARACTER OR QUALIFICATIONS OF AN  
26 IDENTIFIABLE INDIVIDUAL, UNLESS IT WAS PREPARED IN  
27 RELATION TO THE APPOINTMENT OF AN INDIVIDUAL TO FILL A  
28 VACANCY IN AN ELECTED OFFICE OR AN APPOINTED OFFICE  
29 REQUIRING SENATE CONFIRMATION.

30 (II) A PERFORMANCE RATING OR REVIEW.

1 (III) THE RESULT OF A CIVIL SERVICE OR SIMILAR TEST  
2 ADMINISTERED BY A COMMONWEALTH AGENCY, LEGISLATIVE AGENCY  
3 OR JUDICIAL AGENCY. THE RESULT OF A CIVIL SERVICE OR  
4 SIMILAR TEST ADMINISTERED BY A LOCAL AGENCY SHALL NOT BE  
5 DISCLOSED IF RESTRICTED BY A COLLECTIVE BARGAINING  
6 AGREEMENT. ONLY TEST SCORES OF INDIVIDUALS WHO OBTAINED A  
7 PASSING SCORE ON A TEST ADMINISTERED BY A LOCAL AGENCY  
8 MAY BE DISCLOSED.

9 (IV) THE EMPLOYMENT APPLICATION OF AN INDIVIDUAL WHO  
10 IS NOT HIRED BY THE AGENCY.

11 (V) WORKPLACE SUPPORT SERVICES PROGRAM INFORMATION.

12 (VI) WRITTEN CRITICISMS OF AN EMPLOYEE.

13 (VII) GRIEVANCE MATERIAL, INCLUDING DOCUMENTS  
14 RELATED TO DISCRIMINATION OR SEXUAL HARASSMENT.

15 (VIII) INFORMATION REGARDING DISCIPLINE, DEMOTION OR  
16 DISCHARGE CONTAINED IN A PERSONNEL FILE. THIS  
17 SUBPARAGRAPH SHALL NOT APPLY TO THE FINAL ACTION OF AN  
18 AGENCY THAT RESULTS IN DEMOTION OR DISCHARGE.

19 (IX) AN ACADEMIC TRANSCRIPT.

20 (8) (I) A RECORD PERTAINING TO STRATEGY OR NEGOTIATIONS  
21 RELATING TO LABOR RELATIONS OR COLLECTIVE BARGAINING AND  
22 RELATED ARBITRATION PROCEEDINGS. THIS SUBPARAGRAPH SHALL  
23 NOT APPLY TO A FINAL OR EXECUTED CONTRACT OR AGREEMENT  
24 BETWEEN THE PARTIES IN A COLLECTIVE BARGAINING PROCEDURE.

25 (II) IN THE CASE OF THE ARBITRATION OF A DISPUTE OR  
26 GRIEVANCE UNDER A COLLECTIVE BARGAINING AGREEMENT, AN  
27 EXHIBIT ENTERED INTO EVIDENCE AT AN ARBITRATION  
28 PROCEEDING, A TRANSCRIPT OF THE ARBITRATION OR THE  
29 OPINION. THIS SUBPARAGRAPH SHALL NOT APPLY TO THE FINAL  
30 AWARD OR ORDER OF THE ARBITRATOR IN A DISPUTE OR

1 GRIEVANCE PROCEDURE.

2 (9) THE DRAFT OF A BILL, RESOLUTION, REGULATION,  
3 STATEMENT OF POLICY, MANAGEMENT DIRECTIVE, ORDINANCE OR  
4 AMENDMENT THERETO PREPARED BY OR FOR AN AGENCY.

5 (10) (I) A RECORD THAT REFLECTS:

6 (A) THE INTERNAL, PREDECISIONAL DELIBERATIONS OF  
7 AN AGENCY, ITS MEMBERS, EMPLOYEES OR OFFICIALS OR  
8 PREDECISIONAL DELIBERATIONS BETWEEN AGENCY MEMBERS,  
9 EMPLOYEES OR OFFICIALS AND MEMBERS, EMPLOYEES OR  
10 OFFICIALS OF ANOTHER AGENCY, INCLUDING PREDECISIONAL  
11 DELIBERATIONS RELATING TO A BUDGET RECOMMENDATION,  
12 LEGISLATIVE PROPOSAL, LEGISLATIVE AMENDMENT,  
13 CONTEMPLATED OR PROPOSED POLICY OR COURSE OF ACTION  
14 OR ANY RESEARCH, MEMOS OR OTHER DOCUMENTS USED IN THE  
15 PREDECISIONAL DELIBERATIONS.

16 (B) THE STRATEGY TO BE USED TO DEVELOP OR  
17 ACHIEVE THE SUCCESSFUL ADOPTION OF A BUDGET,  
18 LEGISLATIVE PROPOSAL OR REGULATION.

19 (II) SUBPARAGRAPH (I)(A) SHALL APPLY TO AGENCIES  
20 SUBJECT TO 65 PA.C.S. CH. 7 (RELATING TO OPEN MEETINGS)  
21 IN A MANNER CONSISTENT WITH 65 PA.C.S. CH. 7. A RECORD ←  
22 PRESENTED TO A QUORUM FOR DELIBERATION IN ACCORDANCE WITH  
23 65 PA.C.S. CH. 7 SHALL BE A PUBLIC RECORD.

24 (III) THIS PARAGRAPH SHALL NOT APPLY TO A WRITTEN OR  
25 INTERNET APPLICATION OR OTHER DOCUMENT THAT HAS BEEN  
26 SUBMITTED TO REQUEST COMMONWEALTH FUNDS.

27 (IV) THIS PARAGRAPH SHALL NOT APPLY TO THE RESULTS  
28 OF PUBLIC OPINION SURVEYS, POLLS, FOCUS GROUPS, MARKETING  
29 RESEARCH OR SIMILAR EFFORT DESIGNED TO MEASURE PUBLIC  
30 OPINION.

1 (11) A RECORD THAT CONSTITUTES OR REVEALS A TRADE SECRET  
2 OR CONFIDENTIAL PROPRIETARY INFORMATION.

3 (12) NOTES AND WORKING PAPERS PREPARED BY OR FOR A  
4 PUBLIC OFFICIAL OR AGENCY EMPLOYEE USED SOLELY FOR THAT  
5 OFFICIAL'S OR EMPLOYEE'S OWN PERSONAL USE, INCLUDING  
6 TELEPHONE MESSAGE SLIPS, ROUTING SLIPS AND OTHER MATERIALS  
7 THAT DO NOT HAVE AN OFFICIAL PURPOSE.

8 (13) RECORDS THAT WOULD DISCLOSE THE IDENTITY OF AN  
9 INDIVIDUAL WHO LAWFULLY MAKES A DONATION TO AN AGENCY UNLESS  
10 THE DONATION IS INTENDED FOR OR RESTRICTED TO PROVIDING  
11 REMUNERATION OR PERSONAL TANGIBLE BENEFIT TO A NAMED PUBLIC  
12 OFFICIAL OR EMPLOYEE OF THE AGENCY, INCLUDING LISTS OF  
13 POTENTIAL DONORS COMPILED BY AN AGENCY TO PURSUE DONATIONS,  
14 DONOR PROFILE INFORMATION OR PERSONAL IDENTIFYING INFORMATION  
15 RELATING TO A DONOR.

16 (14) UNPUBLISHED LECTURE NOTES, UNPUBLISHED MANUSCRIPTS,  
17 UNPUBLISHED ARTICLES, CREATIVE WORKS IN PROGRESS, RESEARCH-  
18 RELATED MATERIAL AND SCHOLARLY CORRESPONDENCE OF A COMMUNITY  
19 COLLEGE OR AN INSTITUTION OF THE STATE SYSTEM OF HIGHER  
20 EDUCATION OR A FACULTY MEMBER, STAFF EMPLOYEE, GUEST SPEAKER  
21 OR STUDENT THEREOF.

22 (15) EXAMINATION QUESTIONS, SCORING KEYS OR ANSWERS TO  
23 AN EXAMINATION, INCLUDING QUESTIONS, KEYS AND ANSWERS ~~OF~~ ON ←  
24 TESTS IN PRIMARY AND SECONDARY SCHOOLS AND INSTITUTIONS OF  
25 HIGHER EDUCATION.

26 (16) A RECORD OF AN AGENCY RELATING TO OR RESULTING IN A  
27 CRIMINAL INVESTIGATION, INCLUDING:

28 (I) COMPLAINTS OF POTENTIAL CRIMINAL CONDUCT OTHER  
29 THAN A PRIVATE CRIMINAL COMPLAINT.

30 (II) INVESTIGATIVE MATERIALS, NOTES, CORRESPONDENCE,

1 VIDEOS AND REPORTS.

2 (III) A RECORD THAT INCLUDES THE IDENTITY OF A  
3 CONFIDENTIAL SOURCE OR THE IDENTITY OF A SUSPECT WHO HAS  
4 NOT BEEN CHARGED WITH AN OFFENSE TO WHOM CONFIDENTIALITY  
5 HAS BEEN PROMISED.

6 (IV) A RECORD THAT INCLUDES INFORMATION MADE  
7 CONFIDENTIAL BY LAW OR COURT ORDER.

8 (V) VICTIM INFORMATION, INCLUDING ANY INFORMATION  
9 THAT WOULD JEOPARDIZE THE SAFETY OF THE VICTIM.

10 (VI) A RECORD THAT, IF DISCLOSED, WOULD DO ANY OF  
11 THE FOLLOWING:

12 (A) REVEAL THE INSTITUTION, PROGRESS OR RESULT  
13 OF A CRIMINAL INVESTIGATION, EXCEPT THE FILING OF  
14 CRIMINAL CHARGES.

15 (B) DEPRIVE A PERSON OF THE RIGHT TO A FAIR  
16 TRIAL OR AN IMPARTIAL ADJUDICATION.

17 (C) IMPAIR THE ABILITY TO LOCATE A DEFENDANT OR  
18 CODEFENDANT.

19 (D) HINDER AN AGENCY'S ABILITY TO SECURE AN  
20 ARREST, PROSECUTION OR CONVICTION.

21 (E) ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN  
22 INDIVIDUAL.

23 THIS PARAGRAPH SHALL NOT APPLY TO INFORMATION CONTAINED IN A  
24 POLICE BLOTTER AS DEFINED IN 18 PA.C.S. § 9102 (RELATING TO  
25 DEFINITIONS) AND UTILIZED OR MAINTAINED BY THE PENNSYLVANIA  
26 STATE POLICE, LOCAL, CAMPUS, TRANSIT OR PORT AUTHORITY POLICE  
27 DEPARTMENT OR OTHER LAW ENFORCEMENT AGENCY OR IN A TRAFFIC  
28 REPORT EXCEPT AS PROVIDED UNDER 75 PA.C.S. § 3754(B)  
29 (RELATING TO ACCIDENT PREVENTION INVESTIGATIONS).

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, THE SUSPENSION, MODIFICATION  
17 OR REVOCATION OF A LICENSE, PERMIT, REGISTRATION,  
18 CERTIFICATION OR SIMILAR AUTHORIZATION ISSUED BY AN  
19 AGENCY OR AN EXECUTED SETTLEMENT AGREEMENT UNLESS THE  
20 AGREEMENT IS DETERMINED TO BE CONFIDENTIAL BY A  
21 COURT.

22 (B) DEPRIVE A PERSON OF THE RIGHT TO AN  
23 IMPARTIAL ADJUDICATION.

24 (C) CONSTITUTE AN UNWARRANTED INVASION OF  
25 PRIVACY.

26 (D) HINDER AN AGENCY'S ABILITY TO SECURE AN  
27 ADMINISTRATIVE OR CIVIL SANCTION.

28 (E) ENDANGER THE LIFE OR PHYSICAL SAFETY OF AN  
29 INDIVIDUAL.

30 (18) (I) RECORDS OR PARTS OF RECORDS, EXCEPT TIME

1           RESPONSE LOGS, PERTAINING TO AUDIO RECORDINGS, TELEPHONE  
2           OR RADIO TRANSMISSIONS RECEIVED BY EMERGENCY DISPATCH  
3           PERSONNEL, INCLUDING 911 RECORDINGS.

4           (II) THIS PARAGRAPH SHALL NOT APPLY TO A 911  
5           RECORDING OR A TRANSCRIPT OF A 911 RECORDING IF THE  
6           AGENCY OR A COURT DETERMINES THAT THE PUBLIC INTEREST IN  
7           DISCLOSURE OUTWEIGHS THE INTEREST IN NONDISCLOSURE.

8           (19) DNA AND RNA RECORDS.

9           (20) AN AUTOPSY RECORD OF A CORONER OR MEDICAL EXAMINER  
10          AND ANY AUDIOTAPE OF A POSTMORTEM EXAMINATION OR AUTOPSY, OR  
11          A COPY, REPRODUCTION OR FACSIMILE OF AN AUTOPSY REPORT, A  
12          PHOTOGRAPH, NEGATIVE OR PRINT, INCLUDING A PHOTOGRAPH OR  
13          VIDEOTAPE OF THE BODY OR ANY PORTION OF THE BODY OF A  
14          DECEASED PERSON AT THE SCENE OF DEATH OR IN THE COURSE OF A  
15          POSTMORTEM EXAMINATION OR AUTOPSY TAKEN OR MADE BY OR CAUSED  
16          TO BE TAKEN OR MADE BY THE CORONER OR MEDICAL EXAMINER. THIS  
17          EXCEPTION SHALL NOT LIMIT THE REPORTING OF THE NAME OF THE  
18          DECEASED INDIVIDUAL AND THE CAUSE AND MANNER OF DEATH.

19          (21) (I) DRAFT MINUTES OF ANY MEETING OF AN AGENCY  
20          UNTIL THE NEXT REGULARLY SCHEDULED MEETING OF THE AGENCY.

21          (II) MINUTES OF AN EXECUTIVE SESSION AND ANY RECORD  
22          OF DISCUSSIONS HELD IN EXECUTIVE SESSION.

23          (22) (I) THE CONTENTS OF REAL ESTATE APPRAISALS,  
24          ENGINEERING OR FEASIBILITY ESTIMATES, ENVIRONMENTAL  
25          REVIEWS, AUDITS OR EVALUATIONS MADE FOR OR BY AN AGENCY  
26          RELATIVE TO THE FOLLOWING:

27                  (A) THE LEASING, ACQUIRING OR DISPOSING OF REAL  
28                  PROPERTY OR AN INTEREST IN REAL PROPERTY.

29                  (B) THE PURCHASE OF PUBLIC SUPPLIES OR EQUIPMENT  
30                  INCLUDED IN THE REAL ESTATE TRANSACTION.

1 (C) CONSTRUCTION PROJECTS.

2 (II) THIS PARAGRAPH SHALL NOT APPLY ONCE THE  
3 DECISION IS MADE TO PROCEED WITH THE LEASE, ACQUISITION  
4 OR DISPOSAL OF REAL PROPERTY OR AN INTEREST IN REAL  
5 PROPERTY OR THE PURCHASE OF PUBLIC SUPPLY OR CONSTRUCTION  
6 PROJECT.

7 (23) LIBRARY AND ARCHIVE CIRCULATION AND ORDER RECORDS  
8 OF AN IDENTIFIABLE INDIVIDUAL OR GROUPS OF INDIVIDUALS.

9 (24) LIBRARY ARCHIVED AND MUSEUM MATERIALS, OR VALUABLE  
10 OR RARE BOOK COLLECTIONS OR DOCUMENTS CONTRIBUTED BY GIFT,  
11 GRANT, BEQUEST OR DEVISE, TO THE EXTENT OF ANY LIMITATIONS  
12 IMPOSED BY THE DONOR AS A CONDITION OF THE CONTRIBUTION.

13 (25) A RECORD IDENTIFYING THE LOCATION OF AN  
14 ARCHEOLOGICAL SITE OR AN ENDANGERED OR THREATENED PLANT OR  
15 ANIMAL SPECIES IF NOT ALREADY KNOWN TO THE GENERAL PUBLIC.

16 (26) A PROPOSAL PERTAINING TO AGENCY PROCUREMENT OR  
17 DISPOSAL OF SUPPLIES, SERVICES OR CONSTRUCTION PRIOR TO THE  
18 AWARD OF THE CONTRACT OR PRIOR TO THE OPENING AND REJECTION  
19 OF ALL BIDS; FINANCIAL INFORMATION OF A BIDDER OR OFFEROR  
20 REQUESTED IN AN INVITATION FOR BID OR REQUEST FOR PROPOSALS  
21 TO DEMONSTRATE THE BIDDER'S OR OFFEROR'S ECONOMIC CAPABILITY;  
22 OR THE IDENTITY OF MEMBERS, NOTES AND OTHER RECORDS OF AGENCY  
23 PROPOSAL EVALUATION COMMITTEES ESTABLISHED UNDER 62 PA.C.S. §  
24 513 (RELATING TO COMPETITIVE SEALED PROPOSALS).

25 (27) A RECORD OR INFORMATION RELATING TO A COMMUNICATION  
26 BETWEEN AN AGENCY AND ITS INSURANCE CARRIER, ADMINISTRATIVE  
27 SERVICE ORGANIZATION OR RISK MANAGEMENT OFFICE. THIS  
28 PARAGRAPH SHALL NOT APPLY TO A CONTRACT WITH AN INSURANCE  
29 CARRIER, ADMINISTRATIVE SERVICE ORGANIZATION OR RISK  
30 MANAGEMENT OFFICE OR TO FINANCIAL RECORDS RELATING TO THE

1 PROVISION OF INSURANCE.

2 (28) A RECORD OR INFORMATION:

3 (I) IDENTIFYING AN INDIVIDUAL WHO APPLIES FOR OR  
4 RECEIVES SOCIAL SERVICES; OR

5 (II) RELATING TO THE FOLLOWING:

6 (A) THE TYPE OF SOCIAL SERVICES RECEIVED BY AN  
7 INDIVIDUAL;

8 (B) AN INDIVIDUAL'S APPLICATION TO RECEIVE  
9 SOCIAL SERVICES, INCLUDING A RECORD OR INFORMATION  
10 RELATED TO AN AGENCY DECISION TO GRANT, DENY, REDUCE  
11 OR RESTRICT BENEFITS, INCLUDING A QUASI-JUDICIAL  
12 DECISION OF THE AGENCY AND THE IDENTITY OF A  
13 CAREGIVER OR OTHERS WHO PROVIDE SERVICES TO THE  
14 INDIVIDUAL; OR

15 (C) ELIGIBILITY TO RECEIVE SOCIAL SERVICES,  
16 INCLUDING THE INDIVIDUAL'S INCOME, ASSETS, PHYSICAL  
17 OR MENTAL HEALTH, AGE, DISABILITY, FAMILY  
18 CIRCUMSTANCES OR RECORD OF ABUSE.

19 (29) CORRESPONDENCE BETWEEN A PERSON AND A MEMBER OF THE  
20 GENERAL ASSEMBLY AND RECORDS ACCOMPANYING THE CORRESPONDENCE  
21 WHICH WOULD IDENTIFY A PERSON THAT REQUESTS ASSISTANCE OR  
22 CONSTITUENT SERVICES. THIS PARAGRAPH SHALL NOT APPLY TO  
23 CORRESPONDENCE BETWEEN A MEMBER OF THE GENERAL ASSEMBLY AND A  
24 PRINCIPAL OR LOBBYIST UNDER 65 PA.C.S. CH. 13A (RELATING TO  
25 LOBBYIST DISCLOSURE).

26 (C) FINANCIAL RECORDS.--THE EXCEPTIONS SET FORTH IN  
27 SUBSECTION (B) SHALL NOT APPLY TO FINANCIAL RECORDS, EXCEPT FOR  
28 FINANCIAL RECORDS PROTECTED UNDER SUBSECTION (B)(1), (2), (3),  
29 (4) OR (5) OR PERSONAL FINANCIAL INFORMATION. AN AGENCY SHALL  
30 REDACT THAT PORTION OF A FINANCIAL RECORD WHICH WOULD DISCLOSE

1 INFORMATION PROTECTED UNDER SUBSECTION (B)(6). AN AGENCY SHALL  
2 NOT DISCLOSE THE IDENTITY OF AN INDIVIDUAL PERFORMING AN  
3 UNDERCOVER OR COVERT LAW ENFORCEMENT ACTIVITY OR OTHER  
4 NONFINANCIAL INFORMATION PROTECTED UNDER SUBSECTION (B)(16) OR  
5 (17).

6 (D) AGGREGATED DATA.--THE EXCEPTIONS SET FORTH IN SUBSECTION  
7 (B) SHALL NOT APPLY TO AGGREGATED DATA MAINTAINED OR RECEIVED BY  
8 AN AGENCY, EXCEPT FOR DATA PROTECTED UNDER SUBSECTION (B)(1),  
9 (2), (3), (4) OR (5).

## 10 CHAPTER 9

### 11 AGENCY RESPONSE

#### 12 SECTION 901. GENERAL RULE.

13 UPON RECEIPT OF A WRITTEN REQUEST FOR ACCESS TO A RECORD, AN  
14 AGENCY SHALL MAKE A GOOD FAITH EFFORT TO DETERMINE IF THE RECORD  
15 REQUESTED IS A PUBLIC RECORD, LEGISLATIVE RECORD OR FINANCIAL  
16 RECORD AND WHETHER THE AGENCY HAS POSSESSION, CUSTODY OR CONTROL  
17 OF THE IDENTIFIED RECORD, AND TO RESPOND AS PROMPTLY AS POSSIBLE  
18 UNDER THE CIRCUMSTANCES EXISTING AT THE TIME OF THE REQUEST. ALL  
19 APPLICABLE FEES SHALL BE PAID IN ORDER TO RECEIVE ACCESS TO THE  
20 RECORD REQUESTED. THE TIME FOR RESPONSE SHALL NOT EXCEED FIVE  
21 BUSINESS DAYS FROM THE DATE THE WRITTEN REQUEST IS RECEIVED BY  
22 THE OPEN-RECORDS OFFICER FOR AN AGENCY. IF THE AGENCY FAILS TO  
23 SEND THE RESPONSE WITHIN FIVE BUSINESS DAYS OF RECEIPT OF THE  
24 WRITTEN REQUEST FOR ACCESS, THE WRITTEN REQUEST FOR ACCESS SHALL  
25 BE DEEMED DENIED.

#### 26 SECTION 902. EXTENSION OF TIME.

27 (A) DETERMINATION.--UPON RECEIPT OF A WRITTEN REQUEST FOR  
28 ACCESS, THE OPEN-RECORDS OFFICER FOR AN AGENCY SHALL DETERMINE  
29 IF ONE OF THE FOLLOWING APPLIES:

30 (1) THE REQUEST FOR ACCESS REQUIRES REDACTION OF A

1 RECORD IN ACCORDANCE WITH SECTION 706;

2 (2) THE REQUEST FOR ACCESS REQUIRES THE RETRIEVAL OF A  
3 RECORD STORED IN A REMOTE LOCATION;

4 (3) A TIMELY RESPONSE TO THE REQUEST FOR ACCESS CANNOT  
5 BE ACCOMPLISHED DUE TO BONA FIDE AND SPECIFIED STAFFING  
6 LIMITATIONS;

7 (4) A LEGAL REVIEW IS NECESSARY TO DETERMINE WHETHER THE  
8 RECORD IS A RECORD SUBJECT TO ACCESS UNDER THIS ACT;

9 (5) THE REQUESTER HAS NOT COMPLIED WITH THE ~~COMMONWEALTH~~ ←  
10 AGENCY'S POLICIES REGARDING ACCESS TO RECORDS;

11 (6) THE REQUESTER REFUSES TO PAY APPLICABLE FEES  
12 AUTHORIZED BY THIS ACT; OR

13 (7) THE EXTENT OR NATURE OF THE REQUEST PRECLUDES A  
14 RESPONSE WITHIN THE REQUIRED TIME PERIOD.

15 (B) NOTICE.--

16 (1) UPON A DETERMINATION THAT ONE OF THE FACTORS LISTED  
17 IN SUBSECTION (A) APPLIES, THE OPEN-RECORDS OFFICER SHALL  
18 SEND WRITTEN NOTICE TO THE REQUESTER WITHIN FIVE BUSINESS  
19 DAYS OF RECEIPT OF THE REQUEST FOR ACCESS UNDER SUBSECTION  
20 (A).

21 (2) THE NOTICE SHALL INCLUDE A STATEMENT NOTIFYING THE  
22 REQUESTER THAT THE REQUEST FOR ACCESS IS BEING REVIEWED, THE  
23 REASON FOR THE REVIEW, A REASONABLE DATE THAT A RESPONSE IS  
24 EXPECTED TO BE PROVIDED AND AN ESTIMATE OF APPLICABLE FEES  
25 OWED WHEN THE RECORD BECOMES AVAILABLE. IF THE DATE THAT A  
26 RESPONSE IS EXPECTED TO BE PROVIDED IS IN EXCESS OF 30 DAYS,  
27 FOLLOWING THE FIVE BUSINESS DAYS ALLOWED FOR IN SECTION 901,  
28 THE REQUEST FOR ACCESS SHALL BE DEEMED DENIED UNLESS THE  
29 REQUESTER HAS AGREED IN WRITING TO AN EXTENSION TO THE DATE  
30 SPECIFIED IN THE NOTICE.

1           (3) IF THE REQUESTER AGREES TO THE EXTENSION, THE  
2           REQUEST SHALL BE DEEMED DENIED ON THE DAY FOLLOWING THE DATE  
3           SPECIFIED IN THE NOTICE IF THE AGENCY HAS NOT PROVIDED A  
4           RESPONSE BY THAT DATE.

5           SECTION 903. DENIAL.

6           IF AN AGENCY'S RESPONSE IS A DENIAL OF A WRITTEN REQUEST FOR  
7           ACCESS, WHETHER IN WHOLE OR IN PART, THE DENIAL SHALL BE ISSUED  
8           IN WRITING AND SHALL INCLUDE:

9           (1) A DESCRIPTION OF THE RECORD REQUESTED.

10          (2) THE SPECIFIC REASONS FOR THE DENIAL, INCLUDING A  
11          CITATION OF SUPPORTING LEGAL AUTHORITY.

12          (3) THE TYPED OR PRINTED NAME, TITLE, BUSINESS ADDRESS,  
13          BUSINESS TELEPHONE NUMBER AND SIGNATURE OF THE OPEN-RECORDS  
14          OFFICER ON WHOSE AUTHORITY THE DENIAL IS ISSUED.

15          (4) DATE OF THE RESPONSE.

16          (5) THE PROCEDURE TO APPEAL THE DENIAL OF ACCESS UNDER  
17          THIS ACT.

18          SECTION 904. CERTIFIED COPIES.

19          IF AN AGENCY'S RESPONSE GRANTS A REQUEST FOR ACCESS, THE  
20          AGENCY SHALL, UPON REQUEST, PROVIDE THE REQUESTER WITH A  
21          CERTIFIED COPY OF THE RECORD IF THE REQUESTER PAYS THE  
22          APPLICABLE FEES UNDER SECTION 1307.

23          SECTION 905. RECORD DISCARD.

24          IF AN AGENCY RESPONSE TO A REQUESTER STATES THAT COPIES OF  
25          THE REQUESTED RECORDS ARE AVAILABLE FOR DELIVERY AT THE OFFICE  
26          OF AN AGENCY AND THE REQUESTER FAILS TO RETRIEVE THE RECORDS  
27          WITHIN 60 DAYS OF THE AGENCY'S RESPONSE, THE AGENCY MAY DISPOSE  
28          OF ANY COPIES WHICH HAVE NOT BEEN RETRIEVED AND RETAIN ANY FEES  
29          PAID TO DATE.

30

CHAPTER 11

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1 APPEAL OF AGENCY DETERMINATION

2 SECTION 1101. FILING OF APPEAL.

3 (A) AUTHORIZATION.--

4 (1) IF A WRITTEN REQUEST FOR ACCESS TO A RECORD IS  
5 DENIED OR DEEMED DENIED, THE REQUESTER MAY FILE AN APPEAL  
6 WITH THE OFFICE OF OPEN RECORDS OR JUDICIAL, LEGISLATIVE OR  
7 OTHER APPEALS OFFICER DESIGNATED UNDER SECTION 503(D) WITHIN  
8 15 BUSINESS DAYS OF THE MAILING DATE OF THE AGENCY'S RESPONSE  
9 OR WITHIN 15 BUSINESS DAYS OF A DEEMED DENIAL. THE APPEAL  
10 SHALL STATE THE GROUNDS UPON WHICH THE REQUESTER ASSERTS THAT  
11 THE RECORD IS A PUBLIC RECORD, LEGISLATIVE RECORD OR  
12 FINANCIAL RECORD AND SHALL ADDRESS ANY GROUNDS STATED BY THE  
13 AGENCY FOR DELAYING OR DENYING THE REQUEST.

14 (2) ~~IN~~ EXCEPT AS PROVIDED IN SECTION 503(D), IN THE CASE ←  
15 OF AN APPEAL OF A DECISION BY A COMMONWEALTH AGENCY OR LOCAL  
16 AGENCY, THE OFFICE OF OPEN RECORDS SHALL ASSIGN AN APPEALS  
17 OFFICER TO REVIEW THE DENIAL.

18 (B) DETERMINATION.--

19 (1) UNLESS THE REQUESTER AGREES OTHERWISE, THE APPEALS  
20 OFFICER SHALL MAKE A FINAL DETERMINATION WHICH SHALL BE  
21 MAILED TO THE REQUESTER AND THE AGENCY WITHIN 30 DAYS OF  
22 RECEIPT OF THE APPEAL FILED UNDER SUBSECTION (A).

23 (2) IF THE APPEALS OFFICER FAILS TO ISSUE A FINAL  
24 DETERMINATION WITHIN 30 DAYS, THE APPEAL IS DEEMED DENIED.

25 (3) PRIOR TO ISSUING A FINAL DETERMINATION, A HEARING  
26 MAY BE CONDUCTED. THE DETERMINATION BY THE APPEALS OFFICER  
27 SHALL BE A FINAL ORDER. THE APPEALS OFFICER SHALL PROVIDE A  
28 WRITTEN EXPLANATION OF THE REASON FOR THE DECISION TO THE  
29 REQUESTER AND THE AGENCY.

30 (C) DIRECT INTEREST.--



1 (1) A PERSON OTHER THAN THE AGENCY OR REQUESTER WITH A  
2 DIRECT INTEREST IN THE RECORD SUBJECT TO AN APPEAL UNDER THIS  
3 SECTION MAY, WITHIN 15 DAYS FOLLOWING RECEIPT OF ACTUAL  
4 KNOWLEDGE OF THE APPEAL BUT NO LATER THAN THE DATE THE  
5 APPEALS OFFICER ISSUES AN ORDER, FILE A WRITTEN REQUEST TO  
6 PROVIDE INFORMATION OR TO APPEAR BEFORE THE APPEALS OFFICER  
7 OR TO FILE INFORMATION IN SUPPORT OF THE REQUESTER'S OR  
8 AGENCY'S POSITION.

9 (2) THE APPEALS OFFICER MAY GRANT A REQUEST UNDER  
10 PARAGRAPH (1) IF:

11 (I) NO HEARING HAS BEEN HELD;

12 (II) THE APPEALS OFFICER HAS NOT YET ISSUED ITS  
13 ORDER; AND

14 (III) THE APPEALS OFFICER BELIEVES THE INFORMATION  
15 WILL BE PROBATIVE.

16 (3) COPIES OF THE WRITTEN REQUEST SHALL BE SENT TO THE  
17 AGENCY AND THE REQUESTER.

18 SECTION 1102. APPEALS OFFICERS.

19 (A) DUTIES.--AN APPEALS OFFICER DESIGNATED UNDER SECTION 503  
20 SHALL DO ALL OF THE FOLLOWING:

21 (1) SET A SCHEDULE FOR THE REQUESTER AND THE OPEN-  
22 RECORDS OFFICER TO SUBMIT DOCUMENTS IN SUPPORT OF THEIR  
23 POSITIONS.

24 (2) REVIEW ALL INFORMATION FILED RELATING TO THE  
25 REQUEST. THE APPEALS OFFICER MAY HOLD A HEARING. A DECISION  
26 TO HOLD OR NOT TO HOLD A HEARING IS NOT APPEALABLE. THE  
27 APPEALS OFFICER MAY ADMIT INTO EVIDENCE TESTIMONY, EVIDENCE  
28 AND DOCUMENTS THAT THE APPEALS OFFICER BELIEVES TO BE  
29 REASONABLY PROBATIVE AND RELEVANT TO AN ISSUE IN DISPUTE. THE  
30 APPEALS OFFICER MAY LIMIT THE NATURE AND EXTENT OF EVIDENCE

1 FOUND TO BE CUMULATIVE.

2 (3) CONSULT WITH AGENCY COUNSEL AS APPROPRIATE.

3 (4) ISSUE A FINAL DETERMINATION ON BEHALF OF THE OFFICE  
4 OF OPEN RECORDS OR OTHER AGENCY.

5 (B) PROCEDURES.--THE OFFICE OF OPEN RECORDS, A JUDICIAL  
6 AGENCY, A LEGISLATIVE AGENCY, THE ATTORNEY GENERAL, AUDITOR  
7 GENERAL, STATE TREASURER OR DISTRICT ATTORNEY MAY ADOPT  
8 PROCEDURES RELATING TO APPEALS 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 AGENCY HAS ADOPTED THESE CHAPTERS IN ITS REGULATIONS  
13 OR RULES UNDER THIS SUBSECTION.

14 (2) IF A HEARING IS HELD, 1 PA. CODE PT. II SHALL APPLY  
15 UNLESS THE AGENCY ~~OR THE LEGISLATIVE AGENCY~~ HAS ADOPTED ←  
16 REGULATIONS, POLICIES OR PROCEDURES TO THE CONTRARY UNDER  
17 THIS SUBSECTION.

18 (3) IN THE ABSENCE OF A REGULATION, POLICY OR PROCEDURE  
19 GOVERNING APPEALS UNDER THIS CHAPTER, THE APPEALS OFFICER  
20 SHALL RULE ON PROCEDURAL MATTERS ON THE BASIS OF JUSTICE,  
21 FAIRNESS AND THE 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 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.--A PETITION FOR REVIEW UNDER THIS SECTION SHALL  
8 STAY THE RELEASE OF DOCUMENTS UNTIL A DECISION UNDER SUBSECTION  
9 (A) IS 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 1101(B) OR OF  
14 THE DATE A REQUEST FOR ACCESS IS DEEMED DENIED, A REQUESTER OR  
15 LOCAL AGENCY MAY FILE A PETITION FOR REVIEW OR OTHER DOCUMENT AS  
16 REQUIRED BY RULE OF COURT WITH THE COURT OF COMMON PLEAS FOR THE  
17 COUNTY WHERE THE LOCAL AGENCY IS LOCATED. THE DECISION OF THE  
18 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.--A PETITION FOR REVIEW UNDER THIS SECTION SHALL  
22 STAY THE RELEASE OF DOCUMENTS UNTIL A DECISION UNDER SUBSECTION  
23 (A) IS ISSUED.

24 SECTION 1303. NOTICE AND RECORDS.

25 (A) NOTICE.--AN AGENCY, THE REQUESTER AND THE OFFICE OF OPEN  
26 RECORDS OR DESIGNATED APPEALS OFFICER SHALL BE SERVED NOTICE OF  
27 ACTIONS COMMENCED IN ACCORDANCE WITH SECTION 1301 OR 1302 AND  
28 SHALL HAVE AN OPPORTUNITY TO RESPOND IN ACCORDANCE WITH  
29 APPLICABLE COURT 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 TO A RECORD AFTER A REQUEST FOR ACCESS WAS DEEMED DENIED, THE  
8 COURT MAY AWARD REASONABLE ATTORNEY FEES AND COSTS OF LITIGATION  
9 OR AN APPROPRIATE PORTION THEREOF TO A REQUESTER IF THE COURT  
10 FINDS 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 \$1,500 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 PENALTIES RESULTING FROM COMPLIANCE OR FAILURE TO COMPLY  
9 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 OFFICE OF OPEN RECORDS, FOR COMMONWEALTH  
23 AGENCIES 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) THE FOLLOWING APPLY TO COMPLEX AND EXTENSIVE DATA  
2           SETS, INCLUDING GEOGRAPHIC INFORMATION SYSTEMS OR INTEGRATED  
3           PROPERTY ASSESSMENT LISTS.

4           (I) FEES FOR COPYING MAY BE BASED ON THE REASONABLE  
5           MARKET VALUE OF THE SAME OR CLOSELY RELATED DATA SETS.

6           (II) SUBPARAGRAPH (I) SHALL NOT APPLY TO:

7           (A) A REQUEST BY AN INDIVIDUAL EMPLOYED BY A  
8           NEWSPAPER OR MAGAZINE OF GENERAL CIRCULATION, WEEKLY  
9           NEWSPAPER, PRESS ASSOCIATION OR RADIO OR TELEVISION  
10          STATION, FOR THE PURPOSE OF OBTAINING INFORMATION FOR  
11          PUBLICATION OR BROADCAST; OR

12          (B) A REQUEST BY A NONPROFIT ORGANIZATION FOR  
13          THE CONDUCT OF EDUCATIONAL RESEARCH.

14          (III) INFORMATION OBTAINED UNDER SUBPARAGRAPH (II)  
15          SHALL BE SUBJECT TO PARAGRAPHS (1), (2) AND (3).

16          (IV) INFORMATION OBTAINED UNDER THIS PARAGRAPH SHALL  
17          NOT BE SOLD OR OTHERWISE PROVIDED TO ANOTHER PERSON FOR  
18          COMMERCIAL PURPOSES.

19          (C) CERTIFICATION.--AN AGENCY MAY IMPOSE REASONABLE FEES FOR  
20          OFFICIAL CERTIFICATION OF COPIES IF THE CERTIFICATION IS AT THE  
21          BEHEST OF THE REQUESTER AND FOR THE PURPOSE OF LEGALLY VERIFYING  
22          THE PUBLIC RECORD.

23          (D) CONVERSION TO PAPER.--IF A RECORD IS ONLY MAINTAINED  
24          ELECTRONICALLY OR IN OTHER NONPAPER MEDIA, DUPLICATION FEES  
25          SHALL BE LIMITED TO THE LESSER OF THE FEE FOR DUPLICATION ON  
26          PAPER OR THE FEE FOR DUPLICATION IN THE ORIGINAL MEDIA AS  
27          PROVIDED BY SUBSECTION (B) UNLESS THE REQUESTER SPECIFICALLY  
28          REQUESTS FOR THE RECORD TO BE DUPLICATED IN THE MORE EXPENSIVE  
29          MEDIUM.

30          (E) ENHANCED ELECTRONIC ACCESS.--IF AN AGENCY OFFERS

1 ENHANCED ELECTRONIC ACCESS TO RECORDS IN ADDITION TO MAKING THE  
2 RECORDS ACCESSIBLE FOR INSPECTION AND DUPLICATION BY A REQUESTER  
3 AS REQUIRED BY THIS ACT, THE AGENCY MAY ESTABLISH USER FEES  
4 SPECIFICALLY FOR THE PROVISION OF THE ENHANCED ELECTRONIC  
5 ACCESS, BUT ONLY TO THE EXTENT THAT THE ENHANCED ELECTRONIC  
6 ACCESS IS IN ADDITION TO MAKING THE RECORDS ACCESSIBLE FOR  
7 INSPECTION AND DUPLICATION BY A REQUESTER AS REQUIRED BY THIS  
8 ACT. THE USER FEES FOR ENHANCED ELECTRONIC ACCESS MAY BE A FLAT  
9 RATE, A SUBSCRIPTION FEE FOR A PERIOD OF TIME, A PER-TRANSACTION  
10 FEE, A FEE BASED ON THE CUMULATIVE TIME OF SYSTEM ACCESS OR ANY  
11 OTHER REASONABLE METHOD AND ANY COMBINATION THEREOF. THE USER  
12 FEES FOR ENHANCED ELECTRONIC ACCESS MUST BE REASONABLE, MUST BE  
13 APPROVED BY THE OFFICE OF OPEN RECORDS AND MAY NOT BE  
14 ESTABLISHED WITH THE INTENT OR EFFECT OF EXCLUDING PERSONS FROM  
15 ACCESS TO RECORDS OR DUPLICATES THEREOF OR OF CREATING PROFIT  
16 FOR THE AGENCY.

17 (F) WAIVER OF FEES.--AN AGENCY MAY WAIVE THE FEES FOR  
18 DUPLICATION OF A RECORD, INCLUDING, BUT NOT LIMITED TO, WHEN:

- 19 (1) THE REQUESTER DUPLICATES THE RECORD; OR  
20 (2) THE AGENCY DEEMS IT IS IN THE PUBLIC INTEREST TO DO  
21 SO.

22 (G) LIMITATIONS.--EXCEPT AS OTHERWISE PROVIDED BY STATUTE,  
23 NO OTHER FEES MAY BE IMPOSED UNLESS THE AGENCY NECESSARILY  
24 INCURS COSTS FOR COMPLYING WITH THE REQUEST, AND SUCH FEES MUST  
25 BE REASONABLE. NO FEE MAY BE IMPOSED FOR AN AGENCY'S REVIEW OF A  
26 RECORD TO DETERMINE WHETHER THE RECORD IS A PUBLIC RECORD,  
27 LEGISLATIVE RECORD OR FINANCIAL RECORD SUBJECT TO ACCESS IN  
28 ACCORDANCE WITH THIS ACT.

29 (H) PREPAYMENT.--PRIOR TO GRANTING A REQUEST FOR ACCESS IN  
30 ACCORDANCE WITH THIS ACT, AN AGENCY MAY REQUIRE A REQUESTER TO

1 PREPAY AN ESTIMATE OF THE FEES AUTHORIZED UNDER THIS SECTION IF  
2 THE FEES REQUIRED TO FULFILL THE REQUEST ARE EXPECTED TO EXCEED  
3 \$100.

4 SECTION 1308. PROHIBITION.

5 A POLICY OR REGULATION ADOPTED UNDER THIS ACT MAY NOT INCLUDE  
6 ANY OF THE FOLLOWING:

7 (1) A LIMITATION ON THE NUMBER OF RECORDS WHICH MAY BE  
8 REQUESTED OR MADE AVAILABLE FOR INSPECTION OR DUPLICATION.

9 (2) A REQUIREMENT TO DISCLOSE THE PURPOSE OR MOTIVE IN  
10 REQUESTING ACCESS TO RECORDS.  ~~, EXCEPT WHEN THE REQUEST IS~~ ←  
11  ~~FOR A DATE OF BIRTH.~~

12 SECTION 1309. PRACTICE AND PROCEDURE.

13 THE PROVISIONS OF 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW  
14 AND PROCEDURE) SHALL NOT APPLY TO THIS ACT UNLESS SPECIFICALLY  
15 ADOPTED BY REGULATION OR POLICY.

16 SECTION 1310. OFFICE OF OPEN RECORDS.

17 (A) ESTABLISHMENT.--THERE IS ESTABLISHED IN THE DEPARTMENT  
18 OF COMMUNITY AND ECONOMIC DEVELOPMENT AN OFFICE OF OPEN RECORDS.  
19 THE OFFICE SHALL DO ALL OF THE FOLLOWING:

20 (1) PROVIDE INFORMATION RELATING TO THE IMPLEMENTATION  
21 AND ENFORCEMENT OF THIS ACT.

22 (2) ISSUE ADVISORY OPINIONS TO AGENCIES AND REQUESTERS.

23 (3) PROVIDE ANNUAL TRAINING COURSES TO AGENCIES, PUBLIC  
24 OFFICIALS AND PUBLIC EMPLOYEES ON THIS ACT AND 65 PA.C.S. CH.  
25 7 (RELATING TO OPEN MEETINGS).

26 (4) PROVIDE ANNUAL, REGIONAL TRAINING COURSES TO LOCAL  
27 AGENCIES, PUBLIC OFFICIALS AND PUBLIC EMPLOYEES.

28 (5) ASSIGN APPEALS OFFICERS TO REVIEW APPEALS OF  
29 DECISIONS BY COMMONWEALTH AGENCIES OR LOCAL AGENCIES, EXCEPT  
30 AS PROVIDED IN SECTION 503(D), FILED UNDER SECTION 1101 AND



1       ISSUE ORDERS AND OPINIONS. THE OFFICE SHALL EMPLOY OR  
2       CONTRACT WITH ATTORNEYS TO SERVE AS APPEALS OFFICERS TO  
3       REVIEW APPEALS AND, IF NECESSARY, TO HOLD HEARINGS ON A  
4       REGIONAL BASIS UNDER THIS ACT. EACH APPEALS OFFICER MUST  
5       COMPLY WITH ALL OF THE FOLLOWING:

6               (I)   COMPLETE A TRAINING COURSE PROVIDED BY THE  
7               OFFICE OF OPEN RECORDS PRIOR TO ACTING AS AN APPEALS  
8               OFFICER.

9               (II) IF A HEARING IS NECESSARY, HOLD HEARINGS  
10              REGIONALLY AS NECESSARY TO ENSURE ACCESS TO THE REMEDIES  
11              PROVIDED BY THIS ACT.

12              (III) COMPLY WITH THE PROCEDURES UNDER SECTION  
13              1102(B).

14              (6)   ESTABLISH AN INFORMAL MEDIATION PROGRAM TO RESOLVE  
15              DISPUTES UNDER THIS ACT.

16              (7)   ESTABLISH AN INTERNET WEBSITE WITH INFORMATION  
17              RELATING TO THIS ACT, INCLUDING INFORMATION ON FEES, ADVISORY  
18              OPINIONS AND DECISIONS AND THE NAME AND ADDRESS OF ALL OPEN  
19              RECORDS OFFICERS IN THIS COMMONWEALTH.

20              (8)   CONDUCT A BIENNIAL REVIEW OF FEES CHARGED UNDER THIS  
21              ACT.

22              (9)   ANNUALLY REPORT ON ITS ACTIVITIES AND FINDINGS TO  
23              THE GOVERNOR AND THE GENERAL ASSEMBLY. THE REPORT SHALL BE  
24              POSTED AND MAINTAINED ON THE INTERNET WEBSITE ESTABLISHED  
25              UNDER PARAGRAPH (7).

26              (B)   EXECUTIVE DIRECTOR.--WITHIN 90 DAYS OF THE EFFECTIVE  
27              DATE OF THIS SECTION, THE GOVERNOR SHALL APPOINT AN EXECUTIVE  
28              DIRECTOR OF THE OFFICE WHO SHALL SERVE FOR A TERM OF SIX YEARS.  
29              COMPENSATION SHALL BE SET BY THE EXECUTIVE BOARD ESTABLISHED  
30              UNDER SECTION 204 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),

1 KNOWN AS THE ADMINISTRATIVE CODE OF 1929. THE EXECUTIVE DIRECTOR  
2 MAY SERVE NO MORE THAN TWO TERMS.

3 (C) LIMITATION.--THE EXECUTIVE DIRECTOR SHALL NOT SEEK  
4 ELECTION NOR ACCEPT APPOINTMENT TO ANY POLITICAL OFFICE DURING  
5 HIS TENURE AS EXECUTIVE DIRECTOR AND FOR ONE YEAR THEREAFTER.

6 (D) STAFFING.--THE EXECUTIVE DIRECTOR SHALL APPOINT  
7 ATTORNEYS TO ACT AS APPEALS OFFICERS AND ADDITIONAL CLERICAL,  
8 TECHNICAL AND PROFESSIONAL STAFF AS MAY BE APPROPRIATE AND MAY  
9 CONTRACT FOR ADDITIONAL SERVICES AS NECESSARY FOR THE  
10 PERFORMANCE OF THE EXECUTIVE DIRECTOR'S DUTIES. THE COMPENSATION  
11 OF ATTORNEYS AND OTHER STAFF SHALL BE SET BY THE EXECUTIVE  
12 BOARD. THE APPOINTMENT OF ATTORNEYS SHALL NOT BE SUBJECT TO THE  
13 ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE  
14 COMMONWEALTH ATTORNEYS ACT.

15 (E) DUTIES.--THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THE  
16 DUTIES OF THE OFFICE OF OPEN RECORDS ARE CARRIED OUT AND SHALL  
17 MONITOR CASES APPEALED TO THE OFFICE OF OPEN RECORDS.

18 (F) APPROPRIATION.--THE APPROPRIATION FOR THE OFFICE SHALL  
19 BE IN A SEPARATE LINE ITEM AND SHALL BE UNDER THE JURISDICTION  
20 OF THE EXECUTIVE DIRECTOR.

21 CHAPTER 15

22 STATE-RELATED INSTITUTIONS

23 SECTION 1501. DEFINITION.

24 AS USED IN THIS CHAPTER, "STATE-RELATED INSTITUTION" MEANS  
25 ANY OF THE FOLLOWING:

- 26 (1) TEMPLE UNIVERSITY.
- 27 (2) THE UNIVERSITY OF PITTSBURGH.
- 28 (3) THE PENNSYLVANIA STATE UNIVERSITY.
- 29 (4) LINCOLN UNIVERSITY.

30 SECTION 1502. REPORTING.

1 NO LATER THAN MAY 30 OF EACH YEAR, A STATE-RELATED  
2 INSTITUTION SHALL FILE WITH THE GOVERNOR'S OFFICE, THE GENERAL  
3 ASSEMBLY, THE AUDITOR GENERAL AND THE STATE LIBRARY THE  
4 INFORMATION SET FORTH IN SECTION 1503.

5 SECTION 1503. CONTENTS OF REPORT.

6 THE REPORT REQUIRED UNDER SECTION 1502 SHALL INCLUDE THE  
7 FOLLOWING:

8 (1) EXCEPT AS PROVIDED IN PARAGRAPH (4), ALL INFORMATION  
9 REQUIRED BY FORM 990 OR AN EQUIVALENT FORM, OF THE UNITED  
10 STATES DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE,  
11 ENTITLED THE RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX,  
12 REGARDLESS OF WHETHER THE STATE-RELATED INSTITUTION IS  
13 REQUIRED TO FILE THE FORM BY THE FEDERAL GOVERNMENT.

14 (2) THE SALARIES OF ALL OFFICERS AND DIRECTORS OF THE  
15 STATE-RELATED INSTITUTION.

16 (3) THE HIGHEST 25 SALARIES PAID TO EMPLOYEES OF THE  
17 INSTITUTION THAT ARE NOT INCLUDED UNDER PARAGRAPH (2).

18 (4) THE REPORT SHALL NOT INCLUDE INFORMATION RELATING TO  
19 INDIVIDUAL DONORS.

20 SECTION 1504. COPIES AND POSTING.

21 A STATE-RELATED INSTITUTION SHALL MAINTAIN, FOR AT LEAST  
22 SEVEN YEARS, A COPY OF THE REPORT IN THE INSTITUTION'S LIBRARY  
23 AND SHALL PROVIDE FREE ACCESS TO THE REPORT ON THE INSTITUTION'S  
24 INTERNET WEBSITE.

## 25 CHAPTER 17

### 26 STATE CONTRACT INFORMATION

27 SECTION 1701. SUBMISSION AND RETENTION OF CONTRACTS.

28 (A) GENERAL RULE.--WHENEVER ANY COMMONWEALTH AGENCY,  
29 LEGISLATIVE AGENCY OR JUDICIAL AGENCY SHALL ENTER INTO ANY  
30 CONTRACT INVOLVING ANY PROPERTY, REAL, PERSONAL OR MIXED OF ANY

1 KIND OR DESCRIPTION OR ANY CONTRACT FOR PERSONAL SERVICES WHERE  
2 THE CONSIDERATION INVOLVED IN THE CONTRACT IS \$5,000 OR MORE, A  
3 COPY OF THE CONTRACT SHALL BE FILED WITH THE TREASURY DEPARTMENT  
4 WITHIN TEN DAYS AFTER THE CONTRACT IS FULLY EXECUTED ON BEHALF  
5 OF THE COMMONWEALTH AGENCY, LEGISLATIVE AGENCY OR JUDICIAL  
6 AGENCY OR OTHERWISE BECOMES AN OBLIGATION OF THE COMMONWEALTH  
7 AGENCY, LEGISLATIVE AGENCY OR JUDICIAL AGENCY. THE PROVISIONS OF  
8 THIS CHAPTER SHALL NOT APPLY TO CONTRACTS FOR SERVICES PROTECTED  
9 BY A PRIVILEGE. THE PROVISIONS OF THIS CHAPTER SHALL NOT APPLY  
10 TO A PURCHASE ORDER EVIDENCING FULFILLMENT OF AN EXISTING  
11 OBLIGATION BUT SHALL APPLY TO A PURCHASE ORDER EVIDENCING NEW  
12 OBLIGATIONS. THE FOLLOWING SHALL APPLY:

←

13 (1) EACH COMMONWEALTH AGENCY, LEGISLATIVE AGENCY AND  
14 JUDICIAL AGENCY SHALL SUBMIT CONTRACTS IN A FORM AND  
15 STRUCTURE MUTUALLY AGREED UPON BY THE COMMONWEALTH AGENCY,  
16 LEGISLATIVE AGENCY OR JUDICIAL AGENCY AND THE STATE  
17 TREASURER.

18 (2) THE TREASURY DEPARTMENT MAY REQUIRE EACH  
19 COMMONWEALTH AGENCY, LEGISLATIVE AGENCY OR JUDICIAL AGENCY TO  
20 PROVIDE A SUMMARY WITH EACH CONTRACT, WHICH SHALL INCLUDE THE  
21 FOLLOWING:

- 22 (I) DATE OF EXECUTION.
- 23 (II) AMOUNT OF THE CONTRACT.
- 24 (III) BEGINNING DATE OF THE CONTRACT.
- 25 (IV) END DATE OF THE CONTRACT, IF APPLICABLE.
- 26 (V) NAME OF THE AGENCY ENTERING INTO THE CONTRACT.
- 27 (VI) THE NAME OF ALL PARTIES EXECUTING THE CONTRACT.
- 28 (VII) SUBJECT MATTER OF THE CONTRACT.

29 EACH AGENCY SHALL CREATE AND MAINTAIN THE DATA UNDER THIS  
30 PARAGRAPH IN AN ASCII-DELIMITED TEXT FILE, SPREADSHEET FILE

1 OR OTHER FILE PROVIDED BY TREASURY DEPARTMENT REGULATION.

2 (B) RETENTION.--EVERY CONTRACT FILED PURSUANT TO SUBSECTION  
3 (A) SHALL REMAIN ON FILE WITH THE TREASURY DEPARTMENT FOR A  
4 PERIOD OF NOT LESS THAN FOUR YEARS AFTER THE END DATE OF THE  
5 CONTRACT.

6 (C) ACCURACY.--EACH COMMONWEALTH AGENCY, LEGISLATIVE AGENCY  
7 AND JUDICIAL AGENCY IS RESPONSIBLE FOR VERIFYING THE ACCURACY  
8 AND COMPLETENESS OF THE INFORMATION THAT IT SUBMITS TO THE STATE  
9 TREASURER. THE CONTRACT PROVIDED TO THE TREASURY DEPARTMENT  
10 PURSUANT TO THIS CHAPTER SHALL BE REDACTED IN ACCORDANCE WITH  
11 APPLICABLE PROVISIONS OF THIS ACT BY THE AGENCY FILING THE  
12 CONTRACT TO THE TREASURY DEPARTMENT.

13 (D) ~~EXEMPT FROM POSTING. THE PROVISIONS OF THIS CHAPTER~~ <—  
14 APPLICABILITY.--THE PROVISIONS OF THIS ACT SHALL NOT APPLY TO <—  
15 COPIES OF CONTRACTS SUBMITTED TO THE TREASURY DEPARTMENT, THE  
16 OFFICE OF AUDITOR GENERAL OR OTHER AGENCY FOR PURPOSES OF AUDITS  
17 AND WARRANTS FOR DISBURSEMENTS UNDER SECTION 307, 401, 402 OR  
18 403 OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE  
19 FISCAL CODE.

20 SECTION 1702. PUBLIC AVAILABILITY OF CONTRACTS.

21 (A) GENERAL RULE.--THE TREASURY DEPARTMENT SHALL MAKE EACH  
22 CONTRACT FILED PURSUANT TO SECTION 1701 AVAILABLE FOR PUBLIC  
23 INSPECTION EITHER BY POSTING A COPY OF THE CONTRACT ON THE  
24 TREASURY DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE OR BY  
25 POSTING A CONTRACT SUMMARY ON THE DEPARTMENT'S PUBLICLY  
26 ACCESSIBLE INTERNET WEBSITE.

27 (B) POSTING.--THE TREASURY DEPARTMENT SHALL POST THE  
28 INFORMATION RECEIVED PURSUANT TO THIS CHAPTER IN A MANNER THAT  
29 ALLOWS THE PUBLIC TO SEARCH CONTRACTS OR CONTRACT SUMMARIES BY  
30 THE CATEGORIES ENUMERATED IN SECTION 1701(A)(2).

1 (C) REQUEST TO REVIEW OR RECEIVE COPY OF CONTRACT.--THE  
2 TREASURY DEPARTMENT SHALL MAINTAIN A PAGE ON ITS PUBLICLY  
3 ACCESSIBLE INTERNET WEBSITE THAT INCLUDES INSTRUCTIONS ON HOW TO  
4 REVIEW A CONTRACT ON THE INTERNET WEBSITE.

5 (D) PAPER COPY.--A PAPER COPY OF A CONTRACT MAY BE REQUESTED  
6 FROM THE AGENCY THAT EXECUTED THE CONTRACT IN ACCORDANCE WITH  
7 THIS ACT.

8 CHAPTER 31

9 MISCELLANEOUS PROVISIONS

10 SECTION 3101. APPLICABILITY.

11 THIS ACT APPLIES AS FOLLOWS:

12 (1) THIS ACT SHALL APPLY TO REQUESTS FOR INFORMATION  
13 MADE AFTER DECEMBER 31, 2008.

14 (2) CHAPTER 15 SHALL APPLY TO FISCAL YEARS BEGINNING  
15 AFTER JUNE 30, 2008.

16 (3) CHAPTER 17 SHALL APPLY TO CONTRACTS ENTERED INTO OR  
17 RENEWED AFTER JUNE 30, 2008.

18 SECTION 3101.1. RELATION TO OTHER LAW OR JUDICIAL ACTIONS.

19 IF THE PROVISIONS OF THIS ACT REGARDING ACCESS TO PUBLIC  
20 RECORDS CONFLICT WITH ANY FEDERAL OR STATE LAW, JUDICIAL ORDER  
21 OR DECREE, THE PROVISIONS OF THIS ACT SHALL NOT APPLY.

22 SECTION 3101.2. SEVERABILITY.

23 ALL PROVISIONS OF THIS ACT ARE SEVERABLE.

24 SECTION 3102. REPEALS.

25 REPEALS ARE AS FOLLOWS:

26 (1) THE GENERAL ASSEMBLY DECLARES AS FOLLOWS:

27 (I) THE REPEAL UNDER PARAGRAPH (2)(I) IS NECESSARY  
28 TO EFFECTUATE CHAPTER 17.

29 (II) THE REPEALS UNDER PARAGRAPH (2)(II) AND (III)  
30 ARE NECESSARY TO EFFECTUATE THIS ACT.

1 (2) THE FOLLOWING ACTS AND PARTS OF ACTS ARE REPEALED:

2 (I) SECTION 1104 OF THE ACT OF APRIL 9, 1929  
3 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF  
4 1929.

5 (II) THE ACT OF JUNE 21, 1957 (P.L.390, NO.212),  
6 REFERRED TO AS THE RIGHT-TO-KNOW LAW.

7 (III) 62 PA.C.S. § 106.

8 SECTION 3103. REFERENCES.

9 A REFERENCE IN A STATUTE, REGULATION OR JUDICIAL ORDER OR  
10 DECREE TO THE ACT OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED  
11 TO AS THE RIGHT-TO-KNOW LAW, SHALL BE DEEMED A REFERENCE TO THIS  
12 ACT.

13 SECTION 3104. EFFECTIVE DATE.

14 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

15 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
16 IMMEDIATELY:

17 (I) SECTIONS 101, 102 AND 1310.

18 (II) THIS SECTION.

19 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY  
20 1, 2009.