
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 765 Session of
2007

INTRODUCED BY FERLO, COSTA, RHOADES, STOUT, KASUNIC, GREENLEAF,
O'PAKE, BOSCOLA, FOLMER, FONTANA, WASHINGTON, C. WILLIAMS,
WOZNIAK AND KITCHEN, APRIL 12, 2007

REFERRED TO STATE GOVERNMENT, APRIL 12, 2007

AN ACT

1 Amending the act of June 21, 1957 (P.L.390, No.212), entitled
2 "An act requiring certain records of the Commonwealth and its
3 political subdivisions and of certain authorities and other
4 agencies performing essential governmental functions, to be
5 open for examination and inspection by citizens of the
6 Commonwealth of Pennsylvania; authorizing such citizens under
7 certain conditions to make extracts, copies, photographs or
8 photostats of such records; and providing for appeals to the
9 courts of common pleas," further providing for access to
10 certain records of Commonwealth and non-Commonwealth
11 agencies; imposing requirements on Commonwealth and non-
12 Commonwealth agencies regarding public access to certain
13 records; and repealing certain provisions.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The title of the act of June 21, 1957 (P.L.390,
17 No.212), referred to as the Right-to-Know Law, is amended to
18 read:

19 AN ACT

20 [Requiring certain records of the Commonwealth and its political
21 subdivisions and of certain authorities and other agencies
22 performing essential governmental functions, to be open for
23 examination and inspection by citizens of the Commonwealth of

1 Pennsylvania; authorizing such citizens under certain
2 conditions to make extracts, copies, photographs or
3 photostats of such records; and providing for appeals to the
4 courts of common pleas.]

5 Providing for access to certain records of Commonwealth agencies
6 and non-Commonwealth agencies; and imposing requirements on
7 Commonwealth agencies and non-Commonwealth agencies to
8 provide certain records upon request.

9 Section 2. Sections 1, 2, 3.1, 3.2, 3.3, 3.4, 3.5, 4, 4.1,
10 5, 6, 7, 8 and 9 of the act, amended or added June 29, 2002
11 (P.L.663, No.100), are repealed:

12 [Section 1. Definitions.

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

16 "Agency." Any office, department, board or commission of the
17 executive branch of the Commonwealth, any political subdivision
18 of the Commonwealth, the Pennsylvania Turnpike Commission, the
19 State System of Higher Education or any State or municipal
20 authority or similar organization created by or pursuant to a
21 statute which declares in substance that such organization
22 performs or has for its purpose the performance of an essential
23 governmental function.

24 "Commonwealth agency." An agency which is a Commonwealth
25 agency as that term is defined under 62 Pa.C.S. § 103 (relating
26 to definitions).

27 "Non-Commonwealth agency." An agency which is not a
28 Commonwealth agency.

29 "Public record." Any account, voucher or contract dealing
30 with the receipt or disbursement of funds by an agency or its

1 acquisition, use or disposal of services or of supplies,
2 materials, equipment or other property and any minute, order or
3 decision by an agency fixing the personal or property rights,
4 privileges, immunities, duties or obligations of any person or
5 group of persons: Provided, That the term "public records" shall
6 not mean any report, communication or other paper, the
7 publication of which would disclose the institution, progress or
8 result of an investigation undertaken by an agency in the
9 performance of its official duties, except those reports filed
10 by agencies pertaining to safety and health in industrial
11 plants; it shall not include any record, document, material,
12 exhibit, pleading, report, memorandum or other paper, access to
13 or the publication of which is prohibited, restricted or
14 forbidden by statute law or order or decree of court, or which
15 would operate to the prejudice or impairment of a person's
16 reputation or personal security, or which would result in the
17 loss by the Commonwealth or any of its political subdivisions or
18 commissions or State or municipal authorities of Federal funds,
19 excepting therefrom however the record of any conviction for any
20 criminal act.

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

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

25 "Response." Access to a record or an agency's written notice
26 granting, denying or partially granting and partially denying
27 access to a record.

28 Section 2. Procedure for access to public records.

29 (a) General rule.--Unless otherwise provided by law, a
30 public record shall be accessible for inspection and duplication

1 by a requester in accordance with this act. A public record
2 shall be provided to a requester in the medium requested if the
3 public record exists in that medium; otherwise, it shall be
4 provided in the medium in which it exists. Public records shall
5 be available for access during the regular business hours of an
6 agency. Nothing in this act shall provide for access to a record
7 which is not a public record.

8 (b) Requests.--Agencies may fulfill verbal requests for
9 access to records and anonymous requests for access to records.
10 In the event that the requester wishes to pursue the relief and
11 remedies provided for in this act, the requester must initiate
12 such relief with a written request.

13 (c) Written requests.--A written request for access to
14 records may be submitted in person, by mail, by facsimile or, to
15 the extent provided by agency rules, any other electronic means.
16 A written request shall be addressed to the agency head or other
17 person designated in the rules established by the agency. A
18 written request should identify or describe the records sought
19 with sufficient specificity to enable the agency to ascertain
20 which records are being requested and shall include the name and
21 address to which the agency should address its response. A
22 written request need not include any explanation of the
23 requester's reason for requesting or intended use of the
24 records.

25 (d) Electronic access.--In addition to the requirements of
26 subsection (a), an agency may make its public records available
27 through any publicly accessible electronic means. If access to a
28 public record is routinely available by an agency only by
29 electronic means, the agency shall provide access to inspect the
30 public record at an office of the agency.

1 (e) Creation of a public record.--When responding to a
2 request for access, an agency shall not be required to create a
3 public record which does not currently exist or to compile,
4 maintain, format or organize a public record in a manner in
5 which the agency does not currently compile, maintain, format or
6 organize the public record.

7 (f) Conversion of an electronic record to paper.--If a
8 public record is only maintained electronically or in other
9 nonpaper media, an agency shall, upon request, duplicate the
10 public record on paper when responding to a request for access
11 in accordance with this act.

12 (g) Retention of records.--Nothing in this act is intended
13 to modify, rescind or supersede any record retention and
14 disposition schedule established pursuant to law.

15 Section 3.1. Access to public records.

16 An agency may not deny a requester access to a public record
17 due to the intended use of the public record by the requester.

18 Section 3.2. Redaction.

19 If an agency determines that a public record contains
20 information which is subject to access as well as information
21 which is not subject to access, the agency's response shall
22 grant access to the information which is subject to access and
23 deny access to the information which is not subject to access.
24 If the information which is not subject to access is an integral
25 part of the public record and cannot be separated, the agency
26 shall redact from the public record the information which is not
27 subject to access, and the response shall grant access to the
28 information which is subject to access. The agency may not deny
29 access to the public record if the information which is not
30 subject to access is able to be redacted. Information which an

1 agency redacts in accordance with this subsection shall be
2 deemed a denial under section 3.3.

3 Section 3.3. Commonwealth agency's response to written requests
4 for access.

5 (a) General rule.--Upon receipt of a written request for
6 access to a record, a Commonwealth agency shall make a good
7 faith effort to determine if the record requested is a public
8 record and to respond as promptly as possible under the
9 circumstances existing at the time of the request but shall not
10 exceed ten business days from the date the written request is
11 received by the Commonwealth agency head or other person
12 designated by the Commonwealth agency for receiving such
13 requests. If the Commonwealth agency fails to send the response
14 within ten business days of receipt of the written request for
15 access, the written request for access shall be deemed denied.

16 (b) Exception.--Upon receipt of a written request for
17 access, if a Commonwealth agency determines that one of the
18 following applies:

19 (1) the request for access requires redaction of a
20 public record in accordance with section 3.2;

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

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

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

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

30 (6) the requester refuses to pay applicable fees

1 authorized by section 7 of this act,
2 the Commonwealth agency shall send written notice to the
3 requester within ten business days of the Commonwealth agency's
4 receipt of the request for access. The notice shall include a
5 statement notifying the requester that the request for access is
6 being reviewed, the reason for the review and a reasonable date
7 that a response is expected to be provided. If the date that a
8 response is expected to be provided is in excess of 30 days,
9 following the ten business days allowed for in subsection (a),
10 the request for access shall be deemed denied.

11 (c) Denial.--If a Commonwealth agency's response is a denial
12 of a written request for access, whether in whole or in part, a
13 written response shall be issued and include:

14 (1) A description of the record requested.

15 (2) The specific reasons for the denial, including a
16 citation of supporting legal authority. If the denial is the
17 result of a determination that the record requested is not a
18 public record, the specific reasons for the agency's
19 determination that the record is not a public record shall be
20 included.

21 (3) The typed or printed name, title, business address,
22 business telephone number and signature of the public
23 official or public employee on whose authority the denial is
24 issued.

25 (4) Date of the response.

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

28 (d) Certified copies.--If a Commonwealth agency's response
29 grants a request for access, the Commonwealth agency shall, upon
30 request, provide the requester with a certified copy of the

1 public record if the requester pays the applicable fees pursuant
2 to section 7.

3 Section 3.4. Non-Commonwealth agency's response to written
4 requests for access.

5 (a) General rule.--Upon receipt of a written request for
6 access to a record, a non-Commonwealth agency shall make a good
7 faith effort to determine if the record requested is a public
8 record and to respond as promptly as possible under the
9 circumstances existing at the time of the request but shall not
10 exceed five business days from the date the written request is
11 received by the non-Commonwealth agency head or other person
12 designated in the rules established by the non-Commonwealth
13 agency for receiving such requests. If the non-Commonwealth
14 agency fails to send the response within five business days of
15 receipt of the written request for access, the written request
16 for access shall be deemed denied.

17 (b) Exception.--Upon receipt of a written request for
18 access, if a non-Commonwealth agency determines that one of the
19 following applies:

20 (1) the request for access requires redaction of a
21 public record in accordance with section 3.2;

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 accompanied due to bona fide and specified staffing
26 limitations;

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

29 (5) the requester has not complied with the non-
30 Commonwealth agency's policies regarding access to public

1 records; or

2 (6) the requester refuses to pay applicable fees

3 authorized by section 7,

4 the non-Commonwealth agency shall send written notice to the
5 requester within five business days of the non-Commonwealth
6 agency's receipt of the request notifying the requester that the
7 request for access is being reviewed, the reason for the review
8 and a reasonable date that a response is expected to be
9 provided. If the date that a response is expected to be provided
10 is in excess of 30 days, following the five business days
11 allowed in subsection (a), the request for access shall be
12 deemed denied.

13 (c) Denial.--If a non-Commonwealth agency's response is a
14 denial of a written request for access, whether in whole or in
15 part, a written response shall be issued and include:

16 (1) A description of the record requested.

17 (2) The specific reasons for the denial, including a
18 citation of supporting legal authority. If the denial is the
19 result of a determination that the record requested is not a
20 public record, the specific reasons for the agency's
21 determination that the record is not a public record shall be
22 included.

23 (3) The typed or printed name, title, business address,
24 business telephone number and signature of the public
25 official or public employee on whose authority the denial is
26 issued.

27 (4) Date of the response.

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

30 (d) Certified copies.--If a non-Commonwealth agency's

1 response grants a request for access, the non-Commonwealth
2 agency shall, upon request, provide the requester with a
3 certified copy of the public record if the requester pays the
4 applicable fees pursuant to section 7.

5 Section 3.5. Final agency determination.

6 (a) Filing of exceptions.--If a written request for access
7 is denied or deemed denied, the requester may file exceptions
8 with the head of the agency denying the request for access
9 within 15 business days of the mailing date of the agency's
10 response or within 15 days of a deemed denial. The exceptions
11 shall state grounds upon which the requester asserts that the
12 record is a public record and shall address any grounds stated
13 by the agency for delaying or denying the request.

14 (b) Determination.--Unless the requester agrees otherwise,
15 the agency head or his designee shall make a final determination
16 regarding the exceptions within 30 days of the mailing date of
17 the exceptions. Prior to issuing the final determination
18 regarding the exceptions, the agency head or his designee may
19 conduct a hearing. The determination shall be the final order of
20 the agency. If the agency head or his designee determines that
21 the agency correctly denied the request for access, the agency
22 head or his designee shall provide a written explanation to the
23 requester of the reason for the denial.

24 Section 4. Judicial appeal.

25 (a) Commonwealth agency.--Within 30 days of the mailing date
26 of a final determination of a Commonwealth agency affirming the
27 denial of access, a requester may file a petition for review or
28 other document as might be required by rule of court with the
29 Commonwealth Court.

30 (b) Other agency.--Within 30 days of a denial by a non-

1 Commonwealth agency under section 3.4(c) or of the mailing date
2 of a final determination of a non-Commonwealth agency affirming
3 the denial of access, a requester may file a petition for review
4 or other document as might be required by rule of court with the
5 court of common pleas for the county where the non-Commonwealth
6 agency's office or facility is located or bring an action in the
7 local magisterial district. A requester is entitled to a
8 reasoned decision containing findings of fact and conclusions of
9 law based upon the evidence as a whole which clearly and
10 concisely states and explains the rationale for the decisions so
11 that all can determine why and how a particular result was
12 reached.

13 (c) Notice.--An agency shall be served notice of actions
14 commenced in accordance with subsection (a) or (b) and shall
15 have an opportunity to respond in accordance with applicable
16 court rules.

17 (d) Record on appeal.--The record before a court shall
18 consist of the request, the agency's response, the requester's
19 exceptions, if applicable, the hearing transcript, if any, and
20 the agency's final determination, if applicable.

21 Section 4.1. Court costs and attorney fees.

22 (a) Reversal of agency determination.--If a court reverses
23 an agency's final determination, the court may award reasonable
24 attorney fees and costs of litigation or an appropriate portion
25 thereof to a requester if the court finds either of the
26 following:

27 (1) the agency willfully or with wanton disregard
28 deprived the requester of access to a public record subject
29 to access under the provisions of this act; or

30 (2) the exemptions, exclusions or defenses asserted by

1 the agency in its final determination were not based on a
2 reasonable interpretation of law.

3 (b) Sanctions for frivolous requests or appeals.--If a court
4 affirms an agency's final determination, the court may award
5 reasonable attorney fees and costs of litigation or an
6 appropriate portion thereof to the agency if the court finds
7 that the legal challenge to the agency's final determination was
8 frivolous.

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

12 Section 5. Penalties.

13 (a) Summary offense.--An agency or public official who
14 violates this act with the intent and purpose of violating this
15 act commits a summary offense subject to prosecution by the
16 Attorney General or the appropriate district attorney and shall,
17 upon conviction, be sentenced to pay a fine of not more than
18 \$300 plus costs of prosecution.

19 (b) Civil penalty.--An agency or public official who does
20 not promptly comply with a court order under this act is subject
21 to a civil penalty of not more than \$300 per day until the
22 public records are provided.

23 Section 6. Immunity.

24 (a) General rule.--Except as provided in sections 4.1 and 5
25 and other statutes governing the release of records, no agency,
26 public official or public employee shall be liable for civil or
27 criminal damages or penalties resulting from compliance or
28 failure to comply with this act.

29 (b) Schedules.--No agency, public official or public
30 employee shall be liable for civil or criminal damages or

1 penalties under this act for complying with any written public
2 record retention and disposition schedule.

3 Section 7. Fee limitations.

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

6 (b) Duplication.--Fees for duplication by photocopying,
7 printing from electronic media or microfilm, copying onto
8 electronic media, transmission by facsimile or other electronic
9 means and other means of duplication must be reasonable and
10 based on prevailing fees for comparable duplication services
11 provided by local business entities.

12 (c) Certification.--An agency may impose reasonable fees for
13 official certification of copies if the certification is at the
14 behest of the requester and for the purpose of legally verifying
15 the public record.

16 (d) Conversion to paper.--If a public record is only
17 maintained electronically or in other nonpaper media,
18 duplication fees shall be limited to the lesser of the fee for
19 duplication on paper or the fee for duplication in the native
20 media as provided by subsection (b) unless the requester
21 specifically requests for the public record to be duplicated in
22 the more expensive medium.

23 (e) Enhanced electronic access.--If an agency offers
24 enhanced electronic access to public records in addition to
25 making the public records accessible for inspection and
26 duplication by a requester as required by this act, the agency
27 may establish user fees specifically for the provision of the
28 enhanced electronic access, but only to the extent that the
29 enhanced electronic access is in addition to making the public
30 records accessible for inspection and duplication by a requester

1 as required by this act. The user fees for enhanced electronic
2 access may be a flat rate, a subscription fee for a period of
3 time, a per-transaction fee, a fee based on the cumulative time
4 of system access or any other reasonable method and any
5 combination thereof. The user fees for enhanced electronic
6 access must be reasonable and may not be established with the
7 intent or effect of excluding persons from access to public
8 records or duplicates thereof or of creating profit for the
9 agency.

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

13 (1) the requester duplicates the public record; or

14 (2) the agency deems it is in the public interest to do
15 so.

16 (g) Limitations.--Except as otherwise provided by statute,
17 no other fees may be imposed unless the agency necessarily
18 incurs costs for complying with the request, and such fees must
19 be reasonable. No fee may be imposed for an agency's review of a
20 record to determine whether the record is a public record
21 subject to access in accordance with this act.

22 (h) Prepayment.--Prior to granting a request for access in
23 accordance with this act, an agency may require a requester to
24 prepay an estimate of the fees authorized under this section if
25 the fees required to fulfill the request are expected to exceed
26 \$100.

27 Section 8. Implementation.

28 (a) Requirement.--An agency shall establish written policies
29 and may promulgate regulations necessary to implement this act.

30 (b) Content.--The written policies shall include the name of

1 the office to which requests for access shall be addressed and a
2 list of applicable fees.

3 (c) Prohibition.--A policy or regulation may not include any
4 of the following:

5 (1) A limitation on the number of public records which
6 may be requested or made available for inspection or
7 duplication.

8 (2) A requirement to disclose the purpose or motive in
9 requesting access to records which are public records.

10 (d) Posting.--The policies shall be conspicuously posted at
11 the agency and may be made available by electronic means.

12 Section 9. Practice and procedure.

13 The provisions of 2 Pa.C.S. (relating to administrative law
14 and procedure) shall not apply to this act.]

15 Section 3. The act is amended by adding sections to read:

16 Section 101. Legislative findings, intent and construction.

17 (a) Findings.--The General Assembly finds that:

18 (1) Access to public records is vital to the
19 preservation and functioning of the democratic process. The
20 public is entitled to know and be informed fully about the
21 official business of public officials and public employees
22 and the activities of government agencies. Access to
23 information about the conduct and activities of public
24 officials, public employees and government agencies is
25 necessary to assist the public in understanding its
26 government, monitoring its government and making informed
27 judgments about how to exercise its political power.

28 (2) The public has a fundamental right of access to
29 information on the appropriation, expenditure and investment
30 of public money.

1 (3) Government agencies receive and maintain data,
2 information and public records about persons in their
3 commercial and private endeavors. It is important that access
4 to public records be balanced against rights of privacy and
5 confidentiality provided in law regarding personal data
6 gathered by government agencies.

7 (4) Technological advances have resulted in new ways to
8 create, store and use public records. These advances should
9 not hinder or restrict access to public records but should be
10 used to facilitate access to public records.

11 (5) Providing access to public records is an essential
12 function of government agencies and an integral part of the
13 fundamental duties of public officials and public employees.
14 Rules regarding access to public records should be made
15 available to the public and should provide guidance to public
16 officials and public employees charged with the
17 responsibility of making public records accessible.

18 (6) Government agencies have a duty to preserve the
19 physical integrity of public records but must do so in a
20 manner that does not burden the right of the public to access
21 those records.

22 (b) Intent.--It is the intent of the General Assembly to:

23 (1) Ensure and facilitate the right of the public to
24 have access to information about the conduct and activities
25 of its government.

26 (2) Make public records available for access by the
27 public unless there is a specific provision of Federal or
28 State law that makes the records exempt from access.

29 (3) Place the burden of proving that information is not
30 a public record or that a public record is exempt from access

1 on the government agency that denies access.

2 (4) Favor public access when, in the application of this
3 act, countervailing interests are of equal weight.

4 (5) Provide guidelines to assist public officials and
5 public employees in responding to requests for access to
6 public records.

7 (6) Establish practices for access to public records.

8 (c) Construction.--Nothing in this act is intended to
9 modify, rescind or supersede any public record retention and
10 disposition schedule established pursuant to law.

11 Section 102. Definitions.

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

15 "Agency." Any of the following:

16 (1) The legislative branch of the government of this
17 Commonwealth, including the Senate and the House of
18 Representatives.

19 (2) The executive branch of the government of this
20 Commonwealth, including its departments, offices, boards,
21 commissions and other subordinate agencies.

22 (3) Independent agencies of the government of this
23 Commonwealth which are not subject to the policy supervision
24 and control of the Governor and are not part of the
25 legislative or judicial branches of government.

26 (4) The Office of Attorney General, the Department of
27 the Auditor General and the Treasury Department.

28 (5) Political subdivisions, intermediate units and
29 public trade or vocational schools, intergovernmental
30 agencies and councils of governments, including their

1 departments, offices, boards, commissions and other
2 subordinate agencies.

3 (6) An authority or instrumentality created by the
4 Commonwealth or by a political subdivision or political
5 subdivisions.

6 (7) State-aided colleges and universities, State-owned
7 colleges and universities, State-related universities and
8 community colleges.

9 (8) An entity created pursuant to law or pursuant to the
10 action of an agency for the purpose of performing a
11 governmental function. For the purposes of this section,
12 "governmental function" shall be broadly defined to include
13 any services or functions previously performed by any
14 governmental entity or which are for the benefit of the
15 public as a whole or some segment of the public.

16 (9) An entity contracted by an agency to perform the
17 governmental function but only insofar as the entity's
18 records regarding the contracted governmental function are
19 concerned. With respect to records unrelated to the entity's
20 performance of the governmental function, the entity shall
21 not be an agency for the purposes of this act.

22 (10) Any entity or organization that is supported
23 principally by public funds.

24 (11) Any committee of or created by any of the above,
25 which is authorized to render advice to or take official
26 action on behalf of any agency.

27 "Commonwealth agency." An agency which is a Commonwealth
28 agency as that term is defined under 62 Pa.C.S. § 103 (relating
29 to definitions).

30 "Non-Commonwealth agency." An agency which is not a

1 Commonwealth agency.

2 "Office." The Office of Access to Public Records established
3 in this act.

4 "Public record." The term shall mean all documents, papers,
5 letters, maps, books, tapes, photographs, films, sound
6 recordings, data processing software, database, data or other
7 material, regardless of physical form, characteristics or means
8 of storage or transmission, made or received in connection with
9 or relating to the work of an agency, except those documents
10 exempt or prohibited from disclosure under Federal or State law.

11 "Requester." A person who requests a record pursuant to this
12 act. The term includes a natural person, Commonwealth agency,
13 non-Commonwealth agency, corporation, unincorporated
14 association, partnership, limited liability company, business
15 trust and any other enterprise.

16 "Response." Access to a record or an agency's written notice
17 granting, denying or partially granting and partially denying
18 access to a record.

19 Section 103. Procedure for access to public records.

20 (a) General rule.--Unless otherwise provided by law, a
21 public record shall be accessible for inspection and duplication
22 by a requester in accordance with this act. A public record
23 shall be provided to a requester in the medium requested if the
24 public record exists in that medium; otherwise, it shall be
25 provided in the medium in which it exists. Public records shall
26 be available for access during the regular business hours of an
27 agency.

28 (b) Requests.--Agencies may fulfill verbal requests for
29 access to records and anonymous requests for access to records.
30 In the event that the requester wishes to pursue the relief and

1 remedies provided for in this act, the requester must initiate
2 such relief with a written request.

3 (c) Written requests.--A written request for access to
4 records may be submitted in person, by mail, by facsimile or, to
5 the extent provided by agency rules, by any other electronic
6 means. A written request shall be addressed to the agency head
7 or other person designated in the rules established by the
8 agency. A written request should identify or describe the
9 records sought with sufficient specificity to enable the agency
10 to ascertain which records are being requested and shall include
11 the name and address to which the agency should address its
12 response. A written request need not include any explanation of
13 the requester's reason for requesting or intended use of the
14 records.

15 (d) Electronic access.--In addition to the requirements of
16 subsection (a), an agency may make its public records available
17 through any publicly accessible electronic means. If access to a
18 public record is routinely available by an agency only by
19 electronic means, the agency shall provide access to inspect the
20 public record at an office of the agency.

21 (e) Creation of public record.--When responding to a request
22 for access, an agency shall not be required to create a public
23 record which does not currently exist or to compile, maintain,
24 format or organize a public record in a manner in which the
25 agency does not currently compile, maintain, format or organize
26 the public record. This subsection does not apply to public
27 records stored electronically that can be compiled, maintained,
28 formatted or organized in a manner requested by a requester
29 without placing an unreasonable burden upon an agency.

30 (f) Conversion of electronic record to paper.--If a public

1 record is only maintained electronically or in other nonpaper
2 media, an agency shall, upon request, duplicate the public
3 record on paper when responding to a request for access in
4 accordance with this act.

5 (g) Retention of records.--Nothing in this act is intended
6 to modify, rescind or supersede any record retention and
7 disposition schedule established pursuant to law.

8 Section 104. Access to public records.

9 A public record shall be made accessible for inspection and
10 copying by any person in accordance with this act unless
11 otherwise provided by Federal or State law. The burden shall be
12 on the agency to show that specific information may not be
13 accessed or that a public record is exempt from access by law.

14 Section 105. Exemptions.

15 (a) Enumerated exemptions.--The following records shall be
16 exempt from the definition of "public record":

17 (1) Any record the disclosure of which is prohibited by
18 Federal or State law, including records the access to which
19 would result in the loss of Federal funds by an agency.

20 (2) Records that reflect an individual's medical history
21 or disability status, including evaluation, diagnosis or
22 treatment. This paragraph does not relate to autopsy records
23 or other official records of the coroner.

24 (3) That part of a record that lists an individual's
25 Social Security number, driver's license number or financial
26 account number.

27 (4) That part of a record that lists a nonelected public
28 employee's home telephone number or home address, unless the
29 public interest in disclosure outweighs the individual's
30 privacy interest in such information.

1 (5) Information regarding discipline, demotion or
2 discharge contained in an agency's personnel files, except
3 that the status of any disciplinary proceeding against a
4 public official or public employee and the disciplinary
5 action taken, if any, shall be accessible.

6 (6) Records that, if disclosed, would endanger the life
7 or safety of any person or the disclosure of which would
8 create a substantial likelihood of endangering public safety
9 or the physical security of any building, infrastructure
10 facility or information storage system; however:

11 (i) Simple floor plans showing spatial arrangements
12 of buildings do not fall within this exemption and shall
13 be public records.

14 (ii) Information relating to the general adoption of
15 security plans and arrangements and budgetary information
16 concerning the authorization of public funds to implement
17 public security plans and arrangements, or for the
18 construction, renovation or repair of public buildings
19 and infrastructure facilities shall be public records.

20 If an agency denies a record under this exemption, it must
21 provide a general description of the record being withheld
22 and how disclosure of the record would endanger the life or
23 safety of any person or create a substantial likelihood of
24 endangering public safety or the physical security of a
25 building, infrastructure facility or information storage
26 system.

27 (7) Drafts of bills, resolutions or amendments prepared
28 by a public official or public employee acting in a
29 legislative capacity until such drafts have been numbered and
30 filed with the Secretary of the Senate or the Chief Clerk of

1 the House of Representatives or, in the case of a political
2 subdivision, until such time as the drafts have been
3 presented to a number of members of the governing body of the
4 political subdivision equal to or greater than a quorum.

5 (8) (i) Research requests from public officials or
6 public employees to the Legislative Reference Bureau, the
7 Local Government Commission, the Joint State Government
8 Commission, the Legislative Budget and Finance Committee,
9 the Joint Legislative Air and Water Pollution Control and
10 Conservation Committee, the Legislative Office for
11 Research Liaison, the Legislative Data Processing Center
12 or any other designated legislative service agency or the
13 staff of any caucus or committee of the General Assembly
14 and research requests from a member of the General
15 Assembly to that member's legislative office staff.

16 (ii) This paragraph shall not apply to products of
17 research by the Legislative Reference Bureau, the Local
18 Government Commission, the Joint State Government
19 Commission, the Legislative Budget and Finance Committee,
20 the Joint Legislative Air and Water Pollution Control and
21 Conservation Committee, the Legislative Office for
22 Research Liaison, the Legislative Data Processing Center
23 or any other designated legislative service agency. In
24 providing access to those documents, the identity of the
25 person making the request may not be disclosed without
26 that person's consent.

27 (9) Records pertaining to strategy and negotiations with
28 respect to pending claims, threatened litigation or pending
29 litigation to which the public agency is a party and which
30 are not records of any court until such litigation or claim

1 has been fully adjudicated or otherwise settled.

2 (10) Records pertaining to strategy and negotiations
3 with respect to labor relations or collective bargaining,
4 except that any contract or agreement between the parties
5 shall be public.

6 (11) Records of the Governor's Office or, in the case of
7 a political subdivision, the chief executive officer or
8 governing body or the member or members of the governing body
9 thereof acting in an executive capacity, including, but not
10 limited to, budget recommendations, legislative proposals and
11 proposed policy statements that, if access were provided,
12 would:

13 (i) in the case of the Governor, reveal the
14 Governor's contemplated policies or courses of action
15 before the Governor has formally proposed those policies
16 or courses of action or made them public; or

17 (ii) in the case of a political subdivision, reveal
18 the contemplated policies or courses of action before the
19 policies or courses of action have been presented to a
20 number of members of the governing body of the political
21 subdivision equal to or greater than a quorum.

22 (12) Records that are trade secrets, as that term is
23 defined in 12 Pa.C.S. § 5302 (relating to definitions),
24 submitted to an agency by a commercial enterprise and which,
25 if disclosed, would cause substantial injury to the
26 competitive position of the subject enterprise. The
27 commercial enterprise submitting the information must provide
28 a written claim that the information contains trade secrets
29 regarding the enterprise and a concise statement of the
30 reasons supporting the claim. The claim shall be construed as

1 a public record for purposes of this act.

2 (13) Notes that are personally prepared by a public
3 official or public employee when the notes are used solely
4 for that official's or employee's own personal use as an aid
5 to memory.

6 (14) (i) Information that would result in the
7 disclosure of the name of a donor or a prospective donor
8 to an agency, provided that all of the following apply:

9 (A) The agency either is a public institution of
10 higher education or is primarily engaged in
11 educational, charitable or artistic endeavors.

12 (B) The donor requests anonymity in writing.

13 (C) The agency has no regulatory or legislative
14 authority over the donor, a member of the donor's
15 immediate family or any entity owned or controlled by
16 the donor or the donor's immediate family.

17 (ii) Information regarding the terms, conditions,
18 restrictions or privileges relating to any such donation
19 shall be construed as a public record and shall be made
20 available for inspection and copying notwithstanding any
21 other provisions of this paragraph.

22 (iii) For the purposes of this paragraph, "immediate
23 family" means a parent, spouse, child, brother, sister or
24 like relative-in-law.

25 (15) Unpublished lecture notes, unpublished manuscripts,
26 creative works in progress and scholarly correspondence, any
27 of which have been developed, discovered or received by or on
28 behalf of faculty, staff, employees or students of a public
29 institution of education.

30 (16) (i) Records created by an agency in the process of

1 investigating a possible violation of statutory or
2 regulatory law if the release of the records would
3 identify a confidential source, disclose information made
4 confidential by law or court order or disclose an ongoing
5 criminal investigation by law enforcement.

6 (ii) Subparagraph (i) shall not apply to the
7 following records or information, which shall be
8 accessible except where prohibited by law or where the
9 agency can demonstrate that providing access to the
10 person making the request would endanger another person's
11 safety, deprive a person of a right to a fair and
12 impartial trial or hinder the agency's ability to secure
13 an arrest, prosecution or civil or criminal sanction:

14 (A) Initial incident reports, police blotters
15 and similar records that summarize the date, time,
16 place, purpose and cause of services performed by law
17 enforcement agencies or investigative agencies.

18 (B) The date, time, location and nature of a
19 reported crime.

20 (C) The name, sex, age and address of a person
21 arrested, cited or otherwise charged with either a
22 criminal or civil violation; the date, time and
23 location of an arrest or citation; the charge or
24 charges brought against the person; and any
25 documents, including warrants, information,
26 indictments, complaints and notices, given or
27 required by law to be given to the person charged.

28 (D) The name, sex, age and place of residence of
29 the victim of a crime or regulatory violation.

30 (E) Traffic accident reports and compilations of

1 data derived therefrom.

2 (F) Audio tapes or transcripts of telephone
3 calls or radio transmissions received by emergency
4 dispatch personnel.

5 (17) Records that reflect internal, predecisional
6 deliberations by or between agency members, but this
7 exception does not include:

8 (i) statistical or factual tabulations or data;

9 (ii) instructions to staff that affect the public;

10 (iii) final agency policy or determinations;

11 (iv) completed audits; or

12 (v) documents that are closely connected to or form
13 the basis for the agency decision once the decision has
14 been made. For the purposes of this section, an agency's
15 decision to take no action on a matter shall constitute a
16 decision.

17 (18) Documents that are examination questions, scoring
18 keys or answers which are requested prior to the final
19 administration of such examination.

20 (19) Minutes of executive sessions and any record of
21 discussions held in executive session, except where
22 authorized and released by the agency or the release of which
23 is ordered by a court.

24 (20) The contents of real estate appraisals or
25 engineering or feasibility estimates and evaluations made for
26 or by the Commonwealth or local agency relative to the
27 acquisition of property, or to prospective public supply and
28 construction contracts, until the property has been acquired
29 or until a contract or option obtained, or until all
30 proceedings or transactions have been terminated or

1 abandoned. However, the law of eminent domain shall not be
2 affected by this provision.

3 (b) Nondescriptive information.--Notwithstanding the
4 provisions of subsection (a)(1), (2) and (14), access to
5 information that does not identify any particular individual or
6 business entity shall be disclosed.

7 (c) Agency discretion.--An agency may exercise its
8 discretion to make any public record enumerated under subsection
9 (a) accessible for inspection and copying if:

10 (1) disclosure of that public record is not expressly
11 prohibited by Federal or State law; and

12 (2) the governing body, agency head or designee with
13 custody and control of the record determines that the public
14 interest favoring access outweighs the individual or agency
15 interest favoring restriction of access.

16 Section 106. Access to public records.

17 An agency may not deny a requester access to a public record
18 due to the intended use of the public record by the requester.

19 Section 107. Redaction.

20 If an agency determines that a public record contains
21 information which is subject to access as well as information
22 which is not subject to access, the agency's response shall
23 grant access to the information which is subject to access and
24 deny access to the information which is not subject to access.

25 If the information which is not subject to access is an integral
26 part of the public record and cannot be separated, the agency
27 shall redact from the public record the information which is not
28 subject to access, and the response shall grant access to the
29 information which is subject to access. The agency may not deny
30 access to the public record if the information which is not

1 subject to access is able to be redacted. Information which an
2 agency redacts in accordance with this subsection shall be
3 deemed a denial.

4 Section 108. Commonwealth agency's response to written requests
5 for access.

6 (a) General rule.--Upon receipt of a written request for
7 access to a record, a Commonwealth agency shall make a good
8 faith effort to determine if the record requested is a public
9 record and to respond as promptly as possible under the
10 circumstances existing at the time of the request but shall not
11 exceed ten business days from the date the written request is
12 received by the Commonwealth agency head or other person
13 designated by the Commonwealth agency for receiving such
14 requests. If the Commonwealth agency fails to send the response
15 within ten business days of receipt of the written request for
16 access, the written request for access shall be deemed denied.

17 (b) Extensions.--Upon receipt of a written request for
18 access, if a Commonwealth agency determines that one of the
19 following applies:

20 (1) the request for access requires redaction of a
21 public record;

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 public record subject to access under this act;

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

1 (6) the requester refuses to pay applicable fees
2 authorized by section 114,
3 the Commonwealth agency shall send written notice to the
4 requester within ten business days of the Commonwealth agency's
5 receipt of the request for access. The notice shall include a
6 statement notifying the requester that the request for access is
7 being reviewed, the reason for the review and a reasonable date
8 that a response is expected to be provided. If the date that a
9 response is expected to be provided is in excess of 30 days
10 following the ten business days allowed for in subsection (a),
11 the request for access shall be deemed denied.

12 (c) Denial.--If a Commonwealth agency's response is a denial
13 of a written request for access, whether in whole or in part, a
14 written response shall be issued and include:

15 (1) A description of the record requested.

16 (2) The specific reasons for the denial, including a
17 citation of supporting legal authority. If the denial is a
18 result of a determination that the record requested is not a
19 public record, the specific reasons for the agency's
20 determination that the record is not a public record shall be
21 included.

22 (3) The typed or printed name, title, business address,
23 business telephone number and signature of the public
24 official or public employee on whose authority the denial is
25 issued.

26 (4) Date of the response.

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

29 (d) Certified copies.--If a Commonwealth agency's response
30 grants a request for access, the Commonwealth agency shall, upon

1 request, provide the requester with a certified copy of the
2 public record if the requester pays the applicable fees pursuant
3 to section 114.

4 Section 109. Non-Commonwealth agency's response to written
5 requests for access.

6 (a) General rule.--Upon receipt of a written request for
7 access to a record, a non-Commonwealth agency shall make a good
8 faith effort to determine if the record requested is a public
9 record and to respond as promptly as possible under the
10 circumstances existing at the time of the request but shall not
11 exceed five business days from the date the written request is
12 received by the non-Commonwealth agency head or other person
13 designated in the rules established by the non-Commonwealth
14 agency for receiving such requests. If the non-Commonwealth
15 agency fails to send the response within five business days of
16 receipt of the written request for access, the written request
17 for access shall be deemed denied.

18 (b) Extensions.--Upon receipt of a written request for
19 access, if a non-Commonwealth agency determines that one of the
20 following applies:

21 (1) the request for access requires redaction of a
22 public record;

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

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

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

30 (5) the requester has not complied with the non-

1 Commonwealth agency's policies regarding access to public
2 records; or

3 (6) the requester refuses to pay applicable fees
4 authorized by section 114,
5 the non-Commonwealth agency shall send written notice to the
6 requester within five business days of the non-Commonwealth
7 agency's receipt of the request notifying the requester that the
8 request for access is being reviewed, the reason for the review
9 and a reasonable date that a response is the review and a
10 reasonable date that a response is expected to be provided. If
11 the date that a response is expected to be provided is in excess
12 of 30 days, following the five business days allowed in
13 subsection (a), the request for access shall be deemed denied.

14 (c) Denial.--If a non-Commonwealth agency's response is a
15 denial of a written request for access, whether in whole or in
16 part, a written response shall be issued and include:

17 (1) A description of the record requested.

18 (2) The specific reasons for the denial, including a
19 citation of supporting legal authority. If the denial is the
20 result of a determination that the record requested is not a
21 public record, the specific reasons for the agency's
22 determination that the record is not a public record shall be
23 included.

24 (3) The typed or printed name, title, business address,
25 business telephone number and signature of the public
26 official or public employee on whose authority the denial is
27 issued.

28 (4) Date of the response.

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

1 (d) Certified copies.--If a non-Commonwealth agency's
2 response grants a request for access, the non-Commonwealth
3 agency shall, upon request, provide the requester with a
4 certified copy of the public record if the requester pays the
5 applicable fees pursuant to section 114.

6 Section 110. Office of Access to Public Records.

7 (a) Establishment.--The Office of Access to Public Records
8 is hereby established as an independent administrative agency.
9 The Governor shall, subject to the advice and consent of the
10 Senate, appoint an executive director of the office who shall
11 hire such other staff as necessary to operate the office.

12 (b) Powers and duties.--The office shall have the following
13 powers and duties:

14 (1) To hear appeals under section 111.

15 (2) To furnish to an agency advisory guidelines,
16 opinions or other appropriate information regarding this act.

17 (3) To furnish to a person advisory opinions or other
18 appropriate information regarding this act.

19 (4) To provide a list of Federal and State laws that
20 exempt certain types of records from disclosure.

21 (5) To make its written decisions available for review.

22 (6) To conduct training for public officials, public
23 employees and third persons relating to Pennsylvania's access
24 laws.

25 (7) To annually report on its activities and findings
26 regarding this act, including recommendations for changes in
27 the law, to the Governor and the General Assembly.

28 (c) Fees.--

29 (1) The office may impose a reasonable filing fee for an
30 appeal made under section 111, and any fees collected under

1 this subsection shall be deposited in a restricted account in
2 the General Fund which is hereby established for the office.
3 The money from this account shall be appropriated as
4 necessary for the operation of the office.

5 (2) The agency may waive the filing fee if the person
6 requesting access to the public record is unable to afford
7 the fee based on guidelines established by the office.

8 Section 111. Appeals.

9 (a) Administrative appeal to Office of Access to Public
10 Records.--

11 (1) A party aggrieved by an agency's denial or deemed
12 denial may, within 30 days after a request is denied or
13 deemed denied, appeal to the office by forwarding to the
14 office a copy of the request and the written explanation for
15 the denial, if any, provided by the agency.

16 (2) (i) Within 20 days after receipt of the appeal, the
17 office shall rule either that the agency's denial or
18 deemed denial of access to the record is upheld or that
19 the agency's decision to deny access to the record is
20 overturned and the agency must provide access to the
21 record. The office may hold a hearing and may review the
22 record in camera.

23 (ii) The 20-day period may be extended by agreement
24 of the parties. If the parties do not agree to an
25 extension or the office does not issue a ruling within 20
26 days after the date of the appeal, the agency's denial
27 shall be deemed affirmed.

28 (3) If the office upholds the agency's decision to deny
29 access to the public record, the office shall fully explain
30 in writing to the person requesting the public record the

1 reason for the denial. If the office rules that the agency
2 shall provide access to the public record, the office shall
3 fully explain in writing to the agency the reason access must
4 be provided.

5 (b) Judicial appeal.--

6 (1) A party aggrieved by the decision of the office may,
7 within 30 days after formally being served notice of the
8 office's ruling, appeal to the court having jurisdiction.

9 (2) Within 30 days of the mailing date of the decision
10 of the office, an aggrieved party may file a petition for
11 review or other document as might be required by rule of
12 court with the Commonwealth Court.

13 (3) Within 30 days of the mailing date of the decision
14 of the office, an aggrieved party may file a petition for
15 review or other document as might be required by rule of
16 court with the court of common pleas for the county where the
17 non-Commonwealth agency's office or facility is located or
18 the Commonwealth Court.

19 (c) Notice.--All parties shall be served notice of actions
20 commenced in accordance with subsection (a) or (b) and shall
21 have an opportunity to respond in accordance with applicable
22 court rules.

23 (d) Record on appeal.--The record before a court shall
24 consist of the request, the agency's response, the record before
25 the office, including the hearing transcript, if any, and the
26 decision of the office. A court may take additional testimony
27 and accept additional evidence as appropriate.

28 Section 112. Penalties, court costs and fees.

29 (a) Grounds.--

30 (1) If a court finds that an agency intentionally

1 violated any provision of this act, acted in bad faith or
2 relied upon an unreasonable interpretation of the law in not
3 providing access to a public record:

4 (i) The court may order the agency to pay a civil
5 penalty of not more than \$500 to be paid into a
6 restricted account established in the General Fund under
7 section 110.

8 (ii) The court shall award the prevailing party
9 reasonable attorney fees and costs of litigation or an
10 appropriate portion of the fees and costs.

11 (2) If the court finds that the legal challenge was of a
12 frivolous nature or was brought with no substantial
13 justification, the court shall award the prevailing party
14 reasonable attorney fees and costs of litigation or an
15 appropriate portion of the fees and costs.

16 (b) Civil penalty.--An agency or public official who does
17 not promptly comply with a court order under this act is subject
18 to a civil penalty of not more than \$300 per day until the
19 public records are provided, to be paid into the restricted
20 account established in the General Fund under section 110.

21 (c) Training.--Any court may order agency officials and
22 employees to attend mandatory training sessions conducted by the
23 office, which shall include testing on compliance with the law.

24 (d) Other appeals.--Costs or attorney fees shall not be
25 awarded under this section for administrative appeal to the
26 office under section 111.

27 Section 113. Immunity.

28 (a) General rule.--Except as provided in this act and other
29 statutes governing the release of records, no agency, public
30 official or public employee shall be liable for civil or

1 criminal damages or penalties resulting from compliance or
2 failure to comply with this act.

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

7 Section 114. Fee limitations.

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

10 (b) Duplication.--Fees for duplication by photocopying,
11 printing from electronic media or microfilm, copying onto
12 electronic media, transmission by facsimile or other electronic
13 means and other means of duplication must be reasonable and
14 based on prevailing fees for comparable duplication services
15 provided by local copying services.

16 (c) Certification.--An agency may impose reasonable fees for
17 official certification of copies if the certification is at the
18 behest of the requester and for the purpose of legally verifying
19 the public record.

20 (d) Conversion to paper.--If a public record is only
21 maintained electronically or in other nonpaper media,
22 duplication fees shall be limited to the lesser of the fee for
23 duplication on paper or the fee for duplication in the native
24 media as provided by subsection (b) unless the requester
25 specifically requests for the public record to be duplicated in
26 the more expensive medium.

27 (e) Enhanced electronic access.--If an agency offers
28 enhanced electronic access to public records in addition to
29 making the public records accessible for inspection and
30 duplication by a requester as required by this act, the agency

1 may establish user fees specifically for the provision of the
2 enhanced electronic access, but only to the extent that the
3 enhanced electronic access is in addition to making the public
4 records accessible for inspection and duplication by a requester
5 as required by this act. The user fees for enhanced electronic
6 access may be a flat rate, a subscription fee for a period of
7 time, a per-transaction fee, a fee based on the cumulative time
8 of system access or any other reasonable method and any
9 combination thereof. The user fees for enhanced electronic
10 access must be reasonable and may not be established with the
11 intent or effect of excluding persons from access to public
12 records or duplicates thereof or of creating profit for the
13 agency.

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

17 (1) the requester duplicates the public record; or
18 (2) the agency deems it is in the public interest to do
19 so.

20 (g) Limitations.--Except as otherwise provided by statute,
21 no other fees may be imposed unless the agency necessarily
22 incurs costs for complying with the request, and such fees must
23 be reasonable. No fee may be imposed for an agency's review of a
24 record to determine whether the record is a public record
25 subject to access in accordance with this act. No fees relating
26 to any search for records may be imposed unless the required
27 search places an unreasonable burden upon agency employees, and
28 the agency can establish and itemize its costs for complying
29 with the request. Any such fees must be reasonable.

30 (h) Prepayment.--Prior to granting a request for access in

1 accordance with this act, an agency may require a requester to
2 prepay an estimate of the fees authorized under this section if
3 the fees required to fulfill the request are expected to exceed
4 \$100.

5 Section 115. Implementation.

6 (a) Requirement.--An agency shall establish written policies
7 and may promulgate regulations necessary to implement this act.

8 (b) Content.--The written policies shall include the name of
9 the office to which requests for access shall be addressed and a
10 list of applicable fees.

11 (c) Prohibition.--A policy or regulation may not include any
12 of the following:

13 (1) A limitation on the number of public records which
14 may be requested or made available for inspection or
15 duplication.

16 (2) A requirement to disclose the purpose or motive in
17 requesting access to records which are public records.

18 (d) Posting.--The policies shall be conspicuously posted at
19 the agency and may be made available by electronic means.

20 Section 116. Practice and procedure.

21 The provisions of 2 Pa.C.S. (relating to administrative law
22 and procedure) shall not apply to this act.

23 Section 4. This act shall take effect in 60 days.