

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2625 Session of
2012

INTRODUCED BY MAHER AND BLOOM, SEPTEMBER 17, 2012

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 17, 2012

AN ACT

1 Amending the act of February 14, 2008 (P.L.6, No.3), entitled
2 "An act providing for access to public information, for a
3 designated open-records officer in each Commonwealth agency,
4 local agency, judicial agency and legislative agency, for
5 procedure, for appeal of agency determination, for judicial
6 review and for the Office of Open Records; imposing
7 penalties; providing for reporting by State-related
8 institutions; requiring the posting of certain State contract
9 information on the Internet; and making related repeals,"
10 further providing for exceptions for public records.

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

13 Section 1. Section 708(b)(3), (4) and (6) of the act of
14 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law,
15 are amended to read:

16 Section 708. Exceptions for public records.

17 * * *

18 (b) Exceptions.--Except as provided in subsections (c) and
19 (d), the following are exempt from access by a requester under
20 this act:

21 * * *

22 (3) A record, the disclosure of which creates a

1 reasonable likelihood of endangering the safety or the
2 physical security of a building, public utility, resource,
3 infrastructure, facility or information storage system, which
4 may include:

5 (i) documents or data relating to computer hardware,
6 source files, software and system networks that could
7 jeopardize computer security by exposing a vulnerability
8 in preventing, protecting against, mitigating or
9 responding to a terrorist act;

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

19 (iii) building plans or infrastructure records that
20 expose or create vulnerability through disclosure of the
21 location, configuration or security of critical systems,
22 including public utility systems, structural elements,
23 technology, communication, electrical, fire suppression,
24 ventilation, water, wastewater, sewage and gas systems.

25 This paragraph shall not apply to an agency-issued employee
26 e-mail address.

27 (4) (i) A record regarding computer hardware, software
28 and networks, including administrative or technical
29 records, which, if disclosed, would be reasonably likely
30 to jeopardize computer security.

1 (ii) This paragraph shall not apply to an agency-
2 issued employee e-mail address.

3 * * *

4 (6) (i) The following personal identification
5 information:

6 (A) A record containing all or part of a
7 person's Social Security number, driver's license
8 number, personal financial information, home,
9 personal cellular or other personal telephone
10 numbers, personal e-mail addresses, employee number
11 or other confidential personal identification number.

12 (B) A spouse's name, marital status or
13 beneficiary or dependent information.

14 (C) The home address of a law enforcement
15 officer or judge.

16 (ii) Nothing in this paragraph shall preclude the
17 release of the name, position, agency-issued e-mail
18 address, agency-issued cellular telephone number, salary,
19 actual compensation or other payments or expenses,
20 employment contract, employment-related contract or
21 agreement and length of service of a public official or
22 an agency employee.

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

27 * * *

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